

Council Members

Chairman Allan Birchfield
Cr Stuart Challenger (Deputy)
Cr Brett Cummings
Cr Peter Ewen

Cr Debra Magner
Cr Laura Coll McLaughlin
Cr John Hill

Iwi Representatives

Francois Tumahai (Ngati Waewae)
Jackie Douglas (Makaawhio)



Meeting of Council
(Te Huinga Tu)

Tuesday, 14 December 2021

**West Coast Regional Council Chambers, 388 Main South Road, Greymouth
and
Live Streamed via Council's Facebook Page**

10.30 am

Council Meeting

On Completion of Council Meeting

Resource Management Committee Meeting

COUNCIL MEETING

Council Meeting

(Te Huinga Tu)

A G E N D A

(Rarangi Take)

1. Welcome (*Haere mai*)
2. Apologies (*Nga Pa Pouri*)
3. Declarations of Interest
4. Public Forum, Petitions and Deputations (*He Huinga tuku korero*)

Public Forum

5. Confirmation of Minutes (*Whakau korero*)
 - Council Meeting 9 November 2021
 - **Matters Arising**
6. Chairman's Report
7. Chief Executive's Reports
 - Monthly Update
 - Buller Recovery Steering Group Minutes
8. **Reports**
 - Operations Report
 - Draft Asset Management Plans
 - Franz Josef Joint Committee Agreement
 - Franz Josef Stopbanks
 - Presentation (B Russ)
 - Mt Te Kinga
 - Presentation (R Beal)
9. General Business
 - proposed January Council dates
 - FMU South Westland visit
 - Transport & Logistics Strategy Workshop

Purpose of Local Government

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. Unless otherwise stated, the recommended option promotes the social, economic, environmental and cultural well-being of communities in the present and for the future.

Health and Safety Emergency Procedure

In the event of an emergency, please exit through the emergency door in the Council Chambers. If you require assistance to exit, please see a staff member. Once you reach the bottom of the stairs make your way to the assembly point at the grassed area at the front of the building. Staff will guide you to an alternative route if necessary.

H. Mabin
Acting Chief Executive

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL HELD ON 9 NOVEMBER 2021, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.34 A.M

PRESENT:

A. Birchfield (Chairman), P. Ewen, D. Magner, B. Cummings, J. Hill, L. Coll McLaughlin

IN ATTENDANCE:

H. Mabin (Acting Chief Executive), C. Helem (Acting Consents & Compliance Manager) via Zoom, N. Costley (Strategy & Communications Manager) via Zoom, R. Beal (Operations Director) via Zoom, J. Armstrong (Te Tai o Poutini Project Manager) via Zoom, R. Vaughan (Acting Planning Science & Innovation Manager), T. Jellyman (Minutes Clerk), P. Hibbs (IT Support Officer)

Cr Birchfield read the prayer

1. WELCOME

2. APOLOGIES

Moved (Cummings / Ewen) *that the apologies from F. Tumahai and Cr Challenger be accepted.*

Carried

3. DECLARATION OF INTEREST

The Chairman called for declarations of interests. There were no declarations of interests.

4. PUBLIC FORUM

Mr Patrick Volk addressed the meeting. He spoke of civil defence issues on the West Coast and the importance of being ready for an emergency. Mr Volk advised he runs several businesses at Punakaiki including the Pancake Rocks Café, a backpackers and a Bed and Breakfast establishment. He often has 1500 people at his café on a busy day.

Mr Volk expressed concerns with communications on the West Coast and time delays. He feels Punakaiki is not prepared for an emergency and he would like to see improvements in communications.

The Chairman thanked Mr Volk for this presentation and advised that notes are being taken and he will be contacted by Council.

PRESENTATION

There was no presentation.

5.0 CONFIRMATION OF MINUTES

The Chairman asked the meeting if there were any changes to the minutes of the previous meeting.

Moved (Coll McLaughlin / Hill) *that the minutes of the Council meeting dated 12 October 2021, be confirmed as correct, with the amendment made as below.*

Carried

Cr Ewen requested that reference is made in the minutes that methodology and techniques in the information provided by Mr Mark Davies (DoC) if this was peer reviewed and that this was confirmed by Mr Davies.

Cr Ewen requested a correction to the Schedule of meeting Dates for 2021. He had voted against this.

Matters arising

Cr Coll McLaughlin asked H. Mabin for clarification on voting rights for the Westport Joint Committee. H. Mabin confirmed that all members of the committee have voting rights under our Standing Orders, and our Standing Orders override the fact that there is only four Parties listed in the Agreement.

Update on Rick Barker letter (West Coast DHB Chairman): N. Costley advised that Red Cross will be transitioning the service between Westport and Greymouth to another provider before withdrawing themselves. She agreed to keep Council informed of progress.

Waka Kotahi NZ Transport Agency's (NZTA) involvement in the Westport Joint Committee: R. Beal advised that NZTA sought clarification on the Terms of Reference for the Westport Joint Committee as they wanted formal clarification that they were not a funding party and that their assets are not included in the rating district. R. Beal advised that NZTA are happy with the formal confirmation from H. Mabin that they are not included.

REPORTS:

6.0 CHAIRMANS REPORT

The Chairman took his report as read.

Moved (Cummings / Magner) *That this report is received.*

Carried

The letter from Groundswell NZ was discussed. Cr Coll McLaughlin drew attention to the last paragraph of the letter advising that they will not tolerate moves by higher authorities and they do not commit to supporting any Councils. She asked if Groundswell have indicated to what extent or mechanism that they are going to do this support or prevent this from happening. She asked if Groundswell would be supporting legal costs to Councils. The Chairman stated that all he has on this matter is the letter but he agrees with the sentiment as this is a serious problem for the West Coast.

Cr Magner stated she has seen some communications about more protests and feels this is their mechanism in the first instance. Cr Coll McLaughlin stated that she is very concerned about what Council may be open to as nothing has legally changed to the Schedule 2 wetland situation as far as she is aware. Cr Coll McLaughlin stated that she will ask Groundswell this. The Chairman stated that the Wetlands maps have not yet been accepted by Council so this is still in limbo.

Moved (Cummings / Magner) *That the Groundswell letter is accepted.*

Carried

7.0 ACTING CHIEF EXECUTIVE'S REPORT

H. Mabin spoke to her report and took it as read. She drew attention to the letter attached to her report from Waka Kotahi NZTA regarding the speed restriction along State Highway 7 Maruia Springs to Reefton, and advised that N. Costley has circulated a further letter to council regarding this. N. Costley advised that information sessions will be held next week, she is working with BDC on what is being proposed and a draft submission for the Regional Transport Committee will be prepared which will come back to Council.

The Chairman expressed concern about speed restrictions and the impact this will have on road transport operators. Discussion took place on the lack of passing lanes on the West Coast. It was agreed more information will be sought on the crash statistics for the area around Blacks Point. It was noted that Council is not supportive of a speed restriction in this entire area but possibly in certain areas. N. Costley advised that

submissions close on 24 November, it was agreed that the draft submission would be circulated to Councillors for their comments by 13 November.

Moved (Hill / Cummings) *That this report is received.*

Carried

8.0 DRAFT RISK POLICY

N. Selman spoke to this report and advised that the draft policy was presented to the Risk and Assurance Committee last week. He stated there will be some amendments but no change to the actual policy. It was noted there is further work required to implement this. It was noted that Council's risk appetite for Fulfilling Statutory obligations was missing and N. Selman agreed to amend the document to low.

Moved (Coll McLaughlin / Cummings)

It is recommended that the Council resolve to:

Adopt the draft Risk Policy, acknowledging that there will be formatting changes to align it with Council's policy template.

Carried

8.1 LOCAL GOVERNMENT FUNDING AGENCY DEBT ROLLOVER

N. Selman spoke to this report.

Moved (Ewen / Magner)

It is recommended that the Council resolve to:

1. *approve the issue of a \$2,000,000 zero coupon debt security to LGFA on 26 November 2021 (or such other date as agreed between the Council and LGFA) for six months, effectively rolling over the Council's existing 7 June 2019 \$2,000,000 zero coupon debt security so that the new maturity will be 26 May 2022;*
2. *delegate authority to any two of the Acting Chief Executive, Chair Allan Birchfield, and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to execute the following documents (subject to minor changes), to give effect to recommendation 1. above:*
 - *Security Stock Certificate (in relation to the security stock to be issued to LGFA);*
 - *Stock Issuance Certificate (in relation to the above Security Stock Certificate); and*
 - *Chief Executive Certificate.*
3. *delegate authority to any two of the Acting Chief Executive, Chair Allan Birchfield and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to execute the Final Terms for the debt securities issued by the Council to LGFA on 26 November 2021, to give effect to recommendation 1. above; and*
4. *delegate authority to any two of the Acting Chief Executive, Chair Allan Birchfield and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to execute such other documents and take such other steps on behalf of Council as the Acting Chief Executive considers is necessary or desirable to execute or take to give effect to recommendation 1. above.*

Carried

8.2 OPERATIONS REPORT

R. Beal spoke to this report and took it as read. He drew attention to an error in the rock sold section and stated this should be read 4,206 tonnes.

R. Beal advised that the resource consent for the Hokitika seawall has been delayed as an investigation into a potential contaminated site is required. He advised that additional survey work is required for the Hokitika River prior to the commencement of work.

R. Beal advised that the annual rating district meetings are scheduled for December and January.

Cr Cummings asked that if figures for sale of rock from the Inchbonnie Quarry are correct. R. Beal advised this is correct and it was sold to a private contractor under the royalty arrangement.

Cr Ewen asked R. Beal where the further 2,000 tonne of rock for work at Franz Josef would come from. R. Beal advised that the river is one source as well as private land.

Moved (Cummings / Magner) **It is recommended that the Council resolve to:** *Receive the Report.*

Carried

GENERAL BUSINESS

There was no general business.

The meeting closed at 11.10 a.m.

.....
Chairman

.....
Date

Report to: Council/Committee	Meeting Date: 14 December 2021
Title of Item: Chairman's Report	
Report by: Chairman Allan Birchfield	
Reviewed by:	
Public excluded? No	

Purpose

For Council to be kept informed of meetings and to provide an overview of current matters.

Summary

This is the Chairman's until 3 December 2021.

As Chair, I attended the following meetings:

- Joint Committee meeting for West Coast Civil Defence Emergency Management on 10 November.
- Mayors Chairs & Iwi forum at Buller District Council on 10 November.
- Westport Flood Recovery Steering Group meeting on 18 November.
- Workshop on Green House Gas emissions reduction plan on 19 November.
- Three Waters Update via Zoom on 24 November.
- Natural Hazards Workshop on 30 November.
- Westport Flood Recovery Steering Group meeting via Zoom on 2 December.
- Te Tai o Poutini Plan committee meeting on 2 December.
- Resource Management Reform Engagement Forum on 2 December.

Following the Mayors Chairs and Iwi forum on 10 November, a letter was written to Ministers Andrew Little and Ayesha Verrall expressing concern about issues faced by the Aged Care sector on the West Coast. I added my signature to this letter.

Recommendation

It is recommended that Council resolve to:

Receive this report.

Attachment

Nil

Report to: Council	Meeting Date: 14 December 2021
Title of Item: CEO's report	
Report by: Heather Mabin, Acting Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to provide Council with transparency around the meetings that the Acting Chief Executive has been involved in and to provide Council with an overview of current matters.

Report Summary

This paper details the interactions, appointments, significant contracts executed, and meetings attended by the Acting Chief Executive to 30 November 2021.

Draft Recommendations

It is recommended that Council resolve to:

Receive this report.

Activities Undertaken

Activities undertaken during November 2021 by Heather Mabin were:

- November 2
 - Attended via Zoom Regional and Unitary CEO's Group meeting
- November 4
 - Attended via Zoom Westport Flood Recovery Steering Group
 - Attended via Zoom Kotahitanga ki te Uru meeting
- November 5
 - Attended via Zoom West Coast CEO's Forum
 - Attend via Zoom Joint Committee Workshop on Hawker Report
- November 10
 - Attended Joint Committee West Coast Civil Defence Emergency Management Group meeting
- November 11
 - Signed contract variation with GMC for service of coastal hazard mapping on behalf of Te Tai o Poutini.
- November 14
 - Appointed Gemma Schuddeboom as Debtors Officer on a fixed term contract until end of January.
- November 15
 - Signed contract with GNS Science to perform detailed active fault mapping for parts of the Alpine Fault across the West Coast to inform the work undertaken for the Te Tai o Poutini Plan.
- November 15 & 16
 - Attended WCRC Executive Leadership training course
- November 16
 - Signed the Compliance Certificate for the Multi-issuer Deed dated 30 November 2011.
- November 17

- With Kim Hibbs, People & Capability Manager, met with PSA representative and employees re: VCS Collective negotiations
- November 18
 - Attended via Zoom Westport Flood Recovery Steering Group
 - Attended Special Mayors/Chairs/CEs zoom Forum - *Facing COVID in your community*
- November 19
 - Attended internal WCRC workshop on Emissions Reduction Plan submission
- November 21
 - Appointed Caitlyn Foran as the Summer Student for Hydrology.
- November 22
 - Attended via Zoom South Island Regional Council CEOs quarterly meeting
- November 25
 - Attended via Zoom RSHL AGM
 - Attended via Zoom RSHL Board meeting
- November 26
 - Attended via Zoom Regional Sector meeting
- November 30
 - Met with representatives from MBIE and TAS about temporary accommodation initiative for Westport.

Please note: The Acting CEO will be on leave from 23 December 2021 to 16 January 2022.

Considerations

Implications/Risks

Transparency around the activities undertaken by the Acting Chief Executive is intended to mitigate risks associated with Council's reputation due to the need for her appointment.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Attachments

Attachment 1: Letter from Ministry of Health, Re: Fluoridation of Drinking Water Amendment Bill, dated 11 November 2021

Attachment 1: Community Factsheet from Ministry of Health, Re: Community Water Fluoridation, dated 11 November 2021

Attachment 3: Letter from Simon Bastion, Westland District Council CEO, Re: Emergency Operations Centre, Hokitika Airport, dated 12 November 2021

Attachment 4: Received from Taituara, *Central government reforms impacting on local government*, received 6 December 2021.

Attachment 5: Letter from NEMA, regulatory Framework review (Trifecta) Programme, received 8 December 2021

11 November 2021

Tēnā koe

This letter is to update you on the Health (Fluoridation of Drinking Water) Amendment Bill (the Bill) and what it means for you.

As you may be aware, on Tuesday 9 November 2021, the Bill passed its final reading and will come into force 28 days after Royal assent. The new legislation amends the Health Act 1956 to give the Director-General of Health the power to issue a direction to local authority water suppliers (including bulk water suppliers) to fluoridate a public drinking water supply. The changes do not apply to private drinking water supplies.

Key content of the new legislation

Under the new legislation, when deciding whether to issue a direction to fluoridate, the Director-General of Health will be required to consider for each individual drinking water supply:

- the scientific evidence on the effectiveness of adding fluoride to drinking water in reducing the prevalence and severity of dental decay
- whether the benefits of adding fluoride to the drinking water outweigh the financial costs, taking into account:
 - the state or likely state of the oral health of the local community or population group associated with the water supply
 - the number of people who are reasonably likely to receive drinking water from the local authority supply
 - the likely financial costs and savings of adding fluoride to the drinking water, including any additional costs of ongoing management and monitoring.

Before issuing any direction to fluoridate, the Director-General of Health must seek written comment from the local authorities on the estimated cost of introducing community water fluoridation, and the date by which the local authority could comply.

The new legislation exempts you from any requirement to consult with your communities on the decision to fluoridate.

Further information on these changes and the obligations for local authorities is in the attached fact sheet.

Implementation

The Ministry of Health (the Ministry) intends to facilitate swift transition to the new fluoridation decision-making process, and anticipates that the Director-General of Health could commence issuing directions from mid-2022 onwards. Implementation will be phased over time and there will be some funding available to support local authorities with the costs of fluoridation-related capital works.

The Ministry is working through implementation details and expects to be able to provide further information to you in the next month.

The Ministry acknowledges the significance of the Government's Three Waters Reform programme on local authorities, including the recent announcement of the creation of the new water service entities. The Ministry of Health is working closely with the Department of Internal Affairs to ensure that implementation planning aligns with the reform programme and factors in current service delivery pressures across the water services sector.

Resources for your communities

You may receive queries from your communities about community water fluoridation now that the new legislation has been passed. We encourage you to refer members of the public or interested groups to the resources below. They reflect the position of the Ministry of Health, World Health Organization, and Centres for Disease Control and Prevention that community water fluoridation is a safe, effective and affordable public health measure to improve the oral health of communities.

<https://www.fluoridefacts.govt.nz/>

<https://www.pmcsa.ac.nz/topics/fluoridation-an-update-on-evidence/>

We look forward to working with you to implement these new changes that will have an important health impact on the communities you serve. We will be in touch again shortly.

Ngā mihi



Deborah Woodley
**Deputy Director-General
Population Health and Prevention**



Riana Clarke
**National Clinical Director, Oral Health
Ministry of Health**

cc: Regional Council Chief Executives

Jon Lamonte, Chief Executive, Watercare

Colin Crampton, Chief Executive, Wellington Water

Bill Bayfield, Chief Executive, Taumata Arowai

District Health Board Chief Executives

Public Health Unit Managers

Community water fluoridation

Only around half of all New Zealanders receive fluoridated drinking water. Until now, it's been up to local authorities (councils) to make decisions around fluoridating their water supplies. The Director-General of Health now has the authority to decide if community drinking water supplies should be fluoridated.

What is water fluoridation?

Fluoride already exists in water. Water fluoridation is when the natural level of fluoride in the water supply is topped up to between 0.7 ppm and 1.0 ppm. This is the ideal amount for giving protection against tooth decay. This is recommended by many national and international health bodies, including the World Health Organization.

The Ministry of Health recommends water fluoridation as a safe and effective way to prevent and reduce tooth decay for everyone. The levels of fluoride in water are carefully monitored.

Is it safe?

The role of fluoride in water has been examined around the world – including in New Zealand – over the last 60 years. There is strong evidence that there are no adverse effects of any significance from fluoridation at the levels used in New Zealand, and that it is beneficial to New Zealanders of all ages. This is especially true for our most vulnerable communities

Is it effective?

Fluoride in water like a constant repair kit. It neutralises the effect of acids that cause decay and helps to repair damage before it becomes permanent.

The most recent New Zealand Oral Health Survey (2009) shows that children and adolescents have 40 percent less tooth decay over their lifetime if they live in areas with fluoridated water.

The government estimates that introducing community water fluoridation to all public drinking water supplies would result in net savings of more than \$600 million over 20 years - mostly to consumers, and some to government?

How will decisions about community water fluoridation be made?

The new legislation allows the Director-General to make decisions about fluoridating public water supplies only. They cannot direct the fluoridation of privately-owned water supplies.

Before issuing a direction to fluoridate a water supply, the Director-General must invite the affected local authority to give information in writing on the estimated cost and timing for introducing fluoridation.

The new legislation requires the Director-General of Health to consider the scientific evidence of the effectiveness of fluoridation in reducing dental decay, and whether the benefits outweigh the financial costs. They must consider the oral health status (or likely oral health status) of the local community, the size of the water supply and how much it's likely to cost to introduce fluoridation.

The Director-General of Health is required under the new legislation to seek advice from the Director of Public Health before issuing a direction. They may also consider other factors or

views. The new legislation does not require local authorities to consult with their communities on decisions around fluoridating their water supplies.

Local authorities that are currently fluoridating drinking water supplies must continue to do so.

When will the Director-General of Health start issuing directions?

We expect the Director-General of Health could start issuing directions regarding some community water supplies from mid-2022. It is expected that implementation will be phased over time. The Ministry will be engaging further with local authorities about implementation in late 2021 and early 2022.

The Director-General of Health will ensure when providing a date by which the local authority must comply with a direction, that it is reasonably practical. In instances of non-compliance, the Director-General of Health may take action to hold local authorities to account. See sections 116I and 116J of the new legislation for more information.

Do local authorities need to wait for a direction to start fluoridating?

No. Local authorities may wish to consider whether to fluoridate water supplies in the absence of the Director-General of Health issuing directions.

Who will pay for fluoridation?

Some funding will be available to support local authorities with the capital costs of fluoridation. The operational costs of fluoridation will remain with local authorities.

Who will ensure my water is safe to drink?

Local authorities and water suppliers will still be responsible for providing safe drinking water to their communities and need to meet water safety regulations. Water suppliers are required to meet the Drinking water standards for New Zealand, which set maximum acceptable values for a range of substances and organisms, including for fluoride.

How does the new legislation support equity?

Some communities and population groups in Aotearoa have worse oral health outcomes than others. New Zealand still has high rates of preventable tooth decay, particularly among Māori and Pacific children and adults, and those in vulnerable communities.

The benefits of community water fluoridation are broadly spread, but are greater for Māori, Pacific and those living in deprived communities.

Extending community water fluoridation aligns with the Treaty of Waitangi principles of equity and active protection. Te Ao Mārama (the Māori Dental Association) and the Pasifika Dental Association support community water fluoridation.

Find out more

www.fluoridefacts.govt.nz | www.health.govt.nz/water-fluoridation

12 November 2021

Heather Mabin
Acting Chief Executive
West Coast Regional Council

Via Email: heather.mabin@wrc.govt.nz

Dear Heather

Emergency Operations Centre, Hokitika Airport

The purpose of this letter is to advise that Westland District Council has approved funding to build a new purpose-built Emergency Operations Centre (EOC) due to the current EOC for civil defence emergency management in Weld Street, Hokitika not meeting the IL4 building code specifications. Based on a previous report commissioned in 2018, (available on request) by the Joint Management Committee, Council have agreed that this facility should be located at the Hokitika Airport in Westland District.

The EOC Centre will be built to an Importance Level rating of IL4. Level 4 rating means that buildings that must be operational immediately after an earthquake or other disastrous event.

Within this proposed new build, there may be an opportunity to lease part of the premises on a commercial basis either from a business continuity aspect or purely as office space. We would like your Board to consider if your business would like to be part of this process. Accordingly, can you please discuss with your Board of Directors if you would like commercial space allocated in the new facility. From the feedback we receive and working closely with our design team, we can ensure your needs would be catered for.

Westland District Council recognises that having a purpose-built EOC Centre will support the economic, social and community benefit to not only Hokitika, but the wider West Coast community. An emergency hub-type environment will benefit the West Coast by having all the facilities located in one area, easily accessible in an emergency.

Can you please advise if your organisation would like to be considered as part of the process going forward? If you do, can you please provide the contact details of your liaison person?

Sincerely



Simon Bastion | Chief Executive

Central government reforms impacting on local government

In confidence draft

	2021			2022			2023			2024														
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan-Mar	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Dec	
	<div style="display: flex; justify-content: space-between;"> Anticipated level of local government engagement significant involvement significant involvement significant involvement </div>																							
Local Government																								
LG statutory planning, reporting and other requirements	<div style="display: flex; justify-content: space-between;"> Annual Report preparation Due Annual Plan preparation Due Local election preparations Local election preparation Due Annual Report preparation Due Annual Plan preparation Due Annual Report preparation Due Annual Plan preparation Due Long term Plan preparation </div>																							
Reforms and reviews																								
Future for LG review	<div style="display: flex; justify-content: space-between;"> Interim report Draft report Final report </div>																							
Three waters	<div style="display: flex; justify-content: space-between;"> Government decisions Water reform first tranche funding bids (TBC) Due </div>																							
RMA reforms Natural and Built Environments Act (NBA) and Strategic Planning Act (SPA)	<div style="display: flex; justify-content: space-between;"> NBA/SPA Bills passed </div>																							
Climate Adaptation Act (CAA)	<div style="display: flex; justify-content: space-between;"> CAA Bill introduced (May) </div>																							
RMA National Direction	<div style="display: flex; justify-content: space-between;"> Freshwater Management (2014) Urban Development (2020) Highly Productive Land (TBC) Indigenous Biodiversity (TBC) The policy intent of existing National Direction will be transitioned to the National Planning Framework </div>																							
Climate change reform																								
Emissions Reduction Plan (ERP)	<div style="display: flex; justify-content: space-between;"> ERP due </div>																							
National Adaptation Plan (NAP)	<div style="display: flex; justify-content: space-between;"> NAP due </div>																							
Emergency Management reform (EM)																								
Emergency Management reform (EM)	<div style="display: flex; justify-content: space-between;"> EM Bill introduced </div>																							
Waste Minimisation Strategy																								
Waste Minimisation Strategy	<div style="display: flex; justify-content: space-between;"> Bill passed </div>																							
Health and Disability reforms																								
Health and Disability reforms	<div style="display: flex; justify-content: space-between;"> Bill passed </div>																							
Education work programme																								
Education work programme	<div style="display: flex; justify-content: space-between;"> Including vocational educational reforms, national schools redevelopment programme etc. </div>																							
Regional system leadership framework																								
Regional system leadership framework	<div style="display: flex; justify-content: space-between;"> Strengthening a regional public sector leadership framework, Regional Public Service Commissioners working with communities and regional leaders, including iwi/Māori and local government </div>																							
Other potential reforms and reviews impacting on local government																								
Other potential reforms and reviews impacting on local government	<div style="display: flex; justify-content: space-between;"> Work under way Planned work </div>																							
	<div style="display: flex; justify-content: space-between;"> Government Policy Statement on Housing and Urban Development (2021); Review of the Sale and Supply of Alcohol (Fees) Regulation; Amendment to the Environmental Reporting Act; Freedom camping reforms; Māori Electoral Options; Gambling (Harm Prevention and Minimisation) Regulations 2004; Changes to Land Information Memorandum (LIM) system New Zealand Infrastructure Strategy; Building Act Reforms (2022/23 TBC); Transport Revenue System Review; Independent Review of Parliamentary Electoral Law (TBC) </div>																							

Actions required from local government

Consultation & engagement
 Policy development & legislation (includes consultation and submissions)
 Implementation
 Thicker lines imply greater involvement for local government

25 November 2021



8 December 2021

Tēnā koutou katoa

I am writing to provide you with a heads-up about upcoming engagement for the Regulatory Framework Review (Trifecta) Programme. Please share this letter with people working in emergency management in your organisation, as appropriate.

The Trifecta Programme seeks to build a modern, inclusive, fit-for-purpose, and enduring framework for the emergency management system. It brings together three projects:

- a new Emergency Management Bill
- review of the National Civil Defence Emergency Management Plan (CDEM Plan) and accompanying Guide
- a Roadmap for the National Disaster Resilience Strategy

On 15 November, Cabinet agreed to a number of proposals including replacing the current Civil Defence Emergency Management Act with a new Emergency Management Act. Other policy proposals included will be announced by the Minister for Emergency Management when the Cabinet paper is proactively released. We will share this as soon as it is publicly available.

Upcoming engagement

We are consulting with stakeholders across the emergency management system to progress the Trifecta Programme. Over the next two months, we will engage with a range of stakeholders at regional and local authority level. This will include local authority Mayors, Regional Council Chairs, Civil Defence Emergency Management Joint Committees, CEG representatives, along with regional and local emergency management offices. This may mean that some individuals receive consultation materials from us twice.

We are wanting to engage particularly about roles and responsibilities, iwi and Māori participation, lead and support agencies, lifeline utilities, and protections for disproportionately impacted people. This engagement will feed into the final policy advice for the Minister in early 2022, so that it can be included in the Emergency Management Bill and inform our review of the CDEM Plan.

Building on current engagement with CDEM Group Managers, we will circulate draft policy proposals to the wider group noted in the paragraph above in early January 2022 for your feedback.

In the week of **17 January 2022**, we will host multiple options for online sessions to introduce the proposals, answer your questions, and receive any initial feedback. A schedule for these sessions will be sent in the coming weeks before Christmas.

Written comment on the proposals is due by **11 February 2022**. We will provide details about how to provide written feedback when we circulate the consultation materials in early January.

Thank you in advance for your participation in this engagement. We appreciate this is a challenging time with multiple Central Government reforms underway, ongoing responsibilities for the COVID-19 response, and it being a busy holiday period. It is important that policy proposals are informed by

your voices, and there will be further opportunities for engagement on non-legislative reform throughout 2022.

Thank you also to those of you who have been involved with this work to date. Your contributions have been critical in the development of the draft policy proposals and we will continue to build on what we have heard so far in the upcoming engagement.

Further information

Further information on the Trifecta Programme is available at <https://www.civildefence.govt.nz/cdem-sector/regulatory-framework-review-trifecta-programme/>

We have recently published an A3 one-pager that provides a high-level overview of the Programme and its three projects. This document is available at the above link under 'Programme Resources'.

If you have any questions about the Programme please email trifecta@nema.govt.nz

Ngā mihi nui



Adam Allington

Menetia, Wāhanga Kaupapahere, Te Rākau Whakamarumarū
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Report to: Council	Meeting Date: 14 December 2021
Title of Item: Buller Flood Recovery Steering Group	
Report by: Heather Mabin, Acting Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose this report is to table the Minutes from the Buller Recovery Steering Group (the Steering Group) meetings held during October.

Report Summary

Council is represented by Cr Cummings and the Acting Chief Executive, Heather Mabin, on the Steering Group whose primary purpose is to oversee the \$8M total funding from NEMA and DIA that has been provided for the first stage of the recovery phase for the Buller District.

This paper presents the minutes from the fortnightly meetings for Council's reference.

Draft Recommendations

It is recommended that Council resolve to:

Receive and note the Attachments to the report.

Attachments

Attachment 1: Amended Minutes Westport Flood Recovery Steering Committee 23 September 2021

Attachment 2: Minutes Westport Flood Recovery Steering Committee 7 October 2021

Attachment 3: Minutes Westport Flood Recovery Steering Committee 22 October 2021

Attachment 4: Minutes Westport Flood Recovery Steering Committee 4 November 2021

Attachment 5: Minutes Westport Flood Recovery Steering Committee 18 November 2021

Inaugural Westport Flood Recovery Steering Committee
Amended Minutes
Thursday 23 September
10.00 – 12.00 pm, Clocktower Chambers and via Zoom

Present:

- Chairperson Richard Kempthorne, (RK) BDC Mayor Jamie Cleine (JC); BDC Deputy Mayor Sharon Roche (SR); BDC CEO Sharon Mason (SM); Deputy CEO BDC Recovery Team Rachel Townrow (RT); WCRC Councillor Brett Cummings (BC), NEMA Jenna Rogers (JR) Minute Taker Kirstin McKee (KM)
- Attending via Zoom: Acting CEO WCRC Heather Mabin, (HM), DIA Michael Lovett (ML);
- Apologies – Ngati Waewae Francois Tumahai (FT)

Meeting started at 10.02 am

1. Welcome and Introduction

Chair - welcome to everyone and outlined meeting purpose - clarifying roles and focus areas and encouraging collaborative work on aspects of Westport Flood Recovery.

2. Draft Terms of Reference review

Background – confirm

Purpose and Term

Discussion re the \$8 million to gain a clearer understanding of this.

ML - Need to manage within scope of this TOR. It is important to align the spending of the \$8 million, along with other interdependencies and future works. Impact around flood protection options will have a direct bearing on DIA thinking of the \$8 million. Government investment has to work in parallel with what the community chooses around flood protections. It is important the current and future works and spending are aligned.

JC queried \$8 million as understood that this was granted on reasonable idea of what it was already for and this group was more around how this \$8million is spent.

ML answered that DIA are keen to see this \$8 million being aligned with the flood protection work that WCRC will advance. This is beyond the scope of this committee but see this as a significant interdependency.

HM queried whether the steering group is to oversee how NEMA spends this money or overseeing the balance that is going to go towards the Buller recovery?

JR – Background – It is both DIA and NEMA’s contribution to \$8 million. It is very particular and specific as to what it has been allocated for Buller’s recovery. A key aspect of Cabinet’s agreement to the \$8 million was the establishment of the steering group. This is to ensure there is appropriate governance to ensure the correct disbursement of this appropriation. There will also be wider aspects for consideration in mid to long-term recovery outside of that \$8 million. This steering group is also a good opportunity to identify and agree what that looks like and run in parallel.

Clarification on \$8 million – it is the governments money and appropriated through NEMA and DIA, both departments are responsible for the spend and look to the steering group for direction on the spend. Discussion around this.

\$8 million Breakdown:-

NEMA - appropriation \$4.6 million

- \$1 million - community hub and navigator services,
- \$1.45 million - immediate response and recovery costs,
- \$1.5 million - flood effected solid waste removal,
- \$650,000 - Infrastructure services to boundary of site for temporary accommodation for village for displaced residents

DIA – appropriation \$3.4 million

- \$3.25 million - interim funding to BDC to ensure continuation and elevation of recovery process, while provide for its BAU activities ,
- \$150,000K - skilled advisory services to advise ministers on financial health of BDC and other assurance that maybe required.

Discussion re second bullet point under Purpose and Term;

Suggested wording to add;

- identify and agree mid to long-term recovery activities **and the necessary funding that may be required** in the district;

NB: “If there is a decision on a request for future funding, that NEMA and DIA representatives may need to step back from the table.”

HM raised issue of regional council lost rates revenue coming out of the pool of \$8 million as this was the advice that DIA had given WCRC. WCRC need to know this or whether they would have to make a subsequent application to DIA.

ML answered that he will need to take some advice on this.

SM commented that when the funding request was put forward, BDC’s understanding at the time was there were no WCRC requirements, the package did not anticipate any expenditure around this. The majority of NEMA money has already been committed too (\$4.6 million).

RK - At the next meeting the committee would like to hear back how this is to be resolved.

Membership and Chair

One or two elected members of West Coast Regional Council will be

- Brett Cummings or
- Brett Cummings and Alan Birchfield

- Rachel Townrow to be added as recovery oversight
- BDC Councillor Phil Rutherford nominated as alternative to Mayor or Deputy Mayor

- Two CEOs of WCRC and BDC, preferred attendance at all meetings, either by Zoom but preferably in person,

Role of Steering Group

SM – Second bullet point. “approve or agree on the work programme ...”

BDC have a strong governance and reporting programme setup and would like to continue with this. Committee agreed.

Steering Group Undertakings

Communications (last bullet point)

- Agreed that the Chair speak for the Steering Group.
- Chair is the contact for committee members at any stage for any matters/issues
- Positive and proactive media discussion suggested

Media Releases

The Chair is responsible for all media releases. To come from the Chair of Steering Group, through the respective CEO’s of BDC and WCRC and approved by government representatives before they are released.

Add to TOR - *The Chair is responsible for all media releases.*

Minutes

- Minutes are written in the knowledge that they will be made public; to be approved at following Steering Group meeting by all parties, before they are released.
- Exceptions – sections may be withheld if there is commercially sensitive information. It is important that that Ministers are aware of decisions that may attract public interest.

MOVE that the Terms of Reference are approved subject to above amendments

Mayor Jamie Cleine/Councillor Brett Cummings

3. Discussion Points:

- **Key roles, Chair, Mayor and CEOs’ and Government officials**
- **Lines of communication**
Chair available to all members of Steering Group.

Admin issues	- Chair to Rachel Townrow or Kirstin McKee
BDC issues	- Chair to BDC CEO or Mayor
WCRC issues	- Chair to WCRC CEO or Councillor Cummings
Government issues	- Chair to Paul Barker (DIA) in the first instance

Emails, breakdown of monies etc can be emailed, in confidence, within Steering Group committee members.

Confidentiality Issues

- Any financial information, within committee only.
 - Discussion re meetings being public excluded, as a working committee of two councils and government agencies. It will be important to identify the statutorily appropriate reasons for the Steering Group meetings to be public excluded.
 - DIA and NEMA to advise under what provision is this meeting public excluded.
- **Agree topics and timeframes**
Discussion re medium to long-term challenges paper to Cabinet with sign-off date 18 November. Further funding package required to be in place to continue with flood recovery package, as first package covered off the first four months post-flood.

Topics and timeframe to be developed for the next meeting. CEO's also to discuss scope of work to be covered in medium to long-term paper.
 - **Areas of work – who does what ? Status of work programme**
Covered off above
 - **Decision making processes**
Topics and Timeframes paper will incorporate, with agreement, decision making processes.

Steering Group is not making decisions based on funding for either council. These are council decision, Steering Group is doing background work to feed into council processes with government approval.

Other Issues

- **Input into the cabinet report back is required by 29 October**
- Meeting rescheduled for Friday 22 October (from Thursday 21 October)

4. Westport Flood Recovery Programme

- Where are we at, where are we heading
- Key milestones
- Employment, navigators, resources

RT – presented the Westport Flood Recovery Action Programme, a live document, that forms basis of what the recovery team is undertaking. This is pulled through and put into Westport Flood Recovery report. This report will be provided to the steering group;

- Fortnightly - verbal update of changes and milestones
- Monthly – updated Westport Flood Recovery report

Also note budget prepared which was put forward for application of \$8million, created up while in response phase, with our best understanding at that stage of what the response costs were, standing up the recovery team and what we thought this programme of work would look like. Now we have Recovery Action Programme we are now refining this and working through with more details and understanding.

This information will be presented to monthly FRAC meeting and this steering group.

General discussion re DWC funding, trades village, insurance, shortage of products and challenges on community, sociopsychological and socio-economic effects, with the length of the recovery .

- Finances

This report was presented to FRAC 22/09/21. Some amendments were being made to the resolution, RT to share what the programme of works looks like following the FRAC meeting. Prior to discussion of this paper, the committee considered a new policy on minimum floor heights, which was adopted, some wording has been changed around that.

Discussion re WCRC floodwall options. Submissions were overwhelming for Option 2 which is now included in WCRC LTP. HM will circulate submissions to the steering group. Huge amount of work to be done to implement this decision.

RK – question - is there a desire to link the steering group into the above process or give feedback.

Discussion re steering group, partly what could be put together for November is for WCRC and BDC to work together to form/design/explore options which will lead to further discussions with government next year, as part of whole package. This will require considerable effort from both Councils.

Suggestion that this committee could either work with or be incorporated into the Westport flood protection committee longer term?

Information noted

5. Discussion re confidentiality and key messages to be made public

Discussed above

Other Issues

HM raised concern around the IRG funding that was awarded to the Franz Josef project, and sought reassurance that this funding is ringfenced for Franz Josef and will not be allocated to Westport

ML responded that the funding this steering group is overseeing, has not been allocated from the Franz Josef project. PB subsequently confirmed this point.

Information noted

Westport Flood Recovery Steering Committee

Minutes - Thursday 7 October 2021, 10.30 – 12.00 pm

Clocktower Chambers (Westport)

Or via Zoom

Present:

- Chairperson Richard Kempthorne, (RK) BDC Mayor Jamie Cleine (JC); Deputy CEO Recovery Team Rachel Townrow (RT); Acting CEO WCRC Heather Mabin (HM); WCRC Councillor Brett Cummings (BC); DIA Paul Barker (PB); DIA Pam Johnston (PJ); Minute Taker Kirstin McKee
- Attending via Zoom: Jenna Rogers NEMA (JR), Francois Tumahai (Ngāti Waewae) (FT)
- Apologies - BDC Deputy Mayor Sharon Roche (SR); BDC CEO Sharon Mason (SM)

1. Welcome and Introduction

Meeting started at 10.34 am, karakia by FR and apologies noted

2. Confirmation of minutes from 23 September 2021

Amend as follows:

- Pg 4 - change to **3. Discussion Points; Other Issues**; remove dates and replace with:
 - “Input into the cabinet report back is required by 29 October”.
 - Correction to meeting rescheduling date to - “(from Thursday 21 October)”
- Pg 5 - include in **Other Issues**;
 - “HM raised concern around the reallocation of capital for ringfencing from other IRG projects to be noted, although acknowledges it is outside of the scope of this steering group”.

Confirmed these minutes are publicly available once approved by the steering group.

Move to approve minutes as amended

Mayor J Cleine/Cr B Cummings
Carried

3. Draft Terms of Reference review

NEMA – change to wording on page 1 to:

¹NB: “If there a decision on a request for funding that NEMA and DIA representatives will absent themselves from the decision.”

Resolution to amend the TOR as discussed and bring back for final approval.

NB: Add to future agendas - “Declarations of Interest”

3. Discussion Points:

Process for identifying the medium to long term flood risk mitigation package

Tranche 2 funding – steering group to whiteboard later in meeting to discuss and identify the long-term flood risk mitigation package and initial discussion about the components; who is doing what, where does the steering group fit in, where does the joint committee fit in; indication of timeframes.

Topics and timeframes for flood risk mitigation for Westport

Whiteboarding exercise also

Letter of Support for funding application – WCRC

WCRC (Director of Operations) seeking letter of support from the steering group for the application to the Climate Resilience Fund for 75% of the existing planned capital works. Actual capital works are yet to be defined.

DIA gave the group some context of the history of flood resilience which has been championed by the river managers as part of the LGNZ Regional Sector. In 2019 the Central Local government forum agreed to look at natural hazards being exacerbated by climate change and seeking a joined-up approach with central and local government with a focus on flood resilience. The River Managers Group recently met with some of the Community Resilience Ministers on flood risk management where Buller was used as an example. The River Managers argued that more flood risk investment may have alleviated some of the damage.

It was agreed to bring the application letter to the next steering group meeting. There was support in principle, however the Steering Group need to view the application first.

NB: NEMA and DIA made a note that they cannot be part of any decision on this letter of support. This would come from the non-central government members of the committee.

General discussion re what the whole package would look like, the more developed and integrated the proposal is with the recovery effort, the better the business case that stacks up especially from Crown point of view.

An update on the recovery efforts with key reporting on: housing (including temporary accommodation), welfare, allocation of Government assistance spend to date.

Government Ministers/Cabinet and Steering Group require a two-page quick summary for key reporting items. Also to discuss the financial reporting against how this is tracking.

RT spoke to the Westport Flood Recovery Programme - Project Status Report in the agenda pack which is used for reporting to the Projects in Partnership group, a high-level governance overview of how Recovery is tracking.

Also in agenda pack, Flood Recovery Action Programme, with action tables for recovery and simple tracking, this is a living document that is updated regularly and being refined daily. Other reporting being provided to the Recovery Team from various agencies is more number-based metrics, how many are still in accommodation, how many homes are yellow or red stickered. Survey 123 is being used for one source of truth, a good source of data, however some privacy concerns eg, people's names and addresses. The Steering

Group confirmed it does not wish to see private information. Rachel will look to share total numbers if this information can be easily pulled out without additional work.

From Crown/ministerial point of view – key things Ministers look for include; direction of travel, how are we progressing. Anonymised data is fine, some breakdown of age, social status is relevant on the welfare side. Key issues include, how many people were affected, how many people in temporary accommodation, expected timeframes for yellow/red stickered houses to be repaired, checking whether timeframes are being met, looking to identify the barriers.

Financials: where is the money going to, how is the budget being spent, what is it achieving? Try to the key indicators can be summarised in 4 or 5 key headlines, eg accommodation, people welfare needs, picking up on emerging issues, identify pressure points. Early identification of these issues needs reporting and track how progress is going, this needs to be built into existing reporting.

Discussion re insurance companies, Recovery Team are meeting regularly weekly with one insurance company and fortnightly with the insurance council identify issues.

Financial reporting

Discussion re financial reporting, what is achievable for the available staff to provide, what is it reporting against and ensuring reporting is against the appropriation monies.

The Projects in Partnership report (page 4) is done in a way which aligns with the appropriation, noting that the \$3.25 million Vote: Internal Affairs funding needs to be broken down more which can be achieved in reporting going forward. This also comes through to FRAC monthly with overall summary of income and expenses for response and recovery. Current challenge is the lack of a management accountant who can do financial reporting which would need to be consistent with BDC internal reporting.

HM referred to the TOR (pg 1) “Provide effective guidance and oversight of the \$8million Financial Assistance to support the Buller Recovery appropriated by Cabinet in August 2021”. She queried how do we ensure we are providing effective oversight and that these tranches of spend. The tranches are a proposed allocation of where money should be spent. How do we know they have achieved effective outcomes that are part of the TOR for example, the Navigator/Community hub - \$1million.

Discussion re BDC’s financial assurance process. The Recovery Team have NEMA’s appropriation, have the contracts for providing the services for the navigators that supported that appropriation request. This has then gone through a NEMA financial assurance process to get that money allocated out.

NEMA commented a lot of this is being tracked very accurately in terms of drawdown working with the financial team at NEMA. For reporting purposes, it was suggested including some metrics of people that have been assisted to put some narrative in behind this.

DIA process for money - \$180,000 has been provided to BDC for urgent surge financial support with next cases being worked through with BDC. Then looking at what longer term capability is required and ensure the steering group is clear on this. This is where having WCRC, its intentions and capabilities representation at the table is essential. What will this recovery look like longer term, eg co-investment for development of a flood risk proposal?

HM queried whether as a group will we see some deliverables of what the \$3.25 million has achieved and do DIA foresee any of this amount going towards flood protection. DIA responded - some clarity to be sought over this as the BDC needs will be substantial, the capital works letter of support mentioned previously would require its own business case.

It was agreed that reporting to this steering group, using the Projects in Partnership Flood Recovery Project Status Report with some more financials to track what is happening. DIA and NEMA support the additions as discussed with any narratives/explanations on variances.

Discuss a short presentation by the WCRC on the flood event and how this compared with their model.

WCRC to arrange for a presentation for the next meeting - how did it track and compare with the current model. Invite Waka Kotahi and KiwiRail to the next steering group meeting for the presentation and discussion.

Discussion re advantageous to also do community presentation and other stakeholders.

A discussion of the Morrison Low/Bruce Robertson report.

Good report on governance and management of BDC. It highlights to the steering committee:

- Council is competent in the management of its finances and has good management of its resources.
- There are significant challenges in both funding Council's current work programme and managing the flood recovery due to the limited economic wealth in the community.
- The Council is well positioned to lead its communities' recovery effort and establish an effective partnership with Central Government and its peer councils.

WCRC councillors need to see recommendations relating to WCRC and affordability is an important issue. NEMA confirmed the health check provided the assurance government was seeking which was positive.

NB: The Morrison Low/Robertson report can be used for council purposes and can be made public in two weeks' time.

JR – left the meeting at 12.01 pm

5. Westport Flood Recovery Programme

Discussed in above discussion points.

Whiteboard exercise followed, see below

Meeting closed at 1.00 pm

INITIAL OVERVIEW WHITEBOARD EXERCISE

<p>Stopbanks and other mitigation</p> <ul style="list-style-type: none"> • Stormwater & other BDC infrastructure 	<p>Quick Wins</p> <p>Evacuation Plan/CDEM planning/early warning</p> <ul style="list-style-type: none"> • Willows – river maintenance • Existing infrastructure check • Community education programme <ul style="list-style-type: none"> - own house plans - Preparedness plan/grab plan
<p>Consider submissions/other options suggested</p>	<p>Community engagement (short term + long term)</p> <ul style="list-style-type: none"> - Fact checking current beliefs (eg dredging overflow, willows)
<p>Relief Cut – Orowaiti</p> <p>Retention Ponds</p>	<p>Floor heights policy</p>
<p>2100 Group recommendations (20)</p>	<p>Planning – free up residential land/plan change- combined plan (where not to build)</p>
<p>Consider adverse impacts</p> <ul style="list-style-type: none"> • Upstream • Revised flood modelling 	<p>KiwiRail embankment – culverts/modifications</p>
<p>Identify affected parties</p>	<p>Waka Kotahi – Orowaiti bridge replacement/ realignment</p>
<p>Funding options – principles</p> <p>Affordability</p>	<p>TAS village locating in preferred/future development area</p>
<p>Managed retreat</p>	
<p>Natural hazards assessments (early 2020)</p>	
<p>Who is responsible for what?</p> <p>Timeframes/sequencing</p>	

Westport Flood Recovery Steering Committee
Minutes
Friday 22 October
10.00 am – 1.00 pm, Clocktower Chambers and via Zoom

Present (in person):

- Independent Chair Richard Kempthorne (RK); BDC Mayor Jamie Cleine (JC); BDC Deputy Mayor Sharon Roche (SR); BDC CEO Sharon Mason (SM); BDC Deputy CEO Recovery Team Rachel Townrow (RT) (in part); WCRC Acting CEO Heather Mabin (HM); minute taker Di Rossiter

Present (via Zoom):

- Ngāti Waewae Chair Francois Tumahai (FT); WCRC Chair Alan Birchfield (AB); WCRC Cr Brett Cummings (BC); WCRC Randal Beal (RB); NEMA Manager Analysis & Planning Jenna Rogers (JR); DIA Pam Johnston (PJ) (in place of Paul Barker); Waka Kotahi (NZTA) Colin Hay (CH) & Moira Whinham (MW); Land River Sea Matt Gardiner (MG)

Apologies:

- DIA Paul Barker (PB)

1. Welcome and introduction:

- Meeting started at 10am
- FT recognised the importance of the meeting and opened the meeting with a mihi
- RK introduced all meeting attendees and gave a brief introduction to the meeting and the presentation

2. Declarations of Interest:

- None

3. Presentation:

- **Invitees to presentation included KiwiRail Representatives** (Mark Huissenbuttel, Paul Dinnington and Chris Stoop) and **Waka Kotahi (NZTA) Representatives** (Mark Pinner and Moira Whinham)
- Matt Gardiner (Land River Sea, Flood River Modelling Specialist) presentation of the WCRC Flooding Model and how this relates to Westport's July flood event – via Zoom
- Presentation commenced at 10.07am
- Comprised two presentations – first was a summary of modelling work undertaken by NIWA and second was a summary of recent hydraulic modelling undertaken by Land River Sea
- Questions:
 - WCRC AB and BC thanked MG for presentation
 - BDC JC: what is the capacity of Buller River – could we keep Buller in own track?
 - MG: July flood >1,000 cumecs went down Orowaiti. Very large volume. Has been discussed as impractical previously. NIWA (Richard?) was at Orowaiti overflow, debris levels metres high. To contain flow would require significant engineering. Probably more expensive than current options. Also, wouldn't negate risk to town from spilling over railway embankments and risk for more scour. Therefore, significant task to keep Buller River in own river channel
 - BDC JC Floor levels have been set – are these based on the NIWA 2017 model and will these change once model is refined based on the recent flooding event?

- MG: Wouldn't expect much change as model is very close to what happened during July flood. Same contours. Climate change may drive needs to update model
- BDC JC: accepts model – have set policy on this model. Is this sensible from expert perspective? Will you stand by it?
 - MG: Yes, definitely. This is what the model was built for. But is up to BDC planners about what levels are used i.e., Chch uses 200-year flood levels and parts of Wellington use 500-year levels.
- FT: Excellent presentation. We need a combination of solutions i.e., also modelling impacts on towns down the road if we go ahead with Orowaiti cut.
- PJ: Thanks for presentation. Helps the understanding. Very useful understanding the cut option. T&T paper has other options – are there any other quick wins i.e., retention ponds?
 - MG: Haven't seen T&T paper. Retention ponds wouldn't be useful for such a large flood but would help stormwater flooding issues.
 - State Highway realignment above 100-year event – this could be coupled to becoming a flood bank. But this will likely take a long time.
- JR: is one cut enough? Are there other options for Buller River?
 - MG: Have explored a range of options i.e., cut through Snodgrass Road but land would be sacrificed and proved ineffective in the model. Would need a team of experts to optimise cut alignment(s). Cost is \$5M for existing cut so cost of optimal design solution may limit options. Also need to consider negative effects.
- WCRC: how much water can pass under Buller Bridge?
 - MG: Not much more than what occurred during the flood event
- WCRC: raising Orowaiti Bridge – would this help?
 - MG: Yes, I did model this. Drops flood levels upstream.
- Waka Kotahi CH – Orowaiti Bridge is getting near end of life. Would be good to discuss new bridge now. This is certainly worth looking at – a business case needs to be developed. Current bridge has maybe another 10 – 20 years life
- WCRC: cut Buller to Orowaiti? Would this help?
 - MG: No, we want less water down the Orowaiti. Gravel extraction at Organs Island. Need to model to get better understanding.
- WCRC: what is the structure of the overflow?
 - MG: Groin type structure. But this only impacts small events. It may be a natural feature. No significant engineering structures
- RK: Very helpful presentation. Can we have a copy as background copy? Digital?
 - MG: Yes, but there are no notes on it. Just slides.
- RK: Where does railway embankment go and what would change to help flooding?
 - MG showed on aerial and explained.
- RK: KiwiRail input required?
 - MG: Floodwall would replace the need for this. Current railway embankment would need to be reinforced / buttressed.
- JC: railway line did overtop / fail at Stevens Road at culvert location along the Orowaiti?
 - MG: Repairs were required after the event. If State Highway repair / realignment ever considered, it could assist this.
- RK: 2017 Cyclone Fehi addressed in model?
 - MG: Came from Orowaiti storm surge. The stop bank would protect against that. Will test model with Cyclone Fehi shortly.
- RK: stop bank may create an oversized swimming pool. Would stormwater pumps help to remove water?
 - MG: Would only work for smaller rainfall events. Flood flows are so massive. 10,000 cumecs. No pumps big enough.

- RK: cost estimate of \$10M does not seem a lot for what is needed?
 - MG: Pricing at the time was based on volumes and sizing and used unit rates for construction in the region. Used Grey River flood panel upgrades. Not detailed estimates. Only ever preliminary costs for options investigations. WCRC has gone to market and engineer estimates reviewed by contractor in local market.
 - RK: we are requesting funding from Government so need better estimates that include contingencies to ensure there is sufficient funding for the works required.

Closed presentation and thanked Matthew for presentation.

4. Recovery Environment Work Plans

- Rachel Townrow provided update and discussed the need for Secretariat services
 - Two components to consider for the \$8M in place – firstly, need to use for Secretariat services and stand-up team, and secondly also building up second package and remaining conscious of timeframes
 - Have pulled together package for second tranche of funding
 - In summary – because event has happened there are other costs that ratepayers just cannot cover e.g., having the recovery team in place, delivering recovery action programme, surge pressure into BAU that cannot be absorbed e.g., building inspectors – no capacity. Also, damage to infrastructure and the costs that will fall to Council to fix (40%) and road repair (15%). These costs have formed part of the second tranche. Therefore, is about post-flood keeping BAU going. Flood defence works have not formed part of the funding tranche requests as of yet.
 - Tranche 3 – additional costs once these are better clarified in the new year
- JR: Thank you. Document received. No need to analyse as a high priority in the next week. Challenge is turning it around in time.
- RK: capacity for Secretariat and having shorter term funding. Big capacity issue. May need Zoom shortly to resolve (RK; SM; RT; HM; JR)
- JC: what is your perspective HM?
 - HM: application to Kanoa from WCRC. Will be standing up joint committee. Not sure how steering group dovetails into this. More work to be done. Want RB involved in conversations going forward.
 - RK: steering group purpose is facilitation of process to release funding.
 - HM: WCRC – legislative responsibilities. Need to be led by WCRC.
 - RK: RB / HM how can steering group best support WCRC?
- RT: happy to take the agenda as read including dashboard. Still many very basic human needs e.g., cooking facilities. Numbers may increase shortly as many people have been stoic and independent but are starting to come forward now.
- RK: JR and PJ please feedback on reports to ensure these are adequate for your purposes.
 - JR: challenge with personnel and forecasting of resources required in addition to what resources are currently in place. Is this detail there?
 - RT: that is exactly the conversation Paul and I had last night. Largely present in package currently. RT to provide additional information to Paul when he is back.
 - JR: the paper needs to be with Minister on 29 October. Need to pick up again ASAP. Options – push to a later cabinet meeting pre-Christmas. But things getting jammed.
 - RT: clarified information needs. Just need to get on paper.
 - RK: PJ and JR pick up next week until Paul is back 1 Nov.

5. Minutes - 7 October. And amended with additional comments. Any further corrections?

- Accepted as correct. No further amendments.

6. Minutes 23 September

- PJ: waiting to hear back from Paul on minutes. Everyone else is happy with minutes.

7. Recovery Action Programme – dashboard update

- RK: Dashboard report very useful

8. Continue discussion on Whiteboard discussion. Are the tasks the responsibility of BDC or WCRC or a joint responsibility. Develop the medium to long term recovery model. How should this be funded? Request to Government?

- RK: Assign to BDC or WCRC or combined. This will go into medium – long term funding application.
- JR: will check this whiteboard exercise notes and confirm.
- SM: this is in keeping with conversation about bigger picture.
- RK: left column – long term and right column – shorter term wins. Can we align responsibilities now?
- SM: yes, but is an iterative process.
- RK: needs to go in report to Government, expect this is what will be needed.
- JR: we will report to Minister but will be useful to give indication of long-term recovery.
- RK: facilitated discussion and stated that he would make a series of assumptions – and asked people to please pitch in if any of his assumptions were incorrect. Table below summarises discussion:

Table 1: Action timeframe and responsibility

Long-term Actions (L)	Short-term / quick win actions
<ul style="list-style-type: none"> • Stop banks and other mitigations (L) • Stormwater and other BDC infrastructure (L) 	<ul style="list-style-type: none"> • Evacuation Plan / CDEM planning and early warning • Willows – river maintenance • Existing infrastructure check <p><i>CDEM / WCRC responsibility</i></p> <p>Community education programme</p> <ul style="list-style-type: none"> • Own house plans • Preparedness / grab plan <p><i>CDEM / WCRC responsibility</i></p>
<ul style="list-style-type: none"> • Consider submissions / other options suggested (L) 	<p>Community engagement (short term & long term)</p> <ul style="list-style-type: none"> • Fact checking current beliefs (e.g., dredging overflow, willows) to manage misinformation <p><i>WCRC responsibility</i></p> <p>Additional discussion:</p> <ul style="list-style-type: none"> ○ RK: Fact checking – need document put together to address misinformation in the community. Is this useful or not? ○ SR: will be once we have a better picture ○ JC: need to unify ideas with fact sheet ○ RB: just completed riverbed surveys and this info can be provided to community in appropriate format to

	<p>help inform community. Steering Committee to guide what format</p> <ul style="list-style-type: none"> ○ JC: bullet point Q&A. But what about flood wall updates from WCRC? ○ RK: is there a place to refer questions to WCRC? ○ JC: I usually answer them myself ○ RB: we are consulting with community i.e., advertorial in paper with fact-based responses? ○ SR: how do you respond to every person that submitted? ○ HM: Nicola Costly writing specific responses to every submitter. All comms through Nicola Costly ○ JC: timeframe comms needed and community expectations ○ SM / HM: Councils share fact / comms on each other's websites
<ul style="list-style-type: none"> ● Orowaiti relief cut (L) ● Retention ponds (L) 	<p>Floor heights policy</p> <p><i>BDC responsibility</i></p>
<ul style="list-style-type: none"> ● 2100 Group recommendations (20) (L) 	<p>Planning – free up residential land / plan change – where not to build</p> <p>TAS village locating in preferred / future development area</p> <p><i>WCRC and BDC responsibility – through the TPP process</i></p>
<p>Consider adverse impacts:</p> <ul style="list-style-type: none"> ● Upstream (L) ● Revised flood modelling (L) <p><i>WCRC responsibility</i></p>	<p>KiwiRail embankment – culverts and modifications</p> <p><i>Joint committee</i></p> <p>Additional discussion:</p> <ul style="list-style-type: none"> ○ SM: multiple streams and groups occurring and how they intersect. Need to demonstrate what pieces of work are already underway. Challenge is how do the mandates of different groups fit into the longer-term recovery plan? ○ HM: asked RB for explanation of joint committee for a rating district <ul style="list-style-type: none"> ○ Joint committee would review submissions with 2100 to see if any further quick wins worth identifying. Consultation was planned prior to flood event. Additional consultation will need additional funding sources. Joint committee will run for the existence of the rating district i.e., long term oversight group – makes recommendations back to Rating Council. There is an AGM and reporting group. It is a long-term committee. ○ JC: there are stop banks / earth bunds past O'Conor Home – historic – but wouldn't WCRC inherit as part of flood management responsibilities? ○ RB: no current awareness of these but will take on ownership of new structures but not historic ones. ○ SM: but will be wrapped up into Joint Committee in the future ○ JC: RB says there is nothing there but JC has seen structures, but if there is nothing there to check then that is ok ○ HM: WCRC will need to have a look – will take place pre-construction as part of Joint Committee
<p>Identify affected parties</p>	<p>Waka Kotahi – Orowaiti bridge replacement / realignment</p>

<i>WCRC and BDC responsibility</i>	<i>Waka Kotahi to develop Business Case</i>
Funding options – principles Affordability <i>WCRC and BDC responsibility</i>	
Managed retreat <i>WCRC and BDC responsibility – through the TTPP process</i>	
Natural hazards assessments (early 2021) <i>WCRC responsibility – through the TTPP process</i>	

9. Reports

- RK: which do we need to look at or take as read?
- SM: take as read unless any queries. Live documents and iterative
- RK: many matters to work on. JR / PJ – what is the best way to provide this updated information?
- JR – need more detail on some of these matters and will work with other organisations to resolve matters.
- RK: catch-up next week to resolve
- JR: reporting on \$8M and looking forward and also an overview and entire package for the longer term
- RK: dashboard excellent. PJ and JR – any amendments please let us know, via RT
- SR: businesses affected from flooding. Any update and what requirements will there be?
- SM: survey went out and do not know criteria. Need DWC update
- SR: MRF applications from businesses?
- SM: Refer to DWC

10. General Business

- RK: Chair of Top of the South Rural Support Trust – affected farmers – very useful for people to know who to contact if affected by stop bank. Will also talk with other affected people in the district whilst here.
- HM: CEOs on Coast – travel budgets highlighted – asked if the Steering Group is happy for WCRC to Zoom into meetings.
- RK: If present around the table, it is better so this is the preference.
- RK: asked all attendees if any other matters. No other matters were raised.

The meeting closed at 12.41pm.

Westport Flood Recovery Steering Committee

Minutes

Thursday 4th November 2021

10.30 am – 12.00 pm, Clocktower Chambers and via Zoom

Present (in person):

- Independent Chair Richard Kempthorne (RK); BDC Mayor Jamie Cleine (JC); BDC Deputy Mayor Sharon Roche (SR); BDC CEO Sharon Mason (SM); BDC Deputy CEO Recovery Team Rachel Townrow (RT); minute taker Di Rossiter

Present (via Zoom):

- WCRC Cr Brett Cummings (BC); WCRC CEO Heather Mabin (HM); NEMA Manager Analysis & Planning Jenna Rogers (JR); DIA Paul Barker (PB)

Apologies:

- Ngati Waewae Francois Tumahai (FT)

1. Welcome and introduction:

- Meeting started at 10.35am
- RK introduced all meeting attendees and gave a brief introduction to the meeting and the presentation

2. Declarations of Interest:

- None

3. Confirmation of previous minutes:

- Moved by JC; seconded by SR

4. Flood Recovery Programme

- Monthly Status Report: Westport Flood recovering Programme
- RT provided report overview
 - Only high-level aggregate data provided – need greater visibility / detail. Will be treated with confidence.
- Community meeting for yellow stickered homes: people are tired, engaged in process, majority of people spoke one on one with services present, key questions were regarding insurance and getting access to builders etc. Residential Advisory Service (RAS) numbers here sufficient – they are here in person and accessible online. Well served by RAS.
- Draw down process for financials – financial assurance needs Steering Group to oversee high level aggregated draw down amounts. Not every invoice will need to be sighted. Will aim to keep it high level and only larger numbers coming through Steering Group. Useful for financials to be endorsed by Steering Group. Steering Group happy for one report in the future.
- **Resolution: the current drawdown request in this report is endorsed by the Steering Group at high level, with the details subject to further ratification by financial teams within BDC, NEMA and DIA.**
- Communications:
 - Comms have been targeted. Wider community discussions / engagement demands.
 - Prescribed floor heights based on the WCRC flood model. Legal challenge threatened from builders' group. BDC seeking legal advice.

- Council wishes to clarify for the community that red zoning is not targeted. Central government policies are not available to support red zoning. This discussion ties into TTPP. Broader comms strategy needed around this. FRAC meeting in 2 weeks will address. Strategic comms in advance of agenda becoming public.
- Central Government Policy would be advantageous for red zoning – climate adaptation act includes managed retreat. Consulting on this Feb / March 2022. Currently no clear policy for managed retreat nor financial support. Appetite to work towards managed retreat
- BDC Fact Sheet – addresses BDC messaging, via local media.
- Reporting requirements framework needs to meet various requirements and meets everyone’s needs. It needs to be straight forward to produce and could append the dashboard to the report. Would keep to monthly updates.
- Financials – The revised financial report was complimented highly. The report does not include accruals and is a few weeks behind expenditure. Criteria being defined to improve flow. NEMA cash advance agreement being worked on currently.
- **Resolution:**
 - Moved by SR; seconded by JC.
 - **Approves a provision of \$50,000 for social recovery programme and communications work over the coming four months.**
 - That the monthly update and financial report is received.
- Flood Recovery Action Programme (taken as read)
 - Milestones – do not have specific timeframes. Need to align these Milestones in reporting.
 - Include Yellow stickered houses in Milestone table.
 - Target for all actions (to be people centred) to be closed out by February 2022.
 - NEMA - to consider including an aspiration timeframe column. Milestone dates that are being targeted is important. It is understood that restrictions as a result of Covid can bring about changes. If timeframes are included, these will be subject to Covid restrictions. May be percentage complete or timeframe and summary sentence describing status. Include target date.
 - DIA – secretariat resourcing becoming available.
- Resolution; Moved BC; seconded SR.
That the Flood Recovery Action Programme be received

5. Infrastructure – forecast priorities and financial need

- IS team has completed damage assessment and quantified \$7.8M work programme
- 85% land transport costs are funded by Waka Kotahi
- 40 / 60 MoT funding policy
- \$2.7M remaining unfunded. The Morrison Lowe Financial capability Report has highlighted the challenge for the Buller community to being able to afford the cost of recovery and therefore BDC is seeking funding for 100% of the cost of recovery. Include as Tranche 2 funding request to Government (cabinet).
- Stop banks / flood control. WCRC and BDC have demonstrated their willingness to work together on the long-term flood mitigation options and this will be considered for reporting December 2021/January 2022
- Terms of Reference have been agreed for the Joint Committee. Ngati Waewae and Waka Kotahi in agreement to working with the Joint Committee. KiwiRail still to agree. Inaugural meeting will be held pre-Christmas.

6. Reporting Requirements

- Wider reporting pre-Christmas timeframe to be established between RT, JR and PB.

7. Joint Committee versus Steering Group

- Purpose of Joint Committee – to be focussed on longer-term recovery.
- Flood recovery – short, medium, long-term. The short – medium term is the current focus. If the Steering Group is involved with longer-term work then it would indicate operating for longer than one year, and this needs clarification.
- Short term (\$8M).
- Longer-term includes design etc of flood protection.
- Need wider conversation about the role of the Steering Group compared to the Joint Committee.

8. Other matters

Nil

The meeting closed at 12.12pm.

Westport Flood Recovery Steering Committee
Minutes
Thursday 18th November 2021
10.30 am – 12.00 pm, Clocktower Chambers and via Zoom

Present (in person):

- Independent Chair Richard Kempthorne (RK); BDC Mayor Jamie Cleine (JC); BDC Deputy Mayor Sharon Roche (SR); BDC CEO Sharon Mason (SM); minute taker Annikka Pugh (AP)

Present (via Zoom):

- WCRC Cr Brett Cummings (BC); WCRC CEO Heather Mabin (HM); WCRC Randal Beale (RB); NEMA Suzy Paisley (SP); DIA Partnership Director Paul Barker (PB); DIA Pam Johnston; BDC Deputy CEO Recovery Team Rachel Townrow (RT); Ngati Waewae Francois Tumahai (FT)

Apologies: NEMA Jenna Rogers

1. Welcome and introduction:

- Meeting started at 10.32am
- The meeting opened with a karakia from FT
- RK welcomed all meeting attendees

2. Declarations of Interest:

- None

3. Confirmation of previous minutes:

- *Moved by SM; seconded by BC, carried*

4. Request for Steering Group approval

- Claim from NEMA appropriation
- Claim from DIA appropriation

Resolution: That the Westport Flood Recovery Steering Group:

- **Receives and endorses Claim 3 to NEMA for \$205,658.39 and the Claim for salary and personnel costs to DIA for \$406,387.70**
- **Received and acknowledges the financial update on expenditure against the criteria for the appropriations. Notes the alteration to NEMA claim 2 to \$197,660.00, approved at the last meeting**

Moved by JC, seconded by BC

- RT thanked PB and SP for a productive meeting last Friday (12 November) which enabled the report to be completed. PB endorsed RT's comments. The meeting helped everyone gain a good understanding of how the recovery is travelling.
- Intention is to process the invoice for Claim 2 quickly once final documents received. Requested that any other requests for payment from DIA and NEMA appropriations for this year need to be received by 15 December.
- Claim 4 to be ready for Steering Group's approval by the meeting on 2 December 2021 in order for it to be processed before 15 December deadline.
- HM asked SP if WCRC is able to claim for staff costs related to the response. SP requested email from HM so she can forward to the appropriate colleague within NEMA to assess eligibility.
- RT acknowledged AP's assistance in pulling together information for the claim.

5. Risk reduction workstreams and transition from short-term to medium-long term recovery

- PB gave a verbal update on the role of the Steering Group and suggested he will prepare a short paper for the next Steering Group meeting with some timelines. Scope to include seeking a mandate to do further work for scoping and costs, including possible co-investment in flood protection, and to explore options where WCRC can assist. Aiming to present broad options to run past ministers in April with a more detailed report to cabinet mid-year. Timing to align with preparations for Budget 2023, but costs will only be indicative at this stage.
- The role of the Joint Committee is yet to be confirmed, with further discussion around how central government, local government and iwi will come together. Exploring MartinJenkins input to the Secretariat to support the Steering Group. The LGNZ River Managers special interest group has also shown strong interest in supporting the committee. It was explained that if co-investment is sought for long term flood mitigation that the Steering Group would need to have oversight.
- JC believes the Steering Group is the correct Committee to oversee long term flood protection. Agreed that the River Managers group should be involved.
- RB outlined the process for flood protection options then spoke about an area above O’Conor Home which was scoured by the July flood and will continue to deteriorate. This scour needs to be factored into the overall solution for Westport as it poses a major risk in future flooding events. WCRC are developing a business case for an application to seek funding for co-investment of holistic view of solutions. This needs to be in collaboration with BDC.
- Discussion was held on whether the scour repair could be addressed as emergency works while the larger plan is formulated. SM highlighted that the modelling suggested this scour is a risk with possible fatal outcomes. Offline discussion to be had between PB, SP, BDC and WCRC.
- A person from MartinJenkins working for the Steering Group Secretariat may be of assistance in writing a paper detailing the short-term and long-term solutions and prioritisation.
- JC suggested consideration of Option 1 from the community consultation by WCRC as this area poses the greatest risk to life. The domain area was badly affected in the flood and as this area is vulnerable in much smaller floods, he would also like this area progressed.
- JC said that the district acknowledges that this is an evolving project and supported the WCRC maintaining flexibility in order to achieve the best outcomes, even if this takes more time.
- A technical advisory workshop in Westport is scheduled for the end of the month with Matt Gardner, Gary Williams and Chris Coll. This will include a physical walkover of the alignment of where the proposed structures will be. There will likely be alternative alignments that will be presented to the Steering Group following this workshop.
- HM told the Steering Group that at the WCRC meeting on 14 December 2021, a decision needs to be made as to whether the Regional Council will support the Steering Group oversight in light of co-investment potential, noting the issue of affordability for ratepayers.
- BC believes they should focus on the quick wins and that these wins will complement the final result.
- FT closed meeting with a karakia.

The meeting closed at 11.40pm.

Report to: Council	Meeting Date: 14 December 2021
Title of Item: Operations Monthly Works Report	
Report by: James Bell – Engineering Officer, Paulette Birchfield - Engineer, Brendon Russ – Engineer,	
Reviewed by: Randal Beal – Director of Operations	
Public excluded? No	

Purpose

The purpose of this report is to provide Council with an overview of the works undertaken during the month of November 2021, as well as an update on the IRG projects and the Westport Flood Protection Project. Also presented in this report will be the production and sale of rock from the council owned quarries during the month of October 2021.

Report Summary

Council Engineers have undertaken river protection works on behalf of the Nelson Creek, Redjacks Creek, Wanganui, and Franz Josef Rating Districts.

Draft Recommendations

It is recommended that council resolve to:

Receive this report.

Issues and Discussion

Current Situation:

Redjacks Creek Rating District

Two areas of erosion were repaired on the true right stopbank of Redjacks Creek.

GH Foster Contracting Ltd were engaged to undertake the rock repair works due to having machinery onsite (excavator at Fahey’s yard) and the lowest quoted rock price provided for the works currently being done for the neighbouring Nelson Creek Rating District.

It was estimated that the repair work would require approximately 180 tonnes of rock.



Photo 1: Erosion of stopbank batter 130m upstream of road bridge.



Photo 2. Repaired and riprapped stopbank



Photo 3. Erosion repair of upstream site

Nelson Creek Rating District

The repair of the eroded bank and rock spurs was completed in November 2021. During the erosion repair works the stopbank crest was overlaid with river gravel to allow for safe access.



Photo 1. Looking upstream along stopbank crest

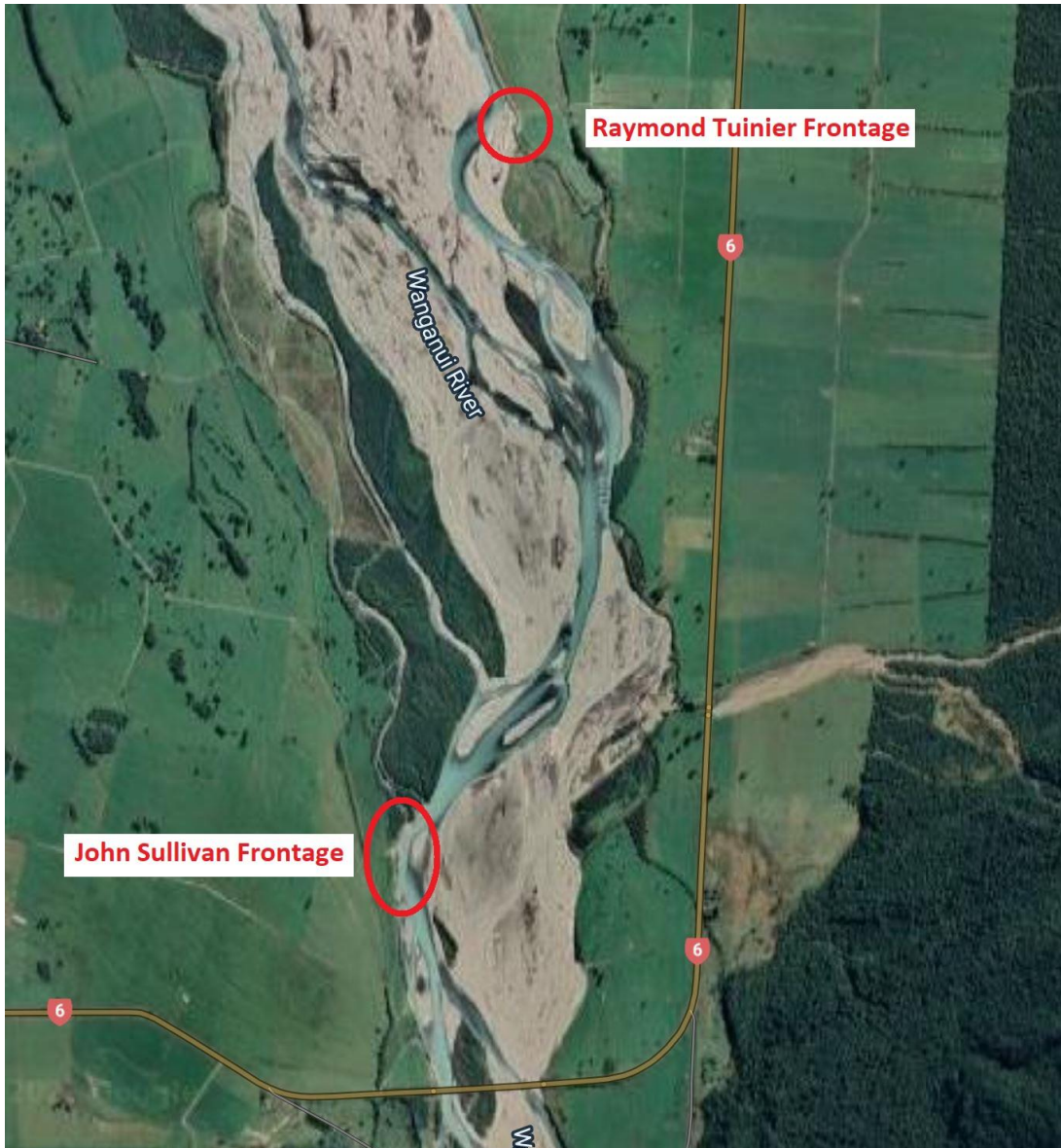


Photo 2. Looking downstream at repaired bank and rock spurs

Wanganui Rating District

Arnold Contracting was the successful tenderer to place approximately 1,550 tonnes of rock for maintenance work at multiple locations on the Wanganui River at a cost of approximately \$33,000 +GST.

144 Tonnes of rock was placed onto a stopbank at Raymond Tuinier's frontage, and 1,000 tones of rock was placed onto four structures at John Sullivan's frontage



Locations of works



Rock work at Raymond Tuinier's frontage



Repair to rock retard at John Sullivan's frontage



Repair to rock groyne at John Sullivan's frontage



Repair to rock groyne at John Sullivan's frontage



Repair to rock groyne at John Sullivan’s frontage

Franz Josef Emergency Works

Emergency works has continued on the true left of the Waiho River. The earthworks component of the stopbank has been completed. Rock is being recovered from the Waiho River and placed along the stopbank. 95% of the rock of the estimated required rock has been placed, approximately 9,000 tonnes. This project is forecasted to completed within the allocated budget of \$409,400.



Looking up stream from Milton & Others Stopbank

November/December Weather Events

Over the weekends of 27th/28th of November and 4th/5th of December there were two weather events that caused localised surface flooding and increases in river levels. Minor damage was caused to Wanganui Rating

District assets which will need to be further assessed once river levels have dropped too normal. No other damage to Rating District assets has been reported.

Engineering staff were deployed to Franz Josef and Wanganui during both events. Two Engineering staff from Otago Regional Council were deployed to Franz Josef on the 27th and 28th as part of Councils River Managers support agreement and Environment Canterbury had six staff on standby to assist.

Council used internal resources to manage the 4th/5th weather event, which included monitoring the Hokitika river.

Quarry Rock Movements for the period of October 2021 (Excluding Royalty Arrangements)

Quarry		Opening Stockpile Balance	Rock Sold	Rock Produced	Closing Stockpile Balance
Camelback	Large	29,309	10,338	0	18,971
Blackball		0	0	0	0
Inchbonnie		0	0	0	0
Kiwi		0	0	0	0
Miedema		0	0	0	0
Okuru		450	0	0	450
Whitehorse		0	0	0	0
Totals		29,759	10,338	0	19,421

IRG Project updates

Greymouth Flood Protection Wall Upgrade

Physical works commenced at the Short Street to Charles O'Connor Street section of the project on 30 November 2021. MBD Construction Ltd won the contract to raise the road and alter the alignment in conjunction with Greymouth Port and Grey District Council requirements for port access and cycleway safety.

Engagement of a project manager is still progressing.

Staff are putting together a proposal for two complementary projects that will add environmental, social, and cultural value to the Upgrade works, in addition to potentially reducing flooding to the lower-lying areas of Cobden in annual flood events.

Complementary Project 1 is a modification of the existing bund on Nelson Quay to allow for a trailer mounted pump to be deployed in situations where stormwater overflow flooding is impacting properties in the Nelson Quay area (and when there is adequate floodwater capacity behind the bund); and Project 2 is the creation of a wetland area which will function as a floodwater storage area.

Hokitika Flood & Coastal Erosion Protection

Hokitika Seawall

BECA have been engaged to design and prepare a resource consent application for the seawall. BECA have updated their delivery for this project as follows:

Design and Construction Plans for Seawall Extension:

- Final detailed design (Final Detailed Design Report, including drawings and rock + geotextile spec on drawings) to Council 23.12.2021

Resource Consent Process:

- Continue drafting AEE up to a point when preliminary design is available and finalise AEE when design available and WCRC confirms design (expected 16.12.21)
- Lodge resource consent in week beginning 20.12.21
- Assume limited notification/ public notification mid Feb-mid March 2022
- Hearing (if required) and decision April/May 2022.

Hokitika River – Raising of stop banks

Coastwide surveyors engaged to prepare construction drawings which have been received for the section of stopbank from the State Highway bridge up to Westland Milk Products. Resource consent application is expected to be submitted January 2022. This consent is now being prepared by WCRC staff as the external contractor that was engaged to do this work has pulled out. Physical works is expected to commence March 2022.

Franz Josef (Stage One)

A resource consent has been submitted for the new gravel stopbank from behind the sewage ponds down to the Waiho Loop. Physical works is expected to commence February 2022.

Land River and Sea has completed design and construction drawings for the main stopbank from the State Highway bridge down to the sewage ponds. Resource consent application is expected to be submitted December 2021. This consent is now being prepared by WCRC staff as the external contractor that was engaged to do this work has pulled out. Physical works is expected to commence March 2022.

Westport Flood Protection

A two-day stopbank location and alignment workshop was held in Westport on 30 November – 1 December. The workshop brought together a range of experts in engineering, asset and infrastructure management, hydrological modelling, and construction, to ground truth the 2014 concept stopbank location and alignment, and look at potential refinements, risks, issues, and opportunities.

The range of recommendations from the workshop include further modelling to assess the impacts of potential alignment alterations, viability of staging project works, assessment of planning/consent implications and land ownership.

Prior to the initiation of further hydrological modelling the Land River Sea Consulting Ltd hydrological model of the 1% AEP flood will be peer reviewed. The peer review is expected to be completed before the end of December 2021, and a report provided to Council by the end of January 2022.

Additional resources will be required to meet the timelines of the steering group (Project Manager, planning/consents, and engineering resource)

Attachments

Attachment 1: Westport FPS stopbank design heights

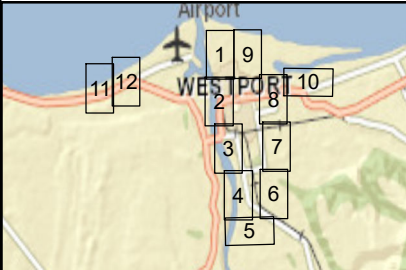
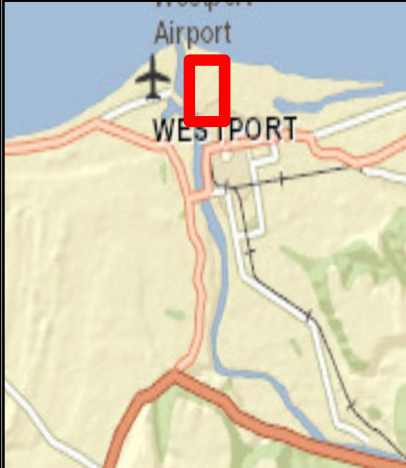
Attachment 2: Westport Flood Protection – Two-day Floodwall and Stopbank Location and Alignment Workshop



Legend

- Earth Stopbank
- Concrete Floodwall
- Roads
- Open Channel Drains
- Property Boundaries

* Height includes 0.6m freeboard



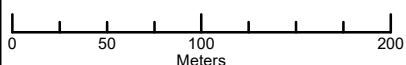
PROJECT Westport Stopbank Design

MAP (1 of 12) Preliminary Stopbank Design (2015) Layout / Dimensions

Model Information
 Coordinate System: New Zealand Transverse Mercator
 Vertical Datum: LVD1938
 Model Completed: August 2015

Heights and alignment taken from 2015 options modelling (All designs are preliminary and not for design/construction)

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A3 SCALE **1:4,000**



REVISION	01	DATE	26/11/2021
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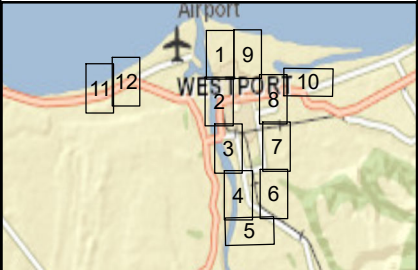
Created By	BS	AUTHOR	
Reviewed By		Matthew Gardner	47



Legend

- Earth Stopbank
- Concrete Floodwall
- Roads
- Open Channel Drains
- Property Boundaries

* Height includes 0.6m freeboard



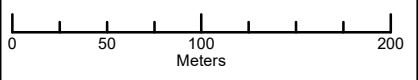
PROJECT
Westport Stopbank Design

MAP (2 of 12)
Preliminary Stopbank Design (2015)
Layout / Dimensions

Model Information
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 Vertical Datum: LVD1938
 Model Completed: August 2015

Heights and alignment taken from 2015 options modelling (All designs are preliminary and not for design/construction)

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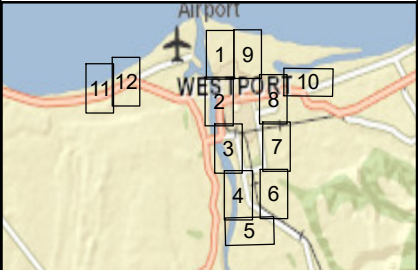
Created By **BS** AUTHOR
 Reviewed By **Matthew Gardner**



Legend

- Earth Stopbank
- Height above ground *
- Concrete Floodwall
- Roads
- Open Channel Drains
- Property Boundaries

* Height includes 0.6m freeboard



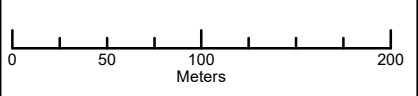
PROJECT
Westport Stopbank Design

MAP (3 of 12)
Preliminary Stopbank Design (2015)
Layout / Dimensions

Model Information
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 Model Completed: August 2015

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A3 SCALE **1:4,000**

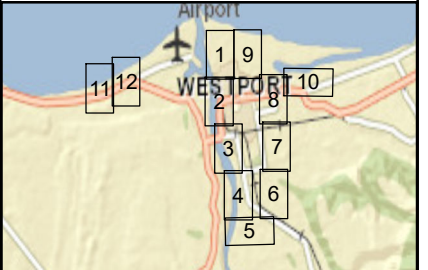
REVISION **01** DATE **26/11/2021**

Created By **BS** AUTHOR
 Reviewed By **Matthew Gardner**



- ### Legend
- Earth Stopbank
 - Height above ground *
 - Concrete Floodwall
 - Roads
 - Open Channel Drains
 - Property Boundaries

* Height includes 0.6m freeboard



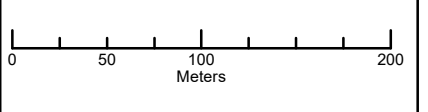
PROJECT
Westport Stopbank Design

MAP (4 of 12)
Preliminary Stopbank Design (2015)
Layout / Dimensions

Model Information
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 Vertical Datum: LVD1938
 Model Completed: August 2015

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A3 SCALE **1:4,000**

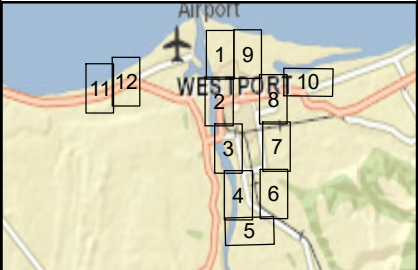
REVISION	01	DATE	26/11/2021
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Created By	BS	AUTHOR	
Reviewed By		Matthew Gardner	



- ### Legend
- Earth Stopbank
 - Height above ground *
 - Concrete Floodwall
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 - Property Boundaries

* Height includes 0.6m freeboard



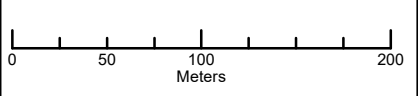
PROJECT
Westport Stopbank Design

MAP (5 of 12)
Preliminary Stopbank Design (2015)
Layout / Dimensions

Model Information
 Coordinate System: New Zealand Transverse Mercator
 Vertical Datum: LVD1938
 Model Completed: August 2015

Heights and alignment taken from 2015 options modelling (All designs are preliminary and not for design/construction)

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A3 SCALE **1:4,000**

REVISION **01** DATE **26/11/2021**

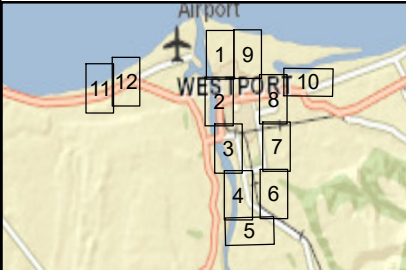
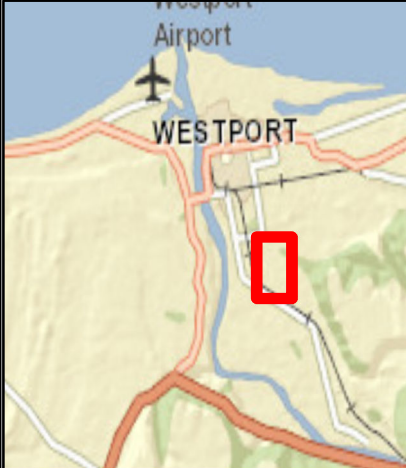
Created By **BS** AUTHOR
 Reviewed By **Matthew Gardner**



Legend

- Earth Stopbank
- Height above ground *
- Concrete Floodwall
- Roads
- Open Channel Drains
- Property Boundaries

* Height includes 0.6m freeboard



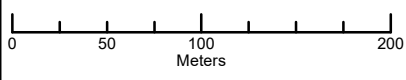
PROJECT Westport Stopbank Design

MAP (6 of 12) Preliminary Stopbank Design (2015) Layout / Dimensions

Model Information
 Coordinate System: New Zealand Transverse Mercator
 Vertical Datum: LVD1938
 Model Completed: August 2015

Heights and alignment taken from 2015 options modelling (All designs are preliminary and not for design/construction)

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REVISION	01	DATE	26/11/2021
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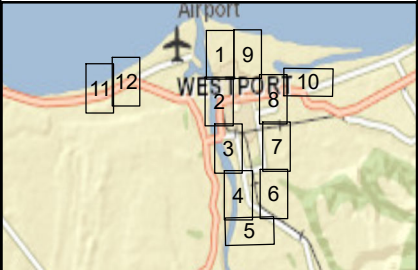
Created By	BS	AUTHOR	
Reviewed By		Matthew Gardner	



Legend

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- Concrete Floodwall
- Roads
- Open Channel Drains
- Property Boundaries

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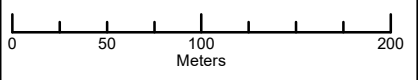
PROJECT Westport Stopbank Design

MAP (7 of 12) Preliminary Stopbank Design (2015) Layout / Dimensions

Model Information
 Coordinate System: New Zealand Transverse Mercator
 Vertical Datum: LVD1938
 Model Completed: August 2015

Heights and alignment taken from 2015 options modelling (All designs are preliminary and not for design/construction)

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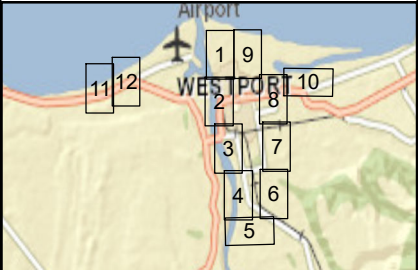
Created By **BS** AUTHOR
 Reviewed By **Matthew Gardner**



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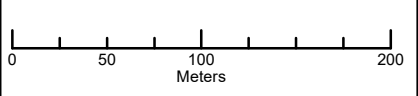
PROJECT
Westport Stopbank Design

MAP (8 of 12)
Preliminary Stopbank Design (2015)
Layout / Dimensions

Model Information
 Coordinate System: New Zealand Transverse Mercator
 Vertical Datum: LVD1938
 Model Completed: August 2015

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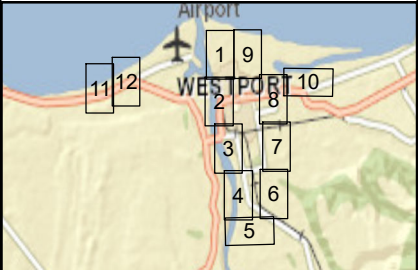
Created By **BS** AUTHOR
 Reviewed By **Matthew Gardner**



Legend

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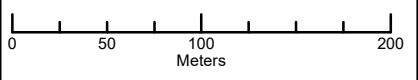
PROJECT Westport Stopbank Design

MAP (9 of 12) Preliminary Stopbank Design (2015) Layout / Dimensions

Model Information
 Coordinate System: New Zealand Transverse Mercator
 Vertical Datum: LVD1938
 Model Completed: August 2015

Heights and alignment taken from 2015 options modelling (All designs are preliminary and not for design/construction)

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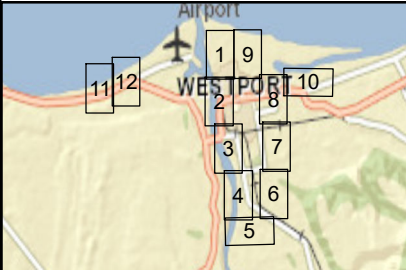
Created By **BS** AUTHOR
 Reviewed By **Matthew Gardner**



Legend

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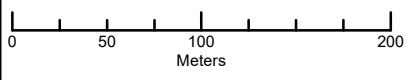
PROJECT Westport Stopbank Design

MAP (10 of 12) Preliminary Stopbank Design (2015) Layout / Dimensions

Model Information
 Coordinate System: New Zealand Transverse Mercator
 Vertical Datum: LVD1938
 Model Completed: August 2015

Heights and alignment taken from 2015 options modelling (All designs are preliminary and not for design/construction)

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REVISION	01	DATE	26/11/2021
Created By	BS	AUTHOR	
Reviewed By		Matthew Gardner	56



THE WEST COAST REGIONAL COUNCIL

Westport Flood Protection – Two-Day Floodwall and Stopbank Location and Alignment Workshop

30th November -1st December 2021

Stopbank Location Site Inspection Maps

Land River Sea Consulting Ltd Stopbank Design Maps

Westport Flood Protection Workshop Agenda

Tuesday 30th November – *Stopbank location site maps*

8.30am: Meet at Chris Coll's – on the corner of Derby and Brougham Street to confirm vehicles and travel arrangements for the day. Note that for several of the site visits we will shuttle the vehicles to reduce back-tracking.

You will need comfortable boots (there will be a lot of walking), raincoat, and hi-vis if you have one (we will have some with us anyway). Lunches will be provided.



Overview of site visit locations

Site #1 8.45am – 10am. Roebuck to Kawatiri Farm. Walk the section of rail line from Queen Street to Menzies Street, then walk upstream past Domain to Kawatiri Farm. Vehicles will be parked on the corner of Balance and Stafford Streets.



Site #2. 10am-10.20am Nine Mile Road. Look at area for a potential alignment change.



Site #3. 10.20am-10.45am Excelsior Road



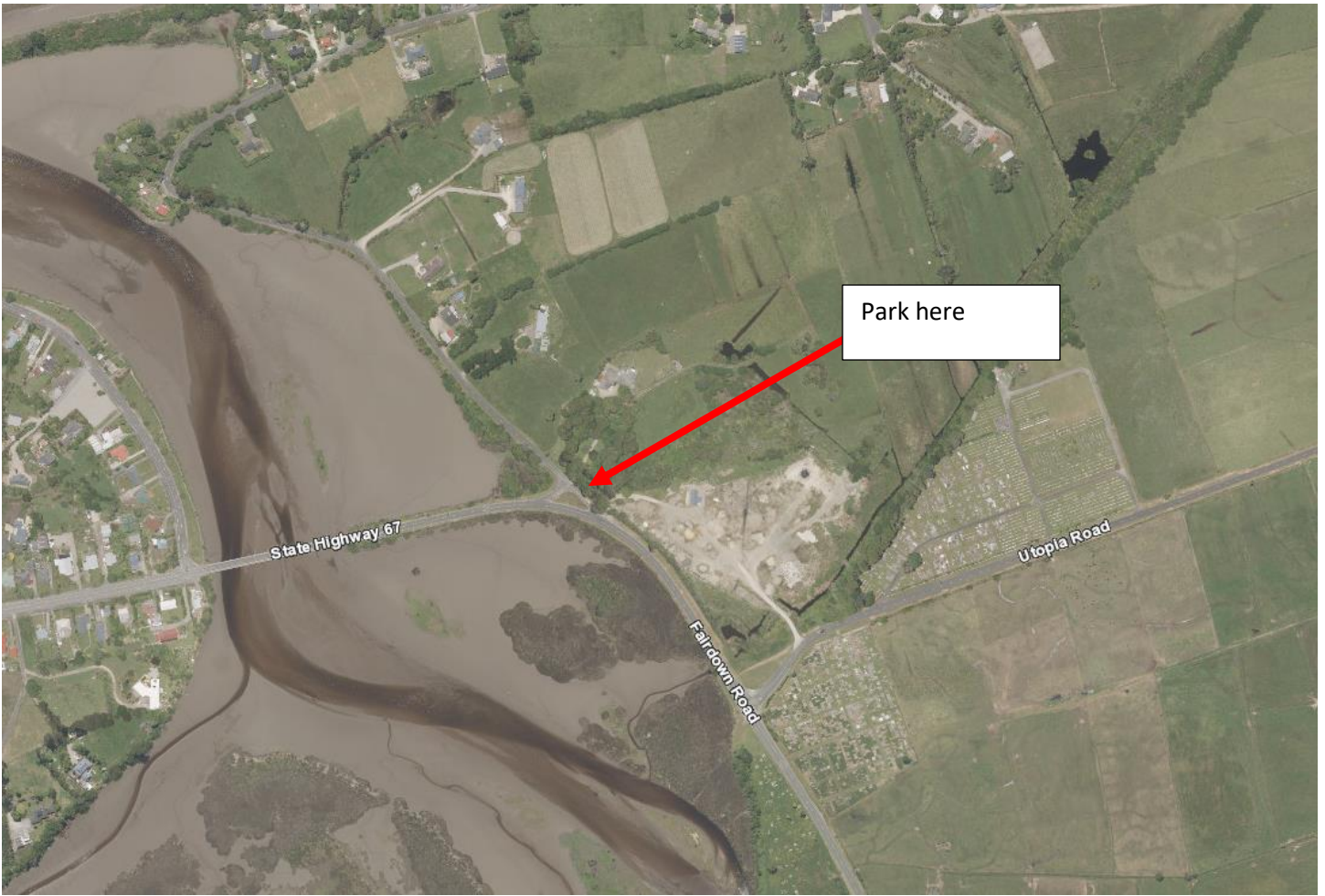
Site #4 10.45am- 11.45am. Eastons Road, Cats Creek, Kawatiri Place



Site #5 11.45am – 12.30pm Orowaiti - above bridge. Maurice Watson's or Max Gallavin's? 140 A Brougham Street.



Site #6. 12.30pm -1pm. Snodgrass Road



Site #7 1pm – 1.30pm. Wharf – Adams Construction Ltd. This is to inspect the gravel build-up on the opposite side of the river. Low tide is 2pm.



Site #8. 1.30pm -2.15pm Wharf through to Derby Street. Walk along the existing bank through to Derby Street.



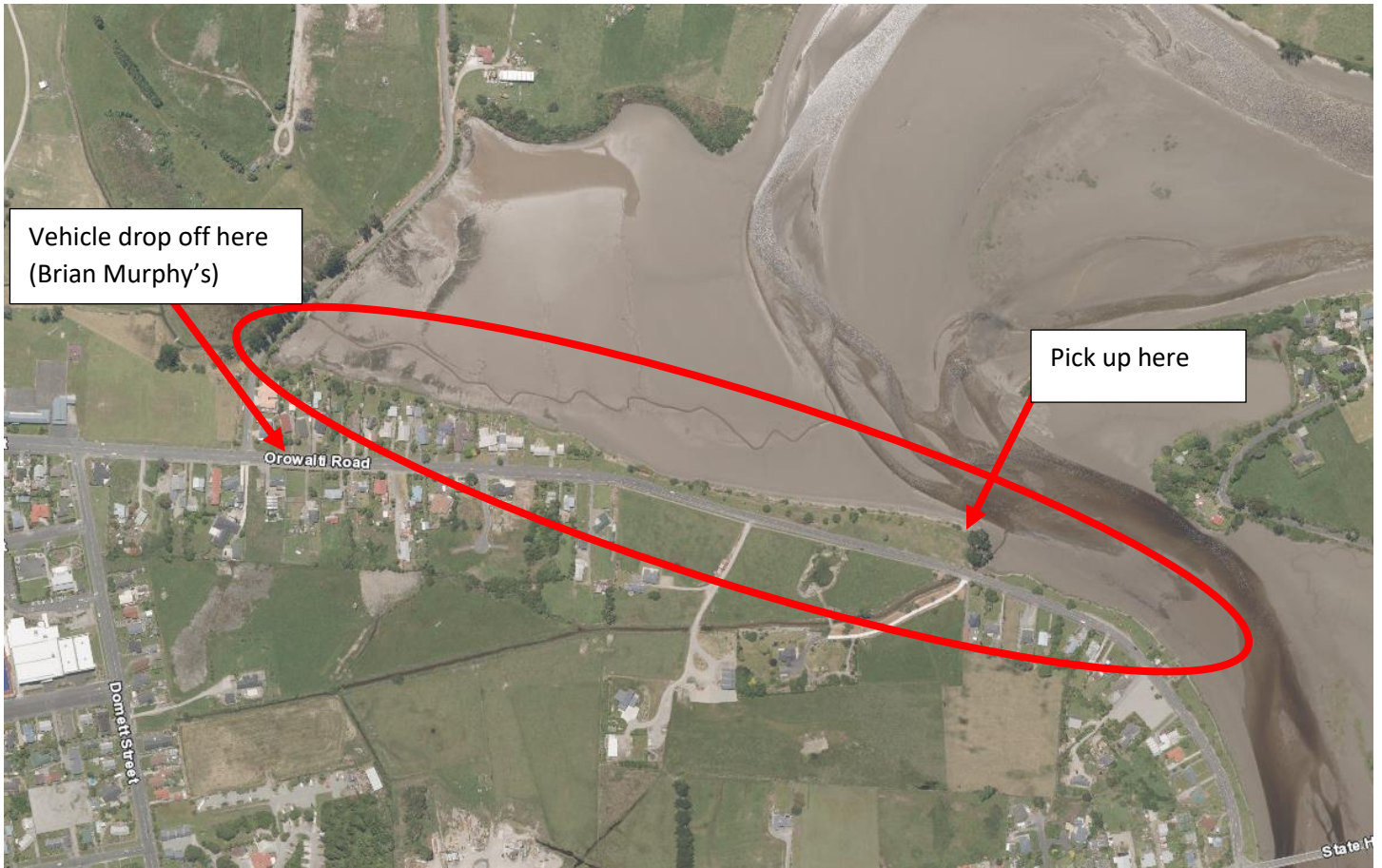
Site #9 2.15pm – 2.30pm Craddock Drive. Assess potential for locating stopbank along road alignment.



Site #10 – 2.30pm – 3.15pm location of potential Orowaiti Cut



Site #11. 3.15pm – 4.00pm Orowaiti below bridge. Walk from Causeway along Orowaiti Road





Report to: Council	Meeting Date: 14 December 2021
Title of Item: Draft Asset Management Plans 2020-2023	
Report by: James Bell – Engineering Officer	
Reviewed by: Randal Beal – Director of Operations	
Public excluded? No	

Report Purpose

The purpose of this paper is to provide Council with the background to the changes that have been made to the 2020-2023 Asset Management Plans (AMPs) for the rating districts

To table Councils Asset Rating District Joint Committee Agreement for adoption.

Report Summary

Staff are proposing changes to the Asset Management Plans structure and content.

Changes to the Asset Management Plans;

The previous versions of the AMPs read as individual documents, the front sections have been combined with a single executive summary and overview. A glossary of terms has been added.

Draft Recommendations

It is recommended that Council resolve to:

Adopt the updated Rating District Asset Management Plans (AMP) 2020-2023.

Issues and Discussion

Background

The Regional Council is required by the Local Government Act 2002 to have an Infrastructure Strategy. The Asset Management Plans (AMP) for the protection of assets on our rating districts inform this Strategy and should be reviewed at least every three years as part of the LTP process.

Each rating district has an AMP that describes how the council intends to manage the rating district on behalf of the affected community and sets out the history of the scheme so there is a record of the major decisions, including expenditure. It identifies the objectives of the scheme as well as the methods of monitoring the condition of the assets, determining the annual maintenance needed to retain the service level and the long-term planning and management goals that are taken into account when delivering the service.

Current situation

Council consulted through the 2021/31 LTP on proposed changes to the Rating District AMP's content and is continuing to review the AMP's content through the Rating District annual meetings.

Other changes include:

- Franz Josef and Lower Waiho have been combined into one AMP
- Hokitika and Kaniere have been combined into one AMP
- New rating district maps have been included
- Assets and asset values have been updated and asset maps included
- Damage exposure has been updated and revised prudent reserves
- Criteria to access NEMA funding
- Works expenditure has been updated to 2020

- Performance measures

LTP decision changes to take effect as of 1st July 2022;

- Extension of Greymouth Rating District boundary to merge Coal Creek and New River/Saltwater Creek rating districts
- Extension of Hokitika Rating District
- Westport Rating District targeted rate strike

Due to the size of the document, a copy of the draft 2020-23 Asset Management Plans will be available to Council in the Dropbox.

The DRAFT individual rating district asset management plans can be found at;

[Individual Special Rating Districts - The West Coast Regional Council \(wrc.govt.nz\)](https://www.wcrc.govt.nz/services/special-rating-districts/special-rating-districts)

<https://www.wcrc.govt.nz/services/special-rating-districts/special-rating-districts>

Implications/Risks

There are a number of proposed changes to improve the structure and detail of the AMP's and provide more consistency for the Rating Districts including;

- Boundary changes
- Updated asset values

Continuous review is required to ensure Council avoids;

- Over or under rating for maintaining rating district assets
- Not meeting the level of service requirements

Views of affected parties

The views of the affected parties is being sought through the rating district annual meetings.

Attachments

Nil

Report to: Council	Meeting Date: 14 December 2021
Title of Item: Draft Franz Josef Rating District Joint Committee Agreement	
Report by: Toni Morrison, Consultant	
Reviewed by: Randal Beal, Director of Operations	
Public excluded? No	

Report Purpose

The purpose of this paper is to table to Council the draft *Franz Josef Rating District Joint Committee Agreement* (Agreement) for their consideration and adoption.

Report Summary

Currently Management is reviewing the existing Joint Committee agreements. As a result of this review process, an amended and updated Joint Committee Agreement for the Franz Josef Rating District has been compiled.

Management seeks feedback from Council for this Agreement to be adopted and a final copy of the Agreement circulated to the parties involved.

Initial consultation and approval from Waka Kotahi, DOC and Makaawhio to be parties to the Agreement has been obtained.

Draft Recommendations

It is recommended that Council resolve to:

Adopt the Draft *Franz Josef Rating District Joint Committee Agreement* as tabled.

Attachments

Attachment 1: Draft *Franz Josef Rating District Joint Committee Agreement*

[WDC Logo here]



Franz Josef Rating District Joint Committee Agreement

DRAFT

DOCUMENT CONTROL

Reason for Submission	Revision Number	Revision Date	Approved By
New Document	1	01/7/2021	
Version 1 - draft		November 2021	Initial review by West Coast Regional Council and Westland District Council

DRAFT

This Deed is made this ___ day of _____ 2021

PARTIES

WESTLAND DISTRICT COUNCIL (“WDC”)

WEST COAST REGIONAL COUNCIL (“WCRC”)

TE RŪNANGA O MAKAAWHIO (“MAKAAWHIO”)

NEW ZEALAND TRANSPORT AGENCY (“WAKA KOTAHĪ”)

DIRECTOR-GENERAL OF CONSERVATION (“DOC”)

AGREEMENT

BACKGROUND

- A. The WDC is empowered by Sections 12 and 130 of the Local Government Act 2002 to manage stormwater and amenity issues within its district; and
- B. The WCRC is empowered by Section 126 of the Soil Conservation and Rivers Control Act 1941 to take such steps as are necessary for the prevention of damage by floods; and
- C. Both Councils are empowered by the Local Government (Rating) Act 2002 to raise the funds necessary to carry out their respective functions; and
- D. Both Councils are empowered by Sections 12 and 137 and clauses 30 and 30A of Schedule 7 of the Local Government Act 2002 to enter into joint agreements and form a joint committee to co-ordinate the management of overlapping functions; and
- E. Any Franz Josef flood protection structure built as a result of this agreement will be owned by the WCRC. The land the floodwalls are on is under various ownership; and
- F. Both Councils wish to record their agreement to jointly manage the maintenance of the Franz Josef Floodwalls, via a Joint Committee of the two Councils, Makaawhio, Waka Kotahi, DOC and community members.

STRUCTURE AND OPERATION OF THE COMMITTEE

1. The Joint Committee shall be formed initially, with its membership reappointed at or after the first meeting of WCRC and WDC following each triennial general election.
2. WCRC shall appoint three elected Councillors to the Joint Committee, being two Councillors from the Westland constituency and the Chair of WCRC. If the Chair of WCRC is from the Westland constituency, then the third Councillor will be appointed from another constituency.

3. WDC shall appoint the Mayor for Westland, plus the two elected South Westland Councillors to the Joint Committee.
4. Makaawhio shall be represented on the Joint Committee by the Chair of Te Rūnanga O Makaawhio or a representative delegated by the Chair.
5. Waka Kotahi will appoint a member to the Joint Committee.
6. The Director-General of Conservation will appoint a member to the Joint Committee.
7. Two community members will be appointed to the Joint Committee by the WCRC and WDC, following a call for nominations. The initial community members shall be the spokesperson from the previous rating districts. New community members will be appointed as vacancies arise and the term of the appointments will match the local government constituent's appointments. The nomination process shall be administered by the WCRC, in consultation with WDC.
8. In relation to DOC, membership of the Joint Committee does not:
 - affect any of its rights, powers or duties, in particular as they relate to river and flood management at Franz Josef (such as under the Resource Management Act 1991); or
 - bind it to any funding commitments or decisions relating to transfer of assets.
9. The Chair shall alternate one year to the next being a WDC elected representative one year and a WCRC elected representative the next, with the term of the chairpersonship being 12 months from 31 October each year except in years where the triennial election is held, where the term ends at the date of the election. The appointment of the Chair shall be made by the relevant Council who has responsibility for the Chair.
10. The function of the secretariat will alternate as per the term of chairpersonship.
11. The Council not exercising the role of Chair in any year shall appoint a Deputy Chair. The term of the deputy chairpersonship shall be 12 months from 31 October each year except in years where the triennial election is held, where the term ends at the date of the election.
12. Unless otherwise specified in this Agreement, the Committee shall use the current standing orders of the WCRC, noting that the committee wishes to achieve consensus decisions wherever possible.
13. A quorum of the Committee shall be not less than five members, and must include one or more members from each of the two Councils (one or more from WCRC and one or more from WDC).
14. Meetings shall be held annually or as otherwise agreed by the Joint Committee.
15. Notification of meetings and the publication of agendas and reports shall be conducted in accordance with the requirements of Part 7 of the Local Government Official Information and Meetings Act 1987, and will be undertaken by the secretariat.
16. Minutes of all Joint Committee meetings shall be provided to the next meeting of the respective Councils.

TERMS OF REFERENCE & DELEGATIONS

17. Each year the Joint Committee shall consider any staff and/or expert reports, ascertain what work and budget requirements will be for the coming year and make a recommendation to each parent Council for annual planning and action.
18. The Committee shall not have any funding or rate setting authority.
19. WCRC as the Rating Body for the Franz Josef Rating District is the final decision maker on the annual work plan and setting the appropriate rate to fund the agreed works.
20. The Joint Committee's role is to review the annual work plan provided to it by the WCRC, receive and consider any independent expert advice, and make informed recommendations to WCRC for the final decision. The Committee may also make recommendations to the WCRC regarding:
 - Commissioning independent expert reports; and
 - Undertaking public consultation on boundary changes, major capital works and other areas of significant public interest.

WCRC will consider any recommendations of the Committee in making any decisions on the above.

21. Where Committee recommendations relate to the functions of the WDC, WDC shall consider and make decisions on any recommendations accordingly.
22. Without limiting the ability of the Joint Committee to recommend the most appropriate arrangements for works and funding, in relation to the Franz Josef floodwalls the WDC shall be responsible for all works and funding relating to:
 - Stormwater management, including any pump station operation and maintenance and floodgates on drainpipes and their operation and maintenance.
23. Without limiting the ability of the Joint Committee to recommend the most appropriate arrangements for works and funding, in relation to the Franz Josef floodwalls the WCRC shall be responsible for all works and funding relating to:
 - The maintenance and repair of the structural integrity of the floodwalls managed under WCRC Asset Management Plan.;
 - The provision of flood warning advice to WDC for the Waiho River; and
 - Ownership of the floodwalls as identified in WCRC Asset Management Plan.
24. The WCRC has constituted a "Franz Josef Rating District" and reserves the right to raise such funds as it may need to carry out its functions under clause 23 above from this source.
25. The WDC will fund the performance of its functions under clause 22 above from such sources that are available that it may determine.

VARIATION OF THIS AGREEMENT

26. This agreement may be amended at any time, at the request of either Council, but such amendment will only take effect once both parent Councils have formally

received and adopted those changes sought.

SIGNATURES

SIGNED by

WESTLAND DISTRICT COUNCIL

In the presence of:

by its authorised signatory

Witness signature

Witness name

Witness Occupation

Witness Town of Residence

SIGNED by

WEST COAST REGIONAL COUNCIL

In the presence of:

by its authorised signatory

Witness signature

Witness name

Witness Occupation

Witness Town of Residence

SIGNED by

TE RŪNANGA O MAKAAWHIO

In the presence of:

by its authorised signatory

Witness signature

DRAFT

Witness name

Witness Occupation

Witness Town of Residence

SIGNED by

NEW ZEALAND TRANSPORT AGENCY

by its authorised signatory

In the presence of:

Witness signature

Witness name

Witness Occupation

Witness Town of Residence

SIGNED by

DIRECTOR-GENERAL OF CONSERVATION

by its authorised signatory

In the presence of:

Witness signature

Witness name

Witness Occupation

Witness Town of Residence

Report to: Council	Meeting Date: 14 December 2021
Title of Item: - Franz Josef Stopbanks – Preliminary Design Report, By Land River Sea Consulting	
Report by: Brendon Russ – Area Engineer	
Reviewed by: Randal Beal – Director of Operations	
Public excluded? No	

Report Purpose

The purpose of this report is to provide Council with an overview of the works commissioned by Council and undertaken by Land River Sea Consulting (LRS).

Report Summary

Land River Sea Consulting have completed their review of Councils Engineers design for the raising and construction of new stopbanks on the north bank of the Waiho River. The report aligns with the council engineers quantities of rock and bulkfill required to complete the construction works.

The report confirms that, based on current aggradation, when construction is completed the new stopbank heights should give a level of service for a 1% AEP flood event for approximately 20 to 25 years.

Draft Recommendations

It is recommended that Council resolve to:

Receive this report.

Issues and Discussion

Background

The Franz Josef township and the rural community on the south side are at risk of flooding as the Waiho River continues to aggrade. Stopbanks have been constructed over time to reduce the risk of flooding to the township and the southside rural community. As the river bed aggrades at approximately 180mm per year the stopbanks have been required to be regularly raised.

In March 2020, Council submitted for a total of \$45,100,000 funding to the Crown Infrastructure Projects applications. An application on behalf of the Franz Josef community was successful in securing up to \$18,000,000 for a 10 year community resilience plan. The application for the proposed project involves raising all existing flood protection assets below the Franz Josef Bridge by 2m. New flood protection assets will be constructed from the Heliport Wall to the 55km Corner, as well as a new wall between Rata Knoll and the “Milton and Others” stop bank. The raising of the bridge and approaches is also included in the proposal.

Whilst the entire proposal has been approved “in principle”. to date only funding for “phase 1” of this project has been released, which includes:

- Raising of all northern stopbanks from the State Highway Bridge down to the Oxidation Ponds
- Construction of a new stopbank from the Heliport stopbank to the 55km/hr corner
- Construction of a gravel stopbank from behind the oxidation ponds to the Waiho Loop

- Raising of the Southside stopbanks from Canavans Knob to 530meters up the glacier access road

FRANZ JOSEF STOPBANKS

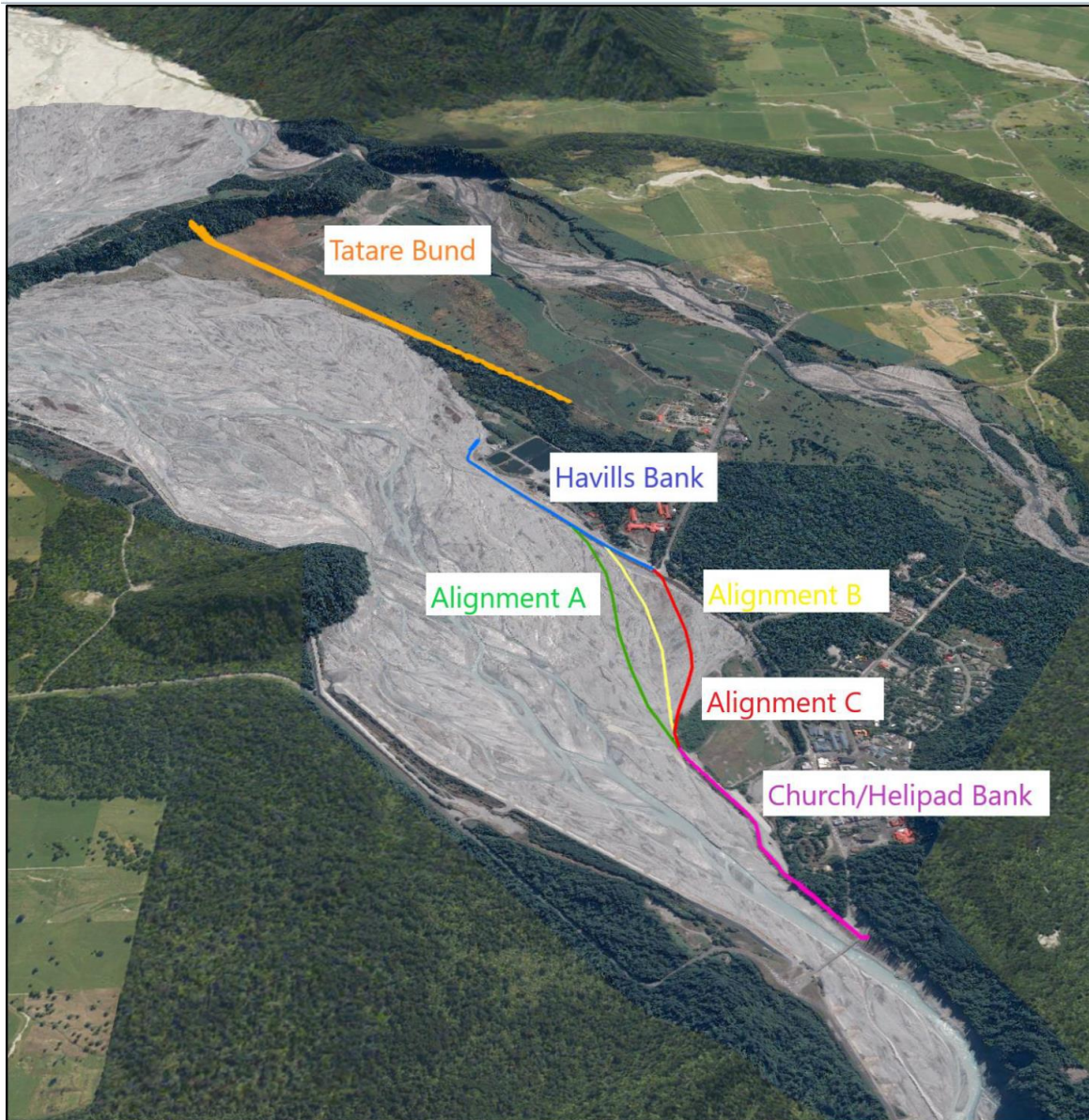


Figure 1-1 - Stopbanks to be raised / constructed

Land River Sea Consulting (LRS) were engaged by council to review designs carried out inhouse by the council's engineers and provide a report and constructions plans for the proposed works.

Scope of works included:

- Flood Modelling
- Rock Sizing
- Scour Calculations
- Review of WCRC Engineers design
- Final Stopbank design, heights and alignments

- Construction Plans
- Future recommendations

Current situation

Land River Sea Consulting (LRS) have completed their draft report and draft construction plans. The report and plans align with council's engineer's alignments, heights, quantities of Bulkfill and Rock that are required for construction of Phase 1.

Conclusions from LRS report:

- *Based on our analysis we conclude that Alignment B is the most suitable alignment for the construction of the new bank.*
- *It is very apparent that ongoing aggradation is a very significant issue for the river, and future trends are uncertain. We recommend using Aggradation Scenario 2 for sizing the stopbanks as this gives a fairly uniform trend and provides a realistic profile for design purposes. Based on historic rates of aggradation, we could expect this to provide approximately 20 years of design life for a design flow of 2500 m³/s. Regular monitoring of aggradation is recommended via LiDAR or satellite technology.*
- *The consequence of a stopbank breach or failure increases every time that a stopbank is raised. It is not recommended that these stopbanks are raised again after this raise and that serious consideration is given to managed retreat due to the significant nature of the hazard.*
- *The results of the modelling scenarios used in this preliminary design are appropriate to be used for detailed design.*
- *The satellite DEM data utilised in this study acquired through the Otago University School of surveying has proven to be extremely useful, reliable and cost effective. Serious consideration should be given to carrying acquiring regular repeat surveys using these techniques.*

Considerations

Implications/Risks

Consideration is given to managed retreat due to the significant nature of the hazard if the Waiho River is not in the future allowed to be released to the south and naturally fan out.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Financial implications

This report aligns with our current allocated budgets for this work.

Attachments

- Land River Sea report

Report to: Council	Meeting Date: 14 December 2021
Title of Item: Predator Free 2050 Mt Te Kinga report	
Report by: Cameron Doake – Operations Manager	
Reviewed by: Randal Beal – Director of Operations	
Public excluded- No	

Report Purpose

To provide council an update on the Predator Free 2050 Mt Te Kinga Project.

Report Summary

This report provides a brief update of progress on the Predator Free 2050 Te Kinga Project commenced in May 2020.

- There have been significant changes to the project since its conception, in particular around the technical delivery and resourcing of the project.
- Council has partnered with Grey High School to provide Yr 13 students with real life experience working on a conservation project.
- Council has partnered with Predator Free New Zealand Trust to provide an opportunity for two full time apprentice positions on the project. These positions commenced in June 2021.
- Challenges in the project so far include changes to trapping best practise in areas of Kea habitat. This has led to the development of new ways to use traps and self-reporting satellite technology.
- There have been some delays to some areas of the project due to infrastructure supply issues, however the overall project is on track to deliver on all expected outcomes.

Draft Recommendations

It is recommended that Council resolve to:

Receive the report.

Background

In May 2020 WCRC entered into a contract with Predator Free 2050 Ltd to deliver a 5-year Predator Free programme on Mount Te Kinga in the Lake Brunner Catchment.

The project aims to eradicate possums from approximately 4500ha across Mount Te Kinga. Infrastructure to defend Mount Te Kinga against reinvasion from possums will be installed throughout the farm land surrounding the mountain. It is envisaged that the Lake Brunner community will inherit the maintenance of this infrastructure following the completion of the project.

Current situation

The project has developed significantly from its inception. This is in part due to changes to operational best practise within areas designated Kea habitat by the Department of Conservation, and in part by the changes to resourcing need through partnership with Predator Free New Zealand Trust and Grey High School.

The Predator Free New Zealand Trust (a separate organisation to Predator Free 2050 Ltd) has funded two full time apprentice positions through Jobs for Nature funding secured as part of the governments Covid-19 response. These apprentice positions, under the guidance of experienced WCRC pest control staff provide a fulltime 'on the ground' presence on the project and have reduced the immediate workload for the Lake Brunner community while the project is in the set-up phase.

WCRC has also partnered with the Grey High School Conservation class. This partnership provides Yr13 students with a keen interest in conservation an opportunity to take responsibility for servicing 60 field camera's and automatic lure dispensers in the field. As well as servicing and maintaining the cameras and lure dispensers, students also review camera footage and classify target species to inform density assessments and control needs across the sites.

Changes to trapping best practise in areas of Kea habitat are on-going as new learning comes to light and science is updated. More recent developments have led to changes in the preferred traps to be used across this project. The change from self-reporting live capture traps to self-reporting kill traps requires some development, as the kill traps have not been used in this way previously. Prototypes will be deployed for field trials before Christmas allowing the design to be optimised early 2022 before it is rolled out across the whole project.

Progress on this project to date has been slower than anticipated. An initial delay in the installation of our early infrastructure was on the advice of the supplier who had experienced high attrition rates with the same equipment. Further delays were experienced as Covid-19 made importing equipment more difficult. These delays are balanced by WCRC having brought forward some track cutting work on Mt Te Kinhga scheduled for later in the project, due to having some field team capacity in July 2021. Ultimately the project is progressing well and on track to achieve all expected outcomes.

In terms of technical progress, the inner and outer monitoring rings have been installed. These monitoring rings are designed to build a picture of the reinvasion pressure and risk to Mt Te Kinga from the adjacent habitat. The monitoring rings are trail cameras located at sites of habitat with automated lure feeders. Target and non-target species attracted to the lure are photographed to inform densities and control needs. To date there are 260 monitoring sites with data revealing a surprising number of wild cats present, as well as possums, rats, stoats, pigs, deer, and goats. Along the outer monitoring ring, cameras have also photographed a healthy Great Spotted Kiwi population. Detections of each of these species is detailed in the heat maps on the accompanying power point presentation to this report.

Attachments

Te Kinga Presentation Rev-2.pptx

RESOURCE MANAGEMENT COMMITTEE

Resource Management Committee Meeting

(Te Huinga Tu)

A G E N D A

(Rarangī Take)

1. Welcome (*Haere mai*)
2. Apologies (*Nga Pa Pouri*)
3. Declarations of Interest
4. Public Forum, Petitions and Deputations (*He Huinga tuku korero*)
5. Confirmation of Minutes (*Whakau korero*) 9 November 2021
 - **Matters Arising**
6. Chairman's Report
7. **Planning and Operations Group**
 - Planning and Resource Science Report
 - Update on Freshwater Implementation
 - Te Tai o Poutini Plan Update
 - Update on RMA Reform
 - Review of Stewardship Land
 - Tai Poutini West Coast 2050 Strategy
8. **Consents and Compliance Group**
 - Consents Report
 - Compliance Report
9. **General Business**

H Mabin
Acting Chief Executive

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 9 NOVEMBER 2021, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11.12 A.M.

PRESENT:

A. Birchfield (Chairman), P. Ewen, D. Magner, B. Cummings, J. Hill, L. Coll McLaughlin, J. Douglas

IN ATTENDANCE:

H. Mabin (Acting Chief Executive), C. Helem (Acting Consents & Compliance Manager) via Zoom, N. Costley (Strategy & Communications Manager) via Zoom, R. Beal (Operations Director) via Zoom, J. Armstrong (Te Tai o Poutini Project Manager) via Zoom, N. Selman (Financial Consultant) via Zoom, T. Jellyman (Minutes Clerk)

WELCOME

Cr Birchfield opened the meeting.

1. APOLOGIES

Moved (Douglas / Coll McLaughlin)

That the apologies from Cr Challenger and F. Tumahai are received.

Carried

DECLARATION OF INTEREST

There were no declarations of interest.

PUBLIC FORUM, PETITIONS AND DEPUTATIONS

There was no public forum.

PRESENTATION

There was no presentation.

2. MINUTES

The Chairman asked the meeting if there were any changes to the minutes of the previous meeting.

Moved (Coll McLaughlin / Hill) *that the minutes of the previous Resource Management Committee meeting dated 12 October 2021, be confirmed as correct, with amendment made as below.*

Carried

Page 3, third paragraph, Cr Ewen did not congratulate those who voted against the motion he congratulated those who voted for the motion.

Cr Ewen stated that he feels it is important to that the discussion held at the time that there is a mention in the minutes about the concern he and other Councillors raised with regard to community wellbeing and mental health, that is a concern with the process of SNA's.

Cr Ewen requested a further correction to this section as he had voted for the receiving the report, but he will be voting against if Council is told to do anything.

Matters Arising

The location of the December meeting was discussed. Cr Coll McLaughlin noted that this was partially reliant on the readiness of the marae following renovations. J. Douglas advised that the renovations have been delayed but will be completed in time for Waitangi weekend. She extended an invitation to Council to join Makaawhio to attend on Waitangi weekend, and the marae would be available for a Council meeting in March if required.

R. Vaughan advised that she is working on information relating to Cr Cummings's question about the Greenhouse Gas Emissions report.

3. CHAIRMAN'S REPORT

There was no report due to Cr Challenger's absence.

5. REPORTS

5.1 PLANNING AND OPERATIONS GROUP

5.1.1 PLANNING AND RESOURCE SCIENCE REPORT

R. Vaughan spoke to this report and took it as read. She offered to answer questions. Cr Coll McLaughlin suggested a workshop is held to canvas questions regarding the Future of Local Government Review as she feels there is an opportunity to get some traction on matters that Council submits on. Cr Ewen spoke of a workshop being held on 15 November and suggested it is held that morning. It was agreed this could be held via Zoom and in person.

It was agreed that a workshop would be held on the Future of Local Government early next year in order to prepare a submission. Iwi reps are to be included.

R. Vaughan provided information on the Proposed Waste Minimisation policy. She advised that functions under the RMA are also up for review. Cr Coll McLaughlin spoke of funding being sought for landfill and ways Council could work more effectively regionally. Discuss took place on waste minimisation and it was noted this is a district council function.

It is recommended that the Council resolve to:

Moved (Hill / Cummings)

1. Receive the report.

2. Agree with the updated staff advice in Appendix 1 about which national documents to submit on.
Carried

5.1.2 PROPOSED REGIONAL COASTAL PLAN

R. Vaughan spoke to this report and provide extensive background information. She explained the options analysis and advised that staff are in favour of Option 1 as this is the least risky option. Cr Coll McLaughlin agrees with Option 1 and feels this might be the most prudent and efficient option. R. Vaughan clarified matters relating to alternative pathways. Extensive discussion took place.

Crs Cummings, Magner, Ewen, Hill are also in favour of Option 1. J. Douglas is in favour of Option 1. It was agreed that R. Vaughan would keep the committee informed of progress. She advised that she will also keep in contact with DoC and the Hectors Dolphin Defenders NZ Inc.

Moved (Magner / Cummings)

It is recommended that the Council resolve to: *Receive the report.*

5.1.2 HOKITIKA FRESHWATER MANAGEMENT UNIT (FMU) GROUP RECOMMENDATIONS REPORT

R. Vaughan spoke to this report and advised members of the FMU group are present and have made their recommendations. The FMU's group Chairman, Kees van Beek, addressed the meeting. He spoke of the 27 recommendations contained in the report and advised that 13 meetings have been held. Mr van Beek stated that water quality is generally pretty good. He spoke of the field trip to a mining site and was very impressed with water reticulation. Mr van Beek thanked staff for their time and efforts with this project. Cr Ewen stated the report is very comprehensive and a lot of effort has gone into it, he congratulated the committee and staff on their work.

Cr Coll McLaughlin drew attention to recommendation 8, and asked what matters of control are likely to be. L. Sadler advised that next year chapters to the Land and Water Plan will be drafted and will be covered then. R. Vaughan provided additional advice on this matter.

Cr Coll McLaughlin stated she is in favour of EnviroSchool's funding, but this was not signalled via the LTP, as they had made a submission. H. Mabin advised that management is considering funding this and will be considered for the 2023 Annual Plan.

Mr van Beek passed on this thanks to the RMC. J. Douglas thanked the FMU group for their work over the past 15 months.

Moved (Coll McLaughlin / Cummings)

It is recommended that the Council resolve to:

Approve the Hokitika Freshwater Management Unit Group Recommendations, to be implemented as much as practicable, to give effect to the National Policy Statement for Freshwater Management 2020.

Carried

5.1.3 TAI O POUTINI PLAN UPDATE

J. Armstrong spoke to this report and advised that natural hazards provisions are being work through at the moment. Individual workshops are being held with four more to be held during November.

J. Armstrong advised that the committee is seeking funding for economic analysis of minerals provisions. J. Armstrong answered questions and advised that she has consulted with Minerals West Coast and she is very aware of how important mining is for the West Coast. She has spoken with mining companies. Cr Birchfield queried why the permitted activity rule is not being used. J. Armstrong stated that compared to other plans this is more enabling and she will be presenting this to the next meeting. Cr Birchfield feels that best Plan possible should be written for the West Coast.

Moved (Douglas / Cummings)

It is recommended that the Resource Management Committee resolve to:

Note the report.

Carried

5.2.1 CONSENTS MONTHLY REPORT

C. Helem spoke to this report and took it as read. He outlined various consenting matters and offered to answer questions.

C. Helem advised that the consent hearing for Westland Mineral Sands consent application is likely to take place in February.

J. Douglas expressed concern relating to RC 2021 0052, to undertake mining near Arthurstown. C. Helem advised this company is currently mining close to Ruatapu. J. Douglas stated that there are

historic burial sites and Pa settlements in this area. C. Helem agreed to send the consent application to J. Douglas. He confirmed that the location is more towards Ruatapu rather than Arthurstown.

Moved (Ewen / Magner) *That the November 2021 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Helem spoke to this report and outlined various compliance matters. He advised that a recent prosecution has been dealt with via the alternative justice pathway and charges have now been dismissed. C. Helem advised that there are no other Council prosecutions before the Courts, and at this time no other serious matters are being investigated that could lead to prosecutions.

Cr Coll McLaughlin asked where do the funds go when a large bond is received. H. Mabin advised that this is Treasury review that N. Selman is completing for Risk & Assurance Committee. He will consider the borrowing policy and investment policy. H.Mabin stated that all funds for bonds are included in general bank accounts as opposed to being invested separately.

C. Helem advised that the \$15M is a surety bond and Council is not holding any cash and is similar to an insurance premium. He stated that other large bonds from Bathurst Mining Ltd were invested with Council's main investment portfolio. It was confirmed that interest accrued goes to the bond holder.

Moved (Magner / Hill) *That the November report of the Compliance Group be received.*

Carried

Compliance Monitoring and Enforcement Metrics Report

C. Helem spoke to this report. Cr Coll McLaughlin stated she is surprised with the lack of progress of some councils with regard to Iwi partnership processes, but is proud of Council's progress in this area. She is also spoke of how much work Council has to do given our land size and small population, which has decreased. Cr Birchfield stated that there could have been quite a few people who were missed from the last census.

H. Mabin advised that she has passed on a copy of the Mana Whakahono ā Rohe Agreement to Jim Palmer, Future for Local Government, for his information after comments he made at the Zone 5 & 6 LGNZ Conference. Jim Palmer had advised that it was a very well written document.

Moved (Douglas / Hill) *That the report is received.*

Carried

GENERAL BUSINESS

The itinerary and proposed location of the December Council and RMC meetings was discussed. A logistics report was tabled and discussed. Cr Ewen spoke of costs involved if Council travels to Fox Glacier, he feels this would be better scheduled for January when there is no council meeting. Cr Ewen stated this could be a day trip to save on costs. Cr Ewen stated that recruitment of the new CEO will also take up a lot of time in December. Cr Hill nice to visit marae once work is finished. J. Douglas agreed and stated that renovations at the Te Tauraka Waka a Maui Marae at Bruce Bay should be complete by Waitangi Day. Extensive discussion took place. Cr Magner agreed and stated that December is going to be a busy month. Cr Cummings happy to combine this with Waitangi Day visit and possibly rating district meetings at the same time.

H. Mabin confirmed that the February meeting is scheduled for 8 February. Cr Coll McLaughlin stated she is keen to visit the marae and to support the FMU as they have put in a lot of work. The Chairman feels it will be difficult to fit this into December. Cr Ewen stated that the FMU visit could be a separate visit, in January. H. Mabin advised she has discussed this with R. Beal and both would like the Waiho River, Hokitika Seawall, Hokitika River wall and IRG projects to be viewed by Councillors at the same time as the FMU trip in January. Cr Ewen stated that an early start could be made to make the most of the day. It was agreed that the FMU visit along with the Franz Josef site visit will be held in January as a day trip, and the February Council / RMC meeting is held at the Bruce Bay marae. As previously

agreed at the October Council meeting a meeting would be held at each marae each year with all other meetings held at WCRC.

The meeting closed at 12.16 p.m.

.....
Chairman

.....
Date

Report to: Resource Management Committee	Meeting Date: 14 December 2021
Title of Item: Planning and Resource Science Report	
Report by: Lillie Sadler, Planning Team Leader	
Reviewed by: Rachel Vaughan, Acting Planning and Science Manager	
Public excluded? No	

Report Purpose

To update the Committee on planning developments over the last month and seek their agreement on the updated staff advice in Appendix 1.

Draft Recommendations

It is recommended that Council resolve to:

1. *Receive the report.*
2. *Agree with the updated staff advice in Appendix 1 about which national documents to submit on.*

Issues and Discussion

Freshwater Implementation

Freshwater Management Unit (FMU) Groups' update:

Grey and Hokitika: Staff are working with the Group to finalise their Long-term Vision.

Kawatiri: The majority of Group members in both these FMU Groups accepted some proposed changes to the Māori terms in their Long-term Visions. The changes will ensure that the terms make sense in Te Reo, and do not change the substantive content of the Long-term Visions.

South Westland: The draft Recommendations Report is being edited and will be circulated to the Group for their feedback.

Anticipated documents to be notified for submissions

The Table in Appendix 1 is updated based on recent updates from the Ministry for the Environment. Updated information is shown with underline.

Submission on shaping the emissions reduction plan

The Council's submission on the Emissions Reduction Plan – Discussion Document was lodged on 26 November. The Tai Poutini West Coast 2050 Strategy Draft 11 November 2021 (for Economic Development) was lodged as part of the Council's submission. A copy of the final submission is appended at Appendix 2.

Resource Science

The following link shows data visualisation for hydrology flood alarm levels. Two flood warning alarms were triggered.

<https://www.wcrc.govt.nz/services/flood-monitoring>

Staff are undertaking routine checking and maintenance of the Science and Hydrology monitoring network. Upgrades and new monitoring equipment will be installed as budget allows. The summer contact recreation monitoring has also begun for the summer season. Two summer interns have been taken on to support this work.

Earlier in the year staff upgraded the online display of our hydrology (rainfall and river level/flow) and air quality data.

As some of you may remember, this new display was invaluable during the Buller Rv flood event as the new pages were able to handle the traffic load during this time, whilst our old page could not.

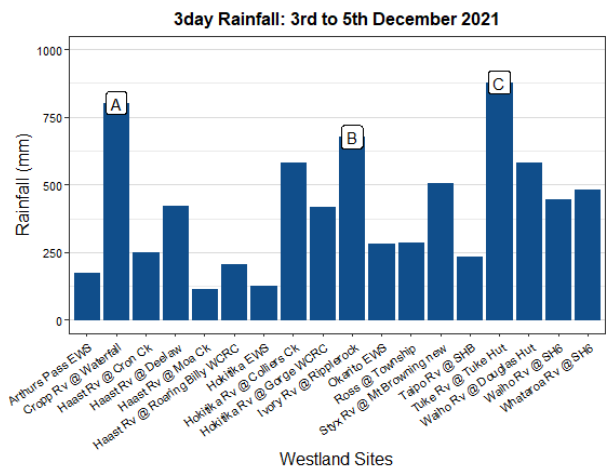
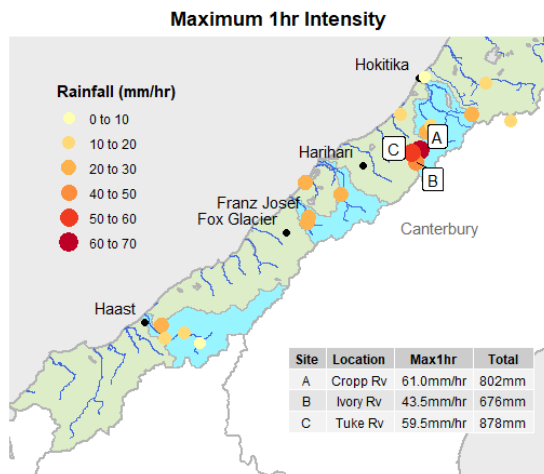
The new data display is available from the following pages:

- **Hydrology home page:** <https://www.wcrc.govt.nz/environment/water/river-levels-rainfall>
- **Map (rainfall and river levels/flow):** <https://envirodata.wcrc.govt.nz/dashboards/overview/overview.php>
- **Rainfall:** <https://envirodata.wcrc.govt.nz/dashboards/rainfall/rainfall.php>
- **River levels and flow:** <https://envirodata.wcrc.govt.nz/dashboards/riverlevels/riverlevels.php>
- **Air quality:** <https://www.wcrc.govt.nz/environment/air>

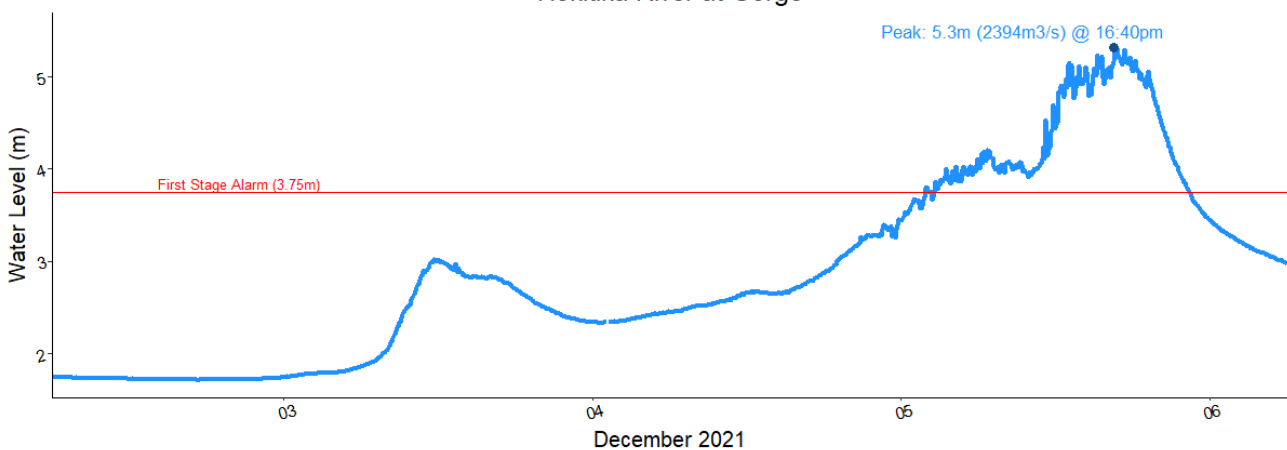
There is also a help page for those who would like to read up on how to navigate within these pages: <https://www.wcrc.govt.nz/environment/water/river-levels-rainfall/data-viewer-help>

The old webpage will remain available; however, we do not actively maintain it. For the most accurate and up to date data, please use the new pages.

Westland received significant rainfall over the weekend from 4/5th December 2021, with NIWA and WCRC instruments recording hourly intensities as high as 61mm/hr and totals up to 878mm over three days. The Hokitika River at the gorge responded in kind, shooting through several alarms to reach a peak of 5.3m late Sunday afternoon.



Hokitika River at Gorge



Amendments to the RMA

The COVID-19 Response (Management Measures) Legislation Act 2021 came into force on 3 November 2021.

The new Act will be gazetted shortly.

Here is a link to the new Act:

<https://www.legislation.govt.nz/bill/government/2021/0077/14.0/LMS558091.html>

Improving management of marine pollution through RM reform

Marine policy work is underway in conjunction with the RM reform on a focused suite of priority provisions in the RMA. These targeted provisions relate to the management, monitoring and oversight of marine pollution from discharge and dumping activities in the coastal marine area and territorial sea, including from ships and offshore installations. MfE are interested in hearing perspectives from local councils and the Coastal Special Interest Group on key issues, current challenges, and potential opportunities related to this work and would like to set up an informal virtual hui in either mid-December if feasible, or otherwise in early January 2022.

Update on Essential Freshwater proposals

The following Table outlines guidance on freshwater implementation workstreams that MfE will be delivering in the next few months. Beneath the Table is an update of where upcoming national direction is at.

Upcoming freshwater implementation guidance

Topic	Title	Approximate delivery
Fish index of biotic integrity	Web app tool and user guidance to calculate Fish Index of Biotic Integrity (IBI) scores for the NPS-FM Fish IBI attribute (Appendix 2B, Table 13).	December 2021
National Objectives Framework	NOF 101 - diagrams to help explain the steps set out in the National Objectives Framework, from setting the long-term vision for a catchment, identifying river values, setting outcomes and limits, and the community engagement needed at every stage.	December 2021
Fish Passage	The Fish Passage Action Plan template and related guidance for councils (related to the National Policy Statement for Freshwater 2020).	Early 2022
Fish Passage	The Fish Passage Application Tool instruction sheet and training video on how to meet the data collection requirements (related to the National Environmental Standards for Freshwater 2020).	Early 2022
National Objectives Framework	Mahinga kai kete	Early 2022
Nutrients	Defining improved instream nutrient concentrations to achieve periphyton objectives	Early 2022
Nutrients	Good practice for setting nutrient concentrations to achieve outcomes for various nutrient affected attributes.	Early 2022
Sediment	Guidance to help regional councils achieve sediment targets for rivers as specified in the National Policy Statement for Freshwater 2020.	Early 2022

Proposed National Policy Statement for Indigenous Biodiversity (NPS-IB):

It is proposed to release an exposure draft of the NPSIB and initial implementation plan in early 2022 subject to ministerial approval. The intent of releasing an exposure draft is to test the workability of the policies before the National Policy Statement is finalised. Aotearoa New Zealand has many native plants, birds, and animals unique to our country, and many of these and their ecosystems are threatened or at risk of extinction. Public feedback on this has been incorporated into the NPSIB exposure draft following public consultation in 2019/20. The proposed NPSIB would clarify existing obligations under the Resource Management Act 1991 (RMA) to protect them. About 60% of councils have already mapped their Significant Natural Areas (SNAs).

National direction on industrial greenhouse gas emissions:

MfE, alongside the Ministry of Business, Innovation and Employment, are continuing work on national direction on industrial greenhouse (GHG) emissions. Public consultation took place from 8 April to 20 May 2021 on plans to phase out fossil fuel in process heat. Following this, Cabinet agreed to a combination of a National Environmental Standard (NES) and a National Policy Statement (NPS) that will set out nationally consistent policies, rules and requirements to guide regional councils in their decision making on industrial GHG emissions. These proposals will contribute significantly to our carbon neutrality goals and ongoing commitment to addressing climate change by:

- Prohibiting new low and medium temperature coal boilers immediately following the NES taking effect.
- Phasing out existing low and medium temperature coal boilers through prohibiting discharges beyond 2037.
- Restricted discretionary status for all new and existing fossil-fuel boilers.
- Requiring industry to prepare GHG emissions plans and demonstrating how they are applying best practicable options when applying for resource consents.

Officials are planning an exposure draft consultation soon for targeted consultation. The timing of the exposure draft consultation will depend on drafting timeframes for the NES and NPS.

Staff have noted the comments from the workshop on the Government's Emissions Reduction Plan and will keep feedback in mind for submissions on the targeted consultation. In addition, that feedback will be used for comments on other consultation, e.g. MPI's Te Ara Paerangi Future Pathways Green Paper 2021 - The design of the 'public' research system and the Climate Change Adaptation Legislation due as part of the RMA reforms.

Climate change amendments in RMA:

Cabinet has given in-principal agreement to extend the timeframes for specific climate change amendments to the Resource Management Act 1991 that reintroduced climate change mitigation responsibility to local government decision-makers. We are still waiting for final approval to amend the commencement date in the legislation. Cabinet agreed to develop national direction on industrial GHG emissions to respond to the changes to the Resource Management Act 1991.

Regular updates on all national direction tools can be found on MfE's website: <https://environment.govt.nz/acts-and-regulations/national-direction/>

LiDar Project

The Planning Science and Innovation team are working on the LiDar Project for the Region. This work is substantially subsidised by the LINZ. Data has been received and staff are looking at resources for checking and using this data. This project will update the quality of our maps on Westmaps and will provide valuable data for hazard monitoring work. Staff are also investigating how else the information can be used within the organisation.

Jobs for Nature Funding

Staff are investigating further opportunities with the Jobs for Nature Funding for the region. The Ministry for the Environment is looking for projects that provide either capacity and capability into catchment groups or regional co-ordination for freshwater implementation. This may include help and technical support for farmers implementing farm plans in the region.

Attachments

Attachment 1: Anticipated documents to be notified for submissions in 2021/early 2022

Attachment 2: Submission on "Shaping the emissions reduction plan – discussion document"

Attachment 1: Anticipated documents to be notified for submissions in 2021/early 2022

Document	Main points	Closing date, or approximate period, for submissions	Recommendation to submit or not
<p>“Te kawae i te haepapa para: Taking responsibility for our waste”</p>	<p>The document proposes a new national waste strategy that sets a different direction to transform the way we think about and manage waste, based on a circular economy approach.</p> <p>The document also outlines issues and options for developing new more comprehensive waste legislation to regulate the management of waste, and products and materials circulating in our economy. Once developed, the new legislation would replace the Waste Minimisation Act 2008 and the Litter Act 1979).</p>	<p>Submission closing date extended to 10 December 2021.</p>	<p>A draft submission has been prepared and is <u>circulated in a separate report.</u></p>
<p>“Our future resource management system – Materials for discussion”</p>	<p>The document sets out the main components of the future resource management system and roles and responsibilities within it. It includes the Government’s <u>thinking on parts of the system that were not included in the earlier Exposure Draft of the Natural and Built Environments Bill, and initial decisions made on reform detail since the Exposure Draft was prepared.</u></p>	<p><u>28 February 2022</u></p>	<p><u>A presentation by MfE was made to Councillors on 2 December 2021. The comments from this session will form the basis for a submission.</u></p>
<p>Climate Change Adaptation Bill</p>	<p>This is the third new piece of legislation as part of the <u>Resource Management Reform suite. It will focus on the necessary steps to address effects of climate change and natural hazards.</u></p> <p>Will deal with complex legal and technical issues (e.g. liability and compensation) around managed retreat.</p>	<p><u>Consultation in early 2022, alongside consultation on the National Adaptation Plan under the Climate Change Response Act 2002.</u></p>	<p>To be advised in due course.</p>

National Adaptation Plan	<p>The NAP will be an all of government strategy and action plan. The plan will guide action on climate change adaptation between 2022 and 2026 and will respond to and prepare for the risks in New Zealand's first climate change risk assessment.</p>	<p>Consultation in early 2022, alongside consultation on the Climate Change Adaptation Bill.</p>	<p>To be advised in due course.</p>
Proposed amendments to the National Environmental Standard for Sources of Human Drinking Water	<p>MfE is considering proposed amendments to the National Environmental Standard for Sources of Human Drinking Water to strengthen how risks to source waters are considered in RMA decision making. These amendments are intended to work in tandem with provisions in the Water Services Bill to provide a proactive and preventative approach for managing risks to drinking water sources.</p>	<p>Public consultation is anticipated in early 2022.</p>	<p>Staff to advise nearer the time whether to submit or not.</p>
Natural and Built Environments Bill	<p>First of two Bills giving effect to RMA reform, and replacing the RMA. This focuses on the setting of environmental limits and outcomes, environmental and land use planning and the governance of those activities. <u>The Bill was originally intended to be consulted on in late 2021, then early 2022. The timeframe has been further pushed out.</u></p>	<p><u>Expected to be introduced to Parliament in the third quarter of 2022.</u></p>	<p><u>To be advised in due course.</u></p>
Strategic Planning Bill	<p>Provides for the development of long-term (30 yrs minimum) regional spatial strategies that integrate land-use planning, environmental regulation, infrastructure provision and climate change response. Mandates use of spatial planning. Requires central govt, local govt, and mana whenua to work together to prepare a strategy. <u>The Bill was originally intended to be consulted on in late 2021, then early 2022. The timeframe has been further pushed out.</u></p>	<p><u>Expected to be introduced to Parliament in the third quarter of 2022.</u></p>	<p><u>To be advised in due course.</u></p>

Attachment 2: Submission on “Shaping the emissions reduction plan – discussion document”



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Telephone (03) 768 0466
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www.wcrc.govt.nz

26 November 2021

Emissions Reduction Plan consultation
Ministry for the Environment
PO Box 10362
Wellington 6143

Dear Sir/Madam

Submission on the “Te hau mārohi ki anamata | Transitioning to a low-emissions and climate-resilient future: Have your say and shape the emissions reduction plan”

Thank you for the opportunity to make a submission on the proposed Emissions Reduction Plan Discussion Document, and consultation.

Please find the West Coast Regional Council’s (WCRC) submission attached.

We welcome the opportunity to respond to this consultation.

Due to the breadth of the 114 questions asked in the discussion document, we have sought to provide answers to a selection and focus on our main points.

WCRC highlight the importance of finding the right balance in the emissions reduction plan by ensuring that there is no further decline in economic, social or cultural wellbeing on the West Coast. We want the plan to set out a clear strategy linked to outcomes, and joined up thinking, that shows results based on the evidence.

These views are consistent with the Council’s submission on “Phasing out fossil fuels in process heat” in May 2021, which is appended for ease of reference (Appendix 2).

The Tai Poutini West Coast 2050 Strategy, Draft 11 November 2021 (for Economic Development) forms part of the WCRC submission as Appendix 3.

Our submission starts with answering Question 1, which asks about strategic direction and what principles to apply. Our recommendation is to apply a “first principles” (Kaupapa) approach to developing a national emissions reduction plan (Part I).

A “first principles” approach means that all resulting policies, rules and “ways of doing” are underpinned by a critical foundation. In turn, this foundational framework should inform decision making and help resolve conflicting positions, such as those about speeding through reforms versus engaging with local iwi and hapū; or reducing coal use but keeping jobs; or reducing emissions in the absence of having a roadmap and the necessary investment required to adapt, which would pose a major risk to the nation.

We are also grateful for the opportunity to provide guidance as to content, substance and process for shaping a national emissions reduction plan as it would apply to our region. In this regard, it is necessary to deliver joined-up thinking across every part of society and to advance social, economic, environmental, and cultural well-being (Part II).

This Council agrees that a coherent, consistent and logical approach is required to reducing emissions if the wellbeing of our natural environment is to be at the heart of government.

Our contact details for service are:

Lillie Sadler
Planning Team Leader
West Coast Regional Council
PO Box 66
Greymouth 7840

Phone: 021 190 6676
Email: ls@wrc.govt.nz

We would be grateful for acknowledgement of receipt of our submission.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'H Mabin', with a long horizontal flourish extending to the right.

Heather Mabin
Acting Chief Executive Officer

Summary List of Recommendations

1. A national emissions reduction plan must evidence a coherent, easy to understand, “whole of government” approach, that is globally and nationally consistent and also consistent with the mandate of local government, which is to:
 - “a) enable democratic local decision-making and action by, and on behalf of, West Coast communities; and
 - b) promote the social, economic, environmental, and cultural well-being of communities on the West Coast in the present and for the future”.¹
2. That the emissions reduction plan be developed on a “first principles” approach and be based on the five “first principles” of equity, solidarity, precaution, sustainability and ‘good neighbourliness’.
3. Tackle the biggest opportunities to reduce net CO₂ and methane emissions first, and do this through a just transition and due process incorporated within a strategic economic plan, rather than ad hoc rules in plans, and which integrates National Mitigation and National Adaptation plans supported by appropriate provisions for “climate finance”.
4. That greater provision is made in the emissions reduction plan for increasing the natural removal of emissions via sinks, as part of achieving the net-zero goal.
5. Drop the “gross net”, sometimes referred to simply as the “gross”, approach to target setting; and develop consistent accounting and statistical practices.
6. The emissions reduction plan must:
 - a) account for trade effects such as transportation, carbon tax and rebates;
 - b) provide for the impact of supply chains and value chain emissions on priority sectors; and
 - c) in factoring in offshore costs of trade effects, to account for New Zealand’s rigorous ecological monitoring regime, which includes restoration, water quality, health and safety and afforestation as part of its work programme.
7. The WCRC requests that the Government, through the emissions reduction plan, provides for:
 - a) Economic strategy development for the West Coast;
 - b) Research and development for innovative business models and ‘sandboxing’ in low risk areas, subject to local government approval;
 - c) A climate change levy or tariff, so that larger emitters such as international shipping and aviation industry, for example, pay for extensive reforestation across the DOC estate, or peatland and wetland restoration;
 - d) A benefit or incentive for landowners, including private landowners, to maintain wetlands and forests, including pre-1990 forests; and for retaining native forest on private land, which could be used to offset farm emissions.

¹ Local Government Act 2002, version as at 13 July 2021, “Section 10 Purpose of local government. (1) The purpose of local government is—
(a) to enable democratic local decision-making and action by, and on behalf of, communities; and
(b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.”

8. The emission reduction plan should provide for incentives, subsidies, compensation or credits for where net zero emissions can be achieved on a regional basis.

Introduction

The West Coast Regional Council (WCRC or the Council) agrees with the intent to respond to climate change as it is a requirement from government that we take action on climate change; and welcomes the opportunity to engage meaningfully in this process of framing a national emissions reduction plan.

The real issue is how to be legally consistent while ensuring the current levels of social, economic, environmental, and cultural well-being of our local communities is maintained and enhanced in the future.

About the Submitter

The West Coast region covers a vast area: it extends from Kahurangi Point in the north and as far south as Awarua Point, a distance of 600 kilometres. The distance is the equivalent from Wellington to Auckland (see map in Appendix 1).

It is also a region of minimal industrial greenhouse gas (GHG) emitters. It has a low population and is predominantly rural. 84% of land area is in the Conservation Estate.

WCRC works closely with the regions' three territorial authorities (these being Buller District Council, Grey District Council and Westland District Council). Outside of the main towns of Westport, Greymouth, Reefton and Hokitika, the region's population is spread across smaller settlements and rural communities. It is important that climate-change decisions also consider their respective social, economic, and cultural well-being.

Poutini Ngāi Tahu are the tangata whenua of Te Tai o Poutini (the West Coast). And our Mana Whakahono ā Rohe (Resource Management Act - Iwi Participation Arrangement) captures the intent of the Council and Poutini Ngāi Tahu to progress our relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown.

The WCRC supports a first principles (Kaupapa) approach

WCRC recognises the importance of the issues at hand. We support a Kaupapa (first principles) approach.

Key Issues Raised by this Submission

1. What does a national emissions reduction plan mean for the West Coast in terms of its mandate to enable democratic local decision-making and action by, and on behalf of, West Coast communities; and to promote the social, economic, environmental, and cultural well-being of West Coast communities on the West Coast in the present and for the future?

WCRC suggests that the National Emissions Reduction Plan be legally consistent within the framework of the Local Government Act 2002 and with emission commitments made by New Zealand. In other words, a coherent whole of government approach is required: what we say in one forum must be the same in others.

For example, to report on emission targets for “net zero” in New Zealand but “gross zero” targets at the United Nations (Glasgow) is confusing to many and, without pathways to accomplish these commitments, sets an expectation far from reality. To make commitments in Glasgow without local consultation and without integration into the Discussion Document nationally also leads to gaps. The proposed National Emissions Reduction Plan needs attention in this regard.

Another example of this misalignment is that the Climate Change Response Act 2002 and local infrastructure and investment planning. The Climate Change Response Act 2002 (as amended 2019) requires the Minister responsible for the Act’s administration, currently the Minister of Climate Change, to prepare and make publicly available a plan setting out the policies and strategies for meeting its next emissions budget (2022-2025). The Climate Change Commission must advise the Minister on the direction of the policy required in the emissions reduction plan for that emissions budget period.

The Climate Change Response Act 2002 (as amended 2019) emission reduction targets are established to 2050; and infrastructure planning and investment provisions for flood protection, roading and other assets must be made over a long planning period if asset management and provision for the well-being of present and future generations is to be a factor. WCRC is mandated to promote social, economic, environmental, and cultural well-being of West Coast communities on the West Coast in the present and for the future.

Further, climate action is not only about emissions reduction, it is also about mitigation (reduction and recovery, such as, offsets); adaptation; and climate finance. And the way we go about achieving these pathways must be equitable.

All these commitments are crucial to resource management. It is also imperative that there is consistency with the proposed Natural and Built Environments Act (NBA), which also intends to progress the achievement of emissions reduction goals under the Climate Change Response Act. For example, the alarming recent recommendation by Parliament to remove “offsets” from the definition of mitigation would be proposing to remove half of New Zealand’s potential to reduce emissions.²

A coherent “whole of government” approach will require legislative consistency.

² Report of the Environment Committee on the Inquiry on the Natural and Built Environments Bill: Parliamentary Paper released in November 2021, Fifty-third Parliament, Presented to the House of Representatives; at page 58.

Consistent accounting and statistical practices are also required. The choices we make about how to reduce emissions, and reach “net” zero will affect our ability, and actions, to adapt to the impacts of climate change. As we have said in our earlier submissions, it is imperative that local communities thrive and to thrive they need support, and a just transition, to adapt to a climate resilient and low emissions New Zealand.

In addition, the Climate Change Response Act 2002 legislates “adequate consultation”. “In preparing a national emissions reduction plan, and supporting policies and strategies for an emissions budget period, the Minister must [by law]:

- a) consider the advice received from the Commission for meeting emissions budgets; and
- b) ensure adequate consultation, including with sector representatives, affected communities, and iwi and Māori, and undertake further consultation as the Minister considers necessary.”³

By extension, local West Coast communities are affected communities and should have the opportunity to participate meaningfully in this fundamental government decision, which will affect them. It is our submission that to be meaningful to the West Coast Region, the result of this consultation must evidence “no further harm” to current levels of environmental, economic, social and cultural well-being.

Adequate time must be provided for Council to engage with its Treaty partners and iwi under its Mana Whakahono ā Rohe Partnership Protocol; “net” jobs must be ring-fenced; and for every emission reduction that impacts local business there must be an “offsetting” business opportunity within the region if decisions are to be made “in the light of different national circumstances”.

Further, it is our submission that a reasonable and interested member of the public must be able to know, by reading the emissions reduction plan, how Central Government intends to meet the emissions budget by the required timelines; and what that means for them. People need to be able to plan ahead.

Being fair is consistent with being equitable, and is consistent with the Supreme Court of Ireland’s judgment last year, which is heralded as a landmark decision on framing emissions reduction plans that stem from international obligations, and national legislation, such as our own Climate Change Response Act 2002 (as amended).⁴ This Supreme Court Judgement could also provide useful guidance for the Ministry for the Environment (MfE) and local decision makers.

A fundamental question arises as to whether the National Mitigation Plan meets the specificity requirements of the RMA 1991 amended 2020, and as such, is justiciable. The plan, in our view, must involve public participation and transparency and be written in such a way that a reasonable and interested person can make a determination as to how it will impact them.

For example, the impact of emissions reduction on the West Coast will be dependent not only on whether net zero emissions are achieved in time; but also the way in which the pattern of emission reduction takes place in the intervening years. The reason why planning ahead for community well-being is relevant is so that people, the communities they live in, and our region can thrive and prosper.

³ Section 5ZI, Minister to prepare and make emissions reduction plan publicly available, Climate Change Response Act 2002

⁴ Friends of the Irish Environment -v- The Government of Ireland & Ors; https://www.courts.ie/view/judgments/681b8633-3f57-41b5-9362-8cbc8e7d9215/981c098a-462b-4a9a-9941-5d601903c9af/2020_IESC_49.pdf/pdf ; last viewed 17 November 2021.

New Zealand's Climate Change Response Act 2002 (as amended) requires the "emissions budget period" to mean a 5-year period, except for the first 4-year period in the years 2022 to 2025].⁵ We agree with the discussion document insofar that "These budgets must put us on a path to meeting the targets; and the reductions required must also be technologically achievable, economically viable and socially acceptable"; and, in our view, evidence must be tabled that the implications for the West Coast are "economically viable and socially acceptable", not only over the first 4-year period but long term and for future generations. For that is what "inter-generational equity" is all about.

In May 2021, the Climate Change Commission delivered its advice to the Government outlining how New Zealand can reach its 2030 and 2050 emissions reduction targets under the Climate Change Response Act 2002 (as amended). Work is still required to demonstrate that the proposed pathways are "economically viable and socially acceptable" to New Zealand in general, and to the West Coast in particular. Time is short.

By virtue of the Climate Change Response Act 2002 (as amended), the Minister must make the emissions reduction plan publicly available at least 12 months before the commencement of the budget period, so before May 2022.

The Climate Change Response Act 2002 (as amended) requires "the emissions budget" to mean "the quantity of emissions that will be permitted in each emissions budget period as a net amount of carbon dioxide equivalent".⁶

In this regard, the contribution of the West Coast region to GHG emissions must be assessed on the evidence rather than on proxy statistics that are difficult to fathom and give new definitions for emissions intensity in GDP terms rather than emissions. Decision makers in local government, and interested members of the public, must be able to know by reading the emissions reduction plan, how Central Government intends to meet the emissions budget by the required timelines; and what that means for them.

Another inconsistency that makes it difficult for an interested member of the public to understand the issues relates to accounting practices. Not all members of the public know the difference between gross and net accounting practices.

Our Government's recent declaration for a revised "gross" target at the Glasgow United Nations Framework Convention on Climate Change (UNFCCC) Conference of the Parties needs to be harmonised into "net" terms so that meaningful decisions can be made in terms of "net" emission reductions.

The inconsistency is clear by reference to New Zealand's first Nationally Determined Contribution (NDC), which proposed to increase emissions rather than reduce them; and hence the need for revision. Reporting "bigger" gross numbers for emissions reduction as "net" figures may look good but it obscures the reality and can be misleading.

⁵ Section 4(1) Interpretation, Climate Change Response Act 2002. "emissions budget period means a 5-year period, except for the first 4-year period in the years 2022 to 2025, as specified in section 5X(3)".

⁶ Section 4(1) Interpretation, Climate Change Response Act 2002.

While the world rallies around “net zero”, questions remain here on the West Coast about scope, transparency and accountability for new ambitious declarations for “gross zero”. And, in addition, there is a need for some sort of balancing, offsetting removals, such as, sinks.⁷

Recommendation 1

A national emissions reduction plan must evidence a coherent, easy to understand, “whole of government” approach, that is globally and nationally consistent and also consistent with the mandate of local government, which is to:

- “a) enable democratic local decision-making and action by, and on behalf of, West Coast communities; and
- b) promote the social, economic, environmental, and cultural well-being of communities on the West Coast in the present and for the future”.⁸

We agree with the government’s new line of questioning, which is to explore what principles should inform government strategy and policy. And in response to “what level of ambition would you like to see Government adopt, as we consider the Commission’s proposal for a renewable energy target?”, we suggest that a strategy must go beyond being aspirational to achieving tangible results and outcomes.

In response, it is our view that a “first principles” approach must inform underlining strategy and policies. Principles are a way of behaving that are defined and “given effect” (implemented, monitored, evaluated and so on). See the Randerson Report on “giving effect”.⁹

New Zealand signed the United Nations Framework Convention on Climate Change (UNFCCC) of 1992 in 1992 and ratified the UNFCCC in 1993. (Twenty-eight years ago, there was huge momentum to respond to climate change). Yet, throughout the passage of the Climate Change Response Act 2002, and the Climate Change Response (Zero Carbon) Amendment Bill of 2019, bringing New Zealand into consistency with its commitments, there has been little support for robust and direct application of a fundamental first principles approach within primary legislation, policy or strategies. To do so now, is the right approach but care must be taken to ensure there are not errors in judgment.

According to the Report of the Environment Committee on the Inquiry on the Natural and Built Environments Bill: Parliamentary Paper released in November 2021, “climate change, water quality, and housing, were not necessarily front-of-mind [in New Zealand] in 1991.”¹⁰

And then the Government curtailed climate change action even further in 2005,¹¹ confining councils to consider only the GHG emission reducing effects of renewable energy proposals. For all GHG emissions themselves, the effects on climate change were to be disregarded when

⁷ UN Climate Change Conference of the Parties (COP) to the United Nations Framework Convention on Climate Change (UNFCCC), UNFCCC COP 26, in Glasgow on 31 October – 12 November 2021

⁸ Local Government Act 2002, version as at 13 July 2021, “Section 10 Purpose of local government. (1) The purpose of local government is—
(a) to enable democratic local decision-making and action by, and on behalf of, communities; and
(b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.”

⁹ New Directions For Resource Management In New Zealand. A Report of the Resource Management Review Panel. Hon Tony Randerson QC Chair, Resource Management Review Panel 30 June 2020.

¹⁰ Report of the Environment Committee on the Inquiry on the Natural and Built Environments Bill: Parliamentary Paper released in November 2021, Fifty-third Parliament, Presented to the House of Representatives; at page 58.

¹¹ RMA 1991, sections 70A, 104E and 104F.

preparing planning documents and processing resource consents. Supreme Court authority held that this also extended to activities like mining coal.¹²

It won't be until 31 December this year that these restrictions under the RMA will be repealed (barring an Order in Council to the contrary).¹³

While responding to climate change may be increasingly front-of mind in New Zealand, our submission is that for the national emissions reduction plan to be effective it must recognise that principles will drive environmental strategies, policies, rules, outcomes and enhancement; and, in turn, meet agreed emissions targets.

As shown within MfE's discussion document, and illustrated below, framing a "first principles" approach is a challenging endeavour; but while being "30 years" behind, there are a number of tools and instruments at our disposal.

For example, the strength of the UNFCCC lies in its binding obligations on public authorities to give effect to the cross-cutting first principles of equity (fairness); solidarity (kotahitanga); precaution; sustainability; and good neighbourliness (whanaungatanga or relationships through shared experiences and working together, which provides people with a sense of belonging).

Similarly, in answer to the question what would be the five (or how many number) of first principles that would govern the emissions reduction plan, WCRC suggests the five "first principles" of equity, solidarity, precaution, sustainability and 'good neighbourliness', which already govern New Zealand's strategy and policies for climate change are relevant.

This Council submits that each first principle (principles deduced to their highest level within the scope of a particular framework) needs to be defined and "given effect" for each emissions budget period, i.e., for at least 2022-2025, and for each budget period through to 2050.

Conversely, MfE's discussion document refers to five principles seemingly plucked from the air to inform a national emissions reduction plan; but these principles are not "first principles", they are not set within the context of New Zealand's commitments under the UNFCCC or those declared under the Paris agreement (of the UNFCCC) or those more recently declared in Glasgow; they have no normative specificity, i.e., they are neither defined as "norms" nor do they have context for "giving effect".

This Council therefore questions their validity and does not agree with them as "first principles" for a national emissions reduction plan.

In part answer to question 1 put forward in MfE's discussion document, below are the five "first principles" put forward by MfE and some of the reasons why WCRC has concerns about them. The five proposed principles are:

1. "A fair, equitable and inclusive transition";
2. "An evidence-based approach drawing on the IPCC [Intergovernmental Panel on Climate Change (IPCC)], science and mātauranga Māori";
3. "Environmental and social benefits beyond emissions reductions";
4. "Upholding Te Tiriti o Waitangi"; and

¹² West Coast ENT Inc v Buller Coal Limited [2013] NZSC 87.

¹³ Resource Management Amendment Act 2020, by virtue of sections 35 and 36 of the Resource Management Amendment Act 2020, sections 70A, 104E and 104F RMA will be repealed on 31 December 2021.

5. “A clear, ambitious and affordable path”.¹⁴

WCRC agrees with all these norms, methods, approaches, constitutional obligations and project ideals; but we do not agree that they are all “first principles”.

To explain further:

- WCRC agrees with having a fair, equitable and inclusive transition; but “transition” is part of a relevant principle of equity, which in WCRC’s view also needs to provide for “common but differentiated responsibilities” to alleviate the disproportionate burden placed on the West Coast and future generations on the West Coast, amongst other. As evidenced above, this is already a commitment entered into by New Zealand.
- An evidence-based approach drawing on the IPCC, science and mātauranga Māori is a method. In our view, there should be a “legal” standard of proof for evidential standards. Instead, we encourage logical explanations to be derived from the facts, which may, depending on the context, require drawing on scientific experts and witnesses in the IPCC, other scientific fields, and mātauranga Māori.
- Environmental and social benefits beyond emissions reductions do not consider net benefits and omit the other two fundamental well-beings obligated for local government governance, economic and cultural.
- Upholding Te Tiriti o Waitangi is a treaty obligation, i.e., it is on a “higher” level and it should not, in WCRC’s view, be construed to be on the same level as mitigation norms within a national emissions reduction plan. WCRC has consulted with its partners under its Mana Whakahono ā Rohe partnership protocol.
 - Further, WCRC understands that the principles of the Treaty are widely seen by Poutini Ngāi Tahu to be of constitutional value and thereby should sit at the forefront of any national emissions reduction plan.
 - To be clear, it is WCRC’s view that the National Emissions Reduction Plan should make explicit provision for a greater recognition of te ao Māori, including mātauranga Māori, and giving “effect to” the principles of Te Tiriti o Waitangi without giving a pre-emptive or priority right for Māori to the allocation of resources.
- Several examples may be given as to why “A clear, ambitious and affordable path” is not a “first principle” of climate change mitigation.
 - Cost efficiency may not lead to adequate provision for future generations, i.e., it could undermine inter-generational equity, which is a cornerstone of climate law.
 - Why will efficiency determinations exceed effectiveness?
 - What does affordability mean? Affordable to who?
 - Shutting down West Coast industry and making West Coasters buy imported coal may be more affordable for consumers but, WCRC consider this action breaches the fundamental investment principle and duty to act in “good faith”.
 - If not coal, then where is the clear energy strategy for affordable renewable energy? The position needs to be clear, open, and honest.
 - This is another reason why incorporating “trade effects” into the national emissions reduction plan, as mentioned below, is so important to the fundamental principle of equity.

¹⁴ Ministry for the Environment. 2021. Te hau mārohi ki anamata | Transitioning to a low-emissions and climate-resilient future: Have your say and shape the emissions reduction plan. Wellington: Ministry for the Environment; page 20.

- Central Government should be accountable to its declared commitment to reduce “net emissions” whether produced domestically (by a local coal producer) or internationally.
- WCRC also call for ‘strict liability’ for creating “market distortion” and “unfair trade practices” by “dumping” coal on the New Zealand market.
- WCRC question the cost of imported coal that may not account for ‘supply-chain’ emissions, such as, emissions from shipping.
- WCRC also consider the potential for abuse of a dominant position by carving out a “niche” for Huntly and not for the West Coast, or for steel at Glenbrook or cement at Golden Bay.

WCRC submit that “import substitution” is not a valid model. Instead, New Zealand need to do some serious work on renewables. As to renewable energy and other sources of energy generated in New Zealand, water is precious, hydro lake storage is getting shallower and natural gas reserves are reducing.

In this regard, the West Coast provides a unique environment for ring-fencing, ‘sand-boxing’ - playing with new business or regulatory models and making them work before rolling them out nationally, and testing.

While New Zealand’s Climate Change Response Act 2002 requires particular short term intermediate targets for achieving the next emissions budget, up to 2025, on a rights basis (those of social, economic, environmental, and cultural well-being) WCRC submit that it is imperative that a compliant national emissions reduction plan is sufficiently specific as to policies and strategies over the whole period to at least 2050. Infrastructure investment, and asset management, for example, often extends beyond the 4-year horizon.

In answer to MfE’s call for additional input to consultation question 1 (what 5 principles should inform government strategy and policies?), WCRC submit that the emissions reduction plan be developed on a “first principles” approach and be based on the five “first principles” of equity, solidarity, precaution, sustainability and ‘good neighbourliness’ for the reasons given above.

To explain the link between principles, strategies, and policies, examples of derivative strategies and policies are set out below for each “first principle”.

1. Equity

In terms of equity (ngākau matatika), a just and fair transition is required for key West Coast sectors. There must also be consideration of loss and damage, compensation to local industry, an appropriate insurance pool, and building disaster risk resilience, especially in the likelihood of unprecedented more frequent and more intense flooding incidents.

In terms of a just procedure:

- A binding obligation on public authorities would ensure proper access to climate change information in language local communities understand but such obligations also have to be balanced by appropriate resourcing and funding (there is a cost and questions as to who pays);
- Public participation in decision making procedures, which requires that citizens be allowed to participate meaningfully in government decisions that affect them; and
- Effective access to justice, (for example, a local panel including iwi representation, funding for those who can’t afford it) supported by a compliance mechanism (for example, tag on to consents processing for monitoring and evaluation), and a work programme to support the implementation of these obligations.

Given the importance of heeding the UNFCCC's guidance and resulting advice from the Climate Change Commission, we suggest a focus on the priorities" *"...increase the number of electric vehicles on our roads, increase our total renewable energy, improve farm practices and plant more native trees to provide a long-term carbon sink."*¹⁵

Our submission is that sinks should be incorporated into a national emissions "mitigation" plan so that both emissions "reduction" and "recovery" are provided for.

2. Solidarity

A solidarity (kotahitanga) principle for working with our Treaty Partners and honouring our Mana Whakahono ā Rohe Partnership Protocol.

For example, everyone needs to play a role and we need to bring along our partners, schools, youth, industry, faith-based groups, NGOs. We welcome more robust reporting and advocacy around reducing individual carbon footprints too so individuals, communities and businesses can make more climate friendly choices.

3. Precaution

Taking precautionary measures entails anticipating, preventing or minimising the causes of climate change (as defined by the UNFCCC) and mitigating its adverse effects. Taking a precautionary approach entails, amongst other, managing risk and audit. This Council acknowledges that the adverse impacts of climate change can cause harm and therefore precaution needs to be taken by managing risk appropriately. Risk management includes both mitigation (reduction and recovery) and adaptation. It makes sense to "offset" emissions reduction and the subsequent business and societal changes required against what is required in terms of adaptation.

This is what is meant by a National Mitigation and National Adaptation Plan being on the same level. Further, it would make sense to link up the two main mitigation plans (emissions reduction and emissions recovery) with the adaptation planning process.

In our view, provisions must be made well into the extended horizon for the consequential impacts on social, economic and cultural well-being. For example, if climate is threatening fisheries or paua catch in one particular area, then some other form of kaimoana or industry may be required for that local community.

4. Sustainability

Potential strategies and policies derived from the sustainability principle may cover how New Zealand will make its contribution to achieving the Sustainable Development Goals (SDGs); new financial models for emissions reduction accounting, such as economic value rather than profit accounting (in this regard, treatment of risk and Internal Rate of Return (IRR) will be different); and ensuring self-sufficiency in renewables, including hydro electricity back up.

Consistent with sustainable management, and an equitable, inclusive, and well-planned climate transition, energy sources such as cheap biomass, affordable hydro-electric power generation and potentially using degraded areas of the DOC estate for energy farms, should be developed on the West Coast as a matter of priority. Note that on the West Coast, many of the waterways suitable for hydro electricity generation, including micro and small-scale schemes, are within public conservation land. This creates regulatory hurdles and makes self-sufficient renewable energy aspirations extremely difficult to meet. The Government needs to address this to enable generation schemes with small footprints to be established within public conservation where they

¹⁵ He Pou a Rangī; Climate Change Commission: 2021 Draft Advice for Consultation; 31 January 2021; page 11.

meet environmental outcomes. The West Coast is in a good climatic position for hydro electricity generation given the high rainfall and lack of drought conditions.

5. Good neighbourliness

WCRC strongly support collaboration and cooperation in getting this right; and the “no harm” principle. For example, whanaungatanga (or relationships through shared experiences and working together, which provides people with a sense of belonging) is an example of the “good neighbourliness” principle.

Recommendation 2

That the emissions reduction plan be developed on a “first principles” approach and be based on the five “first principles” of equity, solidarity, precaution, sustainability and ‘good neighbourliness’.

First principles inform underlying principles, strategies, policies and rules.

The Precautionary Principle informs mitigation in terms of managing risk and, rather than tackle the low hanging fruit [the most vulnerable], which make little contribution to New Zealand’s overall emissions target we suggest to focus on the priority areas.

For example, the EcoPond system project initiated by Ravensdown and Lincoln University is taking methane out of effluent ponds at a very cost effective rate.¹⁶

Recommendation 3

Tackle the biggest opportunities to reduce net CO₂ and methane emissions first, and do this through a just transition and due process incorporated within a strategic economic plan, rather than ad hoc rules in plans, and which integrates National Mitigation and National Adaptation plans supported by appropriate provisions for “climate finance”.

This is also an opportunity for the West Coast to tackle diesel emissions and focus on ‘heavy transportation’; and ensure that the West Coast is not left behind in the national supply chain for hydrogen.

Other Considerations from WCRC

The following are other relevant matters WCRC wishes to raise that are important for the West Coast region and its local communities.

“Offsetting” emissions

As to the emissions reduction plan, the Council considers that greater provision should be made for increasing the natural removal of emissions, as part of achieving the net-zero goal.

WCRC wish to highlight the inconsistency with how emission levels are measured. Net zero greenhouse gas emissions is not, in this Council’s view, the condition in which metric-weighted anthropogenic greenhouse gas (GHG) emissions are balanced by metric-weighted anthropogenic GHG removals over a specified period. It does not matter if a tree is anthropogenic, man-made in a test tube, or planted as a seedling, as long as it still retains the capacity to remove GHG from the atmosphere, then it should be considered a “sink” for GHG removal.

By extension, net zero CO₂ emissions is the level of emissions whereby carbon dioxide (CO₂) emissions are balanced by CO₂ removals (reduction and recovery) over a specified period; and

¹⁶ Ref: <https://www.ravensdown.co.nz/expertise/ecopond-farm-dairy-effluent-fde-system>; last viewed 22 November 2021.

thereby credits should be justified in the ETS not only for planting new trees but for maintaining the existing ones, such as those in parts of the West Coast conservation estate pre-1990.

We refer MfE to the legal definition of greenhouse gases in the UNFCCC, which explains that "Greenhouse gases means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation".

Furthermore, stabilisation of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

Finding the right balance between economic development on the West Coast and emissions reduction is therefore imperative.

To elaborate, "net zero" refers to achieving a balance between the amount of greenhouse gas emissions produced and the amount removed from the atmosphere. A direct reduction in emissions, and "capture" or "recovery" of emissions work in tandem to reduce existing emissions and to actively remove greenhouse gases. Reduction, for instance, is about decreasing greenhouse gas (GHG) emissions. Recovery, for example, "sinks" is about capturing and storing (sequestering) greenhouse gases like 'carbon dioxide', in another form.

Emission sinks can include forests, wetlands, and oceans; and, for example, could include Ōkārito Lagoon and Karamea/Otumahana Estuary. And opportunities exist for soil carbon, marine carbon (seaweed sequestration) and mineralization of carbon.

So, in other words, reduction and 'offsets' are akin to two sides of the same coin. If cumulative CO₂ emissions increase, then the proportion of emissions taken up by planting trees, restoring wetlands or the ocean cleanup will decrease. When the amount of carbon emissions produced are cancelled out by the amount removed, New Zealand will be a net-zero emitter of carbon. And the lower the emissions, the easier this becomes.

In our view, the national Emissions Reduction Plan should provide for both reduction and recovery, notably by using natural "sinks". At this stage, out of the 130 page document and 114 questions, there is no survey of "natural" sinks or effective use of stewardship land. Fifty percent (50%) of the potential to mitigate, and achieve "net zero" is therefore omitted; this is a grave concern for this Council. In light of the RMA amendment Act 2020, these provisions should also be reflected through into the NBA, for example, by providing for "offsets". Stewardship land tenure, and the option of forest sinks on Stewardship land, is further investigated.

Clearly this is not to say that emissions do not need to be reduced now. But care has to be taken, as always, with transparency, finance, and accountability. Sinks (one form of removal) may appear more expensive than accelerated reduction if costs are discounted over the intervening periods rather than making determinations based on "economic value", which would not consider pre-1990 forests as a "sunk cost" and unable to make a contribution towards emissions removal and the ETS.

Given from the end of 2020, that New Zealand is no longer committed to commitments it made under the Kyoto Agreement (Kyoto Protocol), funding pre-1990 forestry should be recognised and contribute to the national emissions budget by binding its NDC (Nationally Determined Contribution) under the Paris Agreement.

A robust emissions reduction plan will need to be consistent with New Zealand’s net zero targets, which have been embedded in law and will ideally separate reductions and recovery so that checks and balances can be kept on transparency and accountability.

This would also be consistent with the Climate Change Response Act 2002 (as amended), which makes it mandatory for the emissions reduction plan to include sector-specific policies to reduce emissions and increase removals.¹⁷

Mitigation is not only about not polluting the air we breathe, it is also about clearing the air, for example through sinks and carbon capture.

Recommendation 4

That greater provision is made in the emissions reduction plan for increasing the natural removal of emissions via sinks, as part of achieving the net-zero goal.

Consistent accounting and statistical practices

While New Zealand has enshrined its “net zero” emissions by 2050 goal in law, strategies and policies are yet to demonstrate how that ambition will be met.¹⁸

New Zealand is increasingly relying on the mitigation potential of the land use and forestry sector to meet its target rather than focusing efforts on reducing emissions from high emitting sectors, such as transport.

Forestry and other land-use emissions are included in New Zealand’s national greenhouse gas inventory under the land use, land use change and forestry (LULUCF) category.

Recommendation 5

Drop the “gross net”, sometimes referred to simply as the “gross”, approach to target setting; and develop consistent accounting and statistical practices.

¹⁷ Section 5ZG of the Climate Change Response Act 2002 (as amended) provides the requirement for an emissions reduction plan
The plan must include—
(a) sector-specific policies to reduce emissions and increase removals; and
(b) a multi-sector strategy to meet emissions budgets and improve the ability of those sectors to adapt to the effects of climate change; and
(c) a strategy to mitigate the impacts that reducing emissions and increasing removals will have on employees and employers, regions, iwi and Māori, and wider communities, including the funding for any mitigation action; and
(d) any other policies or strategies that the Minister considers necessary.

¹⁸ Section 5Q, Target for 2050, Climate Change Response Act 2002 (as amended 2019): “(1) The target for emissions reduction (the 2050 target) requires that—
(a) net accounting emissions of greenhouse gases in a calendar year, other than biogenic methane, are zero by the calendar year beginning on 1 January 2050 and for each subsequent calendar year; and
(b) emissions of biogenic methane in a calendar year—
(i) are 10% less than 2017 emissions by the calendar year beginning on 1 January 2030; and
(ii) are 24% to 47% less than 2017 emissions by the calendar year beginning on 1 January 2050 and for each subsequent calendar year.
(2) The 2050 target will be met if emissions reductions meet or exceed those required by the target.
(3) In this section, 2017 emissions means the emissions of biogenic methane for the calendar year beginning on 1 January 2017.”

Carbon emitted elsewhere in the production of imported goods must be a factor

From a West Coast perspective, the emissions reduction plan must account for trade effects such as transportation and carbon tax. Shipping coal into New Zealand, and ETS rebates, for instance, must be factored into the Climate Change Commission's calculations.

As an experienced trading nation, and as border controls for Covid demonstrate, it is very doable to have strict targets on emissions embedded in imported goods. Further, it is not 'just' if a domestic grower in Karamea has to pay carbon tax but an airline freighting food out of the country does not have to pay. This penalises small to medium enterprises (SMEs) and the domestic market.

Another important issue concerns timing. To be accountable and avoid market distortions, international shipping and aviation emissions must be included in the first emissions budget. As this engagement and consultation shows, the time is opportune to do this while the Emissions Reduction Plan is being scoped out for development before May next year.

If not, the emissions reduction plan will be incorporating unfair trade distortion, which has negative effects on domestic producers.

One way of addressing this issue is for the Emissions Reduction Plan to provide for the impact of supply chains and value chain emissions on priority sectors. For example, to make a fair comparison as to the cost of domestic coal on the West Coast, aviation and shipping costs to bring imported coal to New Zealand must be considered.

A similar logic applies to the import of cars, fossil fuels, energy, trucks, steel and iron imports and the raw materials for steel and cement imports, which rely on international shipping and aviation.

If there is no coalition of the willing to tackle climate change, and no further appetite for another amendment to the Climate Change Response Act 2002 (as amended), then it is suggested that these issues be considered in the review of inclusion of emissions from international shipping and aviation.¹⁹

Recommendation 6

The emissions reduction plan must:

- a) account for trade effects such as transportation, carbon tax and rebates;
- b) provide for the impact of supply chains and value chain emissions on priority sectors; and
- c) in factoring in offshore costs of trade effects, to account for New Zealand's rigorous ecological monitoring regime, which includes restoration, water quality, health and safety and afforestation as part of its work programme.

New business models for the circular economy and regulatory "sandboxing"

WCRC supports the Government's aspiration to move toward a circular economy and include natural resources, climate change, waste and water in the aspiration. It's all very well having aspiration, but if a strategy doesn't go anywhere it falls apart.

¹⁹ Section 5R, Climate Change Response Act 2002 (as amended), "Review of inclusion of emissions from international shipping and aviation in 2050 target. The Commission must, no later than 31 December 2024, provide written advice to the Minister on whether the 2050 target should be amended to include emissions from international shipping and aviation (and, if so, how the target should be amended)."

Government was expecting new green technology, solar, wind and tidal power to step in spontaneously. Without sound business cases that is not going to happen.

Supporting a circular economy is consistent with the fundamental principle of sustainability but it is not going to happen spontaneously. Further, as economies around the world centre on sustainable products and achieve climate neutrality targets, it is likely that new labelling, packaging, construction and building obligations will also be placed on local firms and companies if they are to compete. A circular economy commercial and action plan should also ensure less waste.

WCRC also support encouraging new business models as required to meet mitigation targets. Airline and shipping companies mentioned above, for instance, could pay for extensive reforestation across the DOC estate or peatland and wetland restoration. This initiative could also relate to the Emissions Trading Scheme (ETS).

Further, the way wetlands and forests are treated in terms of finance in the discussion document, if using “economic value” then there should be a benefit procured for maintaining them, including pre-1990 forests. In brief, this would entail managing the value chains, supply chains and trade effects of climate change.

Another innovation from the West Coast, and again not put forward in the discussion document, concerns regulatory ‘sandboxing’, a word used to denote testing, a sort of pilot project, making sure things are safe before rolling them out to a broader community.

As part of a just transition, the West Coast could be home to pioneering businesses, sustainability in energy provision, and new commercial endeavors, such as being a leader in new technologies and green innovation – hydro-electricity generation, carbon accounting and fintech – a sort of ‘Silicon valley’ of stewardship land for New Zealand for climate mitigation, and providing a hub for regulatory sandboxing as the West Coast make progress to achieve our net zero emissions commitment. Further, UNFCCC NDC commitments will not be made without anthropogenic carbon capture, such as, marine and geo sequestration, or some innovative and new technology.

Government support is required to implement the economic development strategy for the West Coast to support just transition. For example, South Island dairy factories currently need coal to operate. There are five main factories (2 in Canterbury, 2 in Nelson and 1 on the West Coast). A big chunk of dairy product manufacturing in the South Island is reliant on up to 1 Million tons of coal. If production ceases on the West Coast, there will be a serious impact on the West Coast economy.

In turn, strategic economic development should lead to net job creation, climate resilience through new technological development and more funding for new and innovative conservation technologies that will support a transition from fossil fuels.

Recommendation 7

The WCRC requests that the Government, through the emissions reduction plan, provides for:

- a) Economic strategy development for the West Coast;
- b) Research and development for innovative business models and ‘sandboxing’ in low risk areas, subject to local government approval;
- c) A climate change levy or tariff, so that larger emitters such as international shipping and aviation industry, for example, pay for extensive reforestation across the DOC estate, or peatland and wetland restoration;
- d) A benefit or incentive for landowners, including private landowners, to maintain wetlands and forests, including pre-1990 forests; and for retaining native forest on private land, which could be used to offset farm emissions.

Regional neutrality & Net Zero on a regional basis

Regional neutrality, whereby net zero emissions are to be achieved on a regional basis, is another consideration that could benefit the West Coast region and show that the West Coast plays its part.

This is consistent with the national emissions reduction plan reflecting equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

In terms of regional GHG emissions, Auckland and Canterbury are by far the higher emitters of kilotonnes CO₂-e; and the priority should be to target emissions reduction in intensified urban centres.

Further, over 90% of New Zealand's household emissions come from transport (heating and cooling contribute 7%); and it would be interesting to see the regional statistics on these numbers, which are likely to be higher in the Auckland region rather than the West Coast; and more intense (in terms of process heat) at Huntly rather than on the West Coast.

Further, certain industries on the West Coast like Westland Milk, Hospitals and our Schools should be considered "essential industry" and some leeway, or even, subsidy given for a "just transition" consistent with our Paris commitments, "to reflect equity and the principle of common but differentiated responsibilities and respective capabilities".

The question here hinges on whether regional neutrality is a net benefit for us, which in turn hinges on proper data and consistent and coherent statistical analysis.

Thinking about support for the West Coast which could encourage regional uptake of net carbon initiatives, funding for existing forest cover could encourage regional initiatives and job creation around existing forestry, and other initiatives in:

- biodiversity and pest management (plant and animal pest control);
- education opportunities;
- regenerative and restoration ecology and biological science; and
- regenerative and restoration landscape creation.

Recommendation 8

The emission reduction plan should provide for incentives, subsidies, compensation or credits for where net zero emissions can be achieved on a regional basis.

This ends our submission.

Appendix 1

Map of New Zealand to highlight 600km length of West Coast Region compared to distance between Auckland and Wellington



Appendix 2

West Coast Regional Council Submission on “Phasing out fossil fuels in process heat: national direction on industrial greenhouse gas emissions” Consultation Document



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19 May 2021

Cassidy McLean-House,
Ministry for the Environment,
PO Box 10362,
Wellington 6143

Dear Madam,

Submission on the “Phasing out fossil fuels in process heat: national direction on industrial greenhouse gas emissions” Consultation Document

Thank you for the opportunity to make a submission on the “Phasing out fossil fuels in process heat: national direction on industrial greenhouse gas emissions” Consultation Document.

Please find the West Coast Regional Council’s submission attached. This Council has several concerns about the Consultation Document and requests changes.

Our contact details for service are:

Lillie Sadler
Planning Team Leader
West Coast Regional Council
PO Box 66
Greymouth 7840

Phone: 021 190 6676
Email: ls@wcr.govt.nz

We would be grateful for acknowledgement of receipt of our submission.

Yours faithfully

Hadley Mills
Planning, Science and Innovation Manager

West Coast Regional Council Submission on Phasing Out Fossil Fuels in Process Heat

Introduction

The West Coast Regional Council (WCRC or Council) agrees with the intent to respond to climate change; but has several concerns about the approach proposed in the Consultation Document.

The real issue is how to supply the West Coast with affordable electricity.

Our key concerns with respect to the Consultation Document are as follows:

1. Inconsistency with the advice of He Pou a Rangi (the Climate Change Commission), by failing to recognise regional price and distribution disparities, and by failing to provide for a just transition and due process;
2. Some proposals go beyond the remit of legislative consistency;
3. Failure to consider the impacts on social, economic, and cultural well-being of local communities; and
4. Unrealistically tight timeframes leading to by-passing critical decision-making processes, such as social and economic impact analysis and integrated management.

About the Submitter

The West Coast region covers a vast area: it extends from Kahurangi Point in the north and as far south as Awarua Point, a distance of 600 kilometres. It is also a region of minimal industrial greenhouse gas (GHG) emitters. It has a low population and is predominantly rural. 84% of land area is in the Conservation Estate.

The Regional Council also works closely with the regions' three territorial authorities (these being Buller District Council, Grey District Council and Westland District Council). Outside of the main towns of Westport, Greymouth and Hokitika, the region's population is spread across smaller settlements and rural communities. It is important that resource decisions also consider their respective social, economic, and cultural interests.

Poutini Ngāi Tahu are the tangata whenua of Te Tai o Poutini (the West Coast). And our Mana Whakahono ā Rohe (Resource Management Act - Iwi Participation Arrangement) captures the intent of the Council and Poutini Ngāi Tahu to progress their relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown.

The WCRC supports an extensive just transition

The Council recognises the importance of the issues at hand. We have several concerns, and changes are required if the purpose and principles of the RMA, and RMA Reforms, are to be achieved.

Key Issues Raised by this Submission

1. Just transition and Due Process

We are concerned about inconsistencies between the Consultation Document and advice given by the Climate Change Commission in January 2021. According to the Climate Change Commission, “Priority areas for action include increasing the number of electric vehicles on our roads, increasing our total renewable energy, improving farm practices and planting more native trees to provide a long term carbon sink...”²⁰

Whereas the Consultation Document takes as its starting point that “one of the biggest opportunities to reduce CO₂ emissions in Aotearoa is through the decarbonisation of process heat”. The position stated in the Consultation Document thereby contradicts the position of the Climate Change Commission.

Further, the Consultation Document gives no consideration to ‘priority areas for action’, such as, reducing the largest sources of CO₂ emissions; or halting imports of products produced by process heat. (As to the largest emissions sources, New Zealand claims that more than 70% of GHG emissions come from other sectors: 47.8% are reported to come from agriculture, and 21.1% from transport).²¹ Hence, the Climate Change Commission’s focus on these areas as “priority areas for action”.

8.1% of New Zealand’s GHG emissions are reported to come from manufacturing industries and construction, of which coal-fired boilers are but a part.²² The actual numbers related to process heat have not been disclosed and New Zealand’s estimate of mitigation impact in 2020 (kt CO₂ eq) were “not estimated” in its 2020 international reporting.²³ Similarly, in its Consultation Document, the Ministry for the Environment (MfE) provides that “process heat currently contributes about 8% of New Zealand’s total greenhouse gas emissions,” and process heat “includes combustion of fuels such as coal and gas for electricity generation and industrial heat; fugitive emissions, for example, from gas production and geothermal fields; and industrial processes”. But then the Consultation Document alludes to excluding 39 percent of process heat requirements covered by high temperature plants (>300°C) and proposes to target “48 percent of total heat process emissions covered by low and medium temperature plants”. By taking its GHG emission reductions target from 8% to 3.8%, the GHG emission reduction target is in effect halved.

This analysis supports our point that disproportionately targeting coal-fired boilers right now does not therefore present a “significant” national opportunity for GHG emission reductions.

Consistent with direction taken by the Climate Change Commission, analysis may also be done with respect to emissions budgets.

²⁰ He Pou a Rangī; Climate Change Commission: 2021 Draft Advice for Consultation; 31 January 2021;

page 11.

²¹ GHG emission data: New Zealand’s 2020 annual submission, version 1 to the UNFCCC, FCCC/TRR.4/NZL.

²² Ibid.

²³ Ibid.

With respect to GHG emission budgets, the MfE states in its Consultation Document that “the Ministry for the Environment’s preliminary modelling suggests that the emissions of industries covered by the proposals will reduce by 2.1 to 2.7 mega tonnes (MT) CO₂-e by 2037, with emissions reductions attributable to the proposal estimated to be between 0.5 and 0.8 MT [500-800 kt CO₂-eq], and the NZ ETS driving 0.3 to 0.4MT (assuming \$35/t)” [underlining for emphasis]. Whereas, last year (2020) New Zealand reported its most recent Total GHG emissions (kt CO₂-eq), those for 2018 excluding LULUCF, as 78,862.29 (kt CO₂-eq).²⁴ This represents a 0.634% GHG emissions reduction target.

This analysis reinforces our point that disproportionately targeting coal-fired boilers right now does not present a “significant” national opportunity for GHG emission reductions.

Further, using vast resources at national, regional, and local levels to chase a 0.634% GHG emissions reduction target that will have a disproportionate effect on the West Coast, on the basis that it is the “priority national target” must surely be questioned.

As the Climate Change Commission advised in January 2021, “The speed of this transition needs to be steady – fast enough to make a difference and build momentum but considered, with room to support people through the change. An equitable transition means making sure the benefits of climate action are shared across society, and that the costs of the climate transition do not fall unfairly on certain groups or people.”²⁵

How this proposal to phase out fossil fuels in process heat relates to us is that we would have to decarbonise industry, schools, hospitals, and our recreation centres. In our view, such a response is disproportionate. It also fails to tackle the real issue. The real issue is how to supply New Zealand, including the West Coast, with affordable electricity.

Electricity costs are already disproportionately high on the West Coast and in the absence of any evidence of a ‘just transition’ this proposal will simply increase disparities. The Climate Change Commission reports that, “Household’s electricity bills vary from region to region, and even within regions. Different areas already face varying electricity prices. This reflects the cost of not only generating electricity, but also of transmitting and distributing it. Communities further away from where electricity is generated often pay higher electricity prices. For example, electricity pricing surveys show that households in Kerikeri and the West Coast pay more for electricity than the national average. There can be as much as a 50% variation between regions. Average household electricity demand varies across Aotearoa and depends on climatic conditions, personal choice about heating levels for example, and whether the household uses gas, electricity, or wood to heat their homes. For example, the average household electricity consumption is twice as much in Queenstown as in Westport.”²⁶

An extensive transition period is required if there is to be a just transition to renewable energy on the West Coast. Out of 20 air discharge permits reviewed for boilers or incinerators on the West Coast, expiry dates run from 2022 to 2056 (14 have an expiry date of 2030 or later). These consent holders have a “legitimate expectation” that they will be able to continue to operate under the terms of their consent for the next 10-30 years without altering their operating procedures or changing technology or fuels.

²⁴ GHG emission data: New Zealand’s 2020 annual submission, version 1 to the UNFCCC, FCCC/TRR.4/NZL; page 6.

²⁵ He Pou a Rangī; Climate Change Commission: 2021 Draft Advice for Consultation; 31 January 2021; page 11.

²⁶ He Pou a Rangī; Climate Change Commission: 2021 Draft Advice for Consultation; 31 January 2021; page 82-83.

The Consultation Document also states that “coal generation at the Huntly power station” will be “excluded from the current scope of national direction”. If proceeding, the West Coast requests a similar carve out consistent with fair and due process.

Another issue to think about in this regard is regional neutrality whereby the national mitigation plan, which would inform a NPS, which would in turn inform a NES, considers GHG emissions vis a vis sinks, such as those for LULUCF (Land Use Change and Forestry). Integrating wetland sinks into the ETS is also important.

Taking all the above into consideration, the WCRC’s preferred option is for a National Mitigation Plan on the same level as a National Adaptation Plan with supporting guidelines on giving effect to the RMA Amendment 2020; that commitments made to an extensive transition period where livelihoods and well-being are at stake are honoured; and that support is provided for consequential impacts on social, economic, and cultural well-being.

Recommendation 1

Tackle the biggest opportunities to reduce CO₂ emissions and do this through a just transition and due process incorporated within an integrated National Mitigation and National Adaptation plan.

Recommendation 2

Consistent with sustainable management, and an equitable, inclusive, and well-planned climate transition, is that energy sources, such as cheap biomass, affordable hydro-electric power generation and potentially using degraded areas of the DOC estate for energy farms, should be developed on the West Coast as a matter of priority.

2. Legislative Consistency (Kaupapa, 1st principles, policies and measures govern rules – not the other way around)

It would seem to the logical planner that a comprehensive plan for electricity supply, including national mitigation and adaptation plans, and PaM (Policies and Measures) are required before even thinking about a NPS and NES.

In our view, this approach would be consistent with the planning hierarchy set out by the Supreme Court in *King Salmon*.

How, for instance, does this entire consultation fit with the proposed public consultation on a “whole Emissions Reduction Plan (ERP)” scheduled for late 2021? Shouldn’t putting a line under coal fired boilers also be part of a “whole ERP”?

Moreover, there is already a NES for Air Quality (NESAQ) which sets standards for different types of contaminants discharged to air, and needs to be implemented anyway. The NESAQ is being amended to restrict the use of coal in domestic home heating burners. Consent staff refer to the NESAQ when processing a consent for a discharge to air. To be consistent with the RMA as amended in 2020, it would make sense for Councils to consider discharges to air of GHG emissions and climate change mitigation in planning and consenting decisions.

The WCRC was advised by MfE on 6 May 2021 that the Ministry is working on updating the NESAQ and has no target release date as yet as it is waiting for international guidelines. Similarly, we consider it premature to be drafting a NES for emissions to air for process heat.

Alternatively, and as an interim measure, MfE could help in the administration of the RMA Amendment 2020 by providing supporting guidelines that give effect to this “conditional”, i.e., non-mandatory, requirement. Suggesting objectives and policies to guide decision making would be a useful first step.

In this way, the Governments’ undertaking of a comprehensive review of the resource management system will provide opportunities for reducing emissions in an integrated way consistent with National Adaptation Planning.

Recommendation 3

Correct the Consultation Document to ensure policy and legislative consistency.

3. Need to see policy around social, economic, and cultural impact

The policy objectives of our proposal to support social, economic, and cultural impacts are consistent with the purpose of the RMA, which goes beyond the truncated definition in the Consultation Document to incorporate Part 2 of the RMA in its entirety. Section 5 of the RMA, for instance, is misquoted in the Consultation Document. Section 5 of the RMA provides:

“ 5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

In the view of the WCRC therefore, any policy shift must provide mechanisms for people and communities to provide for their social, economic, and cultural well-being and for their health and safety.

There is a need to see policy around social and economic impact before options can be properly evaluated; and alternative options must be found.

This option supports the development of non-statutory guidance on how to assess resource consent and plan change applications involving direct and indirect GHG emissions under the RMA in due consideration of a just transition. Guidance on the ‘best practicable’ option in consideration of a holistic view of Part 2 of the RMA (until the RMA is reformed) would be helpful.

Recommendation 4

Provide policy around social, economic, and cultural impacts and social, economic, and cultural support mechanisms.

4. Grave concern about the tight turnaround

MfE has said it intends to implement decisions on regulating process heat by the end of the year; and that a NES would take immediate effect.

Added to this is the extensive and disparate environmental reform process going on in parallel, i.e., a new NPS for freshwater management; an imminent NPS for indigenous biodiversity; three waters reforms; a new NES for Drinking Water; local government reform; RMA reform; a Select Committee inquiry on an exposure draft of the NBA (Natural & Built Environments Act), public consultation on the Managed Retreat and Climate Change Adaptation Bill (at the end of 2021); public consultation on a “whole Emissions Reduction Plan (ERP)” in late 2021, and so on.

In our experience, this amount of national policy change is impossible to keep abreast of and integrate, particularly for a small planning team (from a capability and capacity point of view). It also appears that there simply are not enough appropriately qualified policy planners in New Zealand to implement the above-mentioned changes in a quality manner.

The WCRC urges a far more considered approach that incorporates a fair and just transition; and considers and supports social, economic, and cultural well-being.

Recommendation 5

Develop an integrated framework for environmental policy and law and set realistic timeframes by which to achieve it.

Summary List of Recommendations

1. Provide for an extensive just transition.
2. Consistent with sustainable management, and an equitable, inclusive, and well-planned climate transition, is that energy sources, such as cheap biomass, affordable hydro-electric power generation and potentially using degraded areas of the DOC estate for energy farms, should be developed on the West Coast as a matter of priority.
3. Correct the Consultation Document to ensure policy and legislative consistency.
4. Leave no one behind. Provide policy around social, economic, and cultural impacts and social, economic, and cultural support mechanisms.
5. Develop an integrated framework for environmental policy and law and set realistic timeframes by which to achieve it. Akin to the Climate Change Commission, and ascertaining a hierarchy of legal obligations, we recommend a first principles (kaupapa) approach centred on developing and balancing national mitigation and national adaptation plans and policy before moving to a rules-based regulatory system.

This ends our submission.

Appendix 3

Tai Poutini West Coast 2050 Strategy, Draft 11 November 2021 (for Economic Development.)

Please see appended document.

Report to: Resource Management Committee	Meeting Date: 14 December 2021
Title of Item: Update on freshwater implementation work	
Report by: Lillie Sadler, Planning Team Leader	
Reviewed by: Rachel Vaughan, Acting Planning and Science Manager	
Public excluded? No	

Report Purpose

To update the Committee on freshwater implementation work undertaken in 2021, and to be done in 2022.

Draft Recommendations

It is recommended that Council resolve to:

1. *Receive the report.*

Issues and Discussion

Freshwater Implementation

Work has commenced this year on implementing several workstreams required by the National Policy Statement for Freshwater Management (NPSFM) 2020. Planning staff wish to update the Resource Management Committee (RMC) on work undertaken this year, and in 2022.

In addition to the monthly updates on the Freshwater Management Unit (FMU) Groups' progress towards completing their Recommendations Report, the following workstreams are in progress:

Outstanding Water Bodies

Policy 3.8(3)(d) of the 2020 NPSFM requires that Outstanding Water Bodies (OWB) be identified, if present, within each FMU in the region, and their significant values protected. This is uncharted territory in RMA planning, and an internal process has been developed to identify OWBs.

Staff have had discussions with Taranaki and Hawkes Bay Regional Council staff on their process for identifying OWBs.

A hui was held with our iwi partners on 31 March to explain the requirements for identifying OWBs.

A stakeholder and iwi partner workshop was held on 16 April to develop criteria for assessing potential OWBs. This was to give effect to a method in the West Coast Regional Policy Statement, and provided an early consultation opportunity. A number of values for freshwater were identified but no clear criteria were formulated.

An informal meeting with a small group of farmers was held on 29 April to discuss their concerns about the implications of protecting any identified OWBs.

Staff undertook site visits to parts of the Buller and Ahaura Rivers which have Water Conservation Orders (WCO) on them, to see what an 'outstanding water body' looks like. Parts of water bodies with a WCO on them are classed as an OWB at the national level by the NPSFM.

A public survey inviting nominations for OWBs was recently undertaken, and included canvassing reasons why people think a nominated water body should be identified as outstanding. A range of stakeholders were also notified of the survey. The survey closed on 10 December, and the reasons for nominating water bodies will be used to help develop criteria for assessing the nominated water bodies.

Following the survey, staff will assess the nominations and come up with a short list, which an independent assessment panel will then review and make recommendations on, in approximately mid-2022.

Long-term Visions

Policy 3.3 of the 2020 NPSFM requires that Long-term Visions (LTVs) are developed for freshwater in the region, and they can be set at a FMU level. They must have a long-term timeframe and goals for achieving the LTV, and must be developed through engagement with communities and tangata whenua.

The FMU Groups have been used as a way of consulting with communities and Poutini Ngāi Tahu to develop the LTVs.

Development of the LTVs has been an iterative process, with changes made by one FMU Group being shared with the others, and LTVs have been subsequently revised and amended.

Staff are aiming to have the LTVs finalised in the next 1-2 months.

National Objectives Framework (NOF)

Policies 3.7-3.14, and 3.16-3.20 outlines a framework and process for identifying values of freshwater, setting environmental outcomes for, at a minimum, the compulsory values listed in the NPSFM, identifying attributes (for example E. coli), and setting target attribute states (TASs) and limits for freshwater use, to ensure that the target attribute states do not go below the national bottom lines, and that freshwater quality is maintained or improved.

The FMU Groups have identified the values of freshwater for each FMU.

An expert panel, including Council science and planning staff, and science consultants, has recently been established to determine baseline conditions, and options for setting target attribute states (TAS's), based on Council's monitoring data and national research. TAS's need to be set for all waterways in the region, using a framework that fits the West Coast's unique physical and social conditions.

The Panel are aiming to complete the work in 2022, and will make recommendations to the Council on TASs.

Natural wetlands

Policy 3.23 requires that regional councils identify, map, keep an inventory of, and monitor, natural inland wetlands. The work does not include wetlands on public conservation land or those that are not natural. A preliminary, in-house desktop identification of natural wetlands has been done, and the information recorded in an inventory.

This work needs to be reviewed by an expert ecologist, any gaps identified, and site visits undertaken to confirm locations and extent of wetlands. Recruitment will shortly commence to undertake this work.

Freshwater threatened species

Policy 3.8(3)(c) requires the identification of the location of threatened species' habitats within each FMU. Schedule 7A "Habitats of Threatened Species" in the L&WP contains this information, however it is old and needs updating. A Freshwater Ecologist was contracted to review Schedule 7A. The Ecologist's report is being finalised.

Fish passage

Policy 3.26(2) and (3) require that desirable and undesirable fish species be identified, and policies be added to regional plans for instream structures to provide for, or prevent, fish passage respectively. An informal meeting was held with Department of Conservation (DoC) and Fish and Game (F&G) staff in April to share information on what is needed to give effect to Policy 3.26. Council Science staff attended a training on assessing the suitability of instream structures for fish passage.

A successful Kaimahi for Nature project has a component that funds two FTE's for 12 months to assess 2000 structures. This starts in 2022. Structures are assessed for their ability to allow fish to migrate up and downstream, past the structure. Structures need to allow for this under the RMA, regional plans, and the NPSFM 2020.

Provisions added to Land and Water Plan

Policies 3.22(1) and 3.24(1), and Objective 3.26(1), for wetlands, rivers and fish passage respectively requires the inclusion of the policies and objective in the L&WP verbatim without going through a Resource Management Act (RMA) Schedule 1 public notification process, under section 55 of the RMA. These provisions were added to the Plan in June this year.

Freshwater plan change drafting in 2022

Policies 3.2 and 3.4 of the NPSFM requires that the WCRC engages with communities and Poutini Ngai Tahu to determine how Te Mana o te Wai applies to freshwater management on the West Coast. Drafting of the freshwater plan changes to the RPS and the Land and Water Plan (L&WP) will likely commence in 2022, once the Poutini Ngāi Tahu view of Te Mana o te Wai is developed.

The FMU Groups' regulatory Recommendations will be added to the Plan as much as practicably possible. Non-regulatory Recommendations will be implemented outside of the plan change process.

Although the NPSFM does not require OWBs to be added to regional plans, the recommended OWBs will need to be drafted into the L&WP freshwater plan change, so that provisions can be added to protect their significant values.

Implementation 3.3 requires that Long-term Visions be included in the RPS.

The TAsSs and limits recommended by the NOF Expert Panel and approved by the Council will be added to the L&WP.

Schedule 7A "Habitats of Threatened Species" in the L&WP will be updated with the information from the review.

Changes to the L&WP will need to be considered to ensure that fish passage is had regard to when considering consent applications for instream structures, and that the remediation of existing structures and provision of fish passage is promoted (Policy 3.26(4) and (5)).

Report to: Resource Management Committee	Meeting Date: 14 December 2021
Title of Item: Te Tai o Poutini Plan Update	
Report by: Jo Armstrong, Project Manager	
Reviewed by: Heather Mabin, Acting Chief Executive	
Public excluded? No	

Report Purpose

Update the Resource Management Committee (RMC) on matters relating to the Te Tai o Poutini Plan Committee.

Report Summary

The TTPP Committee met on 2 December 2021. The main discussion focussed on feedback from eight Natural Hazards workshops run over the last six weeks with Poutini Ngāi Tahu and district councils.

A large part of the meeting was also aimed at making final changes to chapters for inclusion in the TTPP Exposure Draft.

Draft Recommendations

It is recommended that Resource Management Committee resolve to:

1. Note the report.

Issues and Discussion

Update on Natural Hazards in the Draft TTPP

Work continues on developing provisions for natural hazard management. Consideration is being given to a variety of hazards including coastal, tsunami, flooding, land instability and fault rupture.

Individual district council and iwi workshops to discuss natural hazard overlays took place in October and November. The TTPP Committee requested the workshops to help them fully understand the implications of any rules they propose in the draft plan.

Covid lockdown impacted the ability of our consultants to deliver some natural hazards research. Further work is still required to map land instability, and the current coastal data we have received is insufficient for us to consult on at this time. This means that the Natural Hazards Companion Document that will be published alongside the Exposure Draft will only include flooding, tsunami, wildfire and fault avoidance maps and provisions. We will consult on these from 26 January until 11 March, undertaking meetings and drop-in sessions over the last half of February.

If we have reasonable confidence in the land instability and coastal data by March, we will produce a separate information document on these, and undertake more community consultation in April. Feedback can then be used to inform the Proposed Plan prior to its notification in early July. Formal submissions will be taken on the Proposed Plan from then.

Draft Chapter Review

Draft chapters under review at the 2 December meeting included:

- Natural Environment Values
- General District-wide Matters
- Subdivision
- Open Space Zones

District-wide matters such as Noise, Light and Signs drew a lot of minor comments, but the Committee were happy to receive all these chapters for publication in the draft TTPP.

Further information on topics under development, and the anticipated delivery schedule for TTPP can be found on the Te Tai o Poutini Plan website at: <https://tpp.nz/wp-content/uploads/2021/12/TTPP-Monthly-Report-31-October-2021.pdf>

Report to: Resource Management Committee	Meeting Date: 14 December 2021
Title of Item: Further Resource Management System Reform consultation	
Report by: Lillie Sadler, Planning Team Leader	
Reviewed by: Rachel Vaughan, Acting Planning and Science Manager	
Public excluded? No	

Report Purpose

To outline the Government’s latest discussion document on the Resource Management (RM) Reforms, and seek the Resource Management Committee’s direction for a draft submission.

Draft Recommendations

It is recommended that Council resolve to:

1. *Receive the report.*

Issues and Discussion

Further RM Reform consultation

The Government has released its latest discussion document on the Resource Management (RM) Reforms, titled “Our future resource management system – Materials for discussion”. The document follows on from the Exposure Draft of the Natural and Built Environments Bill which contained parts of, but not all of, the Bill, that Council submitted on earlier this year.

The RM Reform continues to progress, and the Government is providing another opportunity to engage on the current proposals for the Natural and Built Environments Act (NBA) and the Strategic Planning Act (SPA) before they are developed into full Bills.

The objectives of this current round of engagement are to:

- provide an update for Māori, local government and sector stakeholders on where the Government is up to in the reform of the resource management system and on next steps in the reform
- present a fuller view of the main components of the system designed to date, including the role of Māori and local government within the future resource management system, from the national to the local level
- respond to and build on feedback received to date
- provide a general overview of RM reform to audiences who have a limited understanding or limited engagement to date, and support preparation for submissions on the full Bill to a select committee in 2022.

An initial reading of the document identifies the following key points:

- The NBA will improve recognition of te ao Māori and Te Tiriti o Waitangi, and decision-makers would be required ‘to give effect to’ the principles of Te Tiriti rather than ‘take into account’.
- The Government assurance, given for the Exposure Draft, that development and implementation of the NBA will not preclude any potential options for addressing Māori freshwater rights and interests, will continue.
- The National Planning Framework (NPF) will play a role in resolving conflicts between outcomes in the system, that are the most appropriate to resolve at the national level.
- Environmental limits will be framed as a minimum acceptable state of an aspect of the environment, or a maximum amount of harm that can be caused to that state.
- The Regional Spatial Strategy (RSS) and NBA plan must give effect to the NPF.

- The Government will work with a selected region to prepare a model RSS (required by the SPA for a whole region), and a Natural and Built Environments Act plan, i.e. one plan for a region.
- The RSS and NBA plan will be prepared by a joint committee comprising representatives from hapū/iwi/Maori, local and central government. The latter will potentially be a representative appointed by the Minister of Conservation.
- RSSs will require multiple groups to work together to identify how the region will grow over the next 30 years. The RSSs will provide firm direction on integrating decisions on land use, urban development, infrastructure, environmental protection and climate change, but will not be operative; rather they will guide NBA plans and coordinate investment from the public and private sector.
- RSSs will also help groups to identify areas of mutual benefit and potential conflict earlier on. This will allow interactions between outcomes to be managed in a more strategic way, for example, by designating areas for development or for protection.
- NBA will carry over the RMA's requirement to 'avoid, remedy or mitigate' adverse effects of activities on the environment, without placing unreasonable costs on development and resource use.
- Non-complying activity status will be removed, and controlled activity status will be changed to have a limited ability to decline a consent application, more like restricted discretionary activity status.
- Cost recovery provisions in the NBA will allow costs to be recovered for compliance monitoring of permitted activities and investigating non-compliant activities.
- Stronger regulatory stewardship and operational oversight of the system by central government and other independent oversight bodies.

The document does not cover the Climate Adaptation Act (CAA). Public consultation on the CAA is expected to take place in early 2022 alongside consultation on the National Adaptation Plan under the Climate Change Response Act 2002.

Feedback on the document is sought until 28 February 2022.

Staff suggest to make a submission; the changes indicated in the discussion document will potentially impact the Council and ratepayers in terms of potential costs of changing RMA plans to the new NBA and SPA system.

A link to the document will be circulated to the RMC.

Region sought to model RSS and NBA plan

As a result of the new legislation, regional councils will be required to undertake regional co-ordination to implement the RSS and NBE plans. A 'model project' will be developed to support, test and demonstrate the implementation of the future system. Expressions of interest will be sought from regions to participate in the model project.

The regional council Chief Executive's Forum has written to Minister Parker regarding potential regions to pilot the RSS.

Does the Council wish to express an interest in becoming a model Council for implementation of the Regional Spatial Strategies (RSS) and Natural and Built Environment (NBE) Plans? There will be additional costs of plan change/review notification, preparing a new regional spatial strategy, and merging the Te Tai o Poutini Plan and Regional Plans into one Plan. Some of this cost will be absorbed by planning staff, but there may be resources available for model councils to implement.

Report to: Council	Meeting Date: 14 December 2021
Title of Item: Review of Stewardship Land	
Report by: Rachel Vaughan, Acting Planning, Science and Innovation Manager	
Reviewed by: Heather Mabin, Acting Chief Executive	
Public excluded? No	

Report Purpose

The purpose of the paper is to table to Council the 2021 November Discussion document *Stewardship land in Aotearoa New Zealand; Options to streamline processes for reclassification and disposal* (the Discussion document) issued by the Department of Conservation (DoC) and the New Zealand Government and the alert Council to the review process for stewardship land currently being undertaken.

Report Summary

Draft Recommendations

It is recommended that Council resolve to:

Receive and note this report, and

Direct staff to engage with the Community and DoC to ensure historic and Community value of stewardship land is known to the review panel and included in the recommendations to the Minister for the reclassification of individual land parcels.

Issues and Discussion

Background

According to the Discussion document, stewardship land amounts to 2.5 million hectares or 30% of public conservation land; on the West Coast DoC land equates to 84.7% of the total region, with approximately 40-50% Stewardship land, therefore constraining the four Council's ability to collect rates to the remaining land.

Under Schedule 1 of the Local Government (Rating) Act 2002 the following land is non-rateable:

Part 1 Land fully non-rateable

- 1 Land forming part of—
 - (a) a National Park under the [National Parks Act 1980](#);
 - (b) a reserve under the [Reserves Act 1977](#);
 - (c) a conservation area under the [Conservation Act 1987](#);
 - (d) a wildlife management reserve, wildlife refuge, or wildlife sanctuary under the [Wildlife Act 1953](#).
- 1A Land that is subject to a Ngā Whenua Rāhui kawenata under [section 77A](#) of the Reserves Act 1977 or [section 27A](#) of the Conservation Act 1987.
Schedule 1 Part 1 clause 1A: inserted, on 1 July 2021, by [section 52\(1\)](#) of the Local Government (Rating of Whenua Māori) Amendment Act 2021 (2021 No 12).
- 2 Land vested in the Crown and forming part of—
 - (a) a flood ponding area;
 - (b) *[Repealed]*
 - (c) *[Repealed]*
 - (d) the bed of any navigable lake or navigable river.
Schedule 1 Part 1 clause 2(b): repealed, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).
 Schedule 1 Part 1 clause 2(c): repealed, on 1 April 2011, by [section 128](#) of the Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3).

If this land is simply re-classified back into DoC estate based on the current classifications under the Section 16 of the Reserve's Act, then the land is not contributing to rates and has limited potential for economic value under whatever the classification and the management plan for that area allows.

For reference the current options for classification are outlined under Section 16 of the Reserve's Act:

- 17 Recreation reserves
- 18 Historic reserves
- 19 Scenic reserves
- 20 Nature reserves
- 21 Scientific reserves
- 22 Government purpose reserves
- 23 Local purpose reserves

Each reserve status outlines the values to be recognised. See Appendix 4.

Current situation

On 19 November, Mark Davies, Director of Operations Western South Island region, DOC, informed various stakeholders that the Minister was proposing a law change to make to the reclassification process of stewardship land more straightforward, see Attachment 1. Attached to Mark Davies' advice was a copy of the Discussion document, see Attachment 2.

As a result of this advice received from DOC, the three West Coast District Councils and the Regional Council have contracted Mark Christensen, Natural Resource Law, to prepare a joint submission on their behalf, see Attachment 3.

In addition to the proposed law change to reclassify stewardship land, DoC has formed two national panels to begin the work on reclassification of stewardship land in the West Coast, Tasman, Nelson, and Marlborough regions. The panels are comprised of independent representatives – including technical experts with capability in ecology, earth sciences, landscape, recreation, heritage and matauranga Māori – the panels have been tasked with providing revised classification recommendations to the Conservation Minister.

These panels will do their work in parallel with the legislative amendments for reclassifying stewardship land. The discussion document is not seeking input on the establishment of the national panels or their technical work to consider and make recommendations on the future land status of individual stewardship land areas. The establishment of the national panels and membership of the national panels has been decided and approved by the Government.

The discussion document advises that submissions relating to the national panel, or the reclassification of specific stewardship areas will not be considered.

There will be opportunities for the public, stakeholders, and iwi/Māori to provide feedback on the recommendations through a public consultation process, prior to final decisions being made on the proposed reclassification.

Staff have already had the issue stewardship land raised by members of the public through various forums. Below is an example of a Community Group seeking representation from the West Coast Regional Council on the issues of stewardship land.

Excerpt from the South Westland Freshwater Management Unit draft recommendations to West Coast Regional Council:

- *That the Regional Council advocate for the assessments of stewardship land to include both environmental and economic values, including but not limited to assessments of conservation value and local community well-being; and that the RMC present this strategy to central and local government and relevant stakeholders. (Note that approximately 35 percent of the public conservation land on the West Coast (Tai Poutini) is stewardship land, totalling 1,000,000 hectares).*
- *That the Regional Council inform Dr Jan Wright, Chair of the Western South Island Independent Expert Panel providing recommendations on the reclassification of stewardship land nationally, on the views of the SWFMU and seek a response from the panel with respect to the recommendations herein and the reclassification of stewardship land.*
- *That the Regional Council advocate for a communications plan for stewardship land, which includes engaging regularly with the Western South Island Independent Expert Panel on the assessment of stewardship land for South Westland*

Options Analysis

Management proposes that there are three options available to Council:

1. Do nothing, allow the process to continue and no input into the legislative review.
2. Support the submission process, and let the land review be undertaken
3. Support the submission process, and actively engage with DoC on the review panel process for the West Coast.

Management does not support the first option not supported as Stewardship land forms a large part of the land area in the West Coast.

In some instances, the stewardship land came into DoC estate through dissolution of other government agencies, not due to any significant value of the land parcel.

The Parliamentary Commissioner for the Environment completed a report on Stewardship land in 2013, and stated:

The Minister's introductory statement to the Conservation Bill in December 1986 indicated an intent that stewardship land would function, in effect, as a neutral 'land bank' – it was to be "land for which no end use has been decided".²⁰ Some might be taken out of the conservation estate, and some might be reclassified into other categories of protected land.

Source: 20 Hon. Russell Marshall, 11 December 1986, Hansard, p. 6139.

The West Coast councils need to obtain the opportunity for the panels to get information on history or historic use of some of the stewardship land and ensure that any recommendations to the Minister are made considering the value to our Communities. This is important given West Coast is the first area to be considered as part of this process.

Waiting until the public consultation process may risk that the Community or economic value of the land will not form part of the recommendation to the Minister of Conservation on a reclassification proposal.

Management recommends that the Council support option 3 and engage with DoC to ensure that the value of Stewardship land to the Community and the contribution this land makes to the West Coast is something the Panel are to be aware of.

Staff have spoken about this in various forums and were informed that the timeframes are tight and there is no opportunity to consult with the wider West Coast Community. But given this feedback, Management believes DoC will undertake to engage with Community leaders on this issue.

Staff believe there is a case to make that in some instances the land contributes to the health and well-being of Communities, whether that be for economic sustainability, jobs or other value.

On this basis, Management recommend that Council adopt option 3 and direct staff to engage with the Community and DoC to ensure historic and Community value of stewardship land is known to the panel and included in the recommendations to the Minister for the reclassification of individual land parcels.

Costs and Benefits

A detailed cost benefit analysis has not been undertaken but economic loss in the form of:

- Land being fully re-classified as conservation land and no rates able to be realised,
- Land being fully re-classified as conservation land and no economic activity for the Community able to be undertaken.
- Land is lost to productive use and results in further job loss within the Community.

Staff time will be required to undertake consultation with the Community and convey that information to the DoC and the review panel. This can be absorbed into existing staff costs but may delay other workstreams.

Considerations

Implications/Risks

The risk of not acting is the economic loss in the form outlined above.

- Land being fully re-classified as conservation land and no rates able to be realised,
- Land being fully re-classified as conservation land and no economic activity for the Community able to be undertaken.
- Land is lost to productive use and results in further job loss within the Community.

There is not considered a substantial risk to undertaking this action.

Significance and Engagement Policy Assessment

There are no issues within this report which trigger matters in this policy.

Tangata whenua views

Iwi representatives of Te Rununga o Ngati Waewae and Te Rununga o Makaawhio have been included in the correspondence. WCRC have advised WDC that under the *Mana Whakahono a Rohe Agreement*, Iwi need to be involved in the review process of the submission.

Financial implications

Current budget: Additional unbudgeted cost of \$2,250.

Staff time to undertake consultation.

Future implications: Unknown

Legal implications

Legal advice is being sought from Mark Christensen, Natural Resource Law on forming a submission to the discussion document.

No legal advice has been sought regarding engaging the panel on local values associated with the stewardship land review panel process.

Attachments

Attachment 1: Email from Mark Davies, DOC, Subject: *Stewardship Land Review Process Update*, received 19 November 2021

Attachment 2: Department of Conservation Discussion document *Stewardship land in Aotearoa New Zealand; Options to streamline processes for reclassification and disposal*, November 2021

Attachment 3: Email from Simon Bastion, WDC, Subject: *Stewardship Land Review Process Update*, received 19 November 2021

Attachment 4: Extracts from the Reserves Act, 1977

Attachment 5: Investigating the future of conservation: The case of stewardship land. Parliamentary Commissioner for the Environment. August 2013.

Heather Mabin

From: Mark Davies <mrdavies@doc.govt.nz>
Sent: Friday, November 19, 2021 08:45
To: Jamie Cleine (mayor@bdc.govt.nz); Jamie Cleine; Tania Gibson (mayor@greydc.govt.nz); Sharon Mason; Rachel Townrow; GDC Paul Morris; makaawhio; Francois Tumahai; heath; Renee Rooney; Renee Rooney (chair@dwc.org.nz); Bruce Smith (mayor.smith@westlanddc.govt.nz); Simon Bastion; Allan Birchfield Home; Heather Mabin
Cc: Lars Ivarsson; Joy Comrie; Karen Jury; Kopa Lee
Subject: Stewardship Land Review Process Update
Attachments: Stewardship Discussion Document.pdf

This email is from an external sender. Please be careful with any links or attachments.

Tēnā koe Paul, Francois, Mayor Jamie, Mayor Tania, Chair Allan, Mayor Bruce, Renee, Heath, Sharon, Paul Morris, Heather

The Minister of Conservation, Hon Kiritapu Allan, is proposing a law change to make it easier to reclassify stewardship land held by the Department of Conservation (DOC), and make sure it is managed appropriately.

As a key stakeholder, we want to invite your engagement and feedback on the attached discussion document: *“Stewardship land in Aotearoa New Zealand - Options to streamline processes for reclassification and disposal”*.

What is stewardship land?

Stewardship land was allocated to DOC when it was formed in 1987. We categorise conservation land into different classifications such as National Park or Reserve because it allows us to identify those areas that need greater protection. Categorising the land also allows us to ensure that the land is managed in a way that protects its unique features.

There are more than 2.5 million hectares of stewardship land across Aotearoa but very little of it has been assessed.

Why does legislation need to be streamlined?

The goal is to speed up and simplify the reclassification process so land with conservation value is identified and managed appropriately, while land with low or no conservation value can be made available for other uses.

Land with conservation value must be classified correctly so that it is protected for its natural and cultural heritage, and managed for future generations to enjoy.

The proposed law change will see more efficient public consultation and ensure the process to reclassify stewardship land is fit-for-purpose.

We want to hear from you

In May 2021 the Government announced a package of work to speed up the reclassification of stewardship land. This work includes:

- a. the establishment of two independent national panels who will undertake the work of assessing the conservation values of each parcel of stewardship land, and then making a recommendation to the Minister of Conservation on the new classification of the land, and
- b. legislative amendments to ensure that the process for reclassifying stewardship land is fit-for-purpose.

We would like to talk to you about the second stream of work - amendments to the Conservation Act to create a process that is clear, efficient, and better enables the national panels to carry out their work appropriately. The discussion document identifies six areas where we think amendments could be made to the current process. For most of these areas, we have identified a range of possible options.

The feedback we gather on these options during our engagement will help inform the advice we give to the Minister of Conservation. That advice will help the Minister decide how to proceed. Engagement on these options will last for four months and end on 8 March 2023.

The national panels

Our proposals in the discussion document relate only to options for legislative amendment. However, we understand that you will likely be interested in the work of the national panels. The national panels will begin their work in the Western and Northern regions of Te Waipounamu and will progress to other parts of the country as these regions are completed. In each region, prior to the national panels beginning their work, DOC will engage with tangata whenua to discuss how they wish to be involved in the reclassification process. Anna Cameron will be in touch with you to set up a meeting to discuss any questions you may have. You can also find information on our website here.

Reclassifying stewardship land does not preclude it from being used as redress in the future. The terms of reference for the national panels state that any parcels of land subject to active consideration as part of Treaty of Waitangi settlement negotiations between the Crown and claimant groups are out of scope of the work of the national panels.

If you have any questions, please contact us on stewardshipandpolicy@doc.govt.nz or get in touch with your local DOC office.

Ngā mihi,

Mark Davies
for

The Stewardship Land Policy Team

Mark Davies

Director, Operations
Western South Island Region
Department of Conservation | *Te Papa Atawhai*

10 Sewell Street, Hokitika 7810
Mobile + 64 274 746 330

Conservation leadership for our nature *Tākina te hī, Tiakina, te hā o te Āo Tūroa*

From: Lars Ivarsson <livarsson@doc.govt.nz>
Sent: Friday, 19 November 2021 8:36 am
To: Mark Davies <mr Davies@doc.govt.nz>
Cc: Lorraine Sorley <lsorley@doc.govt.nz>
Subject: RE: Contacting stewardship land stakeholders

Thank you Mark –

Here is the email template we use for the tier 1 stakeholders, plus the discussion document final version.

Stewardship land in Aotearoa New Zealand

Options to streamline processes
for reclassification and disposal

Discussion document
November 2021



Department of
Conservation
Te Papa Atawhai

New Zealand Government

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All submissions are subject to the Official Information Act 1982 and can be released, if requested, under that Act. If you have specific reasons for wanting parts, or all, of your submission withheld, please include these in your submission. The Department of Conservation (DOC) will consider those reasons when making any assessment of the release of submissions. Please refer to DOC's privacy statement for further information¹.

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Foreword by the Minister of Conservation

Ensuring that public conservation land is appropriately managed, protected and preserved is one of the key functions of the Department of Conservation (DOC). Public conservation land allows New Zealanders to connect with nature, provides important habitats for native species, and gives protection to key historical and cultural places.

Stewardship land is one of the categories of public conservation land. It includes land that was given to DOC to manage when the department was formed in 1987 and makes up 2.5 million hectares across Aotearoa, about one-third of the land DOC manages.

Most stewardship land is held by DOC because of its conservation value; however, 'stewardship' areas have the lowest level of protection. Stewardship land was intended to be a temporary category until the land could be assessed and the right classification awarded. This work is complex and time consuming because of the sheer amount of land needing to be reclassified, so in 2021, very few parcels of stewardship land have been assessed and reclassified.

I want to simplify the reclassification process so that land with conservation value is identified and managed appropriately, to ensure it is protected for its natural and cultural heritage and safeguarded for future generations to enjoy. Land with very low or no conservation value can then be made available for other uses where appropriate.

With this in mind, I have commissioned the stewardship land reclassification project, which aims to speed up the reclassification of stewardship land in two ways.

- Convening two national panels of experts to assess the values of the land and provide me with technical assessments and recommendations for the future land classifications of stewardship land.
- Legislative amendments to ensure that the process for reclassifying stewardship land is efficient and fit-for-purpose.

This document looks solely at the proposed legislative amendments and sets out the options for addressing areas in the current process where efficiencies can be achieved or where changes are needed to ensure the national panels can carry out their work effectively.

I would encourage any New Zealander with views on the process for assessing and reclassifying stewardship land to contribute to this process and provide your views.



Hon Kiritapu Allan
Minister of Conservation

Executive summary

Stewardship land is a category of public conservation land that includes land that was allocated to Te Papa Atawhai Department of Conservation (DOC) when DOC was first formed. It was intended that the conservation values of this land would be assessed and the correct classification would then be assigned. However, due to a number of factors, including the time and resources needed to reclassify this land, the majority of stewardship land has not been reclassified.

Stewardship land amounts to 2.5 million hectares or 30% of public conservation land. To ensure that this land is reclassified promptly and effectively, the government has announced a stewardship land reclassification project comprising:

- national panels that will assess the conservation values of parcels of stewardship land and provide a recommendation as to their new classification to the Minister of Conservation
- legislative amendments to ensure that the process for reclassifying stewardship land is fit-for-purpose.

This discussion document sets out the following six areas in the current process where efficiencies could be achieved or where changes could be made to ensure a better process.

1. Improving consistency of public notification and submission processes
2. Enabling the national panels to carry out the public notification and submission process
3. Clarifying responsibilities for making recommendations to reclassify stewardship land as national park
4. Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of
5. Enabling the Minister of Conservation to direct proceeds from the sale of stewardship land to DOC
6. Clarifying the status of concessions on reclassified stewardship land.

DOC is seeking feedback on the options for legislative change to help inform decisions on what the process for reclassifying stewardship land should be.

Introduction

Purpose

DOC is undertaking a review of the legislation relating to stewardship areas (referred to as ‘stewardship land’ in this document) as part of the broader stewardship land reclassification project. The review seeks to streamline the processes for reclassifying and disposing of stewardship land to resolve issues that have led to delays in the past. The Government wants stewardship land with a high conservation value to be reclassified appropriately (to improve its legal protection). There may also be some areas that have little or no conservation value and could potentially be disposed of.

Objectives

Through this review we are seeking to meet the following objectives.

- enabling a more efficient process for reclassifying stewardship land
- delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act 1987)
- ensuring conservation values are adequately protected
- enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation (for more information about the national panels please refer to page 13).

The options for changes to legislation that are described in this paper have been assessed against these objectives to determine how well they achieve the purpose of the review. DOC considers each objective to be equally important, and no objective has been given more weight over the other objectives. However, some objectives may not be relevant to every option.

Questions

1. Do you agree with the objectives listed above?
2. Should any other objectives be included in this review?

What is ‘stewardship land’?

Conservation land is categorised into different land status/classifications to protect the natural and historic resources of that land. The land status/classification is determined by the conservation values of that parcel of land and provides the settings for how the land should be managed to best protect and preserve those values. It also is used to identify areas where additional or higher protections are needed.

‘Stewardship land’ is a category of public land created under the Conservation Act 1987. At that time, the Government transferred responsibility for large areas of land to the Department of Conservation (DOC) to act as a steward of the land until its conservation value had been assessed. About 30% of public conservation land is categorised as stewardship land. This equates to over 2.5 million hectares. Most stewardship land is in the South Island, with approximately 1 million hectares on the West Coast (see the maps on page 15 and 16). There are smaller parcels of stewardship land across the North Island, primarily in Waikato, Taranaki and across the Central North Island.

DOC is legally required to manage this land so that its natural and historic resources are protected. This is considered a weak legal protection when compared with other categories of conservation land which have stronger management requirements, meaning that some stewardship land with high conservation value may not be adequately protected.

Current legislative framework

DOC's roles and responsibilities in relation to public conservation land, including stewardship land, are covered in several pieces of legislation including: the Conservation Act 1987 (the Conservation Act), the Reserves Act 1977 (the Reserves Act), and the National Parks Act 1980 (the National Parks Act).

This legislative framework sets out the processes for establishing, reclassifying and disposing of stewardship land. In particular:

- the public notification, submission and hearing requirements (including responsibilities) for reclassification of stewardship land (section 49 of the Conservation Act and section 119 and 120 of the Reserves Act)
- the process and responsibilities for classifying stewardship land as a national park (section 7 of the National Parks Act)
- land allocated to DOC when the department was first formed is managed as stewardship land (section 62 of the Conservation Act)
- how other land is acquired and declared to be held for conservation purposes (section 7 of the Conservation Act)
- the disposal of stewardship land with very low or no conservation value (section 26 of the Conservation Act as well as the Conservation General Policy) and how the proceeds of sale of this land are dealt with (section 33 of the Conservation Act)
- the system for concessions on public conservation land, including stewardship land (part 3B Conservation Act).

DOC also has a particular responsibility under section 4 of the Conservation Act to interpret and administer the Conservation Act (and any statutes included in Schedule 1 of the Conservation Act) to give effect to the principles of the Treaty of Waitangi.

Why are we reviewing the legislation for reclassifying stewardship land?

Around 30% of public conservation land is held as stewardship land – over 2.5 million hectares or 9% of Aotearoa New Zealand’s total land area. There are over 3,000 parcels of stewardship land of varying sizes across the country. Many of these areas are home to threatened species and high-priority ecosystems and hold significant cultural, historical and recreation value.

‘Stewardship land’ is a category of public conservation land that was established by the introduction of the Conservation Act in 1987 (see Appendix 1 for a glossary of key terms used in this document). At that time, the Government transferred responsibility for large areas of land to DOC, with the provision that DOC was to act as a steward of the land until its conservation value had been assessed and the land was reclassified or disposed of accordingly.

However, in the 30 years since the category of stewardship land was created, most areas have not been classified. Since DOC was established, only 100,000 hectares of stewardship land have been assessed and reclassified. This has occurred through processes such as:

- transfers through Treaty settlements
- additions to existing national parks or conservation parks
- the creation of new national parks (eg, Kahurangi National Park and Rakiura National Park both included stewardship land)
- new conservation parks.

During the same period, over 40,000 hectares of stewardship land has also come under DOC management through processes such as tenure review and Nature Heritage Fund purchases.

The fact so much stewardship land remains unassessed is an issue because it means that these parcels of land may not have the appropriate level of protection and management as their conservation values have never been fully assessed. This means the following.

- While stewardship land is managed by DOC for conservation purposes, some areas of stewardship land have significant values, requiring the greater level of management and protection afforded by other categories of land classifications. Failure to provide the level of protection appropriate to the area risks the loss of biodiversity, cultural and other values that DOC is charged with protecting. We are in the midst of a biodiversity crisis and cannot afford further degradation of ecosystems or species.
- It is likely that there will be some stewardship areas that are currently managed for conservation purposes but would be assessed as having very low or no conservation value. Continuing to manage these areas as public conservation land means that alternative uses for the land cannot be pursued, and public resources are not being used efficiently.
- The uncertainty around which areas of stewardship land deserve greater levels of protection or could be better used for other purposes has created tension for and

between people who have rights or interests in the land and want it to be used appropriately.

There are multiple barriers that have prevented large-scale reclassification of stewardship land, and they largely stem from the sheer amount of land that needs to be reclassified through a process that is complex, time consuming and expensive. The process for reclassifying stewardship land is set out in conservation legislation and spans multiple statutes.² A diagram of this process is on page 21. The process usually involves:

- surveying the land
- analysis of the conservation values of the land including the species and ecosystems present
- working in partnership with tangata whenua; iwi, hapū, and whānau
- consulting the public (which may include submissions and public hearings).

All the conservation values of the land (including natural, cultural, historic, landscape and recreational values) must be considered before a decision can be reached. Most decisions are made by the Minister of Conservation, but some (eg, for reclassifying land to national parks) require wider government consultation and approval, adding to the complexity and timeframes. Where land is identified as suitable for disposal, further processes add additional complexity, expense, and time.

Reclassifying all stewardship land will require every one of the more than 3,000 parcels of stewardship land (9% of Aotearoa New Zealand's land area) to go through this process. The specific time, costs and complexity associated with reclassifying a parcel of land are highly variable and can be impacted by many factors.

- Many areas of stewardship land are large and very remote. These areas tend to be difficult and expensive to accurately survey and assess.
- There are areas that are of great significance to tangata whenua; iwi, hapū, and whānau where extensive engagement is appropriate and complex partnership arrangements need to be developed.
- Some places are subject to competing interests, where tangata whenua, private individuals, commercial operators and businesses, and environmental and recreational advocacy groups may disagree on a proposed reclassification. This can lead to lengthy and complex consultation and even litigation.

The Minister of Conservation and DOC have responsibilities for reclassifying stewardship land, which DOC resources through its baseline funding. The resources required to manage the complexity, expense and time of stewardship land reclassification has made it difficult to prioritise large-scale reclassification above DOC's other urgent statutory responsibilities.

The legislative process for assessing and reclassifying stewardship land ensures an evidence-based approach to reclassifying stewardship land that is rooted in DOC's wider responsibilities for protecting and restoring public conservation land. Due to the complexity and age of much of the legislation related to reclassifying stewardship land, some of the requirements within the

² This includes the Conservation Act 1987, the Reserves Act 1977 and the National Parks Act 1980.

legislation could be simplified and modernised to create a streamlined approach, while still maintaining the stringent oversight required to give confidence that stewardship land is being assessed and reclassified appropriately. This would reduce the cost and time associated with assessing and reclassifying stewardship land areas and disposing of them where appropriate.

While the current legislative provisions do not prevent stewardship land from being reclassified, streamlining the legislative process would achieve considerable economies of scale in reclassifying all 2.5 million hectares of remaining stewardship land. This would significantly reduce the time, cost and complexity of progressing large scale stewardship land reclassification. Without the cumulative savings afforded by a streamlined process, it will be challenging to achieve large-scale reclassification of stewardship land in the near future.

Even without legislative changes to streamline stewardship land reclassification, more stewardship land reclassifications than have occurred historically would likely progress. This is due to dedicated resource and focus that will be afforded by the Government's other measures for improving stewardship land reclassification that are outlined in the next section. However, without the proposed streamlining of relevant legislation, it is likely that the recommendations, final decisions and actual reclassifications and disposals regarding stewardship land will be subject to unwarranted complexity, lengthier time frames and greater expense than could otherwise be achieved. This is at odds with the Government's intent that stewardship land reclassification be progressed quickly and at scale. It also means that negative impacts associated with current arrangements will continue for longer.

Questions

3. Do you agree with the description of the problem? If not, please provide reasons to support your answer.
4. Do you think there are any additional factors that have contributed to stewardship land reclassification not being progressed on a large scale? If so, please describe them.
5. Do you think there any other issues or impacts caused by the delay in reclassifying stewardship land on a large scale that have not been described here? If so, what are they and who/ what do they affect?

Measures to improve how stewardship land is reclassified

This legislative review is just one part of a larger package of measures to improve how stewardship land is reclassified.

In May 2021, the Government announced a package of measures to remove barriers to reclassifying stewardship land on a large scale. This package includes:

- establishing two national expert panels (the national panels) to make recommendations to the Minister of Conservation on revised classifications for stewardship land
- undertaking a review of the legislation relating to reclassifying stewardship land.

The first of these measures (establishing national panels) is already underway. The national panels have been established under section 56(1) of the Conservation Act. They are appointed by the Minister of Conservation and have an advisory role to the Minister, the Director-General of DOC, and officers of DOC. They hold no statutory decision-making powers.

The Government have approved the Terms of Reference for the national panels.³ The national panels have been tasked with undertaking technical assessments of stewardship land and making recommendations to the Minister of Conservation about the land's revised status. Final decisions on reclassification of individual **areas** of stewardship land sit with the Minister of Conservation.

The national panels are non-partisan and members were chosen based on their expertise in:

- a) Ecology
- b) Landscape
- c) Earth sciences
- d) Recreation
- e) Heritage
- f) Mātauranga Māori.

³ See the Terms of Reference and Procedures for the national panels to provide recommendations on the reclassification of stewardship land at: <https://www.doc.govt.nz/globalassets/documents/about-doc/role/managing-conservation/stewardship-land-tor.pdf>

DOC is funding the national panels' work and will support that work by providing:

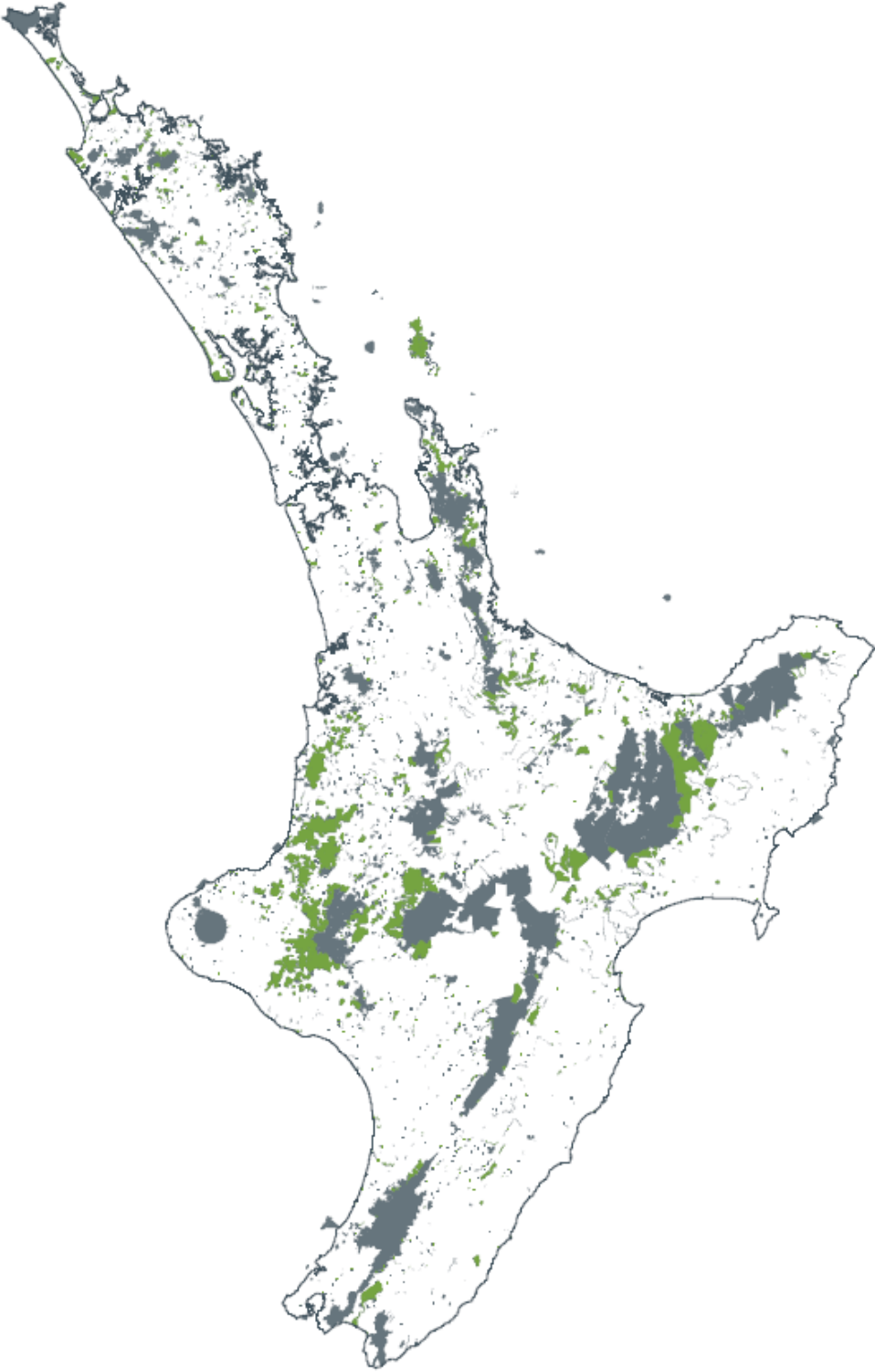
- project management support
- logistical support for meetings
- technical information relevant for assessing the ecology, landscape, earth science, recreation, cultural mātauranga Māori values
- detailed mapping of land areas.

The national panels will sequentially consider each DOC operational region, at the discretion of the Minister of Conservation. The Minister of Conservation has confirmed that the national panels will initially focus on developing recommendations for the Northern South Island and Western South Island before moving onto the rest of the country.

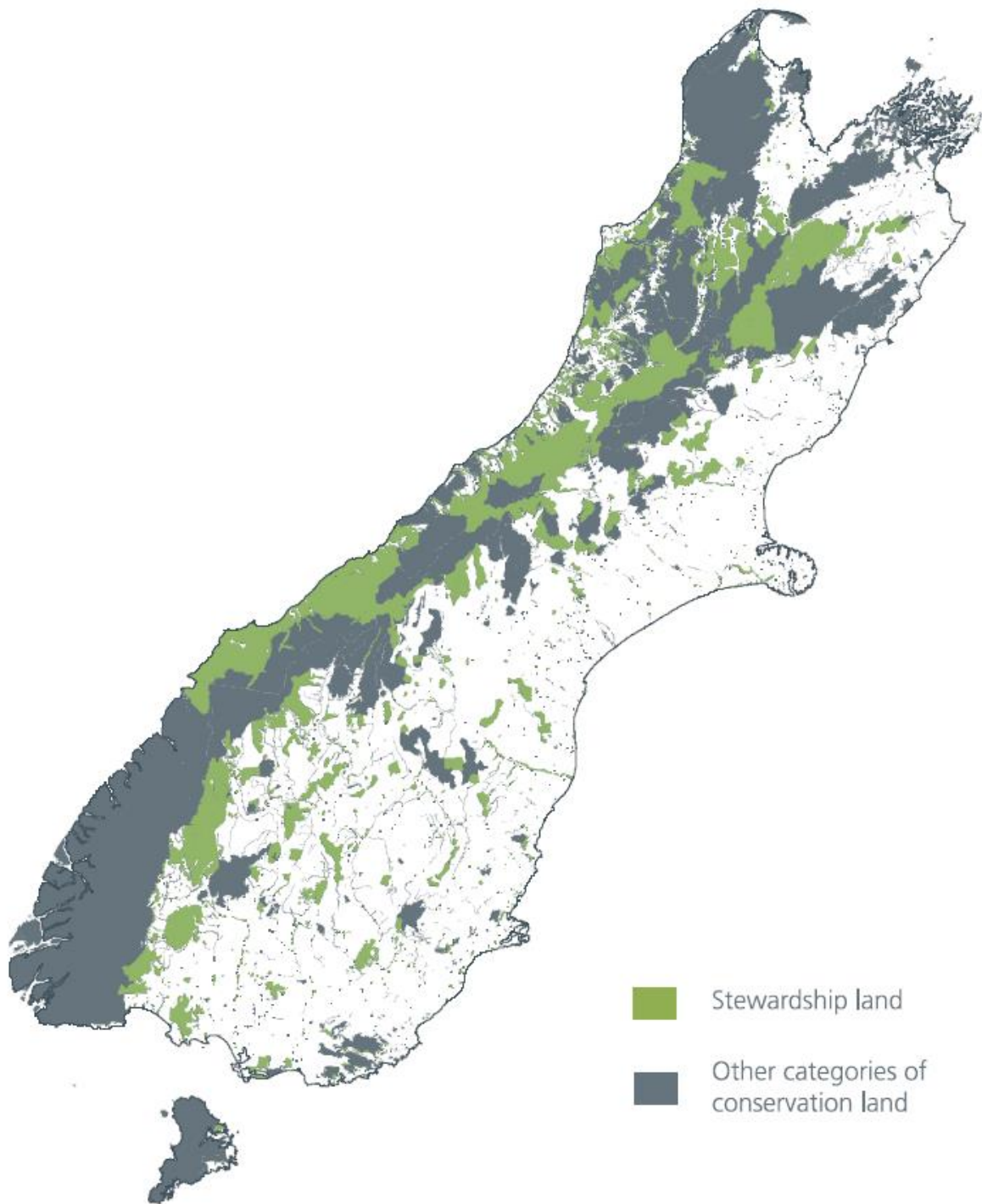
You can read more about the establishment of the national panels here on the Stewardship land reclassification – national panels webpage on DOC's website at: www.doc.govt.nz/about-us/our-role/managing-conservation/stewardship-land/reclassification-national-panels/

This paper is seeking your feedback on the next stage of the process – the review of the legislation that regulates reclassifying stewardship land, to ensure it is working effectively and efficiently. The Minister of Conservation plans to propose changes to the Conservation Act, aimed at speeding up and simplifying the reclassification process to make it easier to reclassify stewardship land at a large scale.

Figure 1: Stewardship land in Aotearoa New Zealand



Source: DOC GIS data



The scope of this discussion document

The Government is interested to hear your views on how the process for reclassifying and disposing of stewardship land can be made more efficient and effective. The process for reclassifying stewardship land is set out in conservation legislation. DOC has undertaken analysis of the legislative process for reclassifying stewardship land and identified six areas where changes could streamline the process in line with the objectives.

We are seeking your feedback on options relating to the following areas.

- 1) Improving consistency of public notification and submission processes
- 2) Enabling the national panels to carry out the public notification and submission process
- 3) Clarifying responsibilities for making recommendations to reclassify stewardship land as national park
- 4) Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of
- 5) Enabling the Minister of Conservation to direct the proceeds from the sale of stewardship land to DOC
- 6) Clarifying the status of concessions on reclassified stewardship land.

The section 'Reform options' below describes each area and provide options to address these. These options arose out of analysis that was undertaken by DOC's Policy Unit and were informed by teams across the organisation. Each section includes a number of questions to help guide submitters' feedback. A table listing all of the questions is included as Appendix Two.

For the majority of areas identified in this document, DOC has not indicated a preferred option. We will consider the views of submitters when undertaking further analysis and use that information to inform any advice on a preferred option under each area.

A number of stewardship areas are within the boundary of Te Wāhipounamu – South West New Zealand World Heritage Area. The nomination document for Te Wāhipounamu World Heritage Area acknowledges that the stewardship land within its boundary might be reclassified and boundaries adjusted in line with the Operational Guidelines for the Convention. The proposed legislative changes will not affect these processes.

Out of scope

While the national panels and the review of legislation relating to stewardship land are both part of the Government's broader stewardship land reclassification project, this document is only seeking your views on amendments to the legislation relating to the reclassification of stewardship land. Some of the legislative changes discussed in this document would enable the national panels to have a greater role in the stewardship land reclassification process.

This document is not seeking views on the establishment of the national panels or their technical work to consider and make recommendations on the future land status of individual stewardship land areas. The establishment of the national panels and membership of the national panels has been decided and approved by the Government.⁴ Submissions relating to the establishment of the national panels, the membership of the panels or the classifications of specific areas of stewardship land will not be considered.

There will be opportunities to provide feedback on the national panels' recommendations for individual parcels of stewardship land through a public consultation process, before final decisions are made on the proposed reclassification. More information about the approach to public consultation will be released in due course.

You can find out more and keep up to date with these opportunities as they arise here: <https://www.doc.govt.nz/about-us/our-role/managing-conservation/stewardship-land/reclassification-national-panels/>

The six areas within the legislative process for reclassifying stewardship land that are being considered for change have been confirmed by the Minister of Conservation and approved by the Government. These areas have been subject to thorough analysis by DOC and are the only areas within the process that are considered appropriate given the objectives of this review. This document is not seeking feedback on changing other areas within the legislative process.

⁴ You can read more about the decision to establish the national panels, including membership, on the Government speeds up stewardship land reclassification webpage on DOC's website at: www.doc.govt.nz/news/media-releases/2021-media-releases/government-speeds-up-stewardship-land-reclassification/

Have your say

How to comment on this discussion document

You can have your say on the proposals in this discussion document by providing a written submission to DOC. You can do this by:

- completing and submitting the form at www.doc.govt.nz/stewardship-land-consultation
- emailing stewardshiplandpolicy@doc.govt.nz
- writing a letter to:
 - Stewardship Land Consultation
Department of Conservation
P. O. Box 10420 Wellington 6143

Ensure your submission includes:

- your name and title
- the name of your organisation (if you are submitting on behalf of an organisation)
- if your submission represents the views of that entire organisation or a part of it
- your contact details (email preferred).

All submissions must be received by DOC by 18 March 2022[a four-month consultation period].

During the public consultation period, DOC will also undertake more targeted consultation with tangata whenua; iwi, hapū, and whānau – through meetings (virtually or in place) and regional hui. DOC will also hold meetings with key stakeholder groups that have an interest in stewardship land and will be inviting individuals and groups to provide written submissions.

DOC will publish a summary of submissions

After submissions close, DOC will publish a summary of submissions on our website at www.doc.govt.nz.

All submissions are subject to the Official Information Act 1982 and can be released, if requested, under that Act. If you have specific reasons for wanting parts, or all, of your submission withheld, please include these reasons in your submission. DOC will consider them when making any assessment about the release of submissions. Please refer to [DOC's privacy statement](#) for further information.

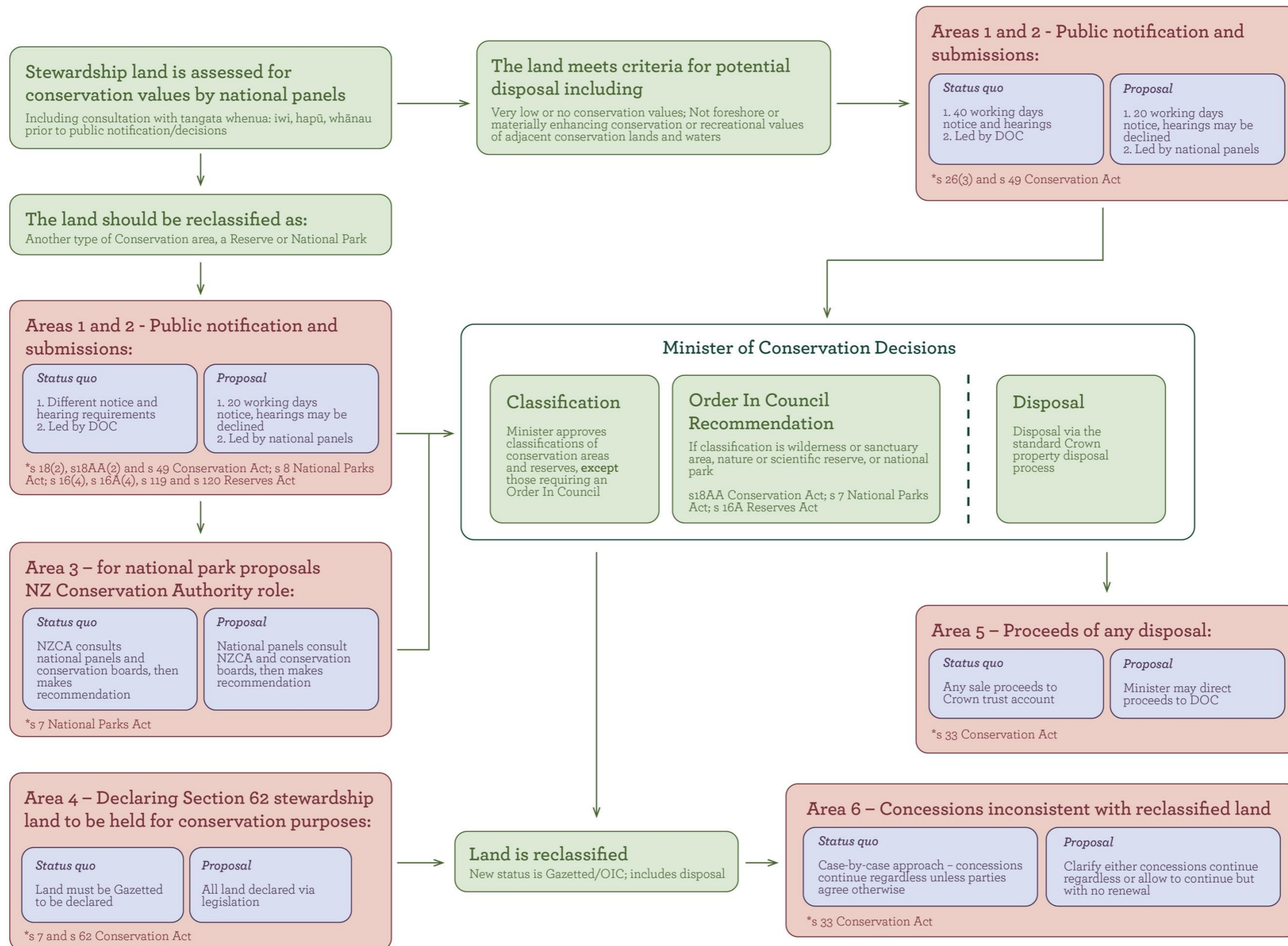
What happens next?

DOC will analyse all submissions and then report back to the Minister of Conservation on the feedback, with recommendations for her consideration in early 2022. Your submission will help inform policy decisions to improve stewardship land reclassification.

If the Government decides to progress with legislative changes, the public will have the opportunity to make submissions during the select committee process. This process would likely occur in the second half of 2022.

Land classification process and schematic of reform options

Below is a highly simplified process diagram showing the steps to reclassify or dispose of stewardship land. We are proposing reform options for the steps in red boxes.



Reform options

1. Improving consistency of public notification and submission processes

Current legislation (section 49 of the Conservation Act) has public notification, submission and hearing requirements that can lead to a lengthy process. Before the Minister of Conservation can classify stewardship land to certain classifications or dispose of stewardship land, she must publicly notify her intent. Under the Conservation Act, 40 working days (2 months) must be allowed for any person or organisation to make a written submission on the proposal. Any submitter can then request to appear before the Director-General of DOC (or their delegate) to support their submission. Allowing 2 months for written submissions can contribute to a long reclassification process.

By comparison, under sections 119 and 120 of the Reserves Act one month must be allowed for public submission.

Under the new panel process, the panels will undertake a public notification process before they can provide a recommendation to the Minister of Conservation. Given the large amount of stewardship land the national panels are attempting to reclassify, this public notification and submissions process could be lengthy and resource intensive.

Objectives relevant to the proposal:

- Enabling a more efficient process for reclassifying stewardship land
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act)
- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation

Options for legislative public notification, submission and hearing requirements
1.1 Shorten the period that the panels must allow for public submissions to 20 working days.
1.2 Allow the ability to decline a hearing where holding the hearing would cause substantial delay to the process or cause substantial burden on the resources of the panel
1.3 Retain the status quo

Analysis of option 1.1: Shorten the period that the panels must allow for public submission to 20 working days

This option balances a more efficient reclassification process with ensuring the public has an opportunity to provide input. Electronic communication is now the norm which means that submitters can provide feedback more efficiently. This would also align the time frame in the Conservation Act with those in the Reserves Act.

Any time frame specified in legislation would be a minimum. Where the national panels propose to reclassify particularly large amounts of stewardship land or parcels where they expect a strong public interest, the expectation would be that they would allow a longer period for public submissions.

However, reducing the time allowed for submissions may impact on the public's ability to engage in the process. Individuals who hold existing concessions on stewardship land will likely wish to make a submission and a shortened time frame may impact on their ability to do so. The national panels will engage with tangata whenua: iwi, hapū and whānau before the public notification stage to ensure that there is appropriate time for them to provide their views, this ensures DOC can meet its wider obligations, including section 4 of the Conservation Act.

Assessment of the option against the objectives

This option aims to balance the objective of enabling a more efficient process for reclassifying stewardship land with ensuring DOC meets its wider obligations under conservation legislation. It would also meet the objective of enabling national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation.

Analysis of option 1.2: Allow the ability to decline a hearing where holding the hearing would cause substantial delay to the process or place substantial burden on the resources of the panel

Under both the Conservation Act (section 49) and the Reserves Act (section 120), any submitter must be allowed a reasonable opportunity to be heard. If there are a substantial number of requests for hearings this can lengthen the submissions process and place a resource burden on the national panels or DOC.

This option would allow the national panels to decline a hearing in circumstances where they consider holding that hearing would cause substantial delay or place substantial burden on the resources of the panels. It is envisaged that this would only apply where the panel had determined they had gathered enough information from written submissions or from any earlier engagement with the submitter. This option aims to achieve the objective of enabling a more efficient process for reclassifying stewardship land.

However, hearings are a key part of facilitating engagement and allowing individuals or groups to present their evidence in the way that is most appropriate to them. It may also be beneficial for the national panels to be able to interact with submitters and ask them questions.

Assessment of the option against the objectives

This option aims to achieve the objective of enabling a more efficient process for reclassifying stewardship land while ensuring DOC meets its wider obligation under conservation legislation. It would also meet the objective of enabling national panels to carry out their work efficiently and effectively to make recommendations to the Minister of Conservation.

Analysis of option 1.3: Retain the status quo

Retaining the status quo ensures the public has a reasonable opportunity to submit or be heard which can provide for greater transparency of decision-making and a more informed decision. However, it is also the least efficient option for those land classifications that are relatively simple or straightforward.

Assessment of the option against the objectives

This option would contribute to the objective of ensuring DOC meets its wider obligations under conservation legislation. However, it does not meet the objective of enabling a more efficient process for reclassifying stewardship land or enabling national panels to carry out their work efficiently and effectively to make recommendations to the Minister of Conservation.

Questions

6. Please identify your preferred option. You may provide further analysis or comments to support your choice.
7. Do you think 20 working days (1 month) is adequate to prepare a written submission? If not, what time period would be adequate?
8. What role or function do you consider hearings currently play?
9. Are there any further options you think DOC should consider that would meet the objectives set out above?

2. Enabling the national panels to carry out the public notification and submission process

Currently DOC carries out the public notification and submission/hearing process when required by section 49 of the Conservation Act and sections 119 and 120 of the Reserves Act. However, in the new process, it will be the national panels who assess the values of the land and make a recommendation to the Minister of Conservation.

While the Reserves Act allows notification and hearing powers to be delegated to the national panels, the Conservation Act does not. Therefore, under the current legislation, the national panels would not be able to carry out the public notification and submission/hearing stage in the reclassification process. Legislative amendments to the Conservation Act would be needed to enable the national panels to carry out the public notification and submission process.

Objectives relevant to proposal

- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation (see page 13 for more information about the national panels)
- Delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act).

Options for enabling the national panels to carry out the public notification and submission/hearing process
2.1 Amend the Conservation Act to enable the national panels to carry out the public notification and submission process.
2.2 Retain the status quo (DOC carrying out the public notification and submissions process).

Analysis of option 2.1: Amend the Conservation Act to enable the national panels to carry out the public notification and submission process

Enabling the national panels to carry out the public notification and submission process ensures the national panels receive all the evidence from submitters first hand. It would also make clear to submitters and the wider public that the panels are making their own independent recommendations to the Minister of Conservation.

Assessment of the option against the objectives

This option aims to meet the objective of enabling the national panels to carry out their work efficiently and effectively to make recommendations to the Minister of Conservation. It also aims to deliver clarity on the reclassification process and make clear that the panels are responsible for assessing the values of the land.

DOC considers this option would not impact its wider obligations under conservation legislation, as while responsibility for consultation would shift the panel process would ensure section 4 obligations are met. Conservation values would continue to be adequately protected.

Analysis of option 2.2: Retain the status quo (DOC carrying out the public notification and submissions process)

Retaining the status quo would mean DOC carries out the public notification and submission process (as it has done in the past) instead of the national panels. However, this may raise questions about the independence of the national panels from DOC. Carrying out the process for every parcel of stewardship land and then collating the information to pass onto the national panels may place a considerable burden on DOC's resources.

Assessment of the options against the objectives

This option would not meet the objective of enabling panels to carry out their work efficiently and effectively and may cause confusion about who is responsible for assessing the values of land. DOC would continue to meet its wider obligations under conservation legislation and ensuring conservation values are adequately protected.

Questions:

10. Please identify your preferred option. You may provide further analysis or comments to support your choice.
11. If the national panels carried out the public notification and submissions process, what impact do you think this would have on the reclassification or disposal process?
12. Are there any further options you think DOC should consider that would meet the objectives set out above?

3. Clarifying responsibilities for making recommendations to reclassify stewardship land to national park land.

Under the current process, stewardship land can only be classified as a new national park or part of an existing national park, if the New Zealand Conservation/ Te Pou Atawhai Taiao O

Aotearoa Authority (NZCA) makes a recommendation to the Minister of Conservation (section 7 of the National Parks Act 1980).

Before any recommendation is made, the NZCA must fulfil its consultation requirements. Under the National Parks Act and the General Policy for National Parks, the NZCA must consult the local Conservation Board, and tangata whenua within whose rohe the land is located and seek the views of any relevant territorial authority and Fish & Game New Zealand council.

However, the NZCA's recommendation/consultation process may not align with the role of the national panels, who have been tasked by the Minister of Conservation with assessing the values of stewardship land and providing her with a recommendation. Clarity on how the national panel process would interact with the role of the NZCA is needed to ensure each body understands their role and to avoid any duplication of consultation.

Objectives relevant to proposal:

- Delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- Ensuring conservation values are adequately protected
- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation
- Enabling a more efficient process for reclassifying stewardship land.

Proposal for the role of the NZCA in recommendations where stewardship land is reclassified as national park

3.1: National panels assume primary responsibility for reclassifying stewardship land as national parks in consultation with tangata whenua, the NZCA and relevant Conservation Boards.

Analysis of option 3.1: National panels assume primary responsibility for reclassification of stewardship land into national parks in consultation with tangata whenua, the NZCA and relevant Conservation Boards.

This option would enable the national panels to make recommendations to the Minister of Conservation for all classifications, including where stewardship land is being reclassified to national park. The national panels would be required to consult with the NZCA in the assessment phase if the national panels want to recommend stewardship land be reclassified as national park land.

This option may create a streamlined and consistent process for every reclassification of stewardship land. Conservation Boards and tangata whenua: iwi, hapū, and whānau would have an opportunity to advise or challenge the national panels directly on recommendations, without going through the NZCA.

However, this option would remove the NZCA as a check on the national panels. The NZCA has considerable expertise in this area, and its members come from a range of organisations, ensuring a broad range of views are considered. Even though the national panels would have to consult the NZCA, the recommendation of the NZCA would not be binding on the panels.

Assessment of options against objectives

This option aims to meet the objective of delivering clarity on the status of the land, the appropriate level of protection/use and the reclassification process, by making clear how the reclassification process will work for national parks. The panels would ensure that the conservation values of any land considered for national park was adequately protected. Therefore, this option meets the objective of ensuring conservation values are adequately protected. The option also aligns with the objective of enabling the national panels to carry out their work to make recommendations to the Minister of Conservation and enabling a more efficient process for reclassifying stewardship land.

Questions:

13. What particular expertise/experience do you consider the national panels brings to this process?
14. If the national panels were responsible for making recommendations to reclassify land to national parks, do you consider this would create any risks?
15. Are there any further options you think DOC should consider that would meet the objectives set out above?

4. Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of

Section 62 of the Conservation Act relates to land allocated to DOC when the Department was first formed. All that allocated land was deemed to be held for conservation purposes under section 62 so it could be managed as if it were stewardship land ('section 62 stewardship land'). Before stewardship land held under section 62 can be reclassified or disposed of, it must go through a process where it is declared to be held for conservation purposes under section 7 of the Conservation Act.

Section 7 covers how land can be acquired and declared to be held for conservation purposes. Any land newly acquired and declared to be held for conservation purposes under section 7 has the status of stewardship area unless it is reclassified in accordance with other provisions in the Conservation Act (or other conservation-related legislation).

Declaring land to be held for conservation purposes requires the Minister of Conservation (or DOC) to make a declaration via *Gazette* notice, including a description of the relevant piece of land. DOC would need to go through this process for all section 62 stewardship land, and this would be resource intensive.

We could amend the legislation, so all stewardship land is declared to be held for conservation purposes.

Objectives relevant to proposal

- Enabling a more efficient process for reclassifying stewardship land
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act)

- Ensuring conservation values are adequately protected.

Options for declaring all section 62 stewardship land to be held for conservation purposes
4.1 Declare all stewardship land under section 62 of the Conservation Act 1987 to be held for conservation purposes via a legislative change.
4.2 Retain the status quo (the requirement to declare section 62 stewardship land to be held for conservation purposes under section 7 of the Conservation Act 1987)

Analysis of option 4.1: Declare all stewardship land under section 62 of the Conservation Act 1987 to be held for conservation purposes via a legislative change

This option would mean all land acquired under section 62 of the Conservation Act would be declared to be held for conservation purposes so that the land could be reclassified or disposed of. This option removes the step of having to go through the declaration and gazettal process under section 7 of the Conservation Act. We consider there is minimal risk in declaring all section 62 stewardship land to be held for conservation purposes. Land that is **declared** to be held for conservation purposes is treated in a similar way as land that is **deemed** to be held for such purposes, which means the change would have no impact on the management or protection of that land.

The only protection that could be seen to have been removed is that section 62 stewardship land cannot be disposed of until it is declared to be held for conservation purposes. The Conservation Act and the Conservation General Policy set strict parameters around the types of public conservation land that can be disposed of, so the land will still be subject to the appropriate protections based on its conservation values.

Assessment of the option against the objectives

This option meets the objective of enabling a more efficient process for reclassifying land and ensuring conservation values are adequately protected. DOC does not consider there will be an impact on its wider obligations under conservation legislation.

Analysis of option 4.2: Retain the status quo (the requirement to declare stewardship land to be held for conservation purposes under section 7 of the Conservation Act 1987 (status quo))

Retaining the status quo means every parcel of stewardship land would need to go through the process of being declared to be held for conservation purposes. DOC could declare several parcels of land to be held for a conservation purpose in a single *Gazette* notice or bundle the declaration into the *Gazette* notice used to reclassify or dispose of the land. This would create some efficiencies but would still add considerably to resource requirements. There are also no notable benefits to retaining this legislative requirement.

Assessment of the option against the objectives

This option does not meet the objective of a more efficient process for reclassifying land. Under this option, DOC would continue to meet its wider obligations and ensure conservation values are adequately protected.

Questions

16. Please identify your preferred option. You may provide further analysis or comments to support your choice.
17. Are there any alternative options that have not been discussed here? Please provide analysis or comments to explain your answer.
18. Do you think that there are any other risks or impacts associated with declaring all section 62 stewardship land to be held for a conservation purpose via a legislative change that have not been identified here?

5. Enabling the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC

Under section 26 of the Conservation Act, stewardship land with very low or no conservation values may be disposed of⁵. After the decision is made to consider disposal, DOC follows a process to determine how the land should be disposed of. Disposal does not necessarily mean the land is sold. It could be used as part of Treaty of Waitangi settlement requirements, kept as Crown-owned land, or offered back to a former owner. However, it is likely that at least some stewardship land will be sold.

While the administration and efforts required to assess values and prepare land for disposal are funded through DOC's baseline budget, proceeds from disposals are paid to the Crown trust account⁶ (section 33 of the Conservation Act). The costs of selling stewardship land (including the cost to assess the values, public notification, and often substantial surveying costs) are significant and non-recoverable. DOC has numerous competing priorities for the limited resourcing available to carry out its responsibilities. The high costs involved mean that selling land no longer required for conservation purposes is often not progressed since it would require reprioritising resources away from essential conservation work.

⁵ Sections 26(1) and 26(2) of the Conservation Act 1987 and Chapter 6 of the Conservation General Policy outline the criteria for disposal or retention of conservation land.

⁶ This relates to financial provisions in the Public Finance Act 1989. Trust Bank Accounts are established under Part 7 of the Public Finance Act 1989.

In contrast, section 82 of the Reserves Act allows the Minister of Conservation to direct an amount equal to the proceeds of sale of a reserve to DOC so it can be used in the managing, administering, maintaining, protecting, improving, and developing reserves of any classification.

There is an option to amend the Conservation Act to direct the proceeds of sale of stewardship land to DOC for the further reclassification or statutory land management activities.

We do not know what recommendations the national panels will make about disposals of stewardship land, so it is difficult to predict the scale of cost that will be incurred. The Cost Recovery Impact Statement, attached at Appendix 3 provides detailed information on the breakdown of estimated costs and assumptions used in this modelling.

Objectives relevant to proposal

- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation
- Ensuring conservation values are adequately protected.

Options for directing the proceeds of stewardship land sales to DOC
5.1 Amend the Conservation Act to allow the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC for further reclassification or management activities.
5.2 Retain the status quo (continue to direct proceeds to the Crown trust account).

Analysis of option 5.1: Amend the Conservation Act to allow the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC, for further reclassification or management activities

The Conservation Act could be amended to enable a similar process to that under the Reserves Act, which allows the proceeds from the sale of stewardship land to be paid into the Public Account⁷ and credited to the Trust Account⁸. The Minister of Conservation is then able to direct an amount equal to the proceeds of sale to be paid from the Public Account to DOC and debited from the Trust Account.

Due to the size and location of stewardship land areas, processes such as assessing the values of the land and carrying out surveys of the land can be expensive. If the Minister were able to direct the proceeds of sale back to DOC, this money could be used to offset the cost of disposal, and for the management, reclassification, and disposal of any remaining or future stewardship land.

⁷ Public Account refers to financial provisions in the Public Finance Act 1989. 'Public money' means all money received by or on behalf of the Crown, including the proceeds of all loans raised on behalf of the Crown and any other money that the Minister or the Secretary directs to be paid into a Crown Bank Account or Departmental Bank Account and any money held by an Office of Parliament; but does not include money held in trust as trust money.

⁸ Trust Account refers to a trust account established under Part 7 of the Public Finance Act 1989.

Assessment of the option against the objectives:

This option would meet the objective of enabling the national panels to carry out their work efficiently and effectively. The proceeds of sale of any parcel of stewardship land could be used to ensure any remaining parcels (or future parcels) are managed and protected accordingly, meeting the objective of ensuring conservation values or adequately protected.

This option would have fiscal implications for the wider Crown as it would not receive the proceeds of sale. Parcels deemed eligible for disposal must follow the Crown property disposal process, which includes obligations under the Public Works Act 1981 as well as the Māori Protection Mechanism⁹, the Sites of Significance processes, and any right of first refusal contained in a relevant Treaty of Waitangi settlement. Therefore, it is difficult to estimate the proportion of land eligible for disposal that would be sold on the open market. Directing proceeds to DOC would only partially recover costs, as most land assessed and reclassified would not be disposed of and therefore would not generate any income.

Analysis of option 5.2: Retain the status quo (continue to direct proceeds to the Crown trust account)

Retaining the status quo means DOC would continue to fund the necessary requirements for stewardship land disposal from baseline funding. The high costs of land disposal would continue to act as a barrier to progressing disposals in a timely manner, due to competing priorities for DOC's resources (people and funding).

Under the status quo, there may be the option to direct some stewardship land sale proceeds to DOC without legislative change¹⁰. However, this would only extend to the cost of getting stewardship land ready for sale, which only accounts for a small proportion of the overall costs incurred, requiring DOC to continue to fund most costs from within current funding. Additionally, obtaining this under the current process, would require joint agreement of the Minister of Conservation and the Minister of Finance. If the Minister of Finance declined the application DOC would not be able to offset the costs of getting land ready for sale. This lack of certainty could make progressing disposals less likely, as there is a risk that resources already allocated to other priority conservation activities would need to be reallocated if the application is declined.

Assessment of the option against the objectives

This option does not meet the objective of enabling the national panels to carry out their work efficiently and effectively. The objective of ensuring conservation values were adequately protected would be met.

Questions

19. Please identify your preferred option. You may provide further analysis or comments to support your choice.

⁹ Protects Māori interest in Crown owned land that has been identified for disposal

¹⁰ Proceeds from the sale of stewardship land result in an increase in Crown revenue, which can be used to justify a fiscally neutral increase in DOC's output expense appropriation (under paragraph 32.5 of Cabinet Office circular (18) 2).

20. What are the risks or impacts associated with allowing the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC that have not been identified here?
21. Are there any further options you think DOC should consider that would meet the objectives set out above?

6. Clarifying the status of concessions on reclassified stewardship land

Under part 3B of the Conservation Act, where groups or individuals want to use public conservation land (including stewardship land) to run a business or undertake certain activities, permission must be obtained from the Minister of Conservation (or DOC under delegation) in the form of a concession.¹¹ Concessions cannot be granted unless they are consistent with the relevant conservation management strategy or conservation management plan. Concessions are contractual agreements between DOC and concession holders. There are significant numbers of concessions granted on stewardship land for a wide variety of activities, such as grazing or beekeeping.

Reclassifying stewardship land may result in situations where existing concessions may be inconsistent with a new land classification. There may also be cases where a recommendation is made to dispose of stewardship land with an existing concession. As it is not possible to preempt the recommendations of the national panels, it is hard to predict the scale of this issue. Under current legislation, there is no specified process for how DOC should manage existing concessions in these instances.

In the past, DOC has been able to deal with such situations on a case-by-case basis by finding ways for the concession holder to continue to exercise their concession. In some cases, this has meant that the actual change in the status of land does not happen until the concession expires. In other cases, concession holders have been able to adjust their activity to be consistent with a new classification, or the new owner of land that has been disposed of has agreed to the activity continuing.

Most concessions are granted for 5 – 10 years, with a review after 3 years. Some concessions can be granted for longer periods (10+ years).¹² If a concession has a right of renewal, then concessions could be in place for 30+ years. Under the current approach to managing concessions on reclassified stewardship land/land that is to be disposed of, there may be situations where DOC cannot reclassify or dispose of land for a considerable time. Allowing activities to continue for prolonged periods of time, where it has been identified that the land should have a higher level of protection may have implications for the protection of the land's conservation values.

Given the large amount of land set to be reclassified and the potential number of concessions impacted, the current approach may create significant delays in finalising land reclassifications

¹¹ This discussion document does not address access arrangements for minerals activities on public conservation lands managed under the Crown Minerals Act 1991. Access arrangements will continue to be managed in line with current legislative requirements.

¹² DOC manages a number of leases granted under the Land Act 1948. A small number of these leases have perpetual rights of renewal. When these come up for renewal, they become subject to the concessions regime with no perpetual renewal rights.

or disposals. There is also uncertainty for concession holders on what will happen if their concession is impacted by a recommendation for reclassification or disposal.

Objectives relevant to proposal

- Delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act)
- Ensuring conservation values are adequately protected
- Enabling a more efficient process for reclassifying stewardship land.

Options clarifying the status of concessions on reclassified stewardship land
6.1 Continue to find solutions on a cases-by-case basis. Concessions continue regardless unless parties agree otherwise. This may include concession terms finishing before land can be reclassified or disposed of (status quo).
6.2 Amend the legislation to clarify that existing concessions on stewardship land can continue under agreed terms regardless of reclassification

Analysis of option 6.1: Continue to find solutions on a cases-by-case basis. Concessions continue regardless unless parties agree otherwise. This may include concession terms finishing before land can be reclassified or disposed of (status quo).

This option enables DOC to fulfil its contractual obligations by allowing the concession holder to carry out their activities as agreed, in line with the objective to ensure DOC meets its wider obligations. This would not preclude final decisions being made about reclassification or disposal, but it may mean that the actual change in the land status does not happen until the concession is no longer in place. As discussed above, this could be for 30 years or more.

Conservation values are assessed when concessions are granted, and appropriate conditions imposed to protect the values. However, waiting to reclassify land and allowing activities to continue for prolonged periods of time, where it has been identified that the land should have a higher level of protection, may have implications for the protection of the land’s conservation values. This is at odds with DOC’s responsibilities to manage public conservation lands for the protection of conservation values.

To mitigate the instances where this occurs, DOC could continue to use flexible approaches where possible, as concession holders may adjust to the new circumstances. For example, a concession holder may be able to change their activity to suit a new land classification, or the new owner of disposed land may allow concession holders to continue their activity. However, given the scale of stewardship land reclassification, it is unlikely that DOC would have sufficient resource to explore flexible approaches for a significant proportion of concessions.

As this option relies on an internal operational policy approach, it could leave some stakeholders feeling uncertain about how concessions will be managed. Decisions would be open to challenge and risk being relitigated.

Assessment of the option against the objectives

This option ensures DOC meets its wider obligations to stakeholders, including concession holders. Due to the uncertainty involved, it does not meet the objective of delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process. It may not ensure conservation values are adequately protected in every case.

Analysis of option 6.2: Amend the legislation to clarify that existing concessions on stewardship land can continue under agreed terms regardless of reclassification

This option largely reflects the same costs, benefits and risks as option 6.1. in terms of enabling DOC to fulfil its contractual obligations to concession holders, and possible risks to protection of conservation values. However, it would provide clarity to all interested parties regarding the ongoing status of concessions during the stewardship land reclassification process and provide transparency about DOC's decision-making by clarifying that concessions will continue regardless of reclassification. This clarity ensures that concessions holders know their rights and obligations and can plan for the future. This would also reduce the risk of decisions being challenged.

Assessment of the option against the objectives

This option ensures DOC meets its wider obligations to stakeholders, including concession holders. It also meets the objective of delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process. It may not ensure conservation values are adequately protected in every case.

Questions

22. Please identify your preferred option. You may provide further analysis or comments to support your choice.
23. If a concession is inconsistent with a new land classification or on land that has been recommended for disposal, should it be allowed to continue? Please explain your answer.
24. Are there any other risks or impacts associated with allowing inconsistent concessions to continue?
25. Are there any further options you think DOC should consider that would meet the objectives set out above?

7. Non-regulatory options to improve stewardship land reclassification

Additional non-regulatory options to support streamlining the process for reclassifying stewardship land

We have identified three non-regulatory changes for improving reclassification processes. We are progressing these within current legislative and operational frameworks:

1. Clarifying survey requirements

Survey requirements associated with reclassifying or disposing of stewardship land

can be costly and time consuming, creating a significant barrier to action. This reflects the large size, remote location and challenging topography of many areas of stewardship land, and the scale of all stewardship land. Surveying requirements are important in meeting various legal responsibilities for land management. These requirements are set out in the Rules for Cadastral Survey 2021 (CSR 2021).¹³ Exceptions to these rules need to be sought on a case-by-case basis from Toitū te Whenua Land Information New Zealand (LINZ). However, given the amount of stewardship land set to be reclassified, prioritising the significant resources needed for surveying at the expense of other core work will be challenging for both DOC and LINZ.

DOC and LINZ are working together to achieve greater efficiency and lower costs for DOC during the reclassification process, by clarifying and agreeing situations where surveys are required (in line with the CSR 2021) and where no additional survey will be required. Greater communication between agencies as the reclassification project continues will allow both DOC and LINZ to manage the impact on resources this work may have.

2. Ensuring operational arrangements between DOC and the Ministry of Business, Innovation and Employment (MBIE) are fit for purpose

DOC and MBIE have an existing operational agreement to share information about intended reclassifications of stewardship land. This agreement provides MBIE with an opportunity to assess land for important mineral values which may affect the desirability of the reclassification. MBIE can provide feedback to DOC on the proposed classification, ahead of public notification. The agreement also provides for Ministers to resolve any disagreement between MBIE and DOC on reclassifications. This can add time and complexity to stewardship land reclassifications. It also does not align with the intent that the national panels make independent recommendations to the Minister of Conservation.

DOC and MBIE no longer consider the agreement fit for purpose given the new panel process and are in the process of dissolving it. MBIE will be able to provide any information relevant to the reclassification of an area of stewardship land to the national panels during their assessment process.

3. Bundling Orders in Council for reclassification of stewardship lands:

Reclassifying land to national park, wilderness areas, sanctuary areas, nature reserves and scientific reserves requires an Order in Council (OIC) by the Governor-General on recommendation of the Minister of Conservation.¹⁴ OICs go through an established process including drafting, government agency consultation and the 28 days that must be allowed before the OIC can come into force. Given the scale of the reclassification project, OICs for each piece of reclassified land may create a significant resource burden on DOC and other government agencies and add considerably to time frames. This may act as a barrier to the timely

¹³ For more information, see the Cadastral Survey Rules 2021 (CSR 2021) Implementation webpage on the Toitū Te Whenua Land Information New Zealand website at:

www.linz.govt.nz/land/surveying/cadastral-survey-rules-2021-csr-2021-implementation

¹⁴ Sections 7 and 12 of the National Parks Act 1980, section 18AA of the Conservation Act 1987, and section 16A of the Reserves Act 1977.

reclassification of large amounts of stewardship land. However, as the national panels' recommendations are not yet known, it is difficult to gauge the scale of this issue.

DOC considered whether legislation could be amended to remove the requirement that some or all these types of classifications be enacted by an OIC. Instead, all the classifications currently enacted through OIC would be done by a declaration of the Minister of Conservation, except for national parks.

However, DOC considers OICs are the appropriate mechanism for reclassification of stewardship lands. OICs must be approved by Cabinet and therefore provide for consideration of wider government interests, and the interests of tangata whenua: iwi, hapū, and whānau in decision-making for land classifications that involve long-term protections that would potentially limit land use.

Instead, DOC proposes that where the national panels have completed their assessment of all the stewardship land in a region, we will go through the OIC process for those parcels that require it at the same time. This will retain the level of wider government oversight, while ensuring the process is as streamlined as possible, achieving time, resource and efficiency gains.

Non-regulatory options that would not be recommended

The scope of proposed changes to stewardship land reclassification processes means the options in this document focus on regulatory changes affecting legislation. This is due to the nature of conservation legislation, where multiple Acts govern land classifications and the requirements to undertake reclassification. Therefore, most of the potential system changes are regulatory changes.

Increasing DOC resources to work within the current system is a non-regulatory option that has been considered. It is likely that DOC will need to reprioritise resources to reclassify stewardship land at the scale and speed expected by the Government. However, on its own, this would not achieve the objectives of this discussion document. Regulatory changes are needed in order to achieve the efficiencies necessary to progress large scale stewardship land reclassification within the desired timeframe, and to enable the national panels to make their recommendations on reclassification to the Minister of Conservation.

An additional non-regulatory alternative we have considered is to have DOC carry out reclassification (rather than national panels). This option would remove the need for regulatory options that enable national panels to conduct assessments and reviews. However, this option is not favoured because of the current issues that hinder land reclassification, for example the lengthy process, and the Government's expectation that stewardship land reclassification be accelerated.

Question

26. Are there any other non-regulatory options to help streamline the process for reclassifying stewardship land that we should consider? Please explain your answer.

8. Implementing changes

DOC has an Operations Group with teams across the country to support the implementation of the current or changed system. The NZCA and Conservation Boards will also provide input upon or lead recommendations.

The national panels will be supported by DOC's Operational teams in executing their responsibilities but will be able to direct their own activities. They will have allocated funding from DOC to perform their role. The Statutory Land Management team located within DOC's Operations Group will both prepare and execute reclassification decisions and disposals.

DOC's Planning, Permissions and Land unit (which includes the Statutory Land Management team and is also located within the Operations Group) will deal with concessions affected by any changes in classification (concessions will not be affected until reclassification recommendations are made).

How changes will be evaluated and monitored

A successful outcome for this project would be that most of the 2.5 million hectares of stewardship land is appropriately reclassified or disposed of within the next five years. The overarching aim will be to ensure reclassification protects conservation values more effectively, while disposing of land with very low or no conservation values where appropriate.

It may be difficult to evaluate the effect of the regulatory changes on the scale and rate of stewardship land reclassification, as DOC intends to increase reclassification activities regardless of regulatory change. There is a low baseline level of stewardship land reclassification to use as a basis for comparison.

All processes where a legislative power is exercised are subject to judicial review if a party has cause to challenge. DOC expects some reclassification and disposal decisions will be challenged for various reasons, not necessarily related to options discussed in this document.

For reclassified land, DOC will monitor and maintain the conservation values of that land as appropriate for its new classification, as per its current requirements. The NZCA and Conservation Boards monitor conservation outcomes from DOC activities and provide feedback to the Minister of Conservation. For land that is disposed of, DOC does not intend to monitor or evaluate future uses, as it has no mandate.

Question

27. Are there any additional evaluation or monitoring measures that you think should be implemented? Please explain your answer.

Appendix 1: Glossary of key terms

- **Concession:** A lease, license, permit, or easement granted under Part 3B of the Conservation Act 1987.
- **Conservation:** The preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations (section 2 of the Conservation Act 1987).
- **Conservation Board:** Independent bodies that empower local communities and iwi to contribute to the management of conservation areas. Board members are appointed by the Minister of Conservation. Some members are appointed on the recommendation of local tangata whenua. Members are appointed as individuals for their experience, expertise, and links with the local community.
- **Gazette:** The New Zealand Gazette is the official newspaper of the Government of New Zealand. Legislative Instruments are notified in the Gazette after they are made. The date of notification is given at the end of the Legislative Instrument, under administrative information or the Gazette information. Other Instruments are usually either published or notified in the Gazette.
- **General Policy for National Parks:** A policy approved by the New Zealand Conservation Authority that provides direction for the administration of national parks across the country. More information can be found on the General Policy for National Parks webpage on DOC's website at: <https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/statutory-plan-publications/national-park-management/general-policy-for-national-parks/>
- **New Zealand Conservation Authority/ Te Pou Atawhai Taiao O Aotearoa:** An independent statutory body that advises the Minister of Conservation and the Director-General of DOC on conservation priorities at a national level. The New Zealand Conservation Authority / Te Pou Atawhai Taiao O Aotearoa (NZCA) is closely involved in conservation planning and policy development affecting the management of public conservation areas administered by DOC. The NZCA has 13 members appointed by the Minister of Conservation. The Minister has regard for the interests of conservation, natural sciences and recreation in making the appointments.
- **Order in Council:** A type of Legislative Instrument that is made by the Executive Council presided over by the Governor-General.
- **Public conservation land:** All lands and water areas administered by DOC for whatever purpose, including natural and historic resources. Public conservation land has different layers of protection, depending on which category or status the parcel of land holds under various pieces of legislation.
- **Reclassification:** For the purposes of this document the term reclassification is used to refer to the process by which land (in this case stewardship land) is classified as a different category/classification of land. For example, a parcel of stewardship land might be reclassified to scenic reserve.

- **Reserves:** Land that is set apart to provide for the preservation and management of an area for the benefit and enjoyment of the public. Under the Reserves Act 1977, a reserve must be classified according to its principal or primary purpose. It is then managed/preserved according to that purpose.
- **Stewardship land (also known as stewardship area):** A category of public land created under the Conservation Act 1987. At that time, the Government transferred responsibility for large areas of land to the Department of Conservation (DOC), to act as a steward of the land until its conservation value had been assessed. They are conservation areas that have not yet been assessed and identified as requiring any additional protection. DOC is legally required to manage this land so that its natural and historic resources are protected.

Appendix 2: List of questions

Do you	Question	Page reference
Section: Introduction	1. Do you agree with the objectives listed above?	7
	2. Should any other objectives be included in this review?	7
Section: Current legislative framework	3. Do you agree with the description of the problem? If not, please provide reasons to support your answer.	12
	4. Do you think there are any additional factors that have contributed to stewardship land reclassification not being progressed on a large scale? If so, please describe them.	12
	5. Do you think there any other issues or impacts caused by the failure to reclassify stewardship land on a large scale that have not been described here? If so, what are they and who/what do they affect?	12
Section 1: Improving consistency of public notification and submission processes	6. Please identify your preferred option. You may provide further analysis or comments to support your choice.	24
	7. Do you think 20 working days (1 month) is adequate to prepare a written submission? If not, what time period would be adequate?	24
	8. What role or function do you consider hearings play?	24
	9. Are there any further options you think DOC should consider that would meet the objectives set out above?	24
Section 2: Enabling the national panels to carry out the public notification and submission process	10. Please identify your preferred option. You may provide further analysis or comments to support your choice.	25
	11. If the national panels carried out the public notification and submissions process, what impact do you think this would have on the reclassification or disposal process?	25
	12. Are there any further options you think DOC should consider that would meet the objectives set out above?	25
Section 3: Clarifying responsibilities for making recommendations to reclassify stewardship land to national park.	13. What particular expertise/experience do you consider the national panels could bring to the process?	27
	14. If the national panels were responsible for making recommendations to reclassify land to national parks, do you consider this would create any risks?	27

	15. Are there any further options you think DOC should consider that would meet the objectives set out above?	27
Section 4: Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of	16. Please identify your preferred option. You may provide further analysis or comments to support your choice.	29
	17. Are there any alternative options that have not been discussed here? Please provide analysis or comments to explain your answer.	29
	18. Do you think that there are any other risks or impacts associated with declaring all section 62 stewardship land to be held for a conservation purpose via a legislative change that have not been identified here?	29
Section 5: Enabling the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC	19. Please identify your preferred option. You may provide further analysis or comments to support your choice.	31
	20. What are the risks or impacts associated with allowing the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC that have not been identified here?	32
	21. Are there any further options you think DOC should consider that would meet the objectives set out above?	32
Section 6: Clarifying the status of concessions on reclassified stewardship land	22. Please identify your preferred option. You may provide further analysis or comments to support your choice.	34
	23. If a concession is inconsistent with a new land classification or on land that has been recommended for disposal, should it be allowed to continue? Please explain your answer.	34
	24. Are there any other risks or impacts associated with allowing inconsistent concessions to continue?	34
	25. Are there any further options you think DOC should consider that would meet the objectives set out above?	34
Section 7: Non-regulatory options to improve stewardship land reclassification	26. Are there any other non-regulatory options to help streamline the process for reclassifying stewardship land that we should consider? Please explain your answer.	36
Section 8: Implementing changes	27. Are there any additional evaluation or monitoring measures that you think should be implemented? Please explain your answer.	37

Appendix 3: Cost Recovery Impact Statement for Area 5 – Enabling the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC

Stage 1 Cost Recovery Impact Statement

Directing proceeds from disposal (by sale) of stewardship areas to fund DOC's ongoing reclassification and statutory land management work.

Status quo

A description of the activity and why it is undertaken:

- Stewardship areas (referred to as stewardship land) are public conservation land managed by the Department of Conservation that are not yet classified into formal land protection based on conservation values. This category of land covers 2.5 million hectares or approximately 9% of Aotearoa's land area.
- The government intends to improve processes by which stewardship land is assessed for conservation values and subsequently reclassified or disposed if eligible.
- Stewardship land with very low or no conservation values may be disposed by sale, if it is no longer required for conservation purposes. While the administration and efforts required to assess values and prepare land for disposal are funded through Vote Conservation, proceeds from disposals are paid to the Crown trust account (section 33 of the Conservation Act 1987).

What policy outcomes will the activity achieve?

- The reclassification of stewardship land will improve the management of public conservation land and ensure conservation values are properly protected. However, it will also identify land with very low or no conservation values, and these become eligible for potential disposal. Land that is disposed no longer requires management and administration by DOC.

What is the rationale for government intervention?

- The government administers stewardship land. Reclassifying this land is set out in the Conservation Act 1987, the Reserves Act 197, and the National Parks Act 1980, while disposal is set out in the Conservation Act. There are 3236 stewardship areas to be assessed. The rationale for reclassification is to ensure land is managed appropriate to the conservation values that it has; land with very low or no conservation purposes can potentially be disposed of.
- Under the status quo, there may be the option to direct some of the proceeds of sale of stewardship land to DOC without legislative change. However, this would only extend to the cost of readying and disposal. Obtaining the cost of readying land for sale, under the current process, would require joint agreement of the Minister of Conservation and the Minister of Finance. Therefore, if the Minister of Finance declined the application, DOC

would not be able to offset the cost of disposal. This affects DOC ability to prioritise statutory land management operations.

- By way of contrast, section 82(1)a of the Reserves Act 1977 does allow the Minister of Conservation to direct proceeds from the disposal of reserves to activities that enable management and purchase of reserves generally. There is no apparent reason for the difference between the two acts, though the scale of land protected under the Conservation Act is much larger and the potential for large transfers is therefore greater.

What are the relevant policy decisions that have been made?

- The main decisions are to make progress with stewardship land reclassification so this large amount of land is properly classified and managed and to use expert panels to coordinate the reclassification process and make recommendations to the Minister of Conservation. Additional changes to legislation are sought to improve the efficiency and process to undertake reclassification.

What is the statutory authority to charge ie, the Act that gives the power to cost recover?

- The Conservation Act 1987 gives the authority to dispose of stewardship land, but does not give the authority for proceeds of sale to be directed to the costs of overall administration of land (whether that be future management or ongoing processes to reclassify or dispose of).

Is this a new or amended fee?

- This is a change in process. The current process directs proceeds from disposal to the Crown trust account. The change would enable such proceeds to be directed to Vote Conservation (DOC) for the purposes of further reclassification and statutory land management activities.

Policy Rationale: Why a user charge? And what type is most appropriate?

Why is cost recovery appropriate for the activity (over and above the legal authority to charge) – ie, why should it be third-party funded rather than funded by the Crown?

- DOC will need to fund the bulk of activities to reclassify stewardship land. However, where there are lands eligible for disposal, the proceeds from disposal could offset some of the costs to DOC. The nature of this cost recovery depends on there being land eligible for disposal, and willing buyers in the market for these lands.

What is the nature of output from the activity (the characteristics of the good or service) – eg public/private/club goods?

- The goods are public conservation lands that no longer have a conservation purpose and that are sold to other kinds of land ownership (depending on the context, available buyers, etc.). Public land becomes private property.
- The output from directing the funds to further reclassification and management activities will be more resources to enable these activities and therefore more likelihood they will be undertaken and progressed.

Is full or partial cost recovery being proposed? What is the rationale for proposing full or partial cost recovery?

- Directing proceeds to DOC would only partially recover costs. For any individual piece of land put up for disposal, the cost recovery would depend on the market for that land and could vary from partial recovery of costs to returning profits. Occasionally land is sold at a loss where cost-benefit analysis indicates that keeping it would be more expensive in the long term.

What type of charge is being proposed? – eg, fee, levy, hourly charge? What is the rationale behind selecting this type of charge?

- No change in charge is proposed from the status quo, the proposal is to enable the Minister of Conservation to direct proceeds to DOC rather than to the Crown trust account.

Who will pay the cost recovery charges?

- The charges are paid by whomever is the willing buyer for disposed land. This is likely to be highly variable groups of private individuals, tangata whenua (iwi, hapū, whānau and associated organisations), businesses and councils. Until land is assessed for values and those are found to be very low or none, it is not eligible for disposal; we cannot ascertain interest until that point.

High level cost recovery model (the level of the proposed fee and its cost components)

What are the estimated charge levels?

- The charge levels are the same under status quo and proposed change – depending on the nature of the land for disposal and the market of willing buyers. The effect of the proposed change does not affect any of the cost-recovery factors; it would just directly offset the costs of reclassification and statutory land management (compare to s82(1)a of the Reserves Act 1977).
- While the overall Crown financial position is not affected, the proposal would increase funding available to land classification and statutory land management and decrease funding available for other Crown priorities. The range of consequences will depend on the value of the land that is disposed. Examples provided on the next page show the range of recent disposals is \$3,500-\$852,000, but the effect will depend on the decision by the Minister to direct revenue from disposal to DOC; the change will not automatically direct all disposal revenue so the Minister will have discretion.

What are the main cost drivers of the activity? What are the outputs of the activity and the business processes that are used to produce those outputs?

- The overarching process of reclassifying 2.5 million hectares will yield a small proportion of land for disposal.
- The land will be in various sized packages; most will be 1-10 hectares, a few could be thousands of hectares. Disposal preparation, valuation, listing and transaction costs will be similar and will be affected by time on market and other land disposal factors.
- The user charge is the market price of the land paid by a willing buyer, with a potential valuation process setting expectation on that market prices. The user charge is not itemised to any costs.

What are the estimates of expenses and revenue for the activity?

- For reclassification leading to disposal, DOC's Statutory Land Management team provided the table below. The items are consistent to each disposal process, though the costs are only indicative based on recent disposals and may vary over time depending on demand, inflation etc. Starred items may vary depending on the characteristics of the land being disposed of. The additional expenses associated with **each** disposal include:

Item	Purpose	Indicative cost \$ ex GST
DOC staff costs - 40 hours	Coordinate disposal activities	5,200
LINZ agents	Crown land services and survey (fee for service)	18,000
Survey Plan*	Survey documentation (fee for service)	15,000
Valuation*	Establish value (fee for service)	3,500
Processing fees (legal, conveyancing, <i>Gazette</i>)	Compliance services	1,500
Land agent and marketing*	Listing and coordinating sale process	10,000
Total Indicative costs		53,200

- While difficult to predict final amounts, the approximate costs of disposal will be approximately \$1.1 million for every 20 areas that fit the criteria and which can be prepared for disposal, assuming only one valuation and market listing is needed to achieve disposal each time.
- For example, if 50 stewardship areas are disposed of, this will cost approximately \$2.5-2.8 million, if 150 areas are disposed of, this will cost approximately \$7.5-8.6million.
- We have no way to model revenue until we know which areas are eligible for disposal. It is feasible that some land that is disposed of will generate one-off revenues that exceed the cost of preparing for its disposal, but unlikely that revenues overall will cover the costs of reclassifying all stewardship land, including land that is not disposed of.
- Recent disposal revenues (ex GST) include:
 - \$22,500 for 5.1078 hectares in Westland District in 2016
 - \$200,000 for 5.0585 hectares in Selwyn District in 2017
 - \$3,400 for 0.0331 hectares in St Bathans in 2019
 - \$852,000 for 0.0207 hectares in Auckland in 2021.

How will changes in the underlying assumptions affect financial estimates?

- The costs are affected by the size of the land – larger areas have higher valuation and survey costs, and agent costs can be higher because land is on the market for longer or requires multiple listings to generate a sale. However larger areas are also less likely to be eligible as they are more likely to contain conservation values or to meet criteria for protection under a different classification. Where conservation values vary across a large area, the area could be broken into parcels so some parcels with very low or no values could be disposed.

Consultation

Who has been consulted (or who will be consulted), what form will consultation take and what options are being canvassed?

- The proposal to redirect proceeds from disposal of stewardship land will be consulted on in a public discussion document and will be one of the issues that DOC engages tangata whenua and conservation stakeholders on in hearings and meetings.
- Public sector agencies consulted on this proposal have not raised any concerns with the option of the Minister potentially redirecting proceeds from disposals to DOC to offset the costs of reclassification and statutory land management.

What key feedback has been received and were any significant concerns raised about the preferred option?

- This is an interim CRIS to accompany the discussion document; it will be revised based on feedback from consultation

How will consultation be managed for the rest of the process (that is, while the detailed cost recovery model is developed and through implementation).

- Because the proposal relates to changing where proceeds of land disposal may be directed, we do not intend to update the overarching cost recovery model; we will provide a report on submissions on this proposal as work progresses.
- Any recommendation to dispose of land requires its own public consultation process.

Heather Mabin

From: Simon Bastion <simon.bastion@westlanddc.govt.nz>
Sent: Wednesday, December 1, 2021 15:42
To: Sharon Mason; GDC Paul Morris; Heather Mabin
Subject: FW: Stewardship Land Review Process Update

This email is from an external sender. Please be careful with any links or attachments.

Good afternoon team,

I have been working with Mark Christensen to finalise his involvement in the Stewardship Land proposed legislative review. In the email below Mark has sent out his pricing and WDC is happy to be the point of contact for Mark and arrange an invoice etc. Can you all please confirm acceptance of the of \$2,250 +GST for your respective councils for this work. We are targeting having a draft prepared early Feb for comment before putting a submission document in front of Mayors & Chairs in Feb.

Thanks in advance

Simon Bastion | Chief Executive
Westland District Council

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WESTLAND

Seasons Greetings from Westland District Council

Christmas Hours

Customer Service **closed**:

12pm 24 December 2021 - 8.30am, 5 January 2022

Building consents, Planning (Resource Consents & LIMs) and LGOIMA processing
closed:

20 December 2021 - 10 January 2022

For Emergency Assistance: Water / Sewerage / Drainage / Roading / Animal Control
call 0800 474 834 and follow the prompts

WESTLAND

From: Mark Christensen <mark@naturalresourceslaw.co.nz>
Sent: Wednesday, 1 December 2021 2:34 pm
To: Simon Bastion <simon.bastion@westlanddc.govt.nz>
Subject: RE: Stewardship Land Review Process Update

This email is from an external sender. Be careful when opening any links or attachments. If you are unsure, please contact IT for assistance.

Hello Simon,

Thanks for the discussion with you and Bruce yesterday. I think all of the issues Identified in my email of 26 November and which we discussed yesterday can fall within the scope of work that you've set out below.

My normal charge out rate is \$490 per hour plus GST.

Based on the following tasks and estimates of time involved, I estimate my fee will be under \$9000 (plus GST).

- Reviewing consultation documents and other background material (4 hours)
- Preparing a table of comments on the various issues and pros/cons of the suggested legislative amendments and suggestions of additional matters to include in a submission (7 hours)
- Phone calls with you and others, including a virtual meeting with the Mayors and Chairs in February (3 hours)
- Drafting the submission based on comments from councils (4 hours)

I hope that's acceptable. Please let me know and I'll get you a formal Letter of Engagement and get under way.

Ngā mihi

Mark Christensen
Director



Natural Resources Law Limited
Ph: 0274 878611 | PO Box 6643, Upper Riccarton, Christchurch 8442

mark@naturalresourceslaw.co.nz | www.naturalresourceslaw.co.nz



Ehara taku toa i te toa takitahi, he toa takitini.
My strength is not as an individual, but as a collective.

I work flexibly, so while it suits me to email now, I don't anticipate a response outside your normal hours.

This message is confidential and may be legally privileged. If you have received this message in error please tell us immediately by return email and then destroy this email. Thank you.
Please consider the environment before printing this e-mail.

From: Simon Bastion <simon.bastion@westlanddc.govt.nz>
Sent: Monday, 22 November 2021 9:58 am
To: Mark Christensen <mark@naturalresourceslaw.co.nz>

from time to time amend any such statement in the light of changing circumstances or increased knowledge.

- (2) Nothing in any such general policy shall derogate from any provision in this Act or any other Act.
- (3) The administering body shall in the exercise of its functions comply with general policies under this section.
- (4) For the purposes of this section, sections 17B (except subsections (1) and (2)) and 17N (except subsection (2)) of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies, subject to the following provisions:
 - (a) where the draft policy relates solely to the implementation of this Act in relation to reserves administered by bodies other than the Department, the Minister may approve the draft without consulting the Authority; and, in that case,—
 - (i) the Director-General shall send the draft and the summary prepared under section 17B(3)(i) of that Act directly to the Minister; and
 - (ii) paragraphs (j) to (l) of section 17B(3) of that Act shall not apply:
 - (b) no such general policy shall restrict or affect the exercise of any legal right or power by any person other than the Minister or the Director-General or an administering body.

Section 15A: inserted, on 10 April 1990, by section 94 of the Conservation Law Reform Act 1990 (1990 No 31).

Part 3

Classification and management of reserves

Classification and purpose of reserves

16 Classification of reserves

- (1) To ensure the control, management, development, use, maintenance, and preservation of reserves for their appropriate purposes, the Minister shall, by notice in the *Gazette*, classify according to their principal or primary purpose, as defined in sections 17 to 23,—
 - (a) all reserves existing immediately before the commencement of this Act:
 - (b) all reserves created after the commencement of this Act,—

and for the purposes of this section, the Minister may classify part of a reserve for one purpose and the other part or parts of the same reserve for any other purpose or purposes:

provided that, where a reserve is controlled or managed by an administering body, the Minister shall not classify the reserve under this subsection without consulting the administering body.

- (2) Notwithstanding subsection (1), where a resolution is gazetted under section 14(4), the reserve shall, without further notice or gazetting, be held and administered for the purpose specified in the resolution, and shall be deemed to be classified accordingly.
- (2A) Notwithstanding subsection (1), where any reserve was—
- (a) vested in a local authority which did not derive its title to the land from the Crown; or
 - (b) created under section 17 of the Land Laws Amendment Act 1920; or
 - (c) created under section 16 of the Land Act 1924; or
 - (d) created under section 13 of the Land Subdivision in Counties Act 1946; or
 - (e) purchased out of money paid out of the Land for Settlements Account in accordance with section 14(2) of the Land Subdivision in Counties Act 1946; or
 - (f) created under Part 20 of the Local Government Act 1974; or
 - (g) created under Part 10 of the Resource Management Act 1991—
- and is or remains vested in a local authority, that local authority shall, by resolution, classify the reserve according to its principal or primary purpose, as defined in sections 17 to 23.
- (2B) Any local authority that classifies a reserve in accordance with subsection (2A) shall forthwith give notice of that classification to the Commissioner.
- (2C) The Minister may, by notice in the *Gazette*, declare that any land—
- (a) identified in the first column of Schedule 4 for protection as an amenity reserve; and
 - (b) held as a conservation area under section 7 or section 61 or section 62 of the Conservation Act 1987; and
 - (c) adjacent to any reserve held under this Act as a scenic reserve—
is held under this Act as a reserve and—
 - (d) classified as a scenic reserve; and
 - (e) added to the adjacent scenic reserve;—
- and, subject to this Act, the land shall therefore be so held.
- (2D) The Minister may, by notice in the *Gazette*, declare that any land—

- (a) identified in the first column of Schedule 4 for protection as a wildlife corridor or wildlife management reserve; and
 - (b) held as a conservation area under section 7 or section 61 or section 62 of the Conservation Act 1987; and
 - (c) adjacent to any reserve held under this Act as a government purpose (wildlife management) reserve—
is held under this Act as a reserve and—
 - (d) classified as a government purpose (wildlife management) reserve; and
 - (e) added to the adjacent government purpose (wildlife management) reserve;—
- and, subject to this Act, the land shall thereafter be so held.
- (2E) Where any boundary of any land identified in Schedule 4 is defined in any document referred to in the third column of that schedule, the boundary defined in the document shall be conclusive for the purposes of this Act.
- (2F) Where any boundary of any land identified in the said Schedule 4 is not defined in any document referred to in that schedule, the Minister shall describe the land in the notice under subsection (2C) or subsection (2D) after having regard—
- (a) in the case of any land identified as Category A in Appendix C of the Final Report of the West Coast Forests Working Party dated 31 October 1986, to the maps contained or referred to in that report:
 - (b) in the case of any land identified as Category B in the said Appendix C, to the maps contained or referred to in the discussion document dated 17 January 1987 issued pursuant to the said Final Report by the Acting Director-General of Forests.
- (2G) If the boundary of any land cannot be ascertained in accordance with subsection (2E) or subsection (2F), the Minister shall describe the land in the notice under subsection (2C) or subsection (2D) after consultation with such persons or organisations as the Minister considers appropriate and after having regard to such documents as he or she considers appropriate.
- (2H) Notwithstanding subsections (2E), (2F), and (2G), the Minister may, by notice in the *Gazette*, make any necessary or practical or appropriate adjustments to the description of any land under this section.
- (3) In classifying any reserve as a government purpose or local purpose reserve, the Minister or the local authority, as the case may be, shall specify as part of that classification the particular purpose or purposes for which the reserve is classified.
- (4) Before classifying any reserve under subsection (1), the Minister shall give public notice in accordance with section 119 specifying the classification proposed, and shall give full consideration in accordance with section 120 to all

- objections against and submissions in relation to the proposal received pursuant to the said section 120.
- (5) Notwithstanding subsection (4), no such public notice shall be necessary where—
- (a) the classification proposed for any reserve is substantially the same as the purpose for which the reserve was held and administered immediately before the commencement of this Act; or
 - (b) the intended use of the land is in conformity with the relevant operative district plan under the Resource Management Act 1991; or
 - (c) the classification proposed is a condition subject to which the land was acquired for reserve purposes; or
 - (d) the land is classified under subsection (2C) or subsection (2D).
- (6) Subject to subsection (7), every existing reserve shall be held and administered for the purpose of its existing reservation, and the administering body shall continue to control and manage the reserve under the appropriate provisions of this Act pending its classification under subsection (1).
- (7) Where any existing reserve was, immediately before the commencement of this Act, a domain under the Reserves and Domains Act 1953 or any corresponding former Act, it shall be controlled and managed under the provisions of this Act relating to recreation reserves, pending its classification under this Act. Every such reserve shall be controlled and managed, by its domain board, in accordance with the following provisions:
- (a) every such domain board that is a local authority shall act in the capacity of a local authority as if it had been appointed under section 28(1), as the administering body of the reserve, and all the provisions of this Act, except section 26A, shall apply accordingly:
 - (b) every such domain board that is not a local authority shall act in the capacity of a reserves board as if it had been appointed under section 30(1), to be, in that capacity, the administering body of the reserve, and all the provisions of this Act shall apply accordingly.
- (8) When classified under this section, each reserve shall be held and administered for the purpose or purposes for which it is classified and for no other purpose.
- (9) Classification of a reserve under subsection (1) shall not, unless the Minister in the notice otherwise directs, affect the appointment or term of the administering body controlling and managing the reserve or of any member thereof.
- (10) The Minister, or the territorial authority or regional council in the case of a reserve vested in a territorial authority or regional council, may, from time to time, by notice in the *Gazette*, declare that a reserve shall be known by such name as is specified in the notice, and the Minister or the territorial authority or the regional council, as the case may be, may in like manner change the name

of any reserve. Any change of name shall not affect the appointment or term of the administering body controlling the reserve or any member thereof:

provided that the Minister shall not change the name of a reserve that is controlled and managed by an administering body without consulting that administering body.

- (10A) Before the Minister gives notice in the *Gazette* under subsection (10), the Minister must refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa under section 27(2) or 30 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008, as the case may be.
- (11) Notwithstanding anything in subsections (1) to (10),—
- (a) all reserves which immediately before the commencement of this Act were set apart as racecourse reserves or for racecourse purposes under the Reserves and Domains Act 1953 shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as recreation reserves under section 17, subject to sections 65 to 70:
 - (b) all reserves created before the commencement of this Act pursuant to Part 28 of the Municipal Corporations Act 1933, Part 25 of the Municipal Corporations Act 1954 or Part 2 of the Counties Amendment Act 1961 shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as follows:
 - (i) as recreation reserves under section 17, if their purpose was recreation:
 - (ii) as historic reserves under section 18, if their purpose was historic:
 - (iii) as scenic reserves under section 19, if their purpose was scenic or the preservation of scenery:
 - (iv) as local purpose reserves under section 23, if their purpose was utility, road, street, access way, esplanade, service lane, playcentre, kindergarten, plunket room, or other like purpose:
 - (c) all reserves for the preservation of flora and fauna existing immediately before the commencement of this Act shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as nature reserves under section 20:
 - (d) the reserves described in Schedule 2 of the notice by the Minister of Lands dated 14 December 1972 and published in the *Gazette* on 11 January 1973 at page 8 (being reserves forming part of the Marlborough Sounds Maritime Park) shall, after the commencement of this Act, and without further notice or gazetting, be deemed to be classified as local purpose reserves for sounds foreshore purposes under section 23, but subject to the provisions of section 17 of the Reserves and Other Lands Disposal Act 1955:

- (e) all reserves which immediately before the commencement of this Act were set apart for Government railway purposes shall, after the commencement of this Act, and without further notice or gazetting, be held and administered as government purpose reserves for railway purposes under section 22 under the control and management of the Minister of Railways.
- (12) This section is subject to section 16A in respect of the classification of nature and scientific reserves.

Compare: 1953 No 69 ss 12, 42

Section 16: replaced (with effect on 1 April 1978), on 1 January 1980, by section 4(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 16(2): replaced, on 27 December 1983, by section 3(1) of the Reserves Amendment Act 1983 (1983 No 43).

Section 16(2A): inserted, on 27 December 1983, by section 3(1) of the Reserves Amendment Act 1983 (1983 No 43).

Section 16(2A)(g): inserted, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 16(2B): inserted, on 27 December 1983, by section 3(1) of the Reserves Amendment Act 1983 (1983 No 43).

Section 16(2C): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(2D): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(2E): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(2F): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(2G): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(2H): inserted, on 13 March 1996, by section 3(1) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(5)(b): replaced, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 16(5)(c): amended, on 13 March 1996, by section 3(2) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(5)(d): inserted, on 13 March 1996, by section 3(2) of the Reserves Amendment Act 1996 (1996 No 3).

Section 16(8): amended, on 27 December 1983, by section 3(2) of the Reserves Amendment Act 1983 (1983 No 43).

Section 16(10): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 16(10A): inserted, on 1 November 2008, by section 38 of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (2008 No 30).

Section 16(11)(b): amended, on 27 December 1983, by section 3(3) of the Reserves Amendment Act 1983 (1983 No 43).

Section 16(12): inserted, on 24 May 2013, by section 6 of the Reserves Amendment Act 2013 (2013 No 17).

16A Application of section 16 to nature and scientific reserves after commencement of Crown Minerals Amendment Act 2013

- (1) Despite section 16, on and from the commencement of the Crown Minerals Amendment Act 2013,—
 - (a) all reserves existing immediately before the commencement of that Act and not yet classified in accordance with section 16 must be classified in accordance with this section if the reserve is to be classified as a nature reserve or as a scientific reserve:
 - (b) all nature and scientific reserves created after the commencement of the Crown Minerals Amendment Act 2013 must be classified in accordance with this section.
- (2) The Minister may recommend to the Governor-General that an Order in Council be made to name and classify a reserve as a nature reserve or as a scientific reserve if the principal or primary purpose of the reserve is the same as that specified for—
 - (a) a nature reserve in section 20; or
 - (b) a scientific reserve in section 21.
- (3) The Governor-General may, by Order in Council made on the recommendation of the Minister, name and classify a reserve as a nature reserve or as a scientific reserve.
- (4) Before making a recommendation under subsection (2), the Minister must—
 - (a) refer the proposed name to the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa under section 27(2) of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008; and
 - (b) give public notice in accordance with section 119 specifying the name and classification proposed, and must consider in accordance with section 120 all objections and submissions in relation to the proposal, and those sections apply accordingly with any necessary modifications.
- (5) When classified under this section, each reserve must be held and administered for the purpose or purposes for which it is classified and for no other purpose.
- (6) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 16A: inserted, on 24 May 2013, by section 7 of the Reserves Amendment Act 2013 (2013 No 17).

Section 16A(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

17 Recreation reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.
- (2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every recreation reserve shall be so administered under the appropriate provisions of this Act that—
 - (a) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:
 - (b) where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:
provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:
 - (c) those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved:
 - (d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

Compare: 1953 No 69 ss 32, 33; 1964 No 108 s 2

Section 17(2)(b) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

18 Historic reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as historic reserves, for the purpose of protecting and preserving in perpetuity such places, objects, and natural features, and such things thereon or therein contained as are of historic, archaeological, cultural, educational, and other special interest.
- (2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every historic reserve shall be so administered and maintained that—
 - (a) the structures, objects, and sites illustrate with integrity the history of New Zealand:
 - (b) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 58 and 58A, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:
 - (c) where scenic, archaeological, geological, biological, or other scientific features, or indigenous flora or fauna, or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:
 - (d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained:
 - (e) except where the Minister otherwise determines, the indigenous flora and fauna and natural environment shall as far as possible be preserved:

provided that nothing in paragraph (c) shall authorise the doing of anything with respect to fauna or wildlife that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, and nothing in this subsection shall authorise the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014.

Compare: 1953 No 69 ss 63, 64

Section 18(2)(b): amended, on 1 January 1980, by section 19(2) of the Reserves Amendment Act 1979 (1979 No 63).

Section 18(2) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

19 Scenic reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as scenic reserves—

- (a) for the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest:
 - (b) for the purpose of providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become of such scenic interest or beauty that their development, protection, and preservation are desirable in the public interest.
- (2) It is hereby further declared that every scenic reserve classified for the purposes specified in subsection (1)(a) shall be so administered and maintained under the appropriate provisions of this Act that—
- (a) except where the Minister otherwise determines, the indigenous flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved, and for this purpose, except where the Minister otherwise determines, exotic flora and fauna shall as far as possible be exterminated:
 - (b) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on administering bodies by sections 55 and 56, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and well-being of the reserve and for the protection and control of the public using it:
 - (c) to the extent compatible with the principal or primary purposes of the retention and preservation of the natural or scenic values, open portions of the reserve may be developed for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve:
 - (d) where historic, archaeological, geological, biological, or other scientific features are present in the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:
provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:
 - (e) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

- (3) It is hereby further declared that every scenic reserve classified for the purposes specified in subsection (1)(b) shall be so administered and maintained under the appropriate provisions of this Act that—
- (a) except where the Minister otherwise determines, the flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved:
 - (b) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on administering bodies by sections 55 and 56, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and well-being of the reserve and for the protection and control of the public using it:
 - (c) to the extent compatible with the principal or primary purposes of the retention and preservation of the natural or scenic values, open portions of the reserve may be developed for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve:
 - (d) where historic, archaeological, geological, biological, or other scientific features are present in the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:
provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:
 - (e) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

Compare: 1953 No 69 ss 33, 56

Section 19(2)(d) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 19(3)(d) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

20 Nature reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as nature reserves, for the purpose of protecting and preserving in perpetuity indigenous flora or fauna or natural features that are of such rarity, scientific interest or importance, or so unique that their protection and preservation are in the public interest.

- (2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every nature reserve shall be so administered and maintained under the appropriate provisions of this Act that—
- (a) it shall be preserved as far as possible in its natural state:
 - (b) except where the Minister otherwise determines, the indigenous flora and fauna, ecological associations, and natural environment shall as far as possible be preserved and the exotic flora and fauna as far as possible be exterminated:
 - (c) for the better protection and preservation of the flora and fauna in its natural state, no person shall enter the reserve, except under the authority of a permit granted under section 48A or section 57 or in accordance with a notice given under section 57(2) and, for the purposes of this paragraph, the expression **enter the reserve** shall, in the case of a nature reserve or part of a nature reserve that is an island or that comprises most of an island, be deemed to include any physical contact with the land by a boat; and for this purpose any physical contact with the land shall be deemed to include the attaching (by rope or otherwise) of a boat to the reserve or to a wharf constructed on or partly on the reserve:
 - (d) where scenic, historic, archaeological, biological, geological, or other scientific features are present on the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:
provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:
 - (e) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.
- (3) For the purposes of subsection (2)(c), where the foreshore of any nature reserve which is an island or part of an island does not form part of the reserve which it adjoins, the foreshore shall be deemed to form part of the reserve.

Section 20(2)(c): amended, on 27 December 1983, by section 6(2) of the Reserves Amendment Act 1983 (1983 No 43).

Section 20(2)(c): amended, on 23 September 1981, by section 3(1) of the Reserves Amendment Act 1981 (1981 No 30).

Section 20(2)(d) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

21 Scientific reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as scientific reserves, for the purpose of protecting and preserving in perpetuity for scientific study, research, education, and the benefit of the country, ecological associations, plant or animal communities, types of soil, geomorphological phenomena, and like matters of special interest.
- (2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every scientific reserve shall be so administered and maintained under the appropriate provisions of this Act that—
 - (a) except where the Minister otherwise determines, the indigenous flora and fauna shall as far as possible be preserved and the exotic flora and fauna shall as far as possible be exterminated:
 - (b) for the adequate protection and management of the reserve, the Minister may from time to time, by notice in the *Gazette*, prohibit access to the whole or any specified part of the reserve, and in that case no person shall enter the reserve or, as the case may be, the part so specified, except under the authority of a permit issued under section 48A or section 59:
 - (c) where scenic, historic, archaeological, biological, or natural features are present on the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:
 - (d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained:
 - (e) with the consent of the Minister, the reserve, or any specified part of the reserve, may be manipulated for experimental purposes or to gain further scientific knowledge.
- (3) For the purposes of subsection (2)(b), where access to the whole or any specified part of a scientific reserve has been prohibited except under the authority of a permit to enter the reserve or that part of the reserve, the expression “enter the reserve or, as the case may be, the part of the reserve so specified” shall, where the reserve or that part is an island or comprises most of an island, be deemed to include making any physical contact with the land by a boat; and for this purpose any physical contact with the land shall be deemed to include the

attaching (by rope or otherwise) of a boat to the reserve or to a wharf constructed on or partly on the reserve.

- (4) For the purposes of subsections (2)(b) and (3), where the foreshore of any scientific reserve which is an island or part of an island does not form part of the reserve which it adjoins, the foreshore shall be deemed to form part of the reserve.

Section 21(2)(b): amended, on 23 September 1981, by section 3(2) of the Reserves Amendment Act 1981 (1981 No 30).

Section 21(2)(c) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

22 Government purpose reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as government purpose reserves for the purpose of providing and retaining areas for such government purpose or purposes as are specified in any classification of the reserve.
- (2) For the avoidance of doubt, and without limiting the purposes for which a government purpose reserve may be classified, it is hereby declared that a reserve may be classified as a government purpose reserve for wildlife management or for other specified wildlife purposes.
- (3) Where any Minister of the Crown other than the Minister of Conservation is appointed to control and manage any government purpose reserve or any part thereof, the reserve or that part, as the case may be, may by that notice be made subject to the provisions of any other Act or Acts administered by the first-mentioned Minister in addition to being subject to this Act, but shall remain a reserve, and that Minister may expend out of the money appropriated by Parliament in respect of the administration of that other Act such sum or sums as he or she thinks fit on the maintenance and improvement and development of the reserve.
- (4) It is hereby further declared that, having regard to the general purpose specified in subsection (1), every government purpose reserve shall be so administered and maintained under the appropriate provisions of this Act that—
- (a) where scenic, historic, archaeological, biological, cultural, scientific, or natural features or wildlife are present on the reserve, those features or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:
- provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:

- (b) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water and forest conservation area shall be maintained.
- (5) Subject, in the case of a government purpose reserve for railway purposes, to the Government Railways Act 1949, the administering body of a government purpose reserve or the Minister appointed to control and manage a government purpose reserve or any part thereof may from time to time, by notice in the *Gazette*, prohibit access to the whole or part of the reserve, or, as the case may be, the whole or any specified part of that part of the reserve, and no person shall be entitled to enter the reserve or, as the case may be, the part specified in the notice, except under the authority of a permit granted under section 48A or a permit issued by the administering body or that Minister.

Section 22(1): replaced, on 1 January 1980, by section 5 of the Reserves Amendment Act 1979 (1979 No 63).

Section 22(3): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 22(4)(a) proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 22(5): amended, on 23 September 1981, by section 3(3) of the Reserves Amendment Act 1981 (1981 No 30).

23 Local purpose reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as local purpose reserves for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve.
- (2) It is hereby further declared that, having regard to the specific local purpose for which the reserve has been classified, every local purpose reserve shall be so administered and maintained under the appropriate provisions of this Act that—
- (a) where scenic, historic, archaeological, biological, or natural features are present on the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Heritage New Zealand Pouhere Taonga Act 2014:

provided also that nothing in this paragraph shall authorise the doing of anything with respect to any esplanade reserve created under section 167 of the Land Act 1948, or section 190(3) or Part 25 of the Municipal Corporations Act 1954 or Part 2 of the Counties Amendment Act 1961 and

existing at the commencement of this Act, or any local purpose reserve for esplanade purposes created under the said Part 25 or Part 2 or under Part 20 of the Local Government Amendment Act 1978 or under Part 10 of the Resource Management Act 1991 after the commencement of this Act, that would impede the right of the public freely to pass and repass over the reserve on foot, unless the administering body determines that access should be prohibited or restricted to preserve the stability of the land or the biological values of the reserve:

- (b) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.
- (3) Where a local purpose reserve is vested in a local authority or where the administering body is a local authority, it may from time to time, by public notice, prohibit access to the whole or any specified part of the reserve, and in that case no person shall enter the reserve or, as the case may be, that part, except under the authority of a permit issued by the local authority.
- (4) Where a local purpose reserve is not vested in a local authority and a local authority has not been appointed to control and manage it, the Minister may from time to time, by public notice, prohibit access to the whole or any specified part of the reserve, and in that case no person shall enter the reserve or, as the case may be, that part, except under authority of a permit issued by the Minister.

Section 23(1): replaced, on 1 January 1980, by section 6(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 23(2): amended, on 1 January 1980, by section 6(2) of the Reserves Amendment Act 1979 (1979 No 63).

Section 23(2)(a) first proviso: amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 23(2)(a) second proviso: replaced, on 1 January 1980, by section 7 of the Reserves Amendment Act 1979 (1979 No 63).

Section 23(2)(a) second proviso: amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

24 Change of classification or purpose or revocation of reserves

- (1) Subject to section 13(2), where—
- (a) the Minister considers for any reason that a change of classification or purpose of the whole or part of any reserve is advisable or that the reservation of any land as a reserve should be revoked; or
 - (b) the local authority within whose district a reserve is situated or the administering body of any reserve notifies the Commissioner in writing that, pursuant to a resolution of the local authority or of the administering body, as the case may be, it considers for any reason, to be stated in the resolution, that the classification or purpose of the whole or part of the reserve should be changed to another classification or purpose, or

that the reservation of the whole or part of the land as a reserve should be revoked,—

then, subject to the succeeding provisions of this section, the Minister may, in his or her discretion, by notice in the *Gazette*, change the classification or purpose of the whole or part of the reserve, which thereafter shall be held and administered for that changed classification or purpose, or revoke the reservation of the whole or part of the land as a reserve:

provided that the classification of any government purpose reserve for railway purposes shall not be changed and the reservation of the land or any part thereof as such a reserve shall not be revoked except with the consent of the Minister of Railways.

(2) Before any classification or purpose is changed or any reservation is revoked pursuant to subsection (1),—

(a) where subsection (1)(a) applies and there is an administering body of the reserve, the Commissioner shall notify the administering body in writing as to the Minister's reasons for considering that a change of classification or purpose is advisable or, as the case may be, that the reservation should be revoked, and shall invite the administering body to comment thereon in writing to the Commissioner:

(b) the administering body of the reserve after consulting the Commissioner, or the Commissioner if there is no administering body, shall publicly notify the proposed change of classification or purpose or proposed revocation of reservation, as the case may be, specifying the reason or reasons for the proposal:

(c) every person claiming to be affected by the proposed change of classification or purpose or revocation shall have a right of objection to the change or revocation, and may, at any time within 1 month after the date of the first publication of the notice of the proposal, give notice in writing of his or her objections to the proposed change or revocation and of the grounds thereof to the Commissioner if there is no administering body, and to the principal administrative officer or chief executive of the administering body in any other case, who shall forward all such objections to the Commissioner with a copy of the resolution of the administering body in relation to those objections, after the administering body has considered those objections:

provided that, where the date of the first publication of the notice of the proposal falls between the period commencing with 10 December in any year and ending with 10 January in the next succeeding year, notice of objection to the proposed change or revocation may be given at any time before 10 February next following that period:

(d) where a local authority which is not the administering body initiates action under subsection (1)(b) to change the classification or purpose of

- or to revoke the reservation of the whole or part of the land as a reserve, the local authority shall notify the administering body in writing of the resolution of the local authority, and the reasons for it, and the administering body shall notify the Commissioner in writing of the attitude of the administering body to the proposed change of classification or purpose or to the proposed revocation:
- (e) the Minister shall as soon as practicable consider the proposed change of classification or purpose or revocation and all objections received thereto and, in the case of objections made to an administering body, the resolution of the administering body thereon, and, in any case where paragraph (d) applies, the attitude of the administering body to the proposal:
 - (f) the Minister shall have power to receive such submissions and make such inquiries as he or she thinks fit on the proposal:
 - (g) the procedure to be followed by the Minister in any matter arising under this section shall be as prescribed in regulations made under this Act or, where there are no such regulations or so far as the regulations do not extend, as the Minister determines:
 - (h) any person who does not lodge an objection in accordance with this subsection shall be deemed to have assented to the change of classification or purpose or the revocation of reservation set forth in the public notification.
- (3) No change of classification or purpose of a scenic, nature, or scientific reserve, or any part thereof, to a recreation, historic, government purpose, or local purpose reserve shall be made, except where, in the opinion of the Minister, the reserve or the part thereof is by reason of the destruction of the forest, bush, or other vegetation, or of the fauna or scientific or natural features thereon, or for any other like cause, no longer suitable for the purposes of its classification.
- (4) *[Repealed]*
- (5) No change of classification or purpose nor any revocation of reservation of an historic reserve or any part thereof shall be made, except where, in the opinion of the Minister, the reserve or the part thereof is by reason of the destruction of the historic features or for any other cause no longer suitable for the purpose of its classification, or where, in the opinion of the Minister, the change of classification or purpose or the revocation is required in the public interest. The Minister shall obtain a report from Heritage New Zealand Pouhere Taonga before making his or her decision.
- (6) Subsection (2) shall not apply to any government purpose reserve, but no change of classification or purpose or revocation of the reservation of such a reserve or any part of such a reserve shall be made without the prior approval of the Minister appointed under section 22 or section 36 to control and manage that reserve.

- (7) Subsection (2) shall not apply to any local purpose reserve, other than a reserve made on a subdivision of land under section 13 of the Land Subdivision in Counties Act 1946 or a reserve vested in the Corporation of a borough pursuant to the Municipal Corporations Act 1954 or the Corporation of a county pursuant to Part 2 of the Counties Amendment Act 1961 or section 16 of the Land Act 1924 or section 17 of the Land Laws Amendment Act 1920 or Part 20 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978) or as a condition of any resource consent under the Resource Management Act 1991:
- provided that the Minister may, after considering such evidence as may be submitted to him or her, direct that the proposals be publicly notified, and in that case subsection (2) shall apply.
- (8) The Minister must not change the classification or purpose, or revoke the reservation status, of the whole or a part of a nature reserve or a scientific reserve under subsection (1).
- (9) Instead, a change to the classification or purpose, or the revocation of the reservation status, of the whole or a part of a nature reserve or a scientific reserve must be made by the Governor-General by Order in Council, on the recommendation of the Minister.
- (10) The Minister must not make a recommendation under subsection (9) to change the classification or purpose, or to revoke the reservation status, of a nature reserve or a scientific reserve unless—
- (a) the Minister is satisfied that the reserve is no longer suitable for the purposes of its classification because of the destruction of its forest, bush, or other vegetation, or of its fauna or natural or scientific features, or for any other similar cause; and
 - (b) the Minister has complied with subsection (2), with any necessary modifications.
- (11) Subsection (10)(a) does not apply if the intended change of classification is from—
- (a) nature reserve to scientific reserve or scenic reserve:
 - (b) scientific reserve to nature reserve or scenic reserve.
- (12) An order under subsection (9) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1953 No 69 s 18(1)–(5); 1965 No 108 s 2(1)

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

Investigating the future of conservation: The case of stewardship land

August 2013



Parliamentary Commissioner
for the **Environment**
Te Kaitiaki Taiao a Te Whare Pāremata

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Photography

Cover: Mavora Park Conservation Area in Southland. This area is stewardship land and part of the Te Wāhipounamu World Heritage Area. Courtesy of Jill Ferry.
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Commissioner's overview

To a large extent, we as New Zealanders find our identity in our relationship with this beautiful land of ours. The Māori word for land - whenua - also means placenta and there can be no stronger image than this denoting a connection to the land. Many New Zealanders reaching back into their family histories find connections with particular places.

This report is about 'stewardship land' – a category of conservation land that makes up about one-third of the land managed by the Department of Conservation. I feel a personal connection with one significant area of stewardship land – one of my great grandfathers built the sheepyards at St James Station in North Canterbury in the 1870s. Today it is the St James Conservation Area. But it is stewardship land, and as such is one of the many areas on the conservation estate with the weakest legal protection.

The origin of stewardship land lies in the creation of the Department of Conservation in 1987. As part of the reorganisation of Crown land, the Government transferred responsibility for large areas of land which were not seen to be commercially valuable to the newly-formed, and protection-focused, conservation department. The department was to act as steward of the land until its destiny was determined.

The original intent of the Government in 1987 was to assess the conservation value of different areas of stewardship land. Each area would then be reclassified into the appropriate category of conservation land (such as a reserve or ecological area), or, if it had little or no conservation value, be taken out of the conservation estate.

That systematic assessment has never been done. Some stewardship land has been reclassified, and a small amount has been sold. But all conservation land that is newly acquired and not reclassified, remains as stewardship land. There may be more stewardship land now in the conservation estate than in 1987.

There are two ways in which stewardship land differs from other land in the conservation estate. First, large areas can be swapped for areas of private land. Second, it need only be managed so that its "*natural and historic resources are protected*", whereas other categories of conservation land have more specific management criteria.

There are problems associated with both these differences. The direction and guidance for land swaps is based on law and policy which is inadequate for anything other than minor boundary changes. And the purpose for the inclusion of any area of stewardship land within the conservation estate is left vague and undefined, signalling that it is of low conservation value.

Taken together, these differences lead to the legal protection of stewardship land being weaker than that of other types of conservation land. This would not matter if the conservation value of all land in this category was low, but that is not the case. For instance, some areas of stewardship land were purchased and added to the conservation estate, because of their high conservation value. Others have recently been identified by departmental scientists as being of high biodiversity value.

This report contains two case studies that illustrate the difficulties that can arise from the failure to confront the issues associated with stewardship land. Both involved areas that were considered by officials to have high conservation value, yet they had been left as stewardship land. Consequently, commercial operators were able to propose land swaps.

The first case study is Meridian Energy's application to build a hydroelectric dam on the Mokihinui River on the West Coast – an application that has since been withdrawn. The second case study is the acquisition of an alpine basin (Crystal Basin) for the expansion of a ski field.

Both cases attracted a great deal of controversy. The land swaps – proposed in the first case and actual in the second case – were predicated on the basis that they would provide a net conservation benefit. And both cases highlight that there is work to be done before the public can have confidence in such deals.

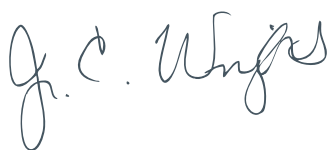
For instance, in the Mokihinui case, the conservation value of the river itself could not feature in the assessment of net conservation benefit because the riverbed is not 'administered' by the Department of Conservation. This alone made the assessment meaningless.

In the Crystal Basin case, the forested Banks Peninsula gully that was swapped for this alpine basin was already protected under the district plan. But under the law as it stands, land swaps need only lead to a net conservation benefit for the *conservation estate*. That this coastal lowland forest was already protected was deemed irrelevant.

Over the years, concern about stewardship land has been expressed from time to time, notably by the New Zealand Conservation Authority. Since more commercial enterprises look likely to take place on the conservation estate, getting ahead of the game by resolving these issues could potentially save both heated arguments and wasted resources.

In particular, the development of clear principles and processes for assessing net conservation benefit is required. Because it represents the public, the Conservation Authority is well-placed to play an important role here. My staff and I will also continue to think about this challenge. It is a worthwhile goal to pursue, and in my opinion could yield many benefits. Right now, our conservation legislation is not up to the task of dealing with this complex problem.

In the meantime we need to protect our most precious conservation areas that lie on the map as stewardship land. My recommendations therefore emphasise the need to make some headway. As with many environmental issues it is not straightforward, nor black and white, but I do believe that something must be done.



Dr Jan Wright
Parliamentary Commissioner for the Environment



Introduction

New Zealand's protected conservation land is vast and varied. Making up a third of the country it includes rain-drenched bush, mountains uplifted high, tussock plains, remote beaches, and giant glaciers meandering down misty U-shaped valleys.

We like to think that these places are permanent and that a hundred years from now our descendants will still be amazed by their beauty and variety. Ours is a country with little built heritage, but a stunning natural heritage.

Many of what were once iconic places are now gone. We humans are not responsible for destroying the Pink and White Terraces – once a contender for the title of the Eighth Wonder of the World. But we are responsible for the loss of others, such as the thermal wonderland of Ōrākei Kōrako on the banks of the Waikato, inundated by our quest for hydroelectricity.

The permanence and protection of our conservation land now rests on our shoulders. This report is about a category of conservation land known as 'stewardship land'. An artefact of history means areas of stewardship land are viewed and protected differently from other conservation land, regardless of whether or not this is justified.

1.1 What is stewardship land?

In this report the land that is managed by the Department of Conservation (DOC) is called the 'conservation estate'.¹ There are many categories of land in the conservation estate. These include national parks, conservation parks, wilderness areas, and so on (see Figure 1.1).

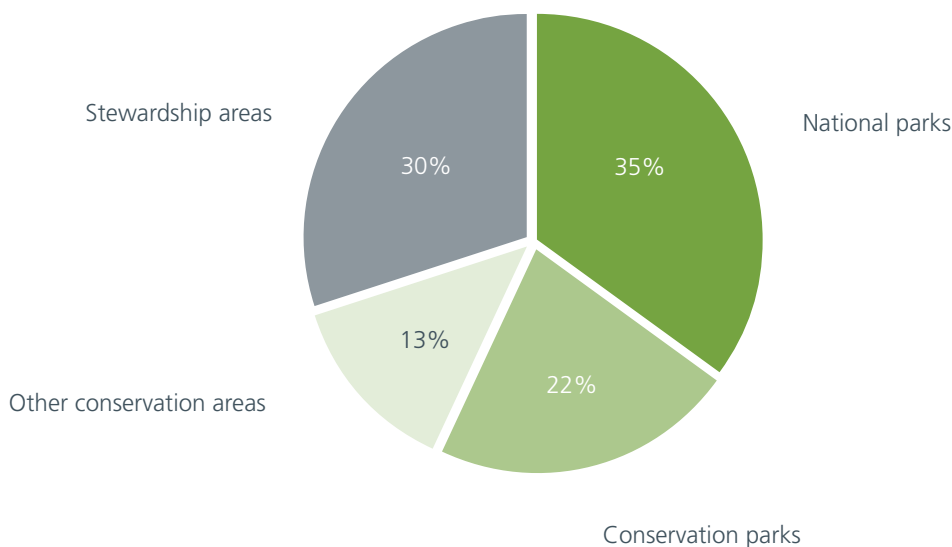
Today about one third of the conservation estate is categorised as stewardship land, totalling about 10 percent of the entire country.² Stewardship land is fundamentally different from the other categories.

All other land in the conservation estate has been given a status that reflects its value and explains why it is protected. National parks, for example, are "*held for their intrinsic worth*", with their enjoyment to be on "*nature's terms*".³ Indeed, the names of some categories such as wilderness areas and scenic reserves clearly indicate the purpose for which they are to be protected.

Stewardship land, in contrast, is a generic category; areas categorised thus are to be managed for the nonspecific purpose of protecting natural and historic resources.⁴

The word 'steward', meaning 'keeper of the hall', dates back to medieval times. The steward was the servant in the household responsible for its management. Nowadays a steward is simply someone who looks after something on someone else's behalf.

In the 1970s, the principle of stewardship began to be used to signify a responsibility to look after the environment.⁵ But long before this, the related concept of kaitiakitanga was deeply embedded in the Māori approach to environmental management.⁶



Source: DOC GIS data

Figure 1.1 Areas of different categories of land in the conservation estate.

In the 1980s, the laws and institutions governing the management of Crown land were radically reformed. Some of the land owned by the Crown was classed as valuable for production and subsequently sold or put under the control of state-owned enterprises. DOC was created to manage all protected lands.

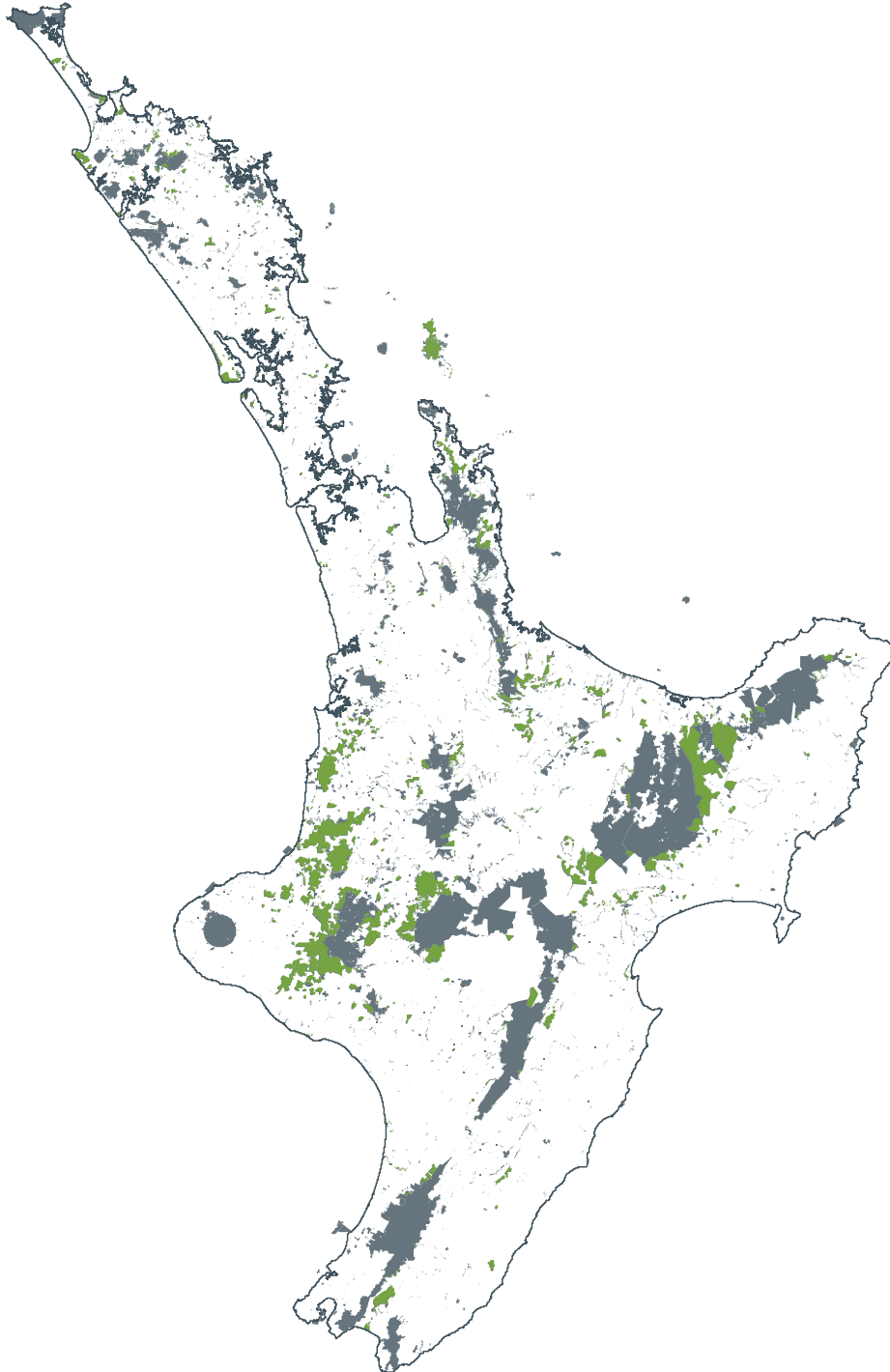
A large proportion of the land put under DOC management was denoted stewardship land. These mostly forested lands had not been protected previously, but were to be protected until their value had been assessed. After assessment, they were to be reclassified into appropriate categories of conservation land or turned over to commercial production.

Twenty-five years later, the conservation value of the great majority of stewardship land has not been assessed, and reclassified or sold. It remains in what has been described as a "*statutory holding pen*" (see Figure 1.3).⁷



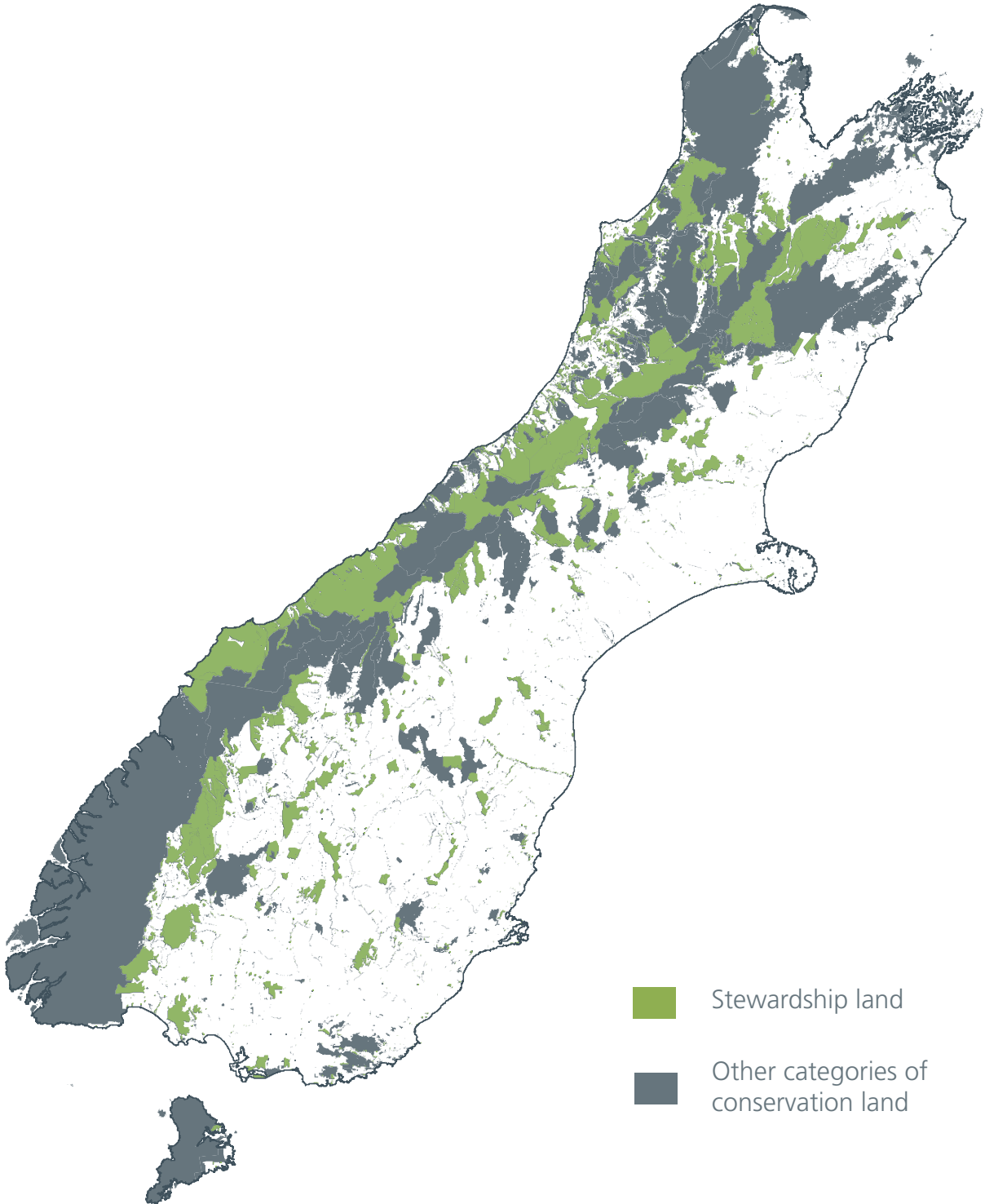
Source: R. Sanderson

Figure 1.2 View over Great Barrier Island from the top of Mt Hobson (Port Fitzroy and Little Barrier Island in background). Most of Great Barrier Island is stewardship land.



Source: DOC GIS data

Figure 1.3 Map of the conservation estate where green represents stewardship land, and the grey represents national parks and other categories of conservation land.



1.2 Why investigate stewardship land?

The Parliamentary Commissioner for the Environment is an independent Officer of Parliament, with functions and powers granted by the Environment Act 1986. Her role allows a unique opportunity to provide Members of Parliament with independent advice in their consideration of matters that may have impacts on the quality of the environment.

This investigation has its origins in two previous investigations by the Commissioner, in which it became clear that there were concerns about stewardship land.

The first was the 2010 investigation into mining on conservation land that followed the controversial proposal to open up some Schedule 4 land for mining.⁸ The second was the 2011 investigation into the conflict that can occur between the protection of a wild and scenic river and its use for generating hydroelectricity.⁹ Both led to major questions about stewardship land.

How is it that New Zealand's second largest category of conservation land can have such an ill-defined purpose? Why has most stewardship land been left in a 'holding pen' for 25 years? And in relation to the proposal for a hydroelectricity dam on the Mōkihinui River, why was DOC opposing the proposal when there had been ample opportunity to reclassify the stewardship land through which the river flows?

The different perspectives of the value and protection of stewardship land periodically lead to controversy over how it is managed. This investigation will hopefully shed some light on a confused and confusing aspect of the protection of our beautiful country for future generations.

To assist with understanding the history of the origin of stewardship land, reports were commissioned from Hon Philip Woollaston and Guy Salmon, two people who were significantly involved in the lead up to and passage of the Conservation Act.¹⁰ Both reports are available on the PCE website, www.pce.parliament.nz.

1.3 What comes next

The remainder of this report is structured as follows:

Chapter 2 tells the story of how stewardship land was created as part of a major reform of conservation land, laws, and institutions in the 1980s.

Chapter 3 describes what has happened to stewardship land since the Department of Conservation was formed.

Chapter 4 explores how stewardship land is managed today.

Chapter 5 contains two case studies of recent proposals to swap areas of stewardship land for other land.

Chapter 6 looks closely at the policies and processes associated with land swaps and land reclassification.

Chapter 7 contains conclusions and recommendations from the Commissioner.

1.4 What this report does not cover

This report is about the management and protection of stewardship land. This report does not cover:

- an analysis of 'net conservation benefit', biodiversity offsetting, compensation or other methods of weighing conservation gain against conservation loss.
- the conservation value of other categories of land in the conservation estate.
- protected areas in the marine environment.
- Treaty of Waitangi settlements that involve conservation land.



2

The evolution of the conservation estate

“The time has arrived in the history of our colony when our scenery should be preserved, when the historic and beautiful places should be for all time conserved.” Premier Richard Seddon, 1903¹¹

The New Zealand landscape that confronted the first European settlers was a very different one from that of the present day. Indeed its transformation had already begun with the arrival of Polynesians hundreds of years earlier. The changes playing out across the landscape led to efforts to conserve and protect what remained. Just over 80 years after Premier Seddon introduced the Scenery Preservation Bill in 1903, a government department with the overall responsibility for protection of New Zealand's natural heritage was created.

This chapter provides a brief history of nature conservation in New Zealand. It is divided into three sections.

The first section describes how different reasons for conserving our natural heritage arose over time.

The second section describes how public sector reforms in the 1980s led to the passage of the Conservation Act and the creation of the Department of Conservation.

The third section describes the origin of stewardship land as a category of land in the conservation estate.

2.1 Protecting our special lands

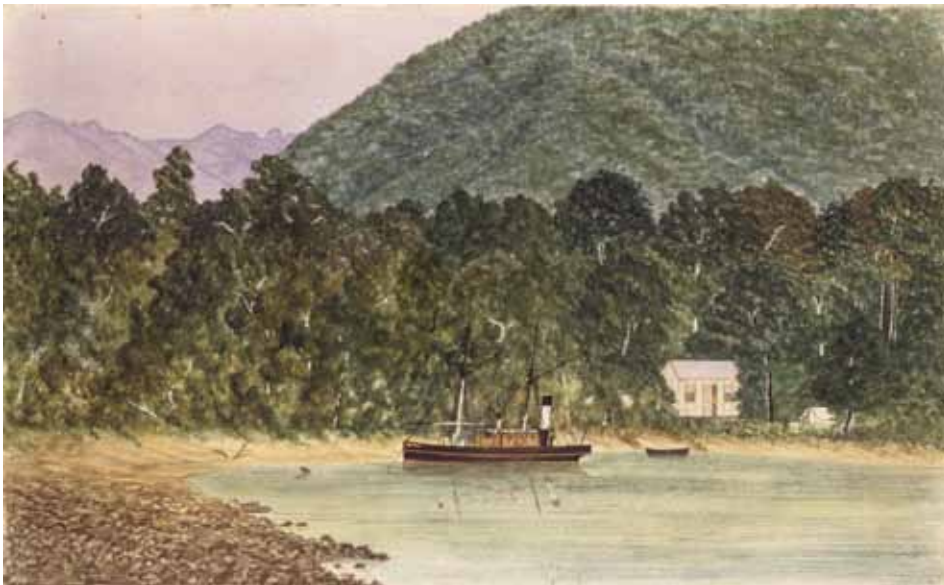
The practice of setting aside certain areas to protect them from use has a long history in New Zealand.

Māori see themselves as descendants of the union between Papatūānuku, the earth mother, and Ranginui, the sky father. The relationship of Māori to the land is fundamental to their identity – Māori are tangata whenua – people of the land. Their relationship with the land has evolved over centuries.

When Polynesians arrived in Aotearoa, they encountered a very different environment and inevitably altered it. Large areas of forest were burned, kiore devastated populations of some small animals and birds, and some bird species were hunted to extinction. But over time, customs to protect and care for the environment developed. One such custom is rāhui – restricting access to, or prohibiting taking fish and other resources from, particular areas.

"Tipene O'Regan has argued that Māori spent their first 500 years here learning to live with a temperate environment and the next 500 learning to put it back together".¹²

Early European settlers arrived with the aim of reforging New Zealand in the image of the Britain that they left behind. Felling and burning forest, and bringing in familiar plants and animals resulted in rapidly changing landscapes and ecosystems. But this was not of concern to most people – the idea that 'weaker' native species would (and should) naturally disappear when 'superior' European species were introduced was widespread.



Source: Welch, Joseph Sandell, 1841-1918 :Martins Bay, Otago. Jamestown gravel cove, Lake McKerrow. [February 1870]. Welch, Joseph Sandell, 1841-1918 : [South Island sketches, 1870-1888]. Ref: A-120-013-1. Alexander Turnbull Library, Wellington, New Zealand. <http://natlib.govt.nz/records/22784393>

Figure 2.1 Stewardship land surrounds the historic settlement of Jamestown (pictured here, 1870). The draft Southland Conservation Management Strategy proposes that this land is reclassified into the Fiordland National Park.

An early conservation concern of the pioneers was the sustainability of the supply of native timber. Premier Julius Vogel, was an early advocate of protecting forests:

“New Zealand entirely unsettled – New Zealand in its old wild state – might be very much more valuable, clothed with forest, than New Zealand denuded of forest and covered with public works constructed at enormous cost and with enormous labour.”¹³

Nature reserves were created as early as the 1870s. The first national park – Tongariro – was created in 1887, followed by Egmont at the turn of the century, and Arthur's Pass in 1929. New Zealand's birds are especially vulnerable to introduced predators, and three island reserves for birds – Little Barrier, Resolution, and Kapiti – were created in the 1890s.¹⁴



Source: Nuytsia(Flickr)

Figure 2.2 Mt Ngauruhoe in Tongariro National Park. Tongariro was New Zealand's first national park.¹⁵

In the late 19th century the aesthetics of wilderness and the relationship between 'man' and nature became of widespread interest among European intellectuals. In New Zealand this fed into a growing movement for the preservation of scenery.

The extraordinary Pink and White Terraces had already alerted the world to New Zealand as a tourist destination. In 1901, the Government created the Department of Tourist and Health Resorts, and two years later passed the Scenery Preservation Act.

Over time, other reasons for protecting New Zealand's wilderness began to develop. Mountaineering, tramping, hunting, fishing, and skiing became popular recreational activities. The role of forests in conserving soil and protecting water catchments became increasingly recognised and valued.

In the 1950s, the Department of Lands and Survey began to consolidate the national parks into a network, and the New Zealand Forest Service began to establish forest parks with recreation and soil conservation in mind. In 1954, the first forest park – Tararua Forest Park near Wellington – was created. In contrast to national parks, forest parks were multipurpose – managed for logging, water supply, soil conservation, and recreation. A network of 'ecological areas', chosen to represent different native forest ecosystems was established within state forests.

With the rise of the modern conservation movement in the 1970s, two other reasons for conserving nature gained prominence. The first was ecological value – the importance of preserving unique ecosystems, species, and habitats. The second, intrinsic value – is closely linked; it is the concept that nature and biodiversity are inherently valuable, regardless of whether or not humans see them to be so.

Over the years many different categories of protected lands had been created for different reasons. There were national parks and reserves under the control of the Department of Lands and Survey. There were forest parks and ecological areas under the control of the New Zealand Forest Service. And there were other areas of Crown land that had significant conservation value.

None of the agencies of the state that managed Crown land were focused solely on conservation. Pressure grew for the creation of a new department that would enable a more strategic approach to conservation and give a stronger voice to nature.



Source: Parliamentary Commissioner for the Environment archives

Figure 2.3 The Glasgow Range, near the Mokihinui River on the West Coast was unprotected crown land in 1987 that became stewardship land.

2.2 The Department of Conservation is created

By the 1980s there were a number of different types of protected land areas, with most administered by the Department of Lands and Survey and the New Zealand Forest Service. This was all about to change.

The 1980s was a time of radical change across the public sector with free market reforms leading to extensive restructuring and deregulation. One fundamental concept underlying the reforms was the separation of productive enterprises from 'public goods'.

No longer did it seem to make sense for the Department of Lands and Survey to manage productive farms as well as the public goods of national parks and reserves. Nor did the management of commercial forestry operations by the Forest Service seem to fit with the management of multipurpose forest parks and ecological areas.

Conservation organisations urged the Government to establish a single nature conservancy department, and in 1985 work began to design what was to become the Department of Conservation. The new department was to manage all central government protected lands – the conservation estate – and to act as an advocate for conservation.

The Minister of Conservation, Hon Russell Marshall introduced the Conservation Bill in Parliament on 11 December 1986.

“This Bill...brings together under a single new department of State - the Department of Conservation - the management of land held for the public of New Zealand, other than that being used primarily for commercial purposes.”¹⁶

Much of the preparatory work had involved deciding what areas of Crown land should be given to DOC to protect, and what areas should be handed over to the new state-owned enterprises.

In general, if land was predominantly of commercial value, it went to the relevant newly-established corporation, almost all to Landcorp and Forestcorp.¹⁷ Land that already had a specific protective classification - national parks, reserves, forest parks, ecological areas - was transferred to the new conservation department. Land in dispute went to Ministers for a final decision on its allocation.

Only three months after the introduction of the Bill, the Department of Conservation came into being with the passage of the Conservation Act on 1 April 1987.¹⁸



Source: Wendy Gibbs

Figure 2.4 Conservation land on the shore of Lake Brunner on the West Coast is classified as scenic reserve while the lake bed is stewardship land.

2.3 The origin of stewardship land

Much of the land given to the newly-created Department of Conservation was categorised as 'stewardship land'. This was land that did not have a specific protective classification (such as national park); nor was it seen to have productive value.¹⁹

The Minister's introductory statement to the Conservation Bill in December 1986 indicated an intent that stewardship land would function, in effect, as a neutral 'land bank' – it was to be *"land for which no end use has been decided"*.²⁰ Some might be taken out of the conservation estate, and some might be reclassified into other categories of protected land.

As the Bill progressed through the House, questions were raised about the Government's intentions with regard to stewardship land. During the select committee process, a number of changes were made to the Bill that had the effect of altering the conception of stewardship land.²¹

In the Conservation Bill, stewardship land had been defined as land that was to be managed so that *"... its inherent character is largely unaltered."*²² But this was changed to a requirement for its active protection. The Conservation Act 1987 states that stewardship land is to be managed so that *"... its natural and historic resources are protected."*²³

Hon Philip Woollaston, Associate Minister of Conservation at the time, has explained what was expected to happen to stewardship land as follows.

*"The clear intention in creating stewardship areas was to protect them from development or extractive use until their conservation value could be established, the appropriate form of protection chosen...; unless of course the conservation values were found to be inadequate, when the area would be disposed of..."*²⁴

Some evaluation, reclassification, and disposal has occurred, but not the systematic elimination of the stewardship category that was originally envisaged. Stewardship land remains as a generic category to be managed for the generic purpose of protecting natural and historic resources.

Two years after the Conservation Act was passed in 1987, it was amended. One addition was a section that allowed for areas of stewardship land to be exchanged for areas of private land.²⁵ Officials at the time advised that:

*“The provision enables boundary adjustments to be made and is a useful tool to enable a speedy rationalisation of a conservation area”.*²⁶

No other changes of significance have been made to the law governing stewardship land. Today, it makes up almost one third of our conservation estate. Its value, however, has become an increasingly disputed subject, and recent use of the exchange provision for more than just boundary adjustments has proved controversial.



3

Stewardship land today

This chapter describes what has happened to stewardship land since the category was created in 1987. Some has been added, some has gone into private ownership, and some has been reclassified into other categories.

It has not been possible to find out how many hectares of land were originally categorised as stewardship land in the late 1980s. Nor is it known with any accuracy how much land has been added or removed from this category since. Today the category contains over 2.8 million hectares of land, mostly in the South Island.²⁷

Parliament's intention that stewardship land be systematically assessed, and either reclassified or sold, has not happened. Further, some valuable additions to the conservation estate also remain as stewardship land. As a result, the vast amount of stewardship land today has a broad range of value – from very high to very low.

3.1 Changes in stewardship land over time

Some stewardship land has been added

There have been three main sources of *new* stewardship land over the years.

In 1990, the Nature Heritage Fund was set up to purchase land which was considered to have high conservation value for addition to the conservation estate.²⁸ Any new conservation land is stewardship land until otherwise reclassified. The Nature Heritage Fund committee recommends appropriate classifications for this new conservation land. However some has been left as stewardship land. For instance, the 78,000 hectare St James Station in North Canterbury was purchased in 2008 for \$40 million, but still remains as stewardship land (see Figure 3.1).²⁹

In 2000, the West Coast Forest Accord was cancelled, effectively ending the logging of native forests on land owned by the Crown. Subsequently, 130,000 hectares of Timberlands West Coast forest was assessed for its conservation and commercial value. Almost all of it was deemed to be worthy of protection and added to the conservation estate. Several areas were added to existing national parks, most was classified as ecological areas or reserves, but some remains as stewardship land.



Source: Mr William Newcombe and family on the shores of Lake Guyon. Travers, William Thomas Locke, 1819-1903 : Photographs. Ref: PA7-22-04. Alexander Turnbull Library, Wellington, New Zealand. <http://natlib.govt.nz/records/23177897>

Figure 3.1 Settlement on the shores of Lake Guyon, St James Station in 1870s. The lake is a scenic reserve but the surrounding land is stewardship.

In the 1990s, the process of reviewing the high country sheep stations leased by the Crown to farmers (tenure review) began and is still continuing. In most cases, the result has been the lower, more productive land being owned by the former lessee, and the remainder being added to the conservation estate. To date, about 656,000 hectares of mainly mountainous rock and tussock land has been placed under DOC management, with about half classified as conservation park and half left as stewardship land.³⁰

Some stewardship land has been sold or swapped

A major way in which stewardship land differs from other categories of conservation land is that it can be sold or swapped for private land. National park land cannot be sold without an Act of Parliament. Land in other categories can be sold or swapped, but must first be reclassified as stewardship land.³¹

There have been many exchanges of small areas of stewardship land for generally larger areas of private land. Thus far, these 'land swaps' (as they are known) have mostly been done to rationalise boundaries and have been non-controversial.

Some stewardship land has been reclassified

Some 'original' stewardship land has been reclassified into other categories because of its high conservation value.

One example is the Kōpuatai Peat Dome on the Hauraki Plains. This 10,000 hectare area of stewardship land was listed by the United Nations in 1989 as a Wetland of International Importance.³² Subsequently, its classification was changed from stewardship land to wetland reserve.

Another example is Rakiura National Park. It is New Zealand's newest national park and covers around 85 percent of Stewart Island. About 35 percent of Rakiura was stewardship land before it was given national park status.³³

A third example is the creation of Kahurangi National Park in 1996. Eleven percent of the conservation land that was reclassified into the national park was formerly stewardship land including the 1000 Acre Plateau (see Figure 3.2).³⁴

3.2 Where is stewardship land today?

The majority of stewardship land is in the South Island. This includes two very large contiguous areas sandwiched between Arthur's Pass National Park and Mt Aspiring National Park. There are also some large areas within the Te Wāhipounamu – South West New Zealand World Heritage Area. Other areas of stewardship land in the South Island include large areas adjacent to every national park, and numerous small areas in every region.

There are pockets of stewardship land throughout the North Island, especially in Taranaki and Waikato. Particularly large areas include the Waitōtara Forest adjacent to Whanganui National Park, Tongariro Forest adjacent to Tongariro National Park, the Waioeka area between Gisborne and Ōpōtiki, and most of Great Barrier Island (see Figure 3.3).



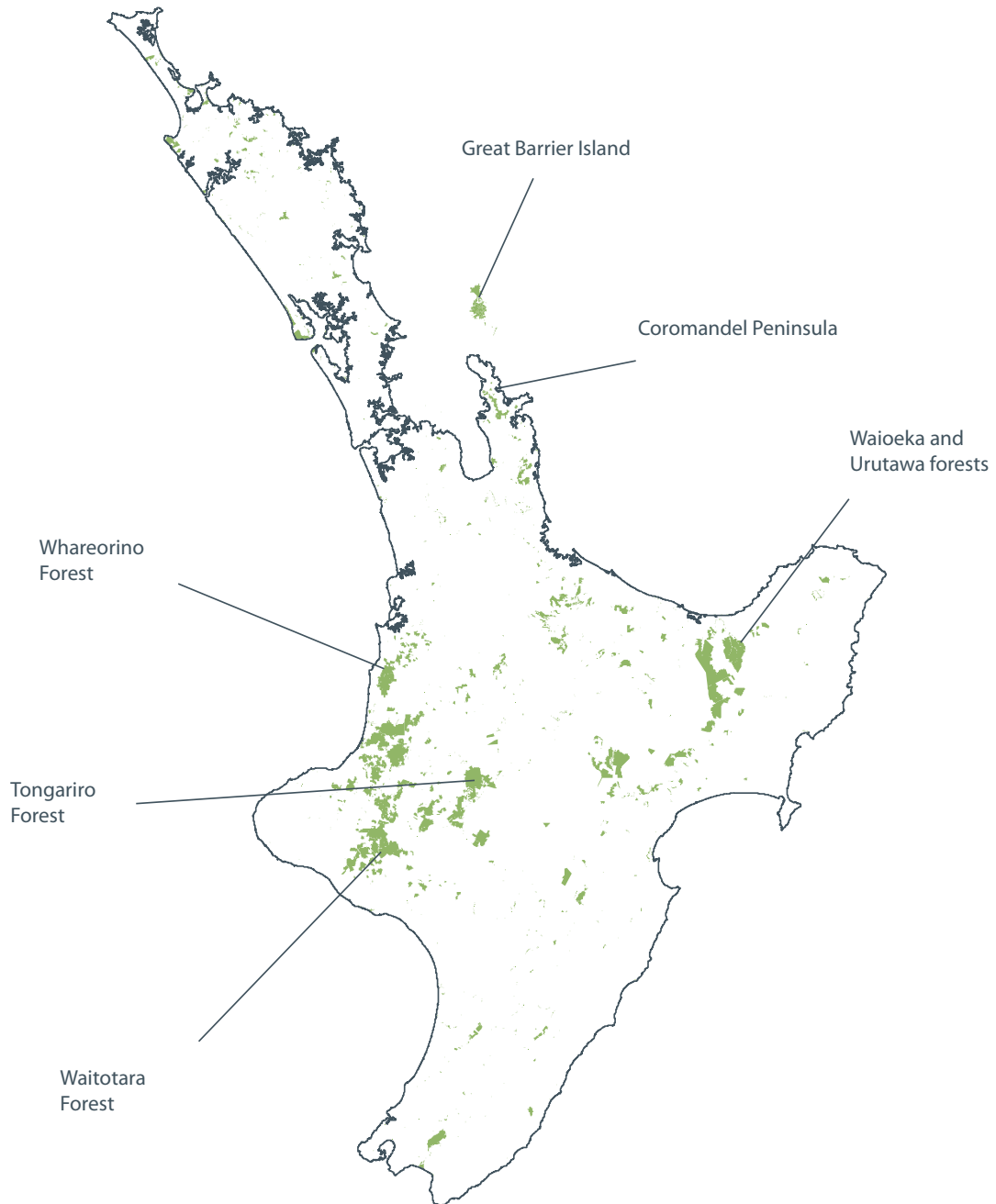
Source: Melissa Hutchison

Figure 3.2 The 1000 Acre Plateau was stewardship land before being added to Kahurangi National Park in 1996. The DOC website states that *“Landforms of the Matiri Valley are spectacular and found nowhere else in New Zealand.”*³⁵

Conservancy	All land in the conservation estate (hectares)	Stewardship land (hectares)
Northland	163,780	28,850
Auckland	37,640	16,670
Waikato	281,060	62,950
East Coast/Bay of Plenty	628,540	144,900
Taranaki/Whanganui/ Tongariro	511,460	211,430
Wellington/Hawkes Bay	378,480	385,300
Nelson/Malborough	1,288,960	243,980
West Coast	1,898,560	850,410
Canterbury	1,051,400	400,400
Otago	689,580	236,370
Southland	1,909,010	239,410
Total	8,838,470	2,820,670

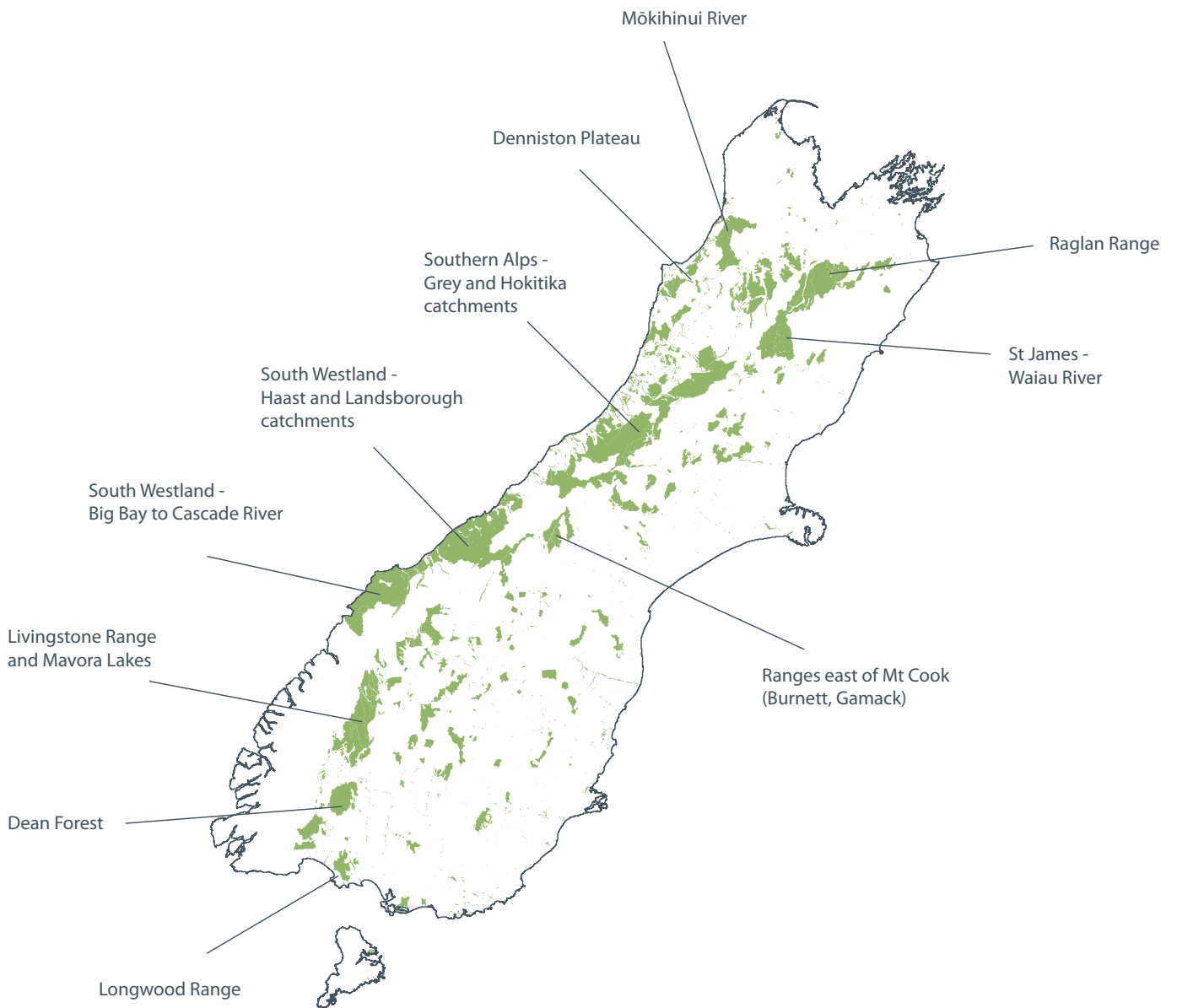
Source: DOC

Table 3.1 Areas of land in the conservation estate by conservancy.



Source: DOC GIS data

Figure 3.3 Areas of stewardship land. Most stewardship land is in the South Island.



3.3 The value of stewardship land

It cannot be assumed that stewardship land is all, or even generally, low value conservation land.

No systematic assessment of the conservation (or commercial) value of most stewardship areas has ever been undertaken. There are cases where the assessment has been done, but the recommended reclassifications have not been made. And land has been added to the conservation estate because of its high conservation value, yet some remains as stewardship land.

In short, as illustrated in Figure 3.5, different areas of stewardship land must have different conservation values – from very high to very low.



Figure 3.4 The conservation value of different areas of stewardship land has never been systematically evaluated.



4

How is stewardship land managed today?

The Conservation Act requires DOC to manage stewardship land so that *“its natural and historic resources are protected”*. But what does this mean in practice? And how does it differ from the management of other categories of conservation land?

There are two aspects to the ‘management’ of stewardship land.

First, there is the **operational** management of stewardship land – the day-to-day work of DOC. These activities are many and varied – they include killing pests, maintaining tracks, preserving historic sites, and providing tourists with information. How stewardship land is managed ‘on the ground’ is considered in the first section of this chapter.

Second, there are three kinds of **legal** decisions that can be made about an area of stewardship land that has consequences for its management (and sometimes its ownership).³⁶ These are decisions to (or not to):

- allow particular commercial uses on an area of stewardship land (subject to conditions)
- sell or swap an area of stewardship land
- reclassify an area of stewardship land into another category of conservation land.

These are covered in the second, third and fourth sections of this chapter.

4.1 Managing stewardship land on the ground

There are many dimensions to the value of conservation in New Zealand, including the unique diversity of our plants and animals, spectacular scenery, and the range of recreation opportunities. On a day-to-day basis, does DOC protect the conservation value of stewardship land any differently from the way it protects the rest of the conservation estate?

32

At the national level, the Conservation General Policy does not require DOC staff to treat stewardship land differently from other categories of conservation land.³⁷

Within each conservancy, operational management is guided by a Conservation Management Strategy, outlining how different parts of the conservancy are to be managed. However, these ‘management zones’ are not based on land classifications, but on the ‘priority values’ of particular areas. For example, a ‘priority site for biodiversity management’ in the Mōkihinui catchment is part ecological area, part national park, and part stewardship land.³⁸

The same applies to the tools DOC uses to decide how actively to manage particular areas.³⁹ These tools are focused on particular dimensions of conservation value, such as endangered species, rare ecosystems, and places much-loved by the public. DOC actively manages many such priority sites on stewardship land (see Figure 4.1). Thus, DOC’s management planning and day-to-day operations are focused on particular needs, values and priorities rather than primarily based on land status.

This was clarified in 2005 when the Director-General of Conservation requested conservators to refer to stewardship land areas as ‘conservation areas’, “so they are seen to be on an equal footing with other areas held under the Conservation Act”.⁴⁰



Source: Queenstown Rafting

Figure 4.1 The Landsborough River in South Westland flows from a wilderness area through stewardship land on its way to the sea.

4.2 Allowing commercial use of stewardship land

All commercial activities on the conservation estate, other than mining, require a 'concession'.⁴¹ For mining, an 'access arrangement' is required instead.⁴²

There are about 4,500 concessions on conservation land today allowing activities ranging from large hydroelectric dams through to small guided walking tours.⁴³

Are applications to undertake commercial activities on stewardship land treated differently simply because it is stewardship land?

33

Concessions

When considering an application for a concession, the Minister of Conservation (or his or her delegate) must consider a wide range of matters. Most are related to the effect of the proposed activity on the particular area of the conservation estate, rather than the area's legal status.⁴⁴ However, a concession can only be granted if the commercial activity is consistent with "*the purposes for which the land concerned is held.*"⁴⁵

But unlike other categories of conservation land, stewardship land is not held for specific purposes. For instance, the specific purpose for which conservation parks are held is the enjoyment of recreation. However, stewardship land is only held for the generic purpose of protecting natural and historic resources.⁴⁶

This vagueness about the purpose for holding stewardship land must make it easier to gain concessions for commercial activities on this category of conservation land. Indeed, it is certainly perceived to be so.

For instance, the Project Manager of the proposal to build a hydroelectric scheme on the Mōkihinui River that flows through stewardship land near Westport was quoted as saying:

*"An important fact of this project is that the area affected by the scheme is stewardship land ... [it's] not in a national park, it's not in an ecological reserve or specially protected area."*⁴⁷

Access arrangements for mining

The vague purpose for holding stewardship also means that its legal protection is lower than other land in the conservation estate when access for mining is sought. And again, it is perceived to be so. For example, a recent booklet on mining from the Institution of Professional Engineers described stewardship land as having “no protected status”.⁴⁸

Commenting on his recent decision regarding an open cast coal mine on the West Coast Denniston Plateau, the Minister of Conservation said: “It is general stewardship land, which is the lowest legal status of protection of land managed by the Department of Conservation.”⁴⁹

In addition access arrangements differ from concessions in important ways.

Access for mining cannot be granted for areas of the conservation estate that are listed in Schedule 4 of the Crown Minerals Act. However, very little stewardship land is listed in Schedule 4.⁵⁰

Access arrangements are decided jointly by two Ministers – the Minister of Conservation and the Minister of Energy and Resources, rather than just the Minister of Conservation. The two Ministers are only required to *consider*, rather than (as for concessions) *ensure*, consistency with the purposes for which the land is held.⁵¹



Source: Craig Potton

Figure 4.2 Mt Rochfort on the Denniston Plateau is stewardship land.

4.3 Selling or swapping stewardship land

Stewardship land is the only category of conservation land that can be sold or readily swapped for other land.⁵²

Selling stewardship land

The sale (disposal) of an area of stewardship land must meet a number of legal criteria. The land must be assessed for both its conservation value, and the public must be consulted. Stewardship land that is next to other conservation land can only be sold if its retention does not *“materially enhance the conservation or recreational values of the adjacent conservation area ...”*.⁵³

Further guidance is provided in the Conservation General Policy. Only stewardship land that has *“no, or very low, conservation values”* should be sold. Land with *“international, national or regional significance”* and land that *“increases the natural linkages between places”* should not be sold.⁵⁴

Sales of stewardship land are uncommon and appear to have involved only very small areas of land. Between 2008 and 2010, for example, only nine sales took place, totalling 51 hectares.⁵⁵

Swapping stewardship land

The ability to swap (exchange) an area of stewardship land for an area of private land was added to the Conservation Act in 1990. The intent was to provide a less onerous alternative to land sales for rationalising boundaries.

The law requires that a land swap must *“enhance the conservation values of land managed by the Department and promote the purposes of this Act”*. It also requires that the local conservation board be consulted.⁵⁶ But unlike sales, there are no restrictions on what areas of stewardship land can be swapped.

Again, the Conservation General Policy provides some further guidance. It gives criteria for desirable features of land that is to be added to the conservation estate.

Most land swaps have involved exchanging low value stewardship land for land with high value and have been non-controversial. Two examples are given in Box 4.1.⁵⁷

However, two other proposals for land swaps have recently attracted a great deal of controversy. These are examined more closely as short case studies in the next chapter.

Box 4.1: Examples of non-controversial land swaps

Kerikeri Airport

In 2007, DOC's Northland Conservator approved an exchange of 0.3 hectares of stewardship land in return for 14 hectares of private land. The exchange was sought by Kerikeri Airport to improve airport parking facilities. The stewardship land was described as *"habitat of some common native bird and plant species, but considered to have relatively low conservation values; diminished somewhat by the presence of gorse, tobacco weed and hakea"*. The land acquired by DOC was described as an *"outstanding ecosystem, containing rare types of [Kauri] gumland vegetation, fern birds and Northland mudfish"*. The Northland Conservation Board supported the proposal, as did the local iwi Ngāti Rehia.⁵⁸

Ka Whata Tu o Rakihouia Conservation Park

In 2011, the Nelson/Marlborough Conservator approved an exchange of 1 hectare of stewardship land for 10 hectares of private land nearby. This exchange, sought by DOC, adjusted the conservation land boundary in two nearby places. A small paddock of fenced pasture that had been grazed since the 1970s was transferred to the farmer, and a larger area of *"alluvial forest [with] many attributes not well represented in adjoining protected land"* was acquired for conservation. The Nelson/Marlborough Conservation Board supported the proposal. Today the conservation land acquired is part of a conservation park.⁵⁹

4.4 Reclassifying stewardship land

Any area of stewardship land can be reclassified into another category of conservation land.⁶⁰ Such reclassification decisions are made by the Minister of Conservation or by Cabinet.⁶¹ Putting a parcel of stewardship land into another category gives it greater protection under the law for two reasons.

First, as discussed in Section 4.2, all conservation land categories other than stewardship land are held for explicit and specific purposes. Stewardship land is simply held for the vague purpose of protecting natural and historic resources, meaning that it is easier to get permission for commercial activities.

Second, the protection of stewardship land is much less ‘permanent’ than the protection of other categories of conservation land. This is because, as discussed in Section 4.3, it is only stewardship land that can be sold or swapped. For other conservation categories to be taken out of the conservation estate they must first be reclassified as stewardship land, which requires public consultation.

The intended programme of systematic assessment of stewardship land and reclassification or disposal of stewardship land has not taken place. However, in response to concerns about stewardship land expressed by the New Zealand Conservation Authority in 1999, DOC developed a set of ‘prioritising criteria’, which is still used today.⁶²

Putting stewardship land into another category gives it greater protection

Some proposed reclassifications are high profile, such as that for the Kauri National Park in Northland. But many reclassifications have been small scale and low profile.

Every ten years, a conservation management strategy is prepared for each conservancy. This provides an opportunity for planning which areas will be considered for reclassification, in consultation with the public.⁶³ For instance, the draft strategy for the Waikato Conservancy proposes that all stewardship land adjacent to the Coromandel Forest Park be added to it.⁶⁴ And the draft strategy for the Auckland Conservancy proposes an investigation into reclassifying stewardship land on Great Barrier Island as either conservation park or national reserve.⁶⁵

The potential reclassification of stewardship land is explored further in Chapter 6.



Figure 4.3 Looking south from the ridgeline of the St Arnaud Range overlooking Lake Rotoiti. The land east of the ridge (page 38) is stewardship land and the land west of the ridge (page 39) is part of Nelson Lakes National Park.



Source: Parliamentary Commissioner for the Environment archives



5

Case studies: Two controversial land swaps

In recent times two significant swaps of stewardship land for private land have been proposed. The first involved a proposal to build a hydroelectric dam on the Mōkihinui River on the West Coast that was withdrawn before a decision could be made. The second involved the expansion of a ski field in Canterbury and was approved.

Both proposals were on a different scale from previous land swaps and attracted controversy. This chapter explores what happened for each.

5.1 The Mōkihinui proposal

The Mōkihinui River flows freely from its source to the sea, falling from a high plateau in the Matiri mountain range, meandering through alluvial flats, and winding through a wild gorge before it reaches the Tasman Sea.

In 2008, Meridian Energy, a state-owned electricity company, announced its intent to build a hydroelectric dam at the end of the Mōkihinui Gorge. The dam would have flooded the gorge.

The Mōkihinui flows through stewardship land, a point noted by Meridian Energy. As cited in the previous chapter, the Project Manager said:

“An important fact of this project is that the area affected by the scheme is stewardship land ... [it’s] not in a national park, it’s not in an ecological reserve or specially protected area. The river doesn’t have a water conservation order on it. Given all the hoo-ha about national parks recently, I think it’s quite an important point.”⁶⁶

Because the Mōkihinui flows through the conservation estate, permission to build the dam was required from DOC.⁶⁷ Meridian began to seek this permission in the form of a concession. In response, DOC assessed the conservation value of the gorge, rating it highly, particularly in terms of representativeness, intactness, unique backcountry experience, and long-term viability.⁶⁸

It became clear that DOC would not recommend a concession allowing the gorge to be flooded. Meridian then turned to its second option. Because the gorge was stewardship land, the company could potentially swap other land for the gorge.⁶⁹

Meridian offered to swap 794 hectares of private lowland coastal forest in exchange for the much smaller 225 hectare Mōkihinui Gorge (see Figure 5.1).⁷⁰ However, after comparing the two, DOC indicated that they would not recommend the exchange because it would not enhance the conservation values of the conservation estate - the legal requirement for a land swap.

Interestingly, in comparing the conservation value of the gorge and the land offered in exchange, DOC could not include the value of the river itself, only the land on either side of the river.⁷¹ This was because the riverbed is not 'administered' by DOC, but by Land Information New Zealand (LINZ). This is at odds with the fact that the conservation value of a gorge obviously includes the river that flows through it, the plants and creatures that make their home in it, and, of course, the landscape in its totality.⁷²

Another aspect of this case was that Meridian had already gained resource consents from both the West Coast Regional Council and the Buller District Council. However, in its advocacy role, DOC lodged an appeal against the granting of these consents, and spent \$1.4 million to prepare for the hearing in the Environment Court.⁷³

**The Mōkihinui
Gorge was never
reclassified**

Clearly DOC believed the Mōkihinui Gorge had high conservation value, yet the land had not been reclassified to reflect this value, despite a proposal to do just that as recently as 2008.⁷⁴ In May 2012, Meridian decided not to build a hydroelectric dam on the Mōkihinui River, citing high costs and risks.⁷⁵ To date the land remains classified as stewardship land.



Map data: Google, MapData Sciences Pty Ltd, PSMA

The Mōkihinui river flows through stewardship land.



Map data: Google, DigitalGlobe / TerraMetrics

The land exchange proposed by Meridian. The white outline shows Sawyer's Creek, the main piece of private land offered in exchange for the stewardship land shown in green.

Figure 5.1 Images showing the Mōkihinui Gorge and the proposed land exchange site.

5.2 The Crystal Basin proposal

About the same time that Meridian applied for a land swap on the West Coast, a ski field company applied for a land swap in order to expand its operations in Canterbury.

Blackfish Ltd owns and operates the Porters Ski Area inland from Christchurch in the foothills of the Southern Alps.⁷⁶ The company developed a plan to extend its existing ski area into the neighbouring basin, and develop a new alpine village in the valley below.

In 2010, the company wrote to DOC proposing a land swap to enable it to acquire 196 hectares of stewardship land – Crystal Basin – for expanding the ski area and a valley terrace for disposing of waste from the planned alpine village.

Six years earlier, the Government's Nature Heritage Fund had paid \$3.5 million for several thousand hectares of high country land that included Crystal Basin. The purchase was described as a *"strategic acquisition because it would link a number of key protected areas"*.⁷⁷ Much of the land, including Crystal Basin, was to be reclassified into Craigieburn Conservation Park.

Crystal Basin involved swapping one significant area for another

In return for freehold ownership of Crystal Basin and Northern Terrace, Blackfish offered Steep Head Gully on Banks Peninsula (see Figure 5.2), along with the surrender of its lease to part of Craigieburn Conservation Park.⁷⁸

Steep Head Gully is a 56 hectare area of relatively rare coastal lowland forest at Le Bons Bay. Comparison of its conservation value with that of Crystal Basin generated a large volume of advice, with experts reaching different conclusions.⁷⁹

DOC advised that both Crystal Basin and Steep Head Gully were at least *"regionally significant"*, so the proposal *"would involve exchanging one significant place for another"*.⁸⁰ In March 2011, the Director-General of Conservation approved the land swap, writing to Blackfish:

*"I am particularly persuaded by the fact that the acquisition of Steep Head Gully will improve the quality and extent of representativeness of conservation values managed by the Department and I have placed a high value on the ability to secure and protect an example of a nationally rare ecosystem."*⁸¹

On 21 March 2011, the then Minister of Conservation, reversed the previous Minister's commitment to reclassify Crystal Basin from stewardship land to conservation park.⁸²

Both the proposal and the eventual decision attracted controversy.

The Canterbury Aoraki Conservation Board recommended the exchange be declined and the company be invited to reapply for a long-term lease instead.⁸³ The Chair of the Board called the proposed land swap “*dodgy*” and “*opportunistic*”, and said it set a dangerous precedent.⁸⁴

The Nature Heritage Fund was consulted on the proposal due to its role in the original purchase of the high country land that included Crystal Basin. Its advice listed many reasons why the area had been purchased for conservation, and stated that the land swap would breach the commitment to give legal protection to the area.⁸⁵

Ngāi Tahu's view was that land swaps should be limited to “*similar size, similar value swaps*” in the same location, and that the iwi should have been given the option of buying the land first.⁸⁶

Forest & Bird questioned the legality of the proposed land swap because it included ‘interests in land’ – rather than just land itself.⁸⁷ One major ‘interest in land’ given by Blackfish to DOC was the surrender of the company's lease to part of the Craigieburn Conservation Park.

Forest & Bird also said that DOC “*would be giving away publicly owned land of high conservation value in return for land already owned which is under no particular conservation threat*”.⁸⁸

This raised the issue of the nature of the gain to conservation. Under the law, land swaps need only increase the value of the conservation estate (i.e. the land managed by DOC), not necessarily provide a net benefit to New Zealand conservation more generally. Before the land swap, the forest in Steep Head Gully could not be cleared because it was protected by the Banks Peninsula District Plan.⁸⁹

The Crystal Basin exchange attracted considerable controversy

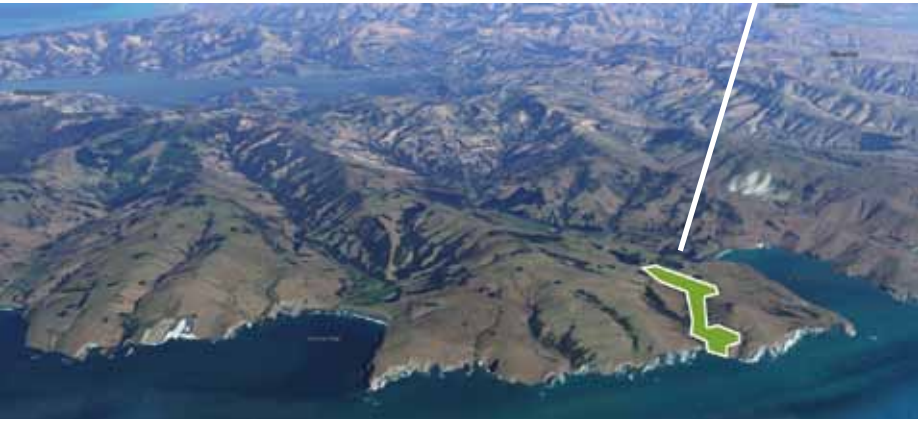
At the time of writing, the ownership of Crystal Basin has changed several times, and the planned development of the ski field has not begun.



Map data: Google, DigitalGlobe



Map data: Google, Landsat, DigitalGlobe, TerraMetrics



Map data: Google, TerraMetrics

Figure 5.2 Crystal Basin in the foothills of the Southern Alps was swapped for Steep Head Gully on Banks Peninsula.



6

Swapping and reclassifying stewardship land

The two case studies in the preceding chapter have served to highlight two major issues associated with stewardship land – *land swaps* and *reclassification*.

There have been many swaps of stewardship land for private land that have been straightforward. However, the controversial land swaps outlined in Chapter 5 both involved trading a significant area of stewardship land with high conservation value for a very different area of private land – in the first case, a wild river gorge and in the second case an alpine basin – both for areas of lowland forest.

Areas of stewardship land can be reclassified into categories that reflect its conservation value and thus give it more appropriate protection. A proposal to reclassify the Mōkihinui Gorge as conservation park in 2008 came to naught. And the intent to reclassify Crystal Basin after it was added to the conservation estate was reversed in 2011.

The first section in this chapter examines the policies and processes associated with land swaps. The second section examines the policies and processes associated with land reclassification.

6.1 Swapping stewardship land

As described in Chapter 2, it became apparent soon after the Conservation Act was enacted that a simple process was required to allow DOC to adjust boundaries and rationalise small areas of conservation land.

The original proposal in 1989 was to provide for any category of conservation land to be swapped, regardless of its level of protection.⁹⁰ However, in the select committee process, this was changed to restrict land swaps to stewardship land.^{91,92}

Reflecting its purpose, the ‘exchange provision’, as it is called, was kept simple and non-specific. There is a requirement to consult the local Conservation Board, but not the public. Then the Minister has only to be satisfied that a land swap will “*enhance the conservation values of land managed by the Department*” and promote the purposes of the Act.⁹³

However, as the two case studies illustrate, there is a move to use land swaps in more complex situations than rationalising boundaries. Such situations may involve larger areas of stewardship land with high conservation value.

In such cases, the need to ensure the value of the conservation estate is “*enhanced*” – i.e. there is a net conservation benefit – becomes challenging. This was recognised in the discussion document “*A Bluegreen Vision for New Zealand*” which proposed that the New Zealand Conservation Authority be given a mandate “*to make decisions on the basis of net conservation benefit*”.⁹⁴



Source: Parliamentary Commissioner for the Environment archives

Figure 6.1 Repeated freezing and thawing has created the shattered landscape of the Raglan Range, east of Nelson Lakes National Park. The range is stewardship land.

The land swaps in the two case studies went far beyond adjusting boundaries. In the Mōkihinui case, assessing net conservation benefit required comparison of a wild and scenic river gorge with three areas of lowland forest on the West Coast. In the Crystal Basin case, assessing net conservation benefit required comparison of an alpine basin with a forested gully on Banks Peninsula.

Comparisons of this kind will always be difficult unless one area of land has obviously low conservation value and the other has obviously high conservation value. This does not make it impossible to assess net conservation benefit, but it should be done in accordance with a clearly articulated set of principles.

Unfortunately, the guidance provided in DOC's Conservation General Policy is not up to the task. The policy contains one set of principles for both acquisitions and exchanges. As a result the principles focus on the *gains* of a land swap, but provide little guidance on how to evaluate the *losses*.⁹⁵ Consequently there is little guidance on how to compare gains and losses in a complex exchange.

Another issue is that only the net benefit to the *conservation estate* can be considered, and this may not be the same as a net benefit to *conservation*. The law is blind to conservation protection outside of land managed by DOC.

In the Mōkihinui case, the conservation value of the river itself could not be taken into account in the land swap proposal because DOC does not 'administer' its riverbed. It is one of many rivers that flow through the conservation estate, yet in the eyes of the law are outside it. This makes no sense and compromises the management of the conservation estate.



Source: Oisín Duke

Figure 6.2 Because the bed of the river is not 'administered' by DOC, the value of the river was not considered in the proposed land swap.

In the Crystal Basin case, Steep Head Gully was already protected under local plans and the New Zealand Coastal Policy Statement. But this was not accounted for in the land swap proposal because Steep Head Gully was not inside the conservation estate.

The Crystal Basin case was complicated further by the inclusion of ‘interests in land’ in the exchange – the ski field company surrendered its lease to part of Craigieburn Conservation Park. The legality of this has not been tested.⁹⁶ Irrespective of the legal situation, it seems extraordinary that the right to lease land – a right that has been granted, not purchased – can be traded for ownership of other land.

In the Conservation Act, the exchange provision for stewardship land does not include a requirement for public consultation.⁹⁷ In contrast, exchanges of reserve land, disposals and reclassifications all go through a public consultation process. Similarly, all significant applications for commercial use require public consultation. And the Government has recently made changes to the Crown Minerals Act to require public notification of significant access agreements for mining on conservation land.⁹⁸

There is no requirement for public consultation on land swaps

The exchange provision for stewardship land does require consultation with the local Conservation Board.⁹⁹ This is a useful and appropriate check on swaps involving the kinds of minor changes envisioned in 1989 when the provision was added to the Conservation Act. However, in cases that are not ‘minor’ and there is likely to be public interest in a land swap, the public should be consulted.

Collectively, these weaknesses make the exchange provision for stewardship land unsuitable for evaluating anything other than small, simple swaps. For anything more complex, both the law and departmental policy are far from adequate.

6.2 Reclassifying stewardship land

Stewardship land comprises many different areas of land. Some will have high conservation value and some will have low conservation value and others will be in between. But all share the same legal status.

Over the years, some stewardship land has been reclassified into other categories and given greater legal protection, and some has been swapped or sold. But much has been left in the 'statutory holding pen'.¹⁰⁰ It appears that reclassification of stewardship land has never been a priority for DOC. In this section, the case for dealing with at least some of this 'unfinished business' is examined.

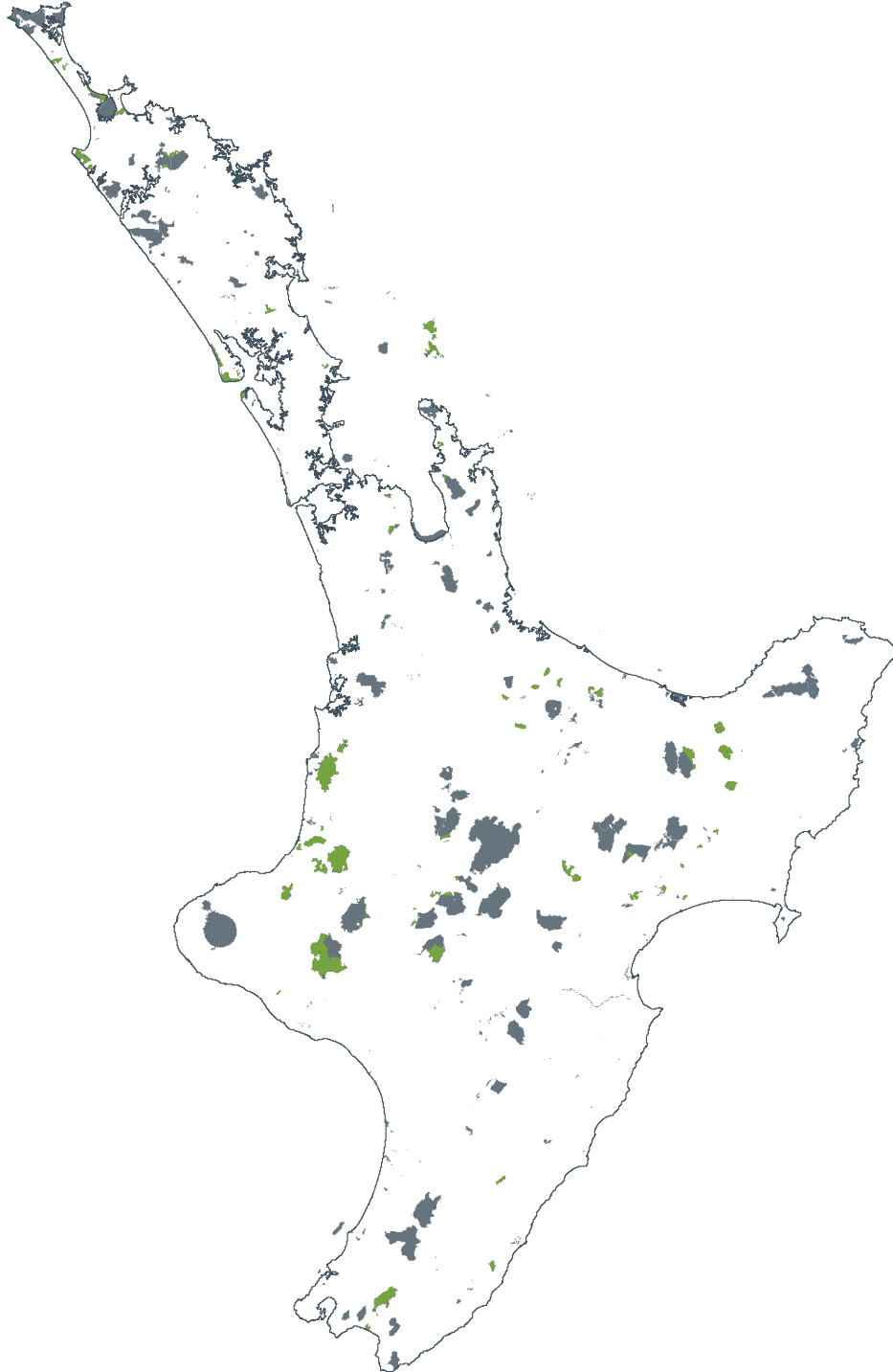
Some areas of stewardship land are clearly in need of urgent reclassification, so they can be better protected. About a thousand priority areas for biodiversity have been identified by DOC, in order to achieve its goal that: "*A full range of New Zealand's ecosystems is conserved to a healthy functioning state*".¹⁰¹

These biodiversity priority areas collectively cover 3 million hectares. Over a quarter (28 percent) of this is on stewardship land (see Figure 6.3).¹⁰²

Some areas of land have been added to the conservation estate because they were seen as having high conservation value, and yet they remain with the uncertain status of stewardship land. One such is the St James Station in North Canterbury, purchased for \$40 million by the Crown in 2008 for its scenery, ecology, recreational opportunities and historic heritage.¹⁰³

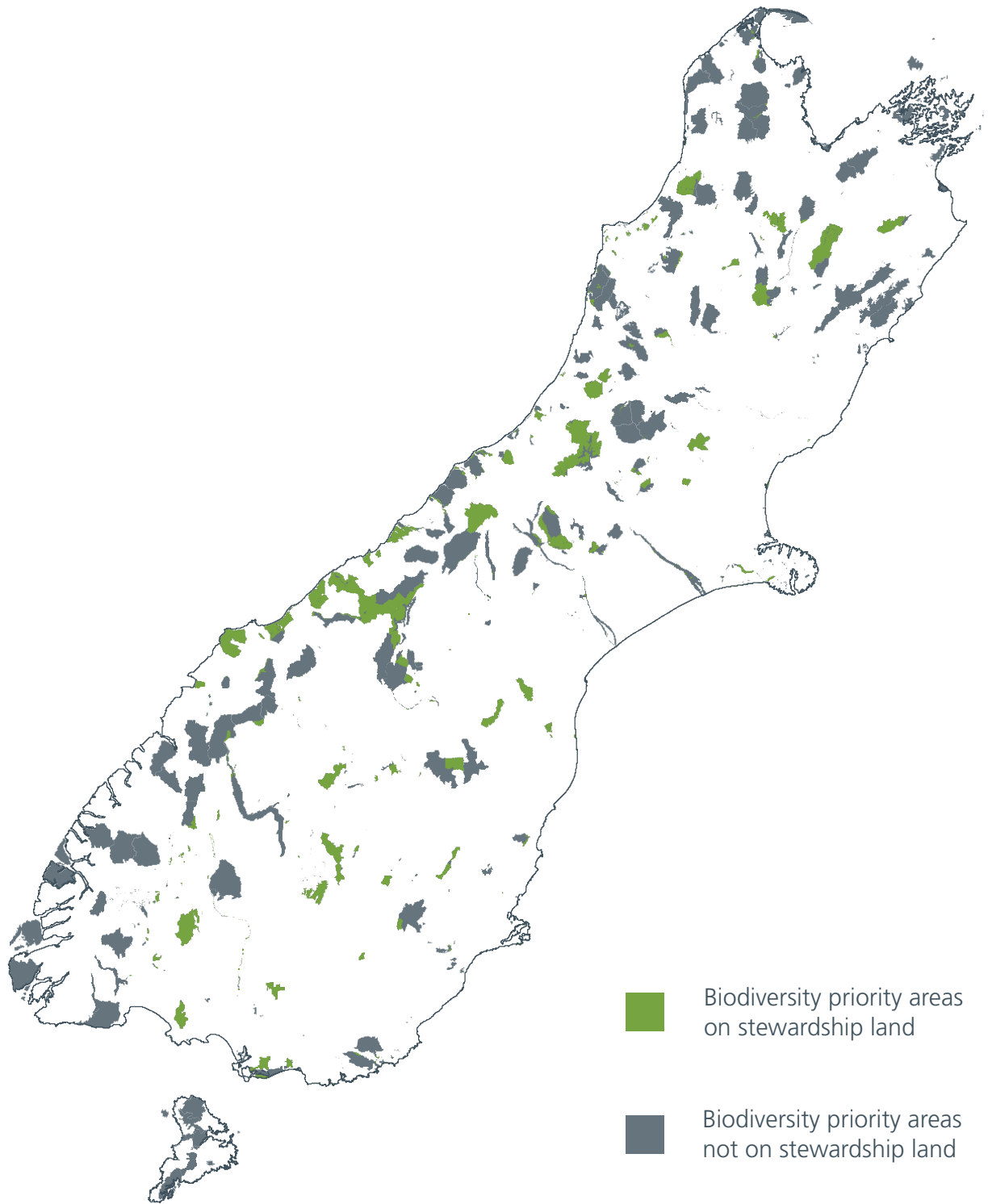
There is an urgent need to reclassify some stewardship land

Extensive areas of stewardship land within the Te Wāhipounamu – South West New Zealand World Heritage Area in the South Island are also good candidates for reclassification. This World Heritage site is one of only 193 natural sites recognised by the United Nations Educational, Scientific and Cultural Organization (UNESCO) as having "*outstanding universal value*".¹⁰⁴



Source: DOC GIS data

Figure 6.3 DOC's Natural Heritage Management System has identified biodiversity priority areas. The green depicts priority areas that lie on stewardship land. The grey depicts other priority areas.





Source: Rien Croonenborghs

Figure 6.4 The Mavora Lakes lie within stewardship land that is part of Te Wāhipounamu – a UNESCO World Heritage site in the south west of the South Island. To be accepted as a natural World Heritage site, Te Wāhipounamu had to meet only one of four criteria but it meets all four.¹⁰⁵

Reclassification of stewardship land has never been a high priority. The relevant section in the Conservation General Policy does not convey any sense of urgency, stating that “lands may be reviewed from time to time...”.¹⁰⁶

DOC’s system of prioritising reclassification of land into other categories is focused on making changes that assist with operational management, rather than on ensuring appropriate legal protection.¹⁰⁷ Yet stewardship land that has high conservation value does not have appropriate legal protection.

During this investigation, DOC staff gave a number of reasons for being reluctant to embark on reclassification of stewardship land.¹⁰⁸ These included the cost of surveying, inadequate resources, the staff time required for public consultation, and more pressing priorities.¹⁰⁹ The flexibility inherent in the vague purpose for the protection of stewardship land is also seen as an advantage when dealing with applications for commercial use and land swaps.¹¹⁰

The Mōkihinui case illustrates that there can be big costs associated with not reclassifying stewardship land. DOC spent over \$1.4 million opposing the proposed dam on the Mōkihinui River. Had Meridian not withdrawn its proposal, more would have been spent on the Environment Court hearing. And as long as the Mōkihinui Gorge remains as stewardship land, the same scenario could begin to play out again.

It would be prohibitively costly to embark on a programme of reclassification of all stewardship land. On the other hand, the current piecemeal approach lacks strategic focus.

Stewardship land is less protected than other land in the conservation estate for two reasons. First, the purpose for its protection is vague and generic. Second, it can be swapped for private land under an inadequate exchange provision in the Conservation Act which departmental policy does not rectify.

There are areas of stewardship land which by DOC's own assessment have high conservation value – those which lie within the biodiversity priority areas for a start. There is a strong case for reclassifying such land so that its legal protection is aligned with its conservation value.



Source: Matt Pilott

Figure 6.5 St James Station in North Canterbury was purchased by the Government in 2008 for addition to the conservation estate. Five years later, it is still stewardship land.



Conclusions and recommendations

Today one third of the conservation estate is categorised as ‘stewardship land’. Such land has the weakest legal protection of all categories of conservation land, despite some clearly being of high conservation value.

The systematic reclassification of many areas of stewardship land into other categories and the disposal of others that was envisaged in 1987 has never happened, and is not a realistic prospect – if it ever was. Indeed, the total area of stewardship land now may well be larger than it was in 1987. Yet the ambiguity about its status remains.

The relatively weak legal protection of stewardship land quite naturally signals to the private sector that this part of the conservation estate is ‘open for business’. Yet both the Conservation Act and departmental policy provide little direction or guidance for considering applications for proposed commercial uses of stewardship land. The law states only that its ‘natural and historic resources’ are to be protected but gives no indication why.

The law also allows areas of stewardship land to be swapped for areas of private land, subject to the vague proviso that it will “*enhance the conservation values*” of the conservation estate. And the two case studies in this report illustrate that departmental policy governing land swaps is far from adequate.

Not all stewardship land has high conservation value, and some will have none at all. There is a place for some flexibility in the management and exchange of stewardship land. A central guiding principle that should underpin any exchange mechanism is the principle of *net conservation benefit*. The conservation estate is a Crown asset, and the Crown rightly deserves a return if others are to use that asset.

This return can be in the form of money, new land or activities like pest control. But the gain to conservation must outweigh the loss – there must be a genuine net benefit. This investigation has highlighted the pressing need to figure out what we mean by net conservation benefit – to develop policy and law that is principled and coherent.

It has also become clear that some areas of stewardship land are of high conservation value and deserve the legal protection that reflects that value. For instance, of the land identified by the Department of Conservation as having high biodiversity value, over a quarter remains categorised as stewardship land.

This chapter contains recommendations covering the swapping and reclassification of stewardship land.

7.1 Swapping stewardship land

The Conservation Act contains an exchange process that allows areas of stewardship land to be swapped for areas of private land. It has been used over the years to allow small non-controversial swaps such as passing ownership of an area of pasture to a farmer in exchange for an adjacent bush-covered hillside.

In the last few years, the exchange provision has been used to propose and enable stewardship land that has significant conservation value to be taken out of the conservation estate by swapping it for private land.

It may be, for example, that the swapping of an alpine basin in Canterbury for a forested gully on Banks Peninsula, as with the Crystal Basin case, did lead to a net gain in the value of the conservation estate. But the more important question is whether it led to a net gain for conservation overall, regardless of whether the gain is within or outside the conservation estate. What is clear is that the law and policy that guide such assessments are inadequate. For instance, current policy focuses on the consideration of gains in conservation value but gives little guidance on the consideration of losses.

Net conservation benefit is a relatively new but promising concept in conservation. But there is work to be done to develop the concept into better law and policy before the public can have confidence that major land swaps can mean a good deal for conservation.

There is an important role here for the New Zealand Conservation Authority. It represents the broad public interest in the conservation estate, and is well placed to lead a public discussion and provide advice to the Minister.

In the meantime, the Department of Conservation will continue to receive land swap proposals. Using a legal provision designed for small non-controversial land swaps for taking large and valuable tracts of land in and out of the conservation estate is not good practice and will continue to attract controversy.

It is important the Minister takes responsibility for such proposals rather than delegating decisions to departmental staff. Delegating such decisions is appropriate where a proposed land swap involves stewardship land with little or no conservation value. However, it does not provide sufficient accountability for exchanges of land that has significant conservation value.

Until better law, policies, and processes have been developed that can provide a sound basis for applying the concept of net conservation benefit, the Minister should not delegate any decisions involving significant land swaps. Indeed, there is a case for deferring such decisions in the interim.

I recommend that:

1. The Minister of Conservation:

- a) seeks advice from the New Zealand Conservation Authority to provide guidance on the principles and processes that should be used when making decisions on net conservation benefit;**

and, in the meantime,

- b) takes direct responsibility for any decision to swap stewardship land that has significant conservation value.**

7.2 Reclassifying high value stewardship land

There are clearly areas of land within the conservation estate that have significant conservation value, yet remain with the low legal protection status of stewardship land.

While such inconsistency remains, we can expect to see more cases like that which occurred with the proposal for a dam on the Mōkihinui River. On the one hand, the gorge was left (and remains) as stewardship land signalling that it is of low value. On the other hand, the Department of Conservation had committed to a very expensive appeal against the resource consents for the dam in the Environment Court.

The Department of Conservation is currently taking a more systematic approach to identifying its conservation priorities. Where an area of land has been identified as having, for instance, high biodiversity value, it should not be left inadequately protected as stewardship land. Currently, all conservation management strategies are being revised, providing an opportunity for the public to propose reclassification of particular stewardship areas.

The Department should prepare a national strategy for the reclassification of stewardship land with significant conservation value, setting out revised reclassification priorities, and a plan and timetable for implementation.

I recommend that:

- 2. The Minister of Conservation instruct the Department of Conservation to identify areas of stewardship land that are clearly of significant conservation value, and reclassify them in accordance with that value.**

Notes

- 1 Often the term 'public conservation land' is used, but this does not distinguish the conservation land managed by DOC from the many reserves and parks owned and managed by councils. DOC also manages some marine reserves.
- 2 The conservation estate covers about 8.8 million hectares. As at May 2013, 2.8 million hectares was classified as stewardship land.
- 3 New Zealand Conservation Authority. April 2005. *General policy for national parks* (p. 9).
- 4 Conservation Act 1987, s25. Although the Conservation Act uses the term 'stewardship area', for land areas in this category, DOC calls them 'conservation areas' on signposts, publications and databases.
- 5 For example, in 1980, the International Union for the Conservation of Nature (IUCN) proposed that forest estates should be managed "*on the principle of stewardship, with commitment to maintain in perpetuity ecological processes, watersheds, soils and genetic diversity*". IUCN. 1980. *World conservation strategy: Living resource management for sustainable development* (para. 11, chapter 9).
- 6 The Resource Management Act 1991, for example, includes "*the ethic of stewardship*" in its list of priority considerations. This sits alongside the Māori concept of kaitiakitanga, which is often translated as stewardship, although the two concepts have different origins and connotations and are therefore not considered synonyms. RMA 1991, s7(a) and (aa).
- 7 Woollaston, P. 2011. Origins of the legislation and policy relating to minerals in conservation areas. *Policy Quarterly*, 7(1): p. 4.
- 8 Parliamentary Commissioner for the Environment. 2010. *Making difficult decisions: Mining the conservation estate*. Schedule 4 was added to the Crown Minerals Act in 1997 and restricts mining on some categories of conservation land. Schedule 4 land areas total about 40 percent of the conservation estate.
- 9 Parliamentary Commissioner for the Environment. 2012. *Hydroelectricity or wild rivers? Climate change versus natural heritage*.
- 10 The first report titled "*Stewardship land and DOC – the beginning*" was written by Hon. Philip Woollaston, Associate Minister of Conservation at the time. The second report titled "*Background and history of the development of the conservation estate in New Zealand*" was written by Guy Salmon, a leading environmental advocate.
- 11 The Right Hon. Mr. Seddon (Premier), Scenery Preservation Bill, Hansard Vol 126, 22 October 1903, p. 705.
- 12 Young, D., 2004, *Our Islands Our Selves: A History of Conservation in New Zealand*, University of Otago Press.
- 13 Premier Vogel speaking in support of the New Zealand Forests Bill in 1874. Cited in Wynn, G. 1977, *Conservation and Society in Late Nineteenth-Century New Zealand*, *New Zealand Journal of History* vol 11, no 2, 1977, p. 125.

- 14 Young, D., 2004, *Our Islands Our Selves: A History of Conservation in New Zealand*, University of Otago Press, p. 88.
- 15 New Zealand's first national park was Tongariro in 1887. The then paramount chief of Ngāti Tūwharetoa, Horonuku Te Heuheu Tukino, sought the Crown's protection for the mountains in order to save them from private European subdivision. The Crown took the opportunity to get full ownership of the land and satisfy growing demands for the Government's push for more areas for tourism and recreation. Tongariro with its mountain wilderness and scenic terrain fitted well with the new European romantic ideal of wilderness. Waitangi Tribunal, *The National Park District Inquiry Report*, Chapter 11.
- 16 Hon. Russell Marshall, 11 December 1986, Hansard, p. 6138.
- 17 Landcorp still exists and manages over a hundred farms owned by the Crown. Most of the forests managed by Forestcorp were eventually sold, and Crown Forestry continues to manage residual state commercial interests in forests.
- 18 The remaining part of the Department of Lands and Survey became Land Information New Zealand (LINZ), which continues to administer some Crown land, including the high country leases. The New Zealand Forest Service ceased to exist in 1987. The Wildlife Service was taken out of the Department of Internal Affairs and incorporated into DOC. DOC was also given the responsibility of protecting cultural and built heritage on reserved lands, although the Historic Places Trust continues to be the leading advocacy and protection authority. DOC is also responsible for marine reserves.
- 19 Most stewardship land came from the Department of Lands and Survey and the New Zealand Forest Service. The remainder came from a range of government agencies. This included redundant lighthouses from the Post Office, old schools from the Department of Education, and some land from New Zealand Railways. Some of the transfers took time to be completed – for example, the 300,000 ha of State forests on the West Coast were split between DOC and Timberlands in 1988-89.
- 20 Hon. Russell Marshall, 11 December 1986, Hansard, p. 6139.
- 21 Salmon, G. *Background and history of development of the conservation estate in New Zealand*, 20 May 2013, p.19. Available at www.pce.parliament.nz
- 22 Conservation Bill No. 90-1, cl 2.
- 23 Conservation Act 1987, s25.
- 24 Woollaston, P. *Stewardship Land and DOC - the beginning*, September 2012, p. 7. Available at www.pce.parliament.nz.
- 25 The original proposal, as discussed in Chapter 6, was that the exchange provision would apply to all categories of conservation land.
- 26 Conservation Law Reform Bill: Report to the Planning and Development Select Committee by Officials of the Department of Conservation, 27 October 1989, p. 46.
- 27 Information provided by DOC, 31 July 2013.
- 28 Recently the Nature Heritage Fund has been refocused to become "an independent contestable fund ... for voluntary protection of nature on private land". <http://www.biodiversity.govt.nz/land/nzbs/pvtland/nhf.html>

- 29 There has been a proposal to reclassify some of the area as national park. DOC. 2009. *St James Conservation Area operational plan* (p. 10).
- 30 Recreation Reserves (416 ha), Historic Reserves (6 ha), Scenic Reserves (2,867 ha), Nature Reserves (7 ha), Government Purpose Reserve (102 ha), Conservation Parks (325,798 ha), Stewardship Area (326,398 ha). Information provided by DOC, 5 August 2013.
- 31 See Chapter 4 for a description of exchange and disposal processes under the Conservation Act 1987. Reserves are an exception – land held under the Reserves Act 1977 can also be exchanged after public consultation (s15), or disposed of if its reserve status has been revoked (ss 24 and 25).
- 32 Under the Ramsar Convention. The Ramsar Convention is an international treaty for the conservation of wetlands. Other wetlands listed under the Ramsar Convention are the Waituna Lagoon in Southland, Farewell Spit in Tasman, Firth of Thames and Whangamarino Wetland in the Waikato, and the Manawatu River estuary.
- 33 DOC Southland Conservancy. 1999. *Stewart Island/Rakiura National Park investigation*. Report to the New Zealand Conservation Authority, p. 7.
- 34 Most of the rest was formerly the North-West Nelson Forest Park. Department of Conservation, 1993. *Northwest South Island National Park Investigation*. Report to the New Zealand Conservation Authority, July 1993. Nelson/ Marlborough Conservancy Management Planning Series No.5. p 200. Appendix A: Schedule of Land in Investigation Area.
- 35 DOC. 2009. *Matiri Valley and Plateau, Kahurangi National Park*. Department of Conservation.
- 36 Legally these decisions are made by the Minister of Conservation, but in practice, the great majority are made by the Director-General or other DOC staff under delegated authority.
- 37 The Conservation General Policy does, however, guide the commercial use, classification, disposal and exchange of stewardship land, which is discussed in subsequent sections.
- 38 Map 8: Kawatiri Place conservation outcomes. DOC. 2010. *West Coast Conservation Management Strategy*, p. 197.
- 39 These include frameworks like the Natural Heritage Management System (NHMS) and the Destination Management Framework (DMF), standards, and technical tools like Freshwater Ecosystems of New Zealand (FENZ) database.
- 40 *Land re-classifications – Stewardship areas*. Letter from Grant Baker for Director-General to the NZ Conservation Authority, 20 April 2005.
- 41 Conservation Act 1987, Part 3B.
- 42 Crown Minerals Act 1991, s61.
- 43 Department of Conservation, *Annual Report to 30 June 2012*, p. 41.
- 44 Some activities are directly prohibited; for example, heli-skiing in a wilderness area. Others are restricted in general policies, management strategies or plans. A concession will have conditions attached to it aimed at avoiding, remedying, or mitigating the effects of the activity on the conservation value of the land.

- 45 Conservation Act 1987, s17U(3).
- 46 Some categories, like wilderness areas, have very specific purposes in law. Others, like ecological areas, have less specific purposes in law, but the process of reclassification involves gazetting specific reasons for protection. For example the Orikaka Ecological Area was created to “*protect areas of low-altitude forests poorly represented in the Buller and Reefton Ecological Districts and important roroa/great spotted kiwi and other forest bird habitat*”. New Zealand Gazette 28 June 2001.
- 47 Meridian Project Manager, quoted in “*Dam opponents take to the water*”, Nelson Mail. 25 October 2010.
- 48 Institution of Professional Engineers NZ (IPENZ). 2011. *Realising our hidden treasure: Responsible mineral and petroleum extraction*, p. 14.
- 49 Conservation Minister Dr Nick Smith. 23 May 2013. *Denniston coal mine gains access approval*.
- 50 Crown Minerals Act 1991, Schedule 4. The Schedule lists a number of land categories considered to be incompatible with mining, including national parks, wilderness areas and nature reserves. Less than 1 percent of the land covered by Schedule 4 is stewardship land. It is on the Coromandel Peninsula, and on Great Barrier Island and other islands in the Hauraki Gulf.
- 51 The Crown Minerals Amendment Act 2013 changed the decision maker from the Minister of Conservation to both ministers. It also added a requirement for economic benefits to be considered and a requirement for public consultation. The Parliamentary Commissioner for the Environment published a report on this topic in 2010 called *Making difficult decision: mining on conservation land*.
- 52 Land classified as reserves can also be swapped under s15 of the Reserves Act 1977. However, such exchanges are subject to relatively tight restrictions and a public consultation process, and appear to have been limited to small boundary adjustments. Marginal strips can also be exchanged in limited circumstances.
- 53 Conservation Act 1987, s26(2). The High Court has clarified that the Minister of Conservation must be satisfied that the stewardship land is no longer required for conservation purposes before it can be disposed of. The Court also found that social and economic factors cannot be considered. *Buller Electricity Ltd v Attorney-General* [1995] 3 NZLR 344
- 54 Policy 6, *Conservation General Policy*. DOC. 2005.
- 55 Minister of Conservation, 19 August 2010, Response to Question for Written Answer 25988 (2010) from Kevin Hague MP to the Minister of Conservation.
- 56 Conservation Act 1987, s16A.

- 57 Exchanges are also used to rationalise high country conservation land following purchase or tenure review, and some have involved large areas. For example, in 2009, 1,408ha of pasture land acquired in the purchase of the Michael Peak pastoral lease was exchanged for 2,856ha of tussock land to improve the boundaries of the Oteha Conservation Park. The Otago Conservation Board supported the exchange. DOC. 2009. *Proposed land exchange – part Michael Peak Station for Timber Creek freehold land*. Otago Conservation Board report 0916, agenda item 9.4 for meeting of 18 September.
- 58 Department of Conservation. 3 October 2007. *Submission to Conservator Northland: Exchange of land – Kerikeri Airport – Far North Holdings Ltd*. PAL-06-01-08, Case No. 07/28.
- 59 DOC. 11 April 2011. *Submission to Minister of Conservation (Delegated to Conservator): Exchange of conservation land for other land*. PAL-06-10-04, DOCDM-726189.
- 60 Conservation Act 1987 s18. Note that DOC uses the terms reclassification and recategorisation interchangeably. DOC. 2013. *SOP categorisation of protected areas manual v1*, p. 20.
- 61 Following the Crown Minerals Amendment Act 2013 the reclassification of stewardship land areas into categories of conservation land that are included in Schedule 4 must be approved by Cabinet (and then created by the Governor-General by Order in Council). The Conservation General Policy 6(b) sets out the basis for advice by DOC staff on potential reclassifications. The process for reclassification includes consultation with the public. Note that reclassification of national parks requires an Act of Parliament.
- 62 DOC. 1999. *Land status changes: Advice to the NZ Conservation Authority meeting on 13-14 October 1999*, p. 3.
- 63 This is prompted in a template for all new conservation management strategies prepared by DOC in 2012. *“Policy 3.1.3: Ensure the classification or statutory purpose of public conservation land and water reflects its values. [List Places that are a priority for reclassification either in a table here or in Part Two and explain why the lands/waters should be reclassified.]”* DOC. 2012. *CMS template – final*. DOCDC-1142993, p. 30.
- 64 DOC, 2012, Conservation Management Strategy Waikato Conservancy 2014-2024, Draft December 2012, volume 1, policy 2.2.19, p.62.
- 65 DOC, 2012, Conservation Management Strategy Auckland Conservancy 2014-2024, Draft December 2012, volume 1, policy 2.6.12, p.66.
- 66 Meridian Project Manager, quoted in *“Dam opponents take to the water”*, Nelson Mail. 25 October 2010.
- 67 Under the Conservation Act 1987 such permission is given (or not) by the Minister of Conservation. In practice, such decisions have usually been made by DOC staff under delegation from the Director-General of Conservation acting under delegation from the Minister.
- 68 *Submission to Minister of Conservation: Delegated to the Conservator on the proposed Mōkihinui exchange*. Final draft, undated, PAL 06-11-38.

- 69 The gorge is bordered by stewardship land. Further inland the river flows through an ecological area. Between the gorge and the sea, the river flows through private land.
- 70 Three areas of land were collectively offered in exchange for the gorge. The first was Sawyer's Creek, a 711ha coastal ridge block north of the Mōkihinui River mouth, adjacent to a protected ecological area and scenic reserve. The second was Podge Creek, a 69. ha area containing stands of tall forest, east of Seddonville. The third was Waimangaroa Bush, 13.5ha of broad-leaved forest, about 30 km south of the mouth of the Mōkihinui River; this was assessed as having high conservation value. Overall, DOC believed the 794ha of freehold land offered in exchange by Meridian had only moderate conservation values. *Submission to Minister of Conservation: Delegated to the Conservator on the proposed Mōkihinui exchange.* Final draft, undated, PAL 06-11-38.
- 71 "... [T]he bed of the Mokihinui River is not part of the public conservation land included within the exchange. However, the freshwater values of the tributary streams flowing through the conservation land are required to be considered in assessing the exchange." *Submission to Minister of Conservation: Delegated to the Conservator on the proposed Mōkihinui exchange.* Final draft, undated, PAL 06-11-38.
- 72 See Parliamentary Commissioner for the Environment. 2012. *Hydroelectricity or wild rivers: Climate change versus natural heritage* (p. 64). In this report, the Commissioner recommended that DOC officials be directed by the Minister to investigate transferring the administration of riverbeds located within conservation land from LINZ to DOC.
- 73 The \$1.4 million total cost comprised \$356,726 for preparing and giving evidence at the resource consent hearing, \$1,055,728 preparing for the appeal to the Environment Court, and \$22,247 for considering the proposed land exchange. Letter to the Parliamentary Commissioner for the Environment received from DOC, 28 June 2013. The Royal Forest & Bird Protection Society (Forest & Bird), WhitewaterNZ, and the West Coast Environment Network also appealed the decision.
- 74 In February 2008, DOC had submitted a conservation park proposal covering the Mōkihinui Gorge to the Minister of Conservation. The proposed Kawatiri Heritage (Conservation) Park would have included 147,000ha of conservation land (half stewardship land and half ecological area). The Minister was given options to approve, amend or decline the proposal, but it appears that no decision was made. DOC. 7 February 2008. *Declaration of the Kawatiri Heritage (Conservation) Park. Departmental submission.*
- 75 "However, our recent commercial review of the project determined it was not prudent to proceed further given the high costs and the risks of the process involved..." Meridian Energy. 22 May 2012. *Meridian exits Mokihinui Hydro Project.* Meridian press release.
- 76 Porters Ski Area is operated under a concession in the form of a lease from DOC.
- 77 In a letter from the Nature Heritage Fund to the Minister of Conservation on 3 May 2004. See DOC. 8 February 2011. *Departmental submission to Minister of Conservation: Blackfish exchange proposal*, p4.

- 78 Negotiations between DOC and Blackfish continued for some time. DOC sought advice about the viability of a 49–60 year lease (a form of concession) instead of an exchange. Blackfish advised DOC that the development could not go ahead with a lease because they believed they would not be able to secure funding for the project. DOC. 21 February 2011. *Submission to the Director General*, Report on a proposed exchange under Section 16A of the Conservation Act 1987 – Crystal Valley – Steep Head Gully, Upper Porters Valley, Crystal Stream., pp. 22-23.
- 79 Blackfish's application contained 20 separate documents including 5 consultant reports. DOC's report contained 10 technical staff reports and 3 consultant reports. DOC. 21 February 2011. *Submission to the Director General*, Report on a proposed exchange under Section 16A of the Conservation Act 1987 – Crystal Valley – Steep Head Gully, Upper Porters Valley, Crystal Stream., pp. 1-3
- 80 DOC. 21 February 2011. *Submission to the Director General*, p. 6.
- 81 Letter from Director-General of Conservation to Blackfish Limited dated 11 March 2011. The package finally agreed to included 10 years of weed and pest control in Steep Head Gully, a public access easement over Crystal Basin, and a memorandum of encumbrance to protect conservation values.
- 82 DOC. 8 February 2011. *Departmental submission to Minister of Conservation: Blackfish exchange proposal*, p4. This submission was signed by the Minister on 21 March 2011.
- 83 DOC. 21 February 2011. *Submission to the Director General*, Report on a proposed exchange under Section 16A of the Conservation Act 1987 – Crystal Valley – Steep Head Gully, Upper Porters Valley, Crystal Stream, p. 23.
- 84 The Canterbury Aoraki Conservation Board was consulted as required by section 16A(2) of the Conservation Act 1987. Williams, D. 10 August 2010. DOC mulls ceding 200ha for field. The Press.
- 85 DOC. 21 February 2011. *Submission to the Director General*, Report on a proposed exchange under Section 16A of the Conservation Act 1987 – Crystal Valley – Steep Head Gully, Upper Porters Valley, Crystal Stream., p. 24. The Nature Heritage Fund was consulted due to its role in the original purchase for the Crown.
- 86 The Ngāi Tahu Claims Settlement Act 1998 gives Ngāi Tahu 'first right of refusal' when Crown land is sold in its rohe, but has a list of exceptions. Land exchanges under s16A of the Conservation Act 1987 is an exception. DOC. 21 February 2011. *Submission to the Director General*, Report on a proposed exchange under Section 16A of the Conservation Act 1987 – Crystal Valley – Steep Head Gully, Upper Porters Valley, Crystal Stream, p 28. On 21 December 2010, the Canterbury Conservator wrote to Te Rūnanga o Ngāi Tahu agreeing that "some clarification of exchanges in relation to the Ngāi Tahu Settlement Act 1998 would be useful, but probably would not be resolved before this particular proposal was considered." DOC. 8 February 2011. *Departmental submission to Minister of Conservation: Blackfish exchange proposal*, p 5.

- 87 The exchange provision in the Conservation Act 1987 (section 16A) enables exchanges of “land”, but does not mention “interests in land”. In contrast, the disposal provision (section 26) explicitly enables disposal of both “land” and “interests in land”.
- 88 Letter from Forest & Bird to the Director-General of Conservation, 16 August 2010. However, Forest & Bird did not challenge the eventual decision through a judicial review, so the legality of the land swap has not been tested in court.
- 89 The land swap did result in some increase in protection to Steep Head Gully – Blackfish committed to fencing out stock and to ten years of weed and pest control. However, Steep Head Gully is managed under various policies as an indigenous coastal forest. At the national level the New Zealand Coastal Policy Statement 2010 has part of the purpose of Objective 1 as “*protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna*”. In the Banks Peninsula District Plan, Steep Head Gully is classified as an Interim Outstanding Natural Features & Landscape Protection Area. This category represents “*those areas with the most significant values assessed in relation to the statutory requirements of Section 6(b) of the Resource Management Act and which require protection from inappropriate development and subdivision*” (Chapter 13, Banks Peninsula District Plan).
- 90 Conservation Law Reform Bill 1989, cl 11.
- 91 Conservation Act 1987, Section 16A is the exchange provision for stewardship land. An exchange provision was also introduced for ‘marginal strips’ – narrow strips of land alongside rivers allowing public access (s24E). Conservation land classified as reserves can also be exchanged; the provision for this is section 15 of the Reserves Act 1977 which predates the Conservation Act.
- 92 Environmental organisations objected strongly to clause 11 in the amendment Bill – “... *this proposal was not intended to be applied to all classes of conservation land. In particular, it was not to apply to protected land but only to stewardship land.*” Section 7.2, Submissions on behalf of the Maruia Society in respect of the Conservation Law Reform Bill, PD/90/99. “*Conservationists will not be satisfied with the provisions that are made in this Bill ... especially in regard to: 1) the freedom given to the Minister to dispose of by exchange, any conservation area, protected areas included.*” Section IV.10, Environment and Conservation Organisations of New Zealand, 12 September 1989.
- 93 Conservation Act 1987, s16A(2).
- 94 A Bluegreen Vision for New Zealand, Discussion paper by Hon Dr Nick Smith MP, 2006.
- 95 See Conservation General Policy – Policy 6: Changes to public conservation lands. The principles for making decisions on *exchanges* of land are the same as the principles for making decisions on *acquisitions* of land. Consequently, only the gains from an exchange are to be considered.
- 96 The provision for the *disposal* of stewardship land (s26) explicitly includes “*any interest in any land*”, but the provision for the *exchange* of stewardship land (s16A) does not. Yet the legal advice received by DOC in the Crystal Basin case was that the legal definition of ‘land’ includes ‘interests in land’, and so a land swap can include the latter.

- 97 Conservation Act 1987, s16A(7): “Nothing in section 26 [disposal] or section 49 [public consultation] shall apply to the exchange of land under this section.”
- 98 Crown Minerals Amendment Act 2013, Section 42(2).
- 99 Conservation Act 1987, s16A(2). In 1989 when the Conservation Law Reform Bill was under consideration, DOC advised the select committee that the Minister was unlikely to proceed with a land swap if the local Conservation Board opposed it. Conservation Law Reform Bill: Report to the Planning and Development Select Committee by Officials of the Department of Conservation, 27 October 1989, p. 47. The proposed Mōkihinui and Crystal Basin land swaps were strongly opposed by the West Coast Tai Poutini Conservation Board and the Canterbury Aoraki Conservation Board respectively.
- 100 Woollaston, P. 2011. Origins of the legislation and policy relating to minerals in conservation areas. *Policy Quarterly*, 7(1): p. 4.
- 101 DOC. 2013. *A more systematic approach to identifying conservation priorities*.
- 102 Moreover, some of the most rare and endangered of these ecosystems are on stewardship land. A technical report accompanying DOC’s annual report concludes that “*improved conservation status is merited*” where more than 20% of the threatened ecosystem is classed as stewardship land. Landcare Research. 2012. *Department of Conservation biodiversity indicators: 2012 Assessment*, p. 39; and DOC. 2012. *Annual report for the year ended 30 June 2012*, p. 20.
- 103 Prime Minister Helen Clark. 8 October 2008. *Government protects magnificent high country property*. Press release.
- 104 There are two other World Heritage sites in New Zealand – Tongariro National Park and the Sub-Antarctic Islands. World Heritage List. <http://whc.unesco.org/en/list>. [Accessed 30 July 2013]
- 105 DOC. 2007. *Te Wāhipounamu – South West New Zealand World Heritage Area*.
- 106 DOC. 2005. *Conservation General Policy*. Policy 6(b), p. 30.
- 107 Since 1999, reclassifications that would “*bring the status of the land more accurately into line with its values (i.e. reflect its legislative fit)*” are “*lower priority*”. DOC. 2013. *SOP categorisation of protected areas manual v1* (p. 25).
- 108 These reasons emerged during interviews with DOC staff and were confirmed in an email exchange on 18 July 2013.
- 109 A recent change to the law to require approval by Cabinet (rather than the Minister of Conservation) for any reclassification that would prohibit mining (i.e. be covered by Schedule 4 of the Crown Minerals Act) has also made the process of reclassifying into some categories more onerous (Conservation Amendment Act 2013, s6).
- 110 For example, a DOC manager reportedly described St James Conservation Area – a large area purchased by the Crown in 2008 that has been left as stewardship land – as “*a test case for a new, more commercially driven approach to the South Island scenic splendour, one where DOC is being challenged to see green values, recreation and economic development going hand in hand*”. McCrone, J. 6 November 2008. Unexplored playground. The Press.

Report to: Resource Management Committee	Meeting Date: 14 December 2021
Title of Item: Tai Poutini West Coast 2050 Strategy	
Report by: Heather Mabin, Acting Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to present to the Committee a copy of the draft *Tai Poutini West Coast 2050 Strategy* for endorsement by Council.

Report Summary

Destination West Coast has led the process to draft a strategy for the West Coast region to 2050, see Attachment 1. DWC have undertaken a series of Workshops and actively engaged with the community to consult on the proposed content of the Strategy, see Attachment 2.

The draft *Tai Poutini West Coast 2050 Strategy* is the final outcome from this process, and they are now seeking key stakeholder endorsement.

Draft Recommendations

It is recommended that the Committee resolve to:

Receive this report; and

Endorse the draft *Tai Poutini West Coast 2050 Strategy*

Attachments

Attachment 1: Draft Tai Poutini West Coast 2050 Strategy

Attachment 2: Te Tai Poutini Economic Development Strategy Communications Plan

Tai Poutini West Coast 2050 Strategy

Final Draft (V4) for Consultation

Published on Thursday 11th November 2021

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Introduction

Generations of Coasters have enjoyed the benefits of a thriving regional economy that was once the envy of the rest of the country. Our resilient spirit and strong work ethic have served us well. But right now, we are vulnerable.

Our world is changing faster than we are. Whilst we can be rightly proud of our history, identity, and assets as a region – we are not yet match fit for the challenges ahead. This ‘West Coast Economic Strategy’ strengthens our position in a rapidly changing world. It ensures that we not only tackle the challenges ahead but we also realise the enormous potential that exists in solving them.

The economic growth we have traditionally relied on is being challenged and we have much work to do in improving the wellbeing of all Coasters. We’ve known this for some time now and our community is united in the desire to chart a new course that protects everything we love about the Coast, elevates the things we do well and helps us navigate the road ahead.

This strategy comes at a good time – we are experiencing a disrupted global climate. Pressures around climate change and biodiversity collapse are increasing, a global pandemic has brought international tourism to a grinding halt, our region is dealing with the fallout from extreme weather events and the government is enacting a raft of significant reforms that will impact our communities.

All of us have been affected by these challenges differently but we have all been affected. This collective experience has served to remind us of the importance of building a resilient economy that can withstand the shocks and changes we know we will experience over time.

It’s difficult to imagine a more important time for the Coast to be clear about what we want and proactive in pursuing it. This is an opportunity for us to front foot the change required and unleash the hidden potential that exists within our communities.

This is our pathway forward as Te Tai o Poutini West Coast – a strategy that celebrates our strengths and is honest about our challenges. An opportunity to provide a collective view of the way forward, for the Coast to speak with one voice about the future we desire and to get down to work creating it.

Our journey to 2050 will require hard work, determination, and change. We know that over the course of this strategy, we will stop doing some things and start doing others as we navigate our changing world and the significant reforms we know are coming. There is no single “silver bullet” to smooth this transition but within this strategy are a range of solutions that will make a difference and offer us the opportunity to rethink and regenerate our Coast economy. Contained within this strategy is a portfolio of mutually reinforcing initiatives that collectively will make a big difference.

Our challenge is to focus on a handful of priorities that will move the dial for the Coast. We have to be careful to avoid diluting our efforts by trying to do too much and stretching the limited resources that are available to deliver. The measure of a good strategy is not the words on these pages but the action that follows them. Doing that will require unprecedented levels of collaboration, investment, and action right across our communities. We know our people are ready to get stuck in. By doing this together, we can go so much further and faster.

The reality is we will not get there alone and these outcomes won’t come easily. This is not just an internal strategy for the West Coast - it’s our message to the world about the future we are creating and the opportunities that exist here. It’s a prospectus for future residents, businesses, and investors.

This ‘West Coast Economic Strategy’ sets out our shared vision for improving the lives of all Coasters and shows us the pathway forward to achieving our aspirations as a community. The strategy:

- Articulates a bold vision and intergenerational outcomes for the West Coast
- Identifies the challenges and opportunities we face in achieving that vision
- Identifies the priority missions that we have landed on to drive that growth
- Provides the blueprint for the Action Plan that will enable the delivery of those missions and the projects that sit beneath them

This strategy focuses us on a generational shift in our economy. Rather than short term or siloed thinking, it offers an enduring blueprint that will need to be constantly updated and refreshed as we advance on the journey to 2050 and make strides towards achieving these outcomes.

As we work together to deliver this strategy, we must remind ourselves that “many hands make light work” and that if we’re all pulling in the same direction, we can achieve great things on behalf of the Coast and future generations.

Our Approach

In undertaking to deliver a strategy that is truly a “West Coast Strategy”, it was important to engage a wide cross section of the community to ensure this blueprint for the future is an inclusive document that is owned by the communities for whom it is designed.

In seeking to create a generational shift in our economic growth and prosperity, we went to young people first to seek their views on the type of future they want on the Coast and the things that are concerning them. Their voices are heard loud and clear throughout this document and in the priority actions that have been identified to advance this strategy.

The workshops that were held to shape the foundation for this strategy included businesspeople, central government, local government, mana whenua and our wider community. They represent a cross section of all the parts of our community that make this place work.

Over 150 people from across the Coast participated in the workshops held to design this strategy. We are particularly proud of the contributions of over 20 rangatahi who were instrumental in setting the direction for this 2050 strategy.

Following the workshops, feedback was received from participants on the initial draft of the strategy including directly from West Coast community leaders and organised labour (union) representatives.

The 2018-2025 Tai Poutini Economic Development Strategy would be superseded by the 2050 strategy with outstanding Actions being assessed and reassigned to mission groups and priority project streams.

Our approach to landing a 2050 strategy was simple:

1. Engage openly with the community to uncover the shared vision, aspirations, and outcomes we can all agree on and get in behind.
2. Work with existing strategies, plans and research papers to help inform the contents of this strategy and ensure that it not only complements but actually reinforces other work that is happening in the region.
3. Shape a strategy that becomes a catalyst for action and a guiding document that can be used across business and community to ensure we’re all singing from the same song sheet.

Economic Challenges

There are a number of challenges, if not addressed will shape the future of the region and aspirations of our community across people, environment and the economy.

- **Diversification** - We are facing unprecedented levels of change and disruption that will impact the West Coast economy.
- **Narrative** - There is a prevailing pessimistic outlook and perception challenge for the Coast.
- **Demographics** - We have an ageing workforce and we are struggling to retain young people on the Coast.
- **Resilience** - We are vulnerable to extreme weather events, sea-level rise and disruptions due to natural disasters.

A snapshot of Challenges

Challenge	Issues	Local Impact
Global Challenge	<ul style="list-style-type: none"> • Climate change • Exhaustion of non-renewable resources 	<ul style="list-style-type: none"> • Vulnerability to sea level rise and the impact on geography and the natural environment. • Vulnerability to weather events on infrastructure and connectivity of the West Coast. • The reliance on natural resources for economic prosperity. • Changes in land and sea use, climate change, pollution and invasive species are putting pressure on our environment.
New Zealand Challenge	<ul style="list-style-type: none"> • Low productivity • Skills shortage • Under investment in infrastructure • Housing affordability and access • A rapidly aging population • Biodiversity decline • A lack of diversification 	<ul style="list-style-type: none"> • We have the opportunity for employers and workers to work together to increase productivity. • We have a number of skills shortages and seasonal labour challenges. • We have an export driven economy, vulnerable to global conditions. • We have a relatively low and ageing population base and modest GDP for the geographical size making it difficult to fund infrastructure. • We have poor housing quality and a lag in supply.
Regional Challenge	<ul style="list-style-type: none"> • Distance • Scale • Perception 	<ul style="list-style-type: none"> • We are still facing significant disruption as a result of COVID-19 including supply chain and labour market issues. • We are heavily reliant on transport infrastructure, with a relatively small “surrounding” population within driving distance. • We are a small region spread across a large geographical area which makes infrastructure challenging to fund and deliver. • Accessibility to higher education and upskilling.

Our Mission

To create a sustainable, inclusive and prosperous future for the West Coast that our people can be proud of and our rangatahi (young people) can look forward to.

Identified missions:

- Build confidence
- Diversify our economy
- Strengthen communities

Our Vision

To be recognised as leaders in the adoption of innovative, sustainable and regenerative economic, social, wellbeing and environmental solutions.

Our Values

- Manaakitanga – Welcoming, inclusiveness, connection, and support for each other
- Kaitiakitanga – Active guardianship of our taonga and giving back to nature
- Whanaungatanga – Our sense of collective belonging and identity
- Rangatiratanga – Courageous leadership and being in charge of our own destiny
- Pono – We are honest and sincere in everything that we do
- Kotahitanga – unity and collective action

Our 2050 Outcome

We have an innovative and resilient economy delivering opportunities and high-paying jobs for our community. Care for our people and our environment is part of who we are and what we are known for.

Our Place – Te Taiao

We care for our people and place leaving our environment in a better state than we inherited it.

Our Economy – Pūtea

Our diverse and resilient economy is fueled by a thriving entrepreneurial community and world class infrastructure. The world looks to us for solutions on conservation, biodiversity regeneration and clean energy.

Our People – Whānau

Our people are proud of their identity as Coasters and optimistic about the future. Our connected communities and culture are inclusive, caring and collaborative.

Our Leadership – Rangatiratanga

Our leadership is collaborative, future-focused and optimistic, front footing the change required to deliver practical and bold actions.

Our Collective Commitment

To work together to unlock the potential of the West Coast by carving our own path, front footing the change required and working in partnership with open minds and a solutions focus on the challenges we face.

Our Strategy

Our strategy with the promotion of social, economic, environmental, and cultural well-being of communities will deliver on the intergenerational outcomes identified. It is made up of three key missions, eleven priority projects and 23 actions.

Mission One - Build Confidence

The West Coast has a plan for the future that is inclusive and provides clarity to both the West Coast and New Zealand. Our businesses and people are optimistic and confident about the future. Our young people can see a bright future that they want to be a part of and are supported to achieve success.

Priority Project – Enhanced Regional Identity

Being a West Coaster instils pride in our people and fosters a strong sense of connection and belonging. An enhanced regional identity is a critical tool in this strategy – to build confidence and pride in our place and to attract the right people and investment to the region to realise our aspirations.

By lifting our presence and sharing more from our region, the West Coast can be seen as a desirable place to live, work and play, supporting our economic aspirations. Furthermore, active protection and guardianship of the environment can be celebrated as part of our West Coast identity.

Actions

- Develop a business and investment story and proposition for the West Coast to support business attraction and encourage start-up businesses
- Finalise and implement the Destination Management Plan with a focus on realising opportunities in high value and regenerative tourism.
- Develop a digital support programme and online shopping portal 'Shop West Coast' to increase uptake of West Coast businesses in eCommerce opportunities and profile our regional offering

Mission Two – Strengthen and Diversify our Economy

The West Coast has an abundance of natural resources that form the backbone of our regional economy. To secure our long term economic prosperity and resilience, we need to actively support the growth of emerging industries and strengthen our economic drivers by focusing on adding value.

By focusing on a more circular economic approach, we are able to increase the value of our products and deliver better outcomes for the environment. Our economic activity must actively protect and give back to the natural environment that supports our prosperity.

The West Coast has untapped potential in the green economy space – from the unrealised value of our natural resources to the knowledge economy potential that exists from our strengths in conservation and biodiversity restoration.

Priority Project - Realising our natural resources

The West Coast is 84% public conservation land, the largest proportion of any region in New Zealand. We have competitive advantage in the mining sector and natural resources that can be utilised to support the regenerative economic future we aspire to. By focusing on this approach, we are able to unlock economic opportunities whilst protecting and enhancing the natural environment for future generations.

Actions

- Supporting the completion of the Stewardship Land Review so new economic opportunity is enabled and environment outcomes are enhanced

Priority Project – Conservation Centre of Excellence

Our strengths in protecting and restoring the natural environment are an opportunity to build a light footprint niche economy on the Coast that develops, incubates, and shares knowledge on conservation and biodiversity restoration.

Actions

- Supporting the advancement of conservation, biodiversity and predator free work across the region
- Develop an International Conservation and Biodiversity Restoration Centre of Excellence

Priority Project – Renewable Energy Solutions

Unlocking the potential within our renewable energy sector by developing a comprehensive West Coast Energy Strategy that identifies and advances opportunities in hydro, biomass, geothermal, biodiesel green hydrogen and other energy opportunities on the West Coast with a focus on viable outcomes that create jobs.

Actions

- Develop and implement a West Coast Energy Strategy to unlock opportunities in renewable energy investment and job creation on the coast.

Priority Project – Research, Science and Technology

Supporting our applied research, science and technology businesses to grow and support our key economic drivers and opportunities to lift productivity and reduce environmental impacts.

Actions

- Investment in research, science and technology to lift the productivity and reduce the footprint of our key economic drivers.

Priority Project – High Value Engineering and Innovation

The West Coast has existing strengths in niche and high value engineering. Recognised for its innovation and collective strength, the West Coast is seen as a leader in engineering excellence.

Actions

- Form a niche engineering cluster to realise opportunities for improved resilience (local supply) and growth in the growing engineering and manufacturing sector
- Develop an innovation and R&D hub to support key economic drivers

Priority Project – Food and Fibre Sector Optimisation

The West Coast has an extensive and diverse range of food and fibre businesses drawn from an assorted cross-section of agriculture, horticulture, forestry and carbon farming, aquaculture, meat and food processing, as well as related agricultural service industries.

Actions

- Developing opportunities to support and grow our food and fibre sector on the West Coast through increased investment in innovation
- Develop a food and fibre provenance story for the West Coast that supports increased value from the sector
- Establishing partnerships for land use trials to position the West Coast as a preferred option for science and research

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Mission Three - Strengthen our communities

The West Coast is a region made up of strong and resilient communities that make this place special. Our mission is to strengthen communities which are the backbone of our economic success to ensure they are inclusive, safe and providing for the needs of Coasters.

Secure, affordable and quality housing is out of reach for too many in our community. While economic growth is a worthy pursuit, we need to be proactive in ensuring the benefits of that growth flow through equitably including those who need it the most.

Priority Project – Housing

Everyone on the West Coast has the right to quality housing and a great neighbourhood to live in. A well-functioning housing system has good quality and resilient homes that meets the needs of residents and supports sustainable, resilient and connected communities

Actions

- Implement the Tai Poutini Housing Strategy including a focus on improving the condition, security, energy efficiency and suitability of existing homes
- Increase the capacity of sustainable age care on the West Coast

Priority Project – Healthcare

Equity, availability, and access to health care across the Coast. Our healthcare services meet the needs of the community with wellbeing at the heart of our economic development.

Actions

- Develop an interprofessional healthcare facility and explore opportunities for training and education development
- Advocate for improved mental health support available from prevention through to crisis
- Advocate and enable the improved provision of healthcare services throughout the West Coast, specifically for hard to reach and disadvantaged communities

Priority Project - Community and Business Education

Accessible education that enables and enhances both the community and business prosperity, creating opportunities to evolve and grow sustainable, innovative, and creative talent.

Actions

- Develop a Future of Work programme to create career pathways for future employment opportunities, talent attraction and retention and education to employment options
- Strengthen partnerships with innovation, education, and research institutes (e.g Lincoln University, University of Canterbury, Callaghan Innovation etc)
- Establish community and business hubs in the main centres to support connectivity, remote working and career and business opportunities
- Increase business networking and education opportunities throughout the coast with an emphasis on communities not currently accessing support

Priority Project – Infrastructure, Resilience and Digital Connectivity

Enabled and connected resilient and sustainable fit for purpose infrastructure network (transport, energy and digital) that supports increased productivity, strengthens our resilience, and provides growth opportunities.

Actions

- A focused infrastructure resilience review to increase investment to support economic development and a proactive climate change adaption approach.
- Strengthening local food systems and resilience through community led initiatives that secure food supply for local communities
- Develop Zero Waste initiatives that reduce our environmental footprint and unlock revenue generating opportunities.
- Improve rural connectivity including mobile blackspots, rural and ultrafast broadband

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What does success look like?

The West Coast's aspiration is for an economy that is robust; where sustainable levels of growth are achieved over the full range of current and future industry sectors while retaining those values underpinning who we are and why people choose to be here. An economy that delivers an increasing number of jobs so that the wealth generated provides opportunities for current and future residents of the Coast.

An economy where entrepreneurs and new businesses see opportunities and existing businesses are strong. An economy that advocates high quality over quantity. Ensuring there is strength and diversity across business sectors and within sectors will help the Coast's economy withstand shocks to one sector without disrupting the economy as a whole. A resilient future economy will continue to see current sectors grow and adapt to change as well as encourage growth in other sectors. A resilient economy will provide employment opportunities that encompass all skill levels. It will support businesses of all sizes, from start-ups and small to medium enterprises through to the largest global corporations. It is an economy that is less vulnerable to, or recovers more quickly from, external shocks. Resilience also refers to income inequality and the importance of meeting the basic needs of all in society, including the resilience of the most disadvantaged to economic shocks.

The Coast's diverse seasons, wide open spaces, pace of life and the can-do attitude of its people lends itself to attracting people from far and wide to live in, do business in or visit the Coast. To do business here our people must be innovative and creative in the way they run and conduct their businesses. The nature of work is changing rapidly and many jobs that exist today will be replaced by different types of work in the future. New jobs are anticipated in research, development, engineering and energy industries and we must be positioned for this. We have a lot of talented people on the West Coast, and we can build on this – innovation breeds innovation. As our traditional industries evolve and new industries emerge, we must create an innovation ecosystem that extends our strengths and supports our entrepreneurs and innovators and attracts new industries.

To do this, we must foster entrepreneurs and enterprises small and large, helping them to compete in local, national and global markets by ensuring the infrastructure and programmes are in place to support their success. We also must develop new ways to gather and share information to grow the Coast's knowledge sector.

How the Region will Measure Success

The next phase of work will include a focus on developing success metrics, monitoring and reporting that ensures the strategy delivers improved outcomes for all West Coasters.

Ultimately, the success of the strategy will not be defined by the words on these pages but rather the investment and value add activity that results from this strategy work. First and foremost, our success will be measurable by the level of investment and positive activity resulting from this programme of work.

Our economic success will be benchmarked against wellbeing outcomes that are being developed to support economic performance and sustainability. Each priority and associated action will have agreed outcomes and targets that will be developed with the lead collaborator.

Development West Coast, as the convenors of the strategy work, will be charged with the responsibility of reporting on the progress of the strategy and measuring the success of initiatives as they are progressed.

A range of indicators will be developed to measure the overall economic success and wellbeing over the region, alongside success measures that are specific to each project priority and take into consideration key outcomes such as job creation and investment into the region.

How the region will deliver

This strategy is about delivering results and outcomes for the coast to deliver on the aspirations of our community. It's a step change in our approach and focus in economic development that will deliver a generational change required to ensure the West Coast is match fit for the challenges ahead.

The strategy will be supported by an Action Plan which will set out:

- A champion or lead collaborator for each priority action
- A pathway for resourcing and activation of this priority
- Milestones and deliverables to ensure accountability
- Measures of success to track progress

The action plan will evolve as actions are successfully implemented, new opportunities emerge, or existing actions are amended as circumstances change. All action points/projects are identified to a mission statement to confirm alignment to the vision.

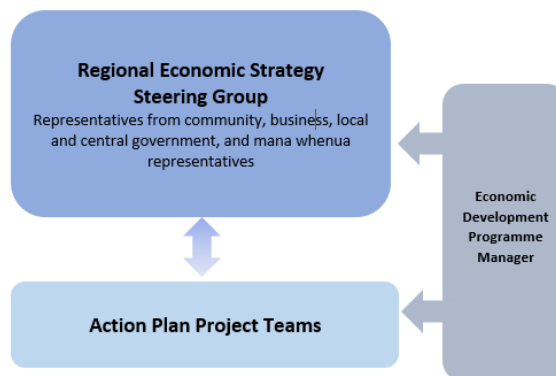
Each signatory to this strategy also has a duty and responsibility to deliver on the aspirations of the strategy in their own areas of investment, activity and policy mandate. There will be many actions and projects that are delivered under the auspices of this strategy that aren't detailed in the formal document but rather form part of a wave of transformative change that is enabled by the blueprint the strategy offers and the collective commitment of the signatories to the strategy.

The priority actions set out in this strategy have all been identified as worthy of resourcing and support to enable delivery but their requirements and the maturity of the actions are all different. Some will require entirely new working groups to be established and project plans drawn up while others may be ready to take into a business case or feasibility study or even may be investment ready in their own right.

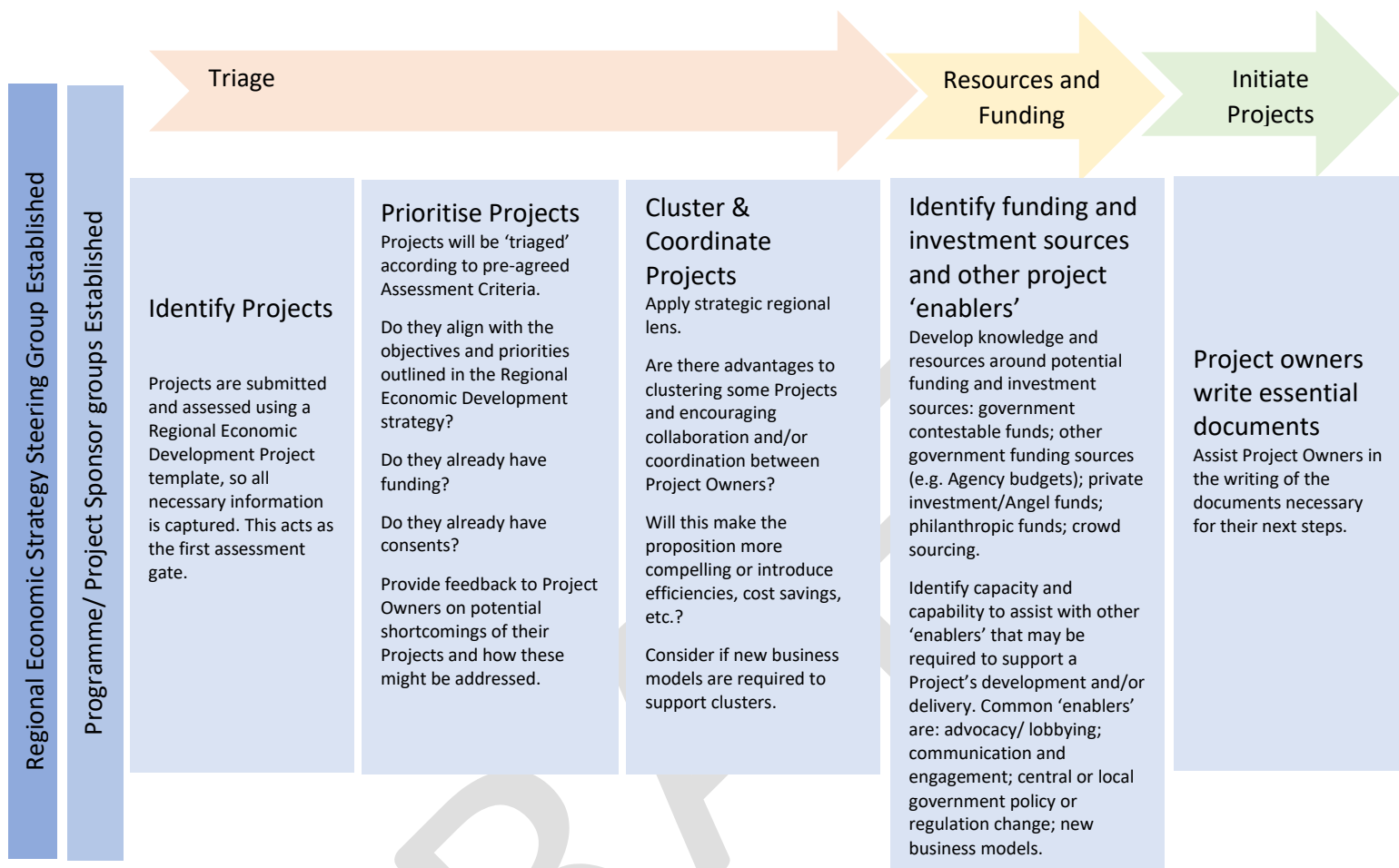
Critically, the success of this strategy will depend on the collective commitment and ability of all stakeholders to deliver against the strategy and work collaboratively on the identified missions and priority actions. For this to be a truly enduring West Coast strategy – everyone has a role to play in the success of it.

As part of the Action Plan work, a Steering Group will be appointed to monitor and guide the overall progress of the strategy and provide representation from stakeholders involved in the plan. The Steering Group will not be a governance group per se but rather the regional nexus for which updated priorities and guidance will flow to help maintain an iterative and generative approach to delivering on the strategy. The Steering Group will be responsible for collectively delivering on the strategy, updating it as required and maintaining the momentum required to ensure the strategy remains relevant for years to come.

The following diagram shows the leadership and support arrangements for delivering the action plan:



Implementation Roadmap



Regional Scan

Engage with existing networks and fora to attract Projects into the roadmap.

Stay aware of other projects being developed outside of this pipeline. How can we add value to their efforts?

Use approved detail from our portfolio of pipeline Projects to inform regional, national and sector strategies and advocacy (i.e. excluding commercial sensitivities).

Establish a regular review process, so our roadmap is agile and can respond to fast changing regional priorities.

Share progress and success of the roadmap with relevant stakeholders (excluding commercial sensitivities).

Tai Poutini Economic Development Strategy 2050 DRAFT

Our Mission
To create a sustainable, inclusive and prosperous future for the West Coast that our people can be proud of and our rangatahi (young people) can look forward to.

Our Vision
To be recognised as leaders in the adoption of innovative, sustainable, and regenerative economic, social, wellbeing and environmental solutions.

Our Values

Manaakitanga Welcoming, inclusiveness, connection, and support for each other	Kaitiakitanga Active guardianship of our taonga and giving back to nature	Whanaungatanga Our sense of collective belonging and identity	Rangatiratanga Courageous leadership and being in charge of our own destiny	Pono We are honest and sincere in everything that we do	Kotahitanga Unity and collective action
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Our 2050 Outcome
We have an innovative and resilient economy delivering opportunities and high-paying jobs for our community. Care for our people and our environment is part of who we are and what we are known for.

Our Place – Te Taiao
We care for our people and place leaving our environment in a better state than we inherited it.

Our Economy – Pūtea
Our diverse and resilient economy is fueled by a thriving entrepreneurial community and world class infrastructure. The world looks to us for solutions on conservation, biodiversity regeneration and clean energy.

Our People – Whānau
Our people are proud of their identity as Coasters and optimistic about the future. Our connected communities and culture are inclusive, caring and collaborative.

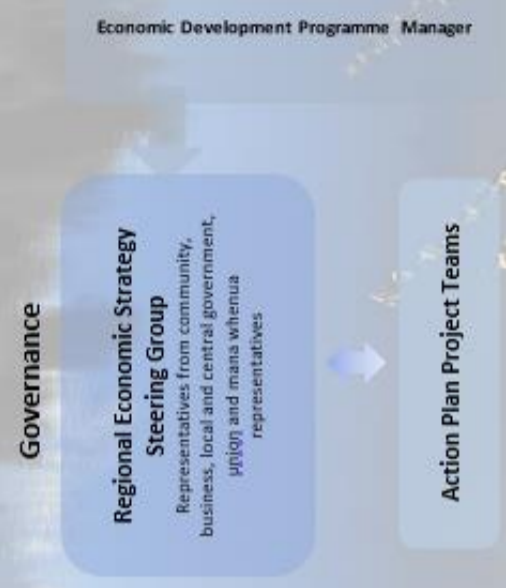
Our Leadership – Rangatiratanga
Our leadership is collaborative, future-focused and optimistic, front footing the change required to deliver practical and bold actions.

Economic Challenges
There are a number of challenges if not addressed will shape the future of the region and aspirations of our community across people, environment and the economy.

- Diversification** - We are facing unprecedented levels of change and disruption that will impact the West Coast economy.
- Narrative** - There is a prevailing pessimistic outlook and perception challenge for the Coast.
- Demographics** - We have an ageing workforce and we are struggling to retain young people on the Coast.
- Resilience** - We are vulnerable to extreme weather events, sea-level rise and disruptions due to natural disasters.

Delivery

Mission	Programme Stream	Priority Project Stream
Diversify our economy	Managing Natural Resources	Conservation Renewable Energy Solutions
	Circular Economies	Research, Science and Technology Engineering and innovation Food and Fibre Optimisation
Build Confidence	Enhance the Regional story Housing Healthcare	
Strengthen Our Communities	Community and Business Education	
	Infrastructure & Digital Connectivity	
	Resilience	



Te Tai Poutini
Economic Development Strategy
Communications Plan

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Purpose

The purpose of this communications plan is to engage with identified stakeholders in an appropriate manner during the process of endorsing the Te Tai Poutini Economic Development Strategy. Communications will support the engagement with stakeholders leading into the endorsement of the strategy.

A new Communications Plan will be developed for implementation to ensure clear key messaging and planning is developed for that phase.

Background

In undertaking to deliver a strategy that is truly a “West Coast Strategy”, it was important to engage a wide cross section of the community to ensure this blueprint for the future is an inclusive document that is owned by the communities for whom it is designed.

In seeking to create a generational shift in our economic growth and prosperity, we went to young people first to seek their views on the type of future they want on the Coast and the things that are concerning them. Their voices are heard loud and clear throughout this document and in the priority actions that have been identified to advance this strategy.

The workshops that were held to shape the foundation for this strategy included businesspeople, central government, local government, mana whenua and our wider community. They represent a cross section of all the parts of our community that make this place work.

Over 150 people from across the Coast participated in the workshops held to design this strategy. We are particularly proud of the contributions of over 20 rangatahi who were instrumental in setting the direction for this 2050 strategy.

Following the workshops, feedback was received from participants on the initial draft of the strategy including directly from West Coast community leaders and organised labour (union) representatives.

The 2018-2025 Tai Poutini Economic Development Strategy would be superseded by the 2050 strategy with outstanding Actions being assessed and reassigned to priority project streams.

Our approach to landing a 2050 strategy was simple:

1. Engage openly with the community to uncover the shared vision, aspirations, and outcomes we can all agree on and get in behind.
2. Work with existing strategies, plans and research papers to help inform the contents of this strategy and ensure that it not only complements but actually reinforces other work that is happening in the region.
3. Shape a strategy that becomes a catalyst for action and a guiding document that can be used across business and community to ensure we’re all singing from the same song sheet.

Timing for communications

Milestone	Date
Youth workshop	21 June 2021
West Coast Economic Strategy Refresh Workshop: Beyond 2050	22 June 2021
Priorities workshop	3 August 2021
Strategy consultation	3-17 September 2021
Individual meetings	October 2021
Mayors, Chairs and Iwi	10 October 2021
Interaction with Iwi regarding name	15 November - 7 December 2021
Attendees of the Economic Development Workshops	8 December 2021
Westland Council Meeting	9 December 2021
West Coast Regional Council Meeting	14 December 2021
Buller Council Meeting	15 December 2021
Greymouth Council Meeting	16 December 2021
Damien O'Connor	December 2021
Maureen Pugh	December 2021
Notification to ED workshop attendees of council outcomes	20 December 2021
ED Steering Group assembled	January 2022
Formal launch of strategy	17 February 2022

Formal Launch

The formal launch will be virtual, incorporating the journey of developing the strategy, the voice of the steering group and the next steps.

Communication principles

Show that we've kept the West Coast top of mind in terms of what's going to work best for them and that their voice has been listened to.

- As far as practical, we want to achieve “exceptional stakeholder engagement” and excellent (albeit simple) change management.
- Our communication style will be plain language, conversational and warm in tone.
- We'll clearly convey “what's in it for them” (i.e., for each of our audiences) – and especially if there's a “call to action”.
- We're seeking for our information to be inviting, clear and well-structured.
- We aim to achieve multiple exposure of main messages (making it easy for people to access what they need to know, in recognition that we need to hear new information 5-7 times before it lodges).

Communications objectives

- Ensure regular communications and programme teams are aware of their responsibilities in terms of informing senior leaders.
- Develop and maintain a stakeholder analysis to ensure all parties that will be eventually impacted by the ED rollout are kept well informed on progress.
- Ensure key industry groups are aware of what's happening and when.
- Provide high-level information to ensure awareness amongst the wider community.
- Recognise and celebrate successes at both a group and individual level.

Stakeholder objectives

- Identify stakeholders and understand their pain points and areas of impact.
- Create awareness and understanding so that missions and priority projects are understood.
- Stakeholders are informed of key outcomes in a timely manner.
- Ensure our communications are easy to read and written in plain English (no jargon).
- After the endorsement phase of the project, ensure we engage with the wider community at the right level, so that they know what it means for them and the next steps.

Change management objectives

Change management objective	Corresponding communication objective
1. Identify Leaders who are critical to ensuring buy-in	Ensure People Leaders are kept informed and engaged in order to instil confidence. Meet to understand what success looks like for them
2. Consider the industry that will be impacted at implementation and involve them where possible in the programme requirements gathering and decision-making process	Identify change champions and define their roles and responsibilities, including sharing of information
3. Equip leaders, industry, and community with knowledge to gain strong buy-in and help build confidence heading towards implementation	Provide regular, consistent, and easy to understand updates

4. Encourage feedback and questions to improve involvement/engagement	Use two-way communication platforms that engage 'real' question and answer compilation
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Key audiences

Leaders

Leaders need:

- to know the change is well managed and communicated
- to be aware of and confident in our approach to implement the strategy
- reassurance that the strategy will meet their needs. This will ensure investment in and commitment and ease concerns about the impact.

It's important to get feedback (interviews, face to face) from leaders throughout the process, to understand any issues, be aware of their stake in the new strategy and work closely with them on the journey towards the future.

Change champions

Our recommendation is that we identify change champions to be advocates for the implementation and help ensure their user groups are well informed and engaged.

Key messages

General

- In undertaking to deliver a strategy we engaged a wide cross section of the community to ensure this blueprint for the future is an inclusive document that is owned by the communities for whom it is designed.
- Over 150 people from across the Coast participated in the workshops held to design this strategy.
- The 2018-2025 Tai Poutini Economic Development Strategy would be superseded by the 2050 strategy with outstanding Actions being assessed and reassigned to project streams.
- Our world is changing faster than we are. The 'West Coast Economic Strategy' strengthens our position in a rapidly changing world. It ensures that we not only tackle the challenges ahead but we also realise the enormous potential that exists in solving them.
- The importance of building a resilient economy that can withstand the shocks and changes
- This is our pathway forward as Te Tai o Poutini West Coast – a strategy that celebrates our strengths and is honest about our challenges.
- Our journey to 2050 will require hard work, determination, and change.
- There is no single "silver bullet" to smooth this transition but within this strategy are a range of solutions that will make a difference and offer us the opportunity to rethink and regenerate our Coast economy.
- This is not just an internal strategy for the West Coast - it's our message to the world about the future we are creating and the opportunities that exist here.
- The strategy:
 - Articulates a bold vision and intergenerational outcomes for the West Coast
 - Identifies the challenges and opportunities we face in achieving that vision
 - Identifies the priority missions that we have landed on to drive that growth
 - Provides the blueprint for the Action Plan that will enable the delivery of those missions and the projects that sit beneath them
- The strategy focuses us on a generational shift in our economy.

Leaders

- We need you to be actively involved in shaping the design of the priority projects. You'll have opportunities to provide input and feedback.
- In order to 'set up for success', your district/area/industry need to know the West Coast's strategic direction, why we're making these changes, and what's in it for them. You have a key role in 'leader-led change' throughout the strategy implementation, by encouraging involvement.
- We'll keep you informed by providing in-depth information at key points in the journey, and we need your active leadership to make it real.
- We appreciate how busy you are right now, and that several activities are calling on your time and leadership. We'll help streamline this for you, by bundling key communications messages and engagement activities across concurrent projects.
- Thanks for signing up to support the ED strategy

Change champions

- We need you to be actively involved: sharing information between the project teams, industry, and people leaders, share information on a regular basis, and become directly involved in providing input to or feedback on priorities.
- Thanks for signing up to support the ED strategy

Report to: RMC Committee	Meeting Date: 14 December 2021
Title of Item: Consents Monthly Report	
Report by: Leah Templeman, Consents & Compliance Business Support Officer	
Reviewed by: Colin Helem	
Public excluded? No	

Purpose

For the Resource Management Committee to be kept informed of activities in the Consents department, and to provide an update on current matters.

Summary

This is the Consents report for November 2021 activities.

RECOMMENDATION

That the December 2021 report of the Consents Group be received.

Site Visits

No Consent site visits were undertaken 1 November 2021 to 30 November 2021

Non-notified Resource Consents Granted

Seventeen non-notified resource consent applications were granted 01 November 2021 to 30 November 2021

RC-2019-0063 Dempster Limited Waimea Valley, Goldsborough (MP 60426)	To undertake alluvial gold mining within Mineral Permit (MP) 60426, and within the Westland District, at Goldsborough.
	To undertake earthworks associated with alluvial gold mining within MP 60426, at Goldsborough.
	To take and use water for alluvial gold mining activities within MP 60426, at Goldsborough.
	To discharge sediment-laden water to land in circumstances where it may enter water, namely the Waimea Creek and its tributaries, associated with alluvial gold mining within MP 60426 at Goldsborough.
RC-2021-0090 Luke Brownlee & Jesse Brownlee Blind River, Okari	To take and use surface water from the Blind River for dairy farming, irrigation, and mining purposes.
	To take and use groundwater for dairy farming, irrigation, and mining purposes, Okari.
RC-2021-0118 Western Dynasty Holdings Ltd Stafford and within Mining Permit (MP) 52146	To undertake native vegetation clearance associated with alluvial gold mining in the Westland District, Stafford.

<p>RC-2021-0100 Charleston Coal Limited Charleston – Darkies Creek Mine (MP41690)</p>	<p>To undertake earthworks associated with coal mining activities at Charleston.</p> <p>To take water from within MP41690 for coal mining activities at Charleston.</p> <p>To discharge mine water to land in circumstances where contaminants may enter an unnamed tributary of Darkies Creek.</p> <p>To discharge mine water from a treatment pond to an unnamed tributary of Darkies Creek.</p>
<p>RC-2021-0129 Adam Askin 144 Brickfield Road, Hokitika</p>	<p>To undertake mining, including earthworks and vegetation clearance, in the Westland District, Hokitika.</p> <p>To undertake earthworks associated with alluvial gold mining, Hokitika.</p> <p>To take surface water from unnamed creeks and groundwater via seepage associated with alluvial gold mining, Hokitika.</p> <p>To discharge contaminants to land where it may enter water associated with alluvial gold mining, Hokitika.</p>
<p>RC-2021-0141 Department of Conservation McDonalds Creek</p>	<p>To disturb the dry bed of MacDonald’s Creek to undertake river protection works.</p>
<p>RC-2021-0107 Gordon Storer & Jason Poynter Buller – Nine Mile Beach within MP 60666</p>	<p>To disturb the Coastal Marine Area within Minerals Permit (MP) 60666 for the purpose of black sand mining, at Nine Mile Beach.</p> <p>To take coastal water associated with processing auriferous black sands within MP 60666, at Nine Mile Beach.</p>
<p>RC-2021-0142 Lake Brunner Dairy Farm (2005) Ltd Inchbonnie</p>	<p>To discharge contaminants (asbestos) to land, Inchbonnie.</p>
<p>RC-2021-0143 Callum Knox & Amy Bennie Kamahi Place</p>	<p>To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, at 34 Kamahi Place, Lot 1 DP 555146.</p>

<p>RC-2021-0133 Louis Van Zyl & Cailn Calder Coulson Road, Paroa</p>	<p>To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, at Lot 2 DP 335738, Paroa.</p>
<p>RC-2021-0139 Mr Rajappan & Ms Raveendran Aorangi Estate</p>	<p>To discharge treated onsite wastewater from a dwelling to land in circumstances where it may enter water, at Lot 1 Aorangi Estate.</p>
<p>RC-2021-0065 Moore Mining Limited Reefton – MP 60067</p>	<p>To undertake earthworks and vegetation clearance associated with the development and operation of Reddale Mine.</p> <p>To take and use surface water from Burkes Creek for Irrigation purposes at the Reddale Mine.</p> <p>To take groundwater via seepage for use in coal mining activities at Reddale Mine.</p> <p>To take water associated with the dewatering of “Ferndale Pond”.</p> <p>To discharge water containing contaminants (sediment and water treatment chemicals) to land and water (Burkes Creek) associated with coal mining activities at Reddale Mine, including the discharge from dust management trucks.</p> <p>To dispose of (discharge) potentially acid forming material at Reddale Mine.</p> <p>To discharge treated sewage effluent to land near Burkes Creek.</p> <p>To discharge dust to air associated with coal mining activities at Reddale Mine.</p>
<p>RC-2021-0148 Ngai Tahu Forestry New River</p>	<p>To disturb the bed of New River associated with the construction of a diversion channel.</p> <p>To divert water through a diversion channel, New River.</p>
<p>RC-2021-0151 Colligan Farm Ltd Fairdown Road, Waimangaroa</p>	<p>To discharge dairy effluent to land where it may enter water and to surface and groundwater near DS 801, Waimangaroa.</p>
<p>RC-2021-0145 Kieran John Eggeling Unnamed Creek, Turnbull River South Road</p>	<p>To disturb the bed of the unnamed creek for the purpose of removing gravel and debris Turnbull River South Road.</p>

RC-2021-0152 G.C Smith Contracting Ltd Grey River	To disturb the dry bed of the Grey River for the purpose of removing gravel.
RC-2021-0156 Peter Dennis Reedy Fox River, Buller	To disturb the dry bed of the Fox River (Buller) for the purpose of extracting gravel.

Changes to Consent Conditions

Four applications to change consent conditions were granted in the period 01 November 2021 to 30 November 2021

RC-2019-0074-V2 Western Dynasty Holdings Limited Stafford	To allow an additional area to be included for mining activities.
RC-2021-0041-V1 MBD Contracting Ltd Various Locations	To reduce the gravel take volume
RC-2020-0073-V1 MBD Contracting Ltd Matainui Creek	To reduce the gravel take volume
RC-2021-0134-V1 The Christian Community Trust Haupiri, Gloriavale	Variation to alter what the multi fuel boiler can burn

One Limited Notified and no Notified Resource Consent were Granted 01 November 2021 to 30 November 2021

One application for Limited Notified was granted in the period 01 November 2021 to 30 November 2021

RC-2021-0047 Selwyn Earthworks JV Limited Arahura Valley Humphreys Gully Road within Mineral Permit MP 60622	To undertake alluvial gold mining within the Westland District within Mineral Permit (MP) 60622, at Humphreys.
	To undertake earthworks associated with alluvial gold mining within MP 60622, at Humphreys.
	To take and use water for alluvial gold mining activities within MP 60622, at Humphreys.
	To discharge sediment-laden water to land in circumstances where it may enter water, namely the Arahura River and its tributaries, associated with alluvial gold mining within MP 60622, at Humphreys.

Update on consent applications where the West Coast Regional Council is the applicant

Section 15.18 of the delegation manual which deals with when the WCRC is the applicant provides the Consents and Compliance Manager the authority to appoint an independent consultant to process the applications and for an independent commissioner from the approved Hearing Commissioner List for the decision making.

RC-2021-0150 – Emergency works to construct a stop bank – Waiho River, Franz Josef, retrospective consent lodged on the 5th November 2021.

RC-2021-0158 – To construct a gravel bund – Waiho River, Franz Josef, lodged on the 11th of November 2021.

Tai Poutini Resources have been engaged to process the applications and Justine Bray from WSP based in Auckland has been engaged as the independent commissioner for the decision making.

Report to: RMC Committee	Meeting Date: 14 December 2021
Title of Item: Compliance and Enforcement Monthly Report	
Report by: Colin Helem	
Reviewed by: Heather Mabin, Acting Chief Executive	
Public excluded: No	

Purpose

For the Resource Management Committee to be kept informed of activities in the Compliance and Enforcement department, and to provide an update on current matters.

Summary

This is the Compliance and Enforcement report for November 2021 activities.

RECOMMENDATIONS

1. That the December 2021 report of the Compliance Group be received.

Site Visits

A total of 142 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	58
Mining compliance & bond release	20
Complaints	13
Dairy farm	51

This report covers the period of 30 October 2021 to 2 December 2021.

- A total of 22 complaints and incidents were recorded.

Non-Compliances

There was one non-compliance that occurred during the reporting period.

Activity	Description	Location	Action/Outcome	INC/Comp
Gravel extraction	<p>A compliance inspection of a gravel extraction operation at Punakaiki established that the operator had breached their consent conditions.</p> <p>It was observed on site that the river had been diverted and a bund/wall constructed along the water's edge.</p>	Punakaiki River	Enquiries have been carried out with the consent holder who has undertaken some remedial work prior to the flood event that occurred on the 27 th of November 2021. A decision on enforcement action has not yet been made.	Incident

Other Complaints/Incidents

Note: These are the other complaints/incidents assessed during the reporting period whereby the activity was found to be compliant, or non-compliance is not yet established at the time of reporting.

Activity	Description	Location	Action/Outcome	INC/Comp
Discharge to water	Complaint received that Waimea Creek was discoloured with sediment.	Waimea Creek	The area was visited and found that the lower reach of Waimea Creek was discoloured, however as the upstream had cleared staff were unable to identify the source.	Complaint
Earthworks	Complaint received that an access road has been constructed partially over a neighbouring boundary.	Hokitika	The complainant was informed that the road does not breach any earthworks rules and the boundary issue is not a matter for the council to deal with.	Complaint
Discharge to air	Complaint received that trucks carting gravel from the Grey River were generating dust which was sometimes blowing into the Greymouth business area depending on wind direction.	Greymouth	The contractor was advised of the complaint and requested to monitor the issue and use a water cart to suppress the dust if required.	Complaint
Dead Whale	Complaint received that a dead whale was rotting on the beach north of Westport and was causing an odour issue.	Westport	Enquiries with DOC established that they were dealing with the disposal.	Complaint
Discharge to air	Complaint received late in the evening that there was a toxic fire burning at Ruatapu.	Ruatapu	The site was investigated the following day and established that it was a scrub fire further south of Ruatapu. There was no breach of the rules.	Complaint
Discharge to water	Complaint received that Waimea Creek was discoloured with sediment.	Waimea Creek	The area was visited and found that the lower reach of Waimea Creek was discoloured, however as the upstream had cleared staff were unable to identify the source.	Complaint
Blocked drain	Complainant reports that a tree is blocking a drain and impeding flow.	Kumara	The complainant was advised to contact the property owner to resolve the issue.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Spread of weeds	Complaint received that a contractor has caused the spread of weeds (Lupin) while undertaking construction of a sea wall.	Hector	The complaint was passed onto the consent holder who was going to arrange for the weeds to be sprayed.	Complaint
Discharge to water	Complaint received that there was sediment/gravel build up in a creek which may be attributed to a forestry operation.	Aratika	The site was investigated and established that the forestry operation had not caused any issues.	Complaint
Discharge to water	Complaint received that dairy effluent from a stock underpass was discharging to a stream. The complainant had driven past the site without stopping to check it out.	Harihari	It was explained to the complainant that staff were familiar with the site and that there was a system in place which included a nib wall, sump, and pump to deal with any runoff. The farm had also had a recent inspection.	Complaint
Dead Cow within the CMA	Complaint received that there was a dead cow on the beach at Kaihinu.	Kaihinu Arahura	The site was visited and as the cow was well decomposed and not near any houses a decision was made to leave it where it was.	Complaint
Discharge to water	Complaint received that the Ngakawau River was discoloured from contaminated water discharged from Mine Creek.	Ngakawau	Enquiries were undertaken. Mine Creek has low pH water because of historic coal mining. When the low pH water from Mine Creek enters the Ngakawau River sometimes it causes a chemical reaction which creates the discolouration.	Complaint
Discharge to water	Complaint received that Kapitea Creek was discoloured with sediment.	Kapitea	The complaint was investigated and established that earlier a gold mining operation had a discharge from its settling pond through a leak in the pond wall. The miner had made repairs and at the time of the inspection the upstream of Kapitea Creek at their consented compliance location had cleared.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Discharge to water	Complaint received that a gold mining operation was discharging into Blackwater Creek.	Blackwater Grey Valley	The site was inspected and established that the discharge observed by the complainant was not going directly into the creek as it is piped to settling ponds for treatment prior to discharging to the creek.	Complaint
Gold Mining	Complaint received regarding dust discharged from a mining operation and a second complaint regarding noise from another nearby mining operation.	Stafford	The mining operations were visited and found that the miner was using a water cart to suppress dust and there were no issues. The second operation was found not to be excessively noisy.	Complaint
Landfill	Complaint received that earthworks at a proposed demolition site may have changed the drainage in the area. Also concerned that they were already accepting waste as they had seen truck and trailer units entering the site.	Kaiata	Enquiries were undertaken and established that no earthworks had been undertaken on the site. Also, the truck and trailer units were using the access road to enter the nearby Birchfields Coal Yard.	Complaint
Discharge to water	A post on Facebook showed a creek running discoloured white at Runanga.	Runanga	The complaint was attended and at the time of inspection the creek was running clear. There were no avenues for further enquiry.	Complaint
Discharge to air	Complaint received that land irrigation of waste product/permeate from milk production has caused an offensive odour due to wind direction. The complaint was reported several days after the incident occurred.	Stafford	The company has a resource consent to authorise the activity. The company was advised of the complaint and requested to consider the wind direction prior to discharging.	Complaint
Discharge to water	Complaint received that German Gully Creek and Waimea Creek was discoloured with sediment.	Waimea	The area was visited and found that the lower reach of Waimea Creek was discoloured, however as the upstream had cleared staff were unable to identify the source.	Complaint
Discharge to air	Complaint received after hours regarding offensive odour from a fire.	Greymouth	Enquiries established that there was a large tyre fire at Aratuna Freighters yard which had been deliberately lit. Under investigation by the Police.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Dairy effluent	Complaint received that a standoff pad used in winter had effluent runoff discharging into a creek when it was in use.	Seddonville	The complaint was recently received and not yet investigated.	Complaint

Formal Enforcement Action

No formal enforcement action was undertaken during the reporting period.

Mining Work Programmes and Bonds

The Council received 3 work programmes during the reporting period, all programmes have been approved.

Date	Mining Authorisation	Holder	Location	Approved
05/11/2021	RC-2019-0063	Barview Farms Ltd	Goldsborough	Yes
17/11/2021	RC-2017-0067	Whyte Gold Ltd	Dunganville	Yes
18/11/2021	RC12212	Rothera, Marshall and Craw	Camerons	Yes

The following bonds were received

Date	Mining Authorisation	Holder	Location	Amount
03/11/2021	RC-2021-0011	Birchfields Ross Mining Ltd	Ross	\$25,000
08/11/2021	RC-2021-0037	Birchfields Ross Mining Ltd	Ross	\$100,000

There are no bonds recommended for release

THE WEST COAST REGIONAL COUNCIL

To: Chairperson
West Coast Regional Council

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

Agenda Item No. 8.

- 8.1 Confirmation of Risk & Assurance Committee Minutes 1 November 2021
- 8.2 Confirmation of Confidential Minutes 9 November 2021
- 8.3 Response to Presentation (if any)
- 8.4 In Committee Items to be Released to Media
- 8.5 Funding Opportunities

Item No.	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 7 of LGOIMA for the passing of this resolution.
8.			
8.1	Confirmation of Risk & Assurance Committee Minutes 1 November 2021		Clause & subclause 2 (a)
8.2	Confirmation of Confidential Minutes 9 November 2021		Clause 7 subclause 2 (a)
8.3	Response to Presentation (if any)		Clause 7 subclause 2 (a)
8.4	In Committee Items to be Released Media		Clause 7 subclause 2 (a)
8.5	Funding Opportunities		Clause 7 subclause 2 (h)

I also move that:

- Heather Mabin
- Randal Beal
- Nicola Costley

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

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