

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 September 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

On Completion of Resource Management Meeting

COUNCIL MEETING

Council 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)*
 - Patrick Volk - Punakaiki Issues
5. Confirmation of Minutes *(Whakau korero)*
 - Council Meeting 10 August 2021
6. Chairman's Report
7. Chief Executive's Report
 - Monthly Update
 - Minutes of Risk & Assurance Meeting 30 August 2021
 - Delegations Manual
 - Levels of Service Performance - to be circulated
8. **Reports**
 - Franz Josef Emergency Works
 - Hokitika Emergency Works - to be circulated
 - Operations Report
 - Draft Agreement – Westport Rating District Joint Committee
 - National Land Transport Programme Funding decisions

9. General Business

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.

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL HELD ON 10 AUGUST 2021, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.35 A.M

PRESENT:

A. Birchfield (Chairman), S. Challenger, 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), N. Costley (Strategy & Communications Manager), R. Beal (Operations Director), C. Brown (WCCDEM), J. Armstrong (Te Tai o Poutini Project Manager) via Zoom, H. Mills (Planning Science & Innovation Manager), N. Selman (Financial Consultant), T. Jellyman (Minutes Clerk), The Media.

Cr Birchfield read the prayer

1. WELCOME

2. APOLOGIES

Moved (Ewen / Challenger) *That the apology from F. Tumahai be accepted.*

Carried

3. DECLARATION OF INTEREST

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

4. PUBLIC FORUM – Mr Alex Woods

Mr Alex Woods addressed the meeting. He spoke of his concerns about construction waste being mixed with clean fill and dumped. Mr Woods stated that at the moment there is no limit to the size of concrete, rubble and protruding steel and this can lead to ground slumping. Mr Woods stated that he would like to see this practice improved as currently this type of waste can be burnt, you only need a fire permit and no asbestos survey is required. This can be buried on site and covered over. Mr Woods stated that there are no restrictions on the height build up, and effect on the neighbours boundary and visual impairments in populated areas as yet. Mr Woods stated that community feedback is that the legislation has no teeth to it. Mr Woods would like to see better solutions developed. He would like to know which council is responsible for this. Mr Woods stated that he has spoken to contractors and they would like involvement in getting this right as there is variance in specific contracts.

Mr Woods is concerned about lack of help to clean up these sites and the amount of illegal dumping that is occurring at the moment.

Cr Challenger stated that potential dump sites for demolition waste has been discussed at recent Council meetings, with the Mayors Chairs and iwi also informed and working towards a solution. Cr Challenger stated that this issue is important to communities and it is important that a solution is worked through.

Mr Woods spoke of the importance of ensuring that due diligence is done when people are buying a building. He also drew attention of the heavy costs of dumping waste at landfill sites.

PUBLIC FORUM – Mr Paul Finlay

Mr Findlay displayed a PowerPoint presentation to the meeting. He spoke of the engineering effects of climate change on the West Coast. He gave worldwide examples of climate change. Mr Finlay explained the phenomenon bombogenesis, climate change per say, cloud density, expansion of water, and coastal engineering. He outlined duality of disasters, where there is a natural disaster such as an earthquake, and climate change. Mr Finlay spoke of weather patterns, hydrology, snow falls and ocean forcing, atmospheric pressure, forcing on the ocean and inducing storm surge. Mr Findlay spoke of the historic loss of farm land in South Westland. He explained what could be done to mitigate flooding in areas such as Westport. Mr Finlay thanked Council for the opportunity to speak and offered to answer questions.

The Chairman thanked Mr Finlay for his presentation.

5.0 CONFIRMATION OF MINUTES

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

Moved (Cummings / Challenger) *that the minutes of the Council meeting dated 13 July 2021, be confirmed as correct.*

Carried

Matters arising

There were no matters arising.

REPORTS:

6.0 CHAIRMANS REPORT

The Chairman took his report as read and offered to answer questions. He drew attention to the letter attached to his report from Mayor Smith. Mayor Smith is expressing concern that the Hokitika River could do what the Buller River did during the recent flood event.

Cr Cummings asked if the river protection work could be started before the Hokitika Seawall project. R. Beal advised that work from the Hokitika Bridge to the dairy factory will be re-prioritised and this should be underway this week.

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

Carried

7.0 ACTING CHIEF EXECUTIVE'S REPORT

H. Mabin spoke to her report and took it as read. She offered to answer questions.

Moved (Birchfield / Ewen) *That this report is received.*

Carried

8.0 TWELVE MONTH REVIEW

H. Mabin spoke to this report and took it as read. She advised that the intention is for this report to come to the Risk and Assurance Committee on a quarterly basis.

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

Carried

8.1 TERMS OF REFERENCE REPORT

H. Mabin spoke to this report and took it as read. Cr Challenger stated that the size of the committee has been increased, but he would also like the quorum to be increased to four members as well. H. Mabin agreed to make this adjustment.

Moved (Challenger / Coll McLaughlin)

It is recommended that the Council resolve to:

- *Adopt the revised Resource Management Committee - Terms of Reference.*
- *Adopt the revised Risk & Assurance Committee – Terms of Reference.*

Carried

8.2 JULY FLOOD EVENT RESPONSE

C. Brown spoke to this report and took it as read. She offered to answer questions. Cr Coll McLaughlin asked if the claiming of costs is in line with what would be expected. C. Brown advised that she has met with NEMA but is yet to have an update with Council staff regarding costs. H. Mabin spoke of a meeting she had attended and advised that N. Selman would be finalizing an estimate of lost rates income in this area. N. Selman advised that there are set processes for the recovery of response and welfare costs. He stated that NEMA have acknowledged that the Westport flood event is a significant event and there may be opportunities for cost recovery and he is currently working through this with NEMA.

Discussion took place on the flood warning system. H. Mills advised that the system is going to be collecting data for the next four years before it can predict in advance.

Moved (Hill / Cummings) *That the report is noted.*

Carried

8.3 THE POSITION OF WEST COAST REGIONAL COUNCIL IN THE CLIMATE CHANGE DEBATE

H. Mills advised that a report was received from Cr Hill, and it was agreed that clear direction for Council is required on this matter. Cr Hill advised that this is a layperson's paper. He spoke of the perception that WCRC did not acknowledge man's contribution to climate change and he therefore thought it was a good idea to bring this to the council table and vote on it. Cr Hill spoke to his report.

The Chairman stated that carbon dioxide does not affect the climate, he stated that carbon follows warming not the other way around. The Chairman stated Council needs to consider the effect on the ratepayer and what the cost to the ratepayer is likely to be in passing this resolution. The Chairman stated that he would like to see a report on this.

Cr Hill stated that that main thrust from climate change scientists, is that climate change is caused by carbon emissions. Cr Hill spoke of the perception that this council is climate change deniers. He stated that he is not saying the Council should adopt climate change policy if it is going to be to the detriment of ratepayers. The Chairman suggested that a report from H. Mills is brought back to the next meeting on the economic effect on the West Coast of accepting this policy. Cr Hill spoke of the demand on electricity across the country last night

during a cold snap, he feels that this is at a time when two hydro schemes for the West Coast have been held back by Government.

Cr Challenger stated that he agrees with Cr Hill. Cr Challenger stated that his understanding is that the Westland District Councilors voted in favour of the policy but the Mayor declined to sign the paper. Cr Challenger would like to see a follow on report on how WCRC can actually support climate change mitigation initiatives.

Cr Cummings stated that as a region he would like to know how much carbon is produced. Cr Hill stated that the West Coast is probably not carbon neutral as we are a high diesel consuming region. Further discussion took place.

Cr Coll McLaughlin commented that she may be less conservative than Cr Hill regarding this matter and her preference was for the "only" to be removed from the third recommendation. She stated that Cr Hill has put some good safeguards in place in his report and she wants to make progress on this matter and so will vote in favour of the motion as it stands. Cr Magner agreed with Cr Coll McLaughlin regarding adequate safeguards.

Cr Ewen stated that he sees no harm in acknowledging climate change, and feels the West Coast is going to need financial assistance from the government for events such as the recent Westport flood event. Extensive discussion took place and it was agreed that this would be put to the vote.

Moved (Coll McLaughlin / Challenger)

It is recommended that the Council resolve to:

- *Receive the report.*
- *Acknowledge human contributions to climate change.*
- *Support Climate Change mitigation initiatives only if such initiatives enhance economic, cultural, and social wellbeing of West Coast communities.*

*Crs Cummings and Birchfield against
Carried*

8.4 OPERATIONS REPORT

R. Beal spoke to this report. He thanked Council engineering staff for their efforts during recent flood events, on the West Coast and in Canterbury. R. Beal also acknowledge the work of local contractors during this flood event as it was the first time the Cobden Cut has been operational.

R. Beal answered questions from Councillors regarding the opening and closing of floodgates and advised that staff are investigating the possibility of automating the Range Creek floodgates.

Moved (Magner / Cummings) *that the report is received.*

Carried

8.5 OWNERSHIP OF THE GREYMOUTH FLOODWALL

R. Beal spoke to this report. He confirmed that WCRC has full responsibility for the maintenance of the Greymouth Floodwall. Cr Coll McLaughlin asked if the wording should be amended in the resolution in case of any legal implications. Cr Ewen stated this was a recommendation from the Greymouth Floodwall Joint Committee. R. Beal confirmed that Grey District Council is happy with this arrangement. R. Beal confirmed that Council has full responsibility for the rating for the maintenance, and insurance of the floodwall.

Moved (Coll McLaughlin / Challenger)

It is recommended that the Council resolve to:

- *Approve staff to formally accept ownership of the Greymouth Floodwall and updating the Joint Floodwall Committee agreement accordingly, subject to a legal review.*

Carried

8.6 GREYMOUTH FLOODWALL SEEPAGE REPORT

R. Beal spoke to this report. R. Beal advised that flood modelling will be updated and the impact of Cobden Island will be looked into to ascertain the risk and pressure from this structure. Cr Challenger spoke of other floodwalls such as the Hokitika Seawall, the Waiho River and the Havill seawall. He feels that floodwalls that are protecting towns should also be investigated. R. Beal responded that Council can expect to receive more recommendations from staff for further investigations on other assets.

R. Beal answered questions and advised that solutions will be contained in the report that staff are about to prepare.

Moved (Challenger / Cummings)

It is recommended that the Council resolve to:

- *It is recommended that Council resolves to note the report and the work being undertaken by staff.*
- *Staff prepare a report for the Greymouth Floodwall Committee with recommendations and costings.*

Carried

8.7 DRAFT ASSET MANAGEMENT PLANS AND SUMMARY OF LTP RATING DISTRICT CONSULTATION TOPICS

R. Beal spoke to this report and stated that this is a summary on the proposed changes on what will be consulted on via the LTP. Cr Coll McLaughlin asked if constituency Councillors would be required to attend. R. Beal responded that Councillor attendance would be appreciated especially at the Hari Hari and Westport drop in sessions.

Moved (Magner / Ewen)

It is recommended that the Council resolve to:

- *Note the proposed changes to the Asset Management Plans (AMP).*

Carried

GENERAL BUSINESS

There was no general business.

Discussion took place on moving the confidential section of the Council meeting to the end of the resource management committee meeting on a permanent basis. This was agreed to by all present.

Moved (Magner / Challenger)

That the Confidential section of the Council meeting is moved to the end of the Resource Management Committee meeting permanently.

Carried

The meeting closed at 11.40 a.m.

.....
Chairman

.....
Date

Report to: Council/Committee	Meeting Date: 14 September 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 8 September 2021.

As Chair, I attended the following meetings:

- Joint Committee meeting for West Coast Civil Defence on 11 August.
- Mayor Chairs and Iwi Forum on 11 August.
- Various rating district meetings the week of 16-20 August.
- Risk & Assurance meeting on 30 August
- Te Tai o Poutini Plan committee meeting on 2 September.

Recommendation

It is recommended that Council resolve to:

Receive this report.

Attachment

Attachment 1: Emailed letter to Mayor Jamie Cleine, BDC, on 27 August 2021.

27 August 2021

Mayor Cleine
Buller District Council

Via Email: jamie.cleine@bdc.govt.nz

Dear Mayor Cleine,

Westland Mineral Sands Consent Application

Thank you for your letter dated 29 July 2021 outlining the concerns you have received regarding this application. I apologise for the late reply and we will review our email processes for the future.

I have been advised by Council staff that a decision on notification has not yet been made as the application is on hold awaiting further information from the Applicant.

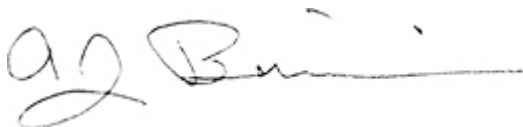
Regional Council staff are processing the application in conjunction with Buller District Council staff and have been liaising closely. The Regional Council is aware of the concerns that you have expressed in your letter as raised by concerned members of the public.

Please note that most concerns from the public are around noise and truck movements, which is an issue to be considered by the District Council.

The decision on notification will be a joint decision made between the Regional Council Consents and Compliance Manager and the Buller District Council Consents Manager as there will be several affected parties that both councils have identified by this Application.

Once again, my apologies for the delay in replying to your letter, I hope my response provides some assurance that the correct consent process is being adhered to.

Kind regards,



Allan Birchfield
Chairman
West Coast Regional Council

Report to: Council	Meeting Date: 14 September 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 August 2021.

Draft Recommendations

It is recommended that Council resolve to:

- Receive this report; and*
- Note the message from the LGNZ President;*
- Note the Heads of Agreement between DIA and LGNZ.*

Activities Undertaken

Activities undertaken during August 2021 by Heather Mabin were:

- August 2
 - Signed variation to *Contract For Services* with Toni Morrison.
- August 3
 - Attended the Regional and Unitary Chief Executive's meeting in Wellington.
- August 4
 - In conjunction with Philip Jones, hosted the Risk & Assurance workshop for Councillors and Executive Leadership Team.
- August 5
 - Attended the Buller Flood Analysis presented by Richard Measures, NIWA, and Matt Gardiner, Land River Sea, meeting via Zoom.
- August 10
 - Signed the *Sustainable Wild Whitebait Fisheries Project Funding Agreement* from the Department of Conservation.
- August 11
 - Attended CDEM Joint Committee meeting at GDC
 - Attended Mayors, Chairs & Iwi meeting at GDC.
 - Signed contract with Wynn Williams, Christchurch for the provision of legal services for the Te tai o Poutini Plan Committee.
 - Signed contract with NIWA, Auckland, for the provision of Coastal Hazard mapping for the Te Tai o Poutini Plan Committee.
- August 12
 - Attended the BDC Briefing regarding NIWA and Matt Gardiner's, Consultant, modelling of the Buller River during the July 2021 weather event.
- August 13

- Signed the *West Council's Letter of Collaboration and Support: A Coordinated Regional Recovery Network for Construction & Demolition Waste* letter to Te Putea Whakamauru Para, Waste Minimisation Fund, Decision Panel.
- August 16
 - Attended various rating district meetings via Zoom including Greymouth Joint floodwall Committee, Whataroa, Okuru and Neil's Beach rating districts.
- August 17
 - Attended via Zoom the Waitangitaona, Hokitika Southside, Hokitika Joint Seawall Committee Rating district meetings held.
- August 18
 - Attended the via Zoom Kongahu, Karamea, Mokihinui and Franz Josef rating district meetings.
 - Attended the via the West Coast Regional Leadership Group Covid Hui.
- August 19
 - Issued Essential Worker letters to IT team for Alert level 4.
- August 20
 - Attended via Zoom the Kowhitirangi, Taramakau, Inchbonnie and Punakaiki rating district meetings.
 - Attended via Zoom the West Coast Regional Leadership Group Covid Hui.
- August 22
 - Issued Essential Worker letters to Hydrology team for Alert level 4.
- August 23
 - Attended via Zoom the West Coast Regional Leadership Group Covid Hui.
 - Signed *Terms of Settlement 2020* for discussion with Union members.
- August 26
 - Attended via TEAMS the Regional Software Holdings Ltd Board meeting held.
- August 28
 - At the request of OSPRI, issued Essential Worker letters to Westpest sub-contractors for Alert level 4.
- August 30
 - Issued Essential Worker letters to VCS staff for Alert level 3.

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.

Attachment

Attachment 1: 1 September email received from LGNZ National President, Stuart Crosby

Attachment 2: Heads of Agreement between DIA and LGNZ for *Partnering to Support Three Waters Service Delivery Reform*

National Council Update

President Local Government NZ – Stuart Crosby

Kia ora koutou

Thank for your continued leadership during this Covid outbreak.

Last Friday, National Council met and I wanted to update you on the outcomes of those discussions. There was support expressed for the partnership approach we are taking with central government – which is new for the sector – as a platform for creating and influencing the future for local government and other reform. There is a genuine and active intention to bring your voice to the current and future reform agenda in a proactive way. At the meeting, I and National Council members also reflected on what we're hearing from the sector, including acknowledgement around the number and pace of reforms affecting local government. The reality is these are creating significant pressure on councils, at both governance and management levels.

Councils are also being put in the unwelcome position of explaining central government policy to their communities, sometimes in the absence of public-facing detail from the Government, especially in three waters. We have pushed back on this. There is a sense that local democracy is being undermined – and that everything's coming at us at once. This has been exacerbated by a poorly pitched public information campaign, which LGNZ has had tough conversations about with both DIA and the Minister. Equally we know that the Minister laid out the intention for change in three waters in 2018, at the LGNZ conference in Christchurch, and that is when we laid the ground for a partnership approach. Today I have asked the Prime Minister to cease the current public campaign or reset it with a no blame and clear information package on their proposal.

I am hearing two messages from the sector in relation to the pressure on the sector right now around the three waters reform. Some are asking for reform to be made mandatory as soon as possible; some are asking for more time and a pause. Ideally, the Future for Local Government review should have come first, and the other policy reforms followed. It is clear there is risk in making decisions on three waters and resource management ahead of the outcomes of this review in that they could further remove local decision making. It can be challenging to see the future for local government due to the sequencing of the reforms.

We were reminded that we, as a sector, have pushed for various reforms for our sustainability – that the Future for Local Government review only came about because we asked for it. Change coming at us all at once does feel pressured, as councils grapple with everyday work and Covid on top of that. But National Council's role is to focus on the long term and consider the best interests of the sector overall – not just in three waters and resource management but also, more significantly, in the future for local government reform. It's critical we use our collective knowledge to work in partnership with the Government to influence the best outcomes for New Zealand and demonstrate that we as community leaders can work constructively to address the hard issues.

We are actively on the front foot and no more so that on the three waters reform agenda. We also noted we are getting a consistent message – whether you are in the “make it mandatory and create certainty as soon as possible” camp or the “press pause” camp – there needs to be more time to work through the key outstanding issues beyond the current 8 weeks. This is a genuine request

to get it right. There is a lot at stake for all New Zealanders. This request for more time on the key issues has been shared with the Minister of Local Government and Prime Minister. Both wish to engage with their colleagues on the issues we have raised concerning content, alignment and timelines of the reforms, and engage further with LGNZ and the sector on these matters. This is an offer we will take up.

National Council agreed we need to continue to ensure our influence over the shape of the reforms, especially the Future for Local Government, which needs to take a more dominant position in the reforms. While we acknowledge parts of the Heads of Agreement between LGNZ and the Government have not sat well with some of our sector, it is a very strong and positive vehicle to engage with the Government on issues that concern us. We have not had this direct relationship in a formal sense before. As an example, in the three waters space, we are currently working on what might be possible to better reflect the sector's concerns in the governance model, and stronger connectivity and alignment to the council owners and communities.

This is also critical in the pending resource management reform. We have been clear that the Government's exposure draft has missed the important role that communities play in directing placemaking – and we have the opportunity to drive this from the start as advocated for by our communities. Overall, we will seek stronger alignment of the proposed reforms to achieve national outcomes – as well as an integrated central government, local government, and Iwi/Māori/mana whenua strategy to build capability and capacity in all sectors.

Today we possess a real opportunity to set the local government path during this phase of reforms and the next 30-plus years with a Minister and a Government who wants to engage with us. This means being at the table for all the reforms, with perhaps the biggest gain being co-designing the future for local government. If we remain credible, we have an opportunity to exert influence by promoting solutions that work for local government and our communities – and we all know the status quo isn't viable longer term.

National Council is thinking about the future – about 10 years and 30-plus years from now, as well as in this moment in time. We're thinking about what's best for New Zealand and the communities we represent and about fully grasping the hard-won opportunities in front of us. National Council do hear the different views coming from our sector on the various reforms and you can be assured we share them at every level of government right through to the Prime Minister. We must stay united – and use our unique platform – or the genuine opportunity to influence the reforms for the best interest of our communities will be diminished.

Ngā mihi
Stuart

HEADS OF AGREEMENT

BETWEEN

THE SOVEREIGN IN RIGHT OF NEW ZEALAND

AND

**NEW ZEALAND LOCAL GOVERNMENT ASSOCIATION
INCORPORATED TE KAHUI KAUNIHERA Ō
AOTEAROA**

FOR

**PARTNERING COMMITMENT TO SUPPORT
THREE WATERS SERVICE DELIVERY REFORM**

Parties

Name The Sovereign in right of New Zealand
Short name **Crown**

Name New Zealand Local Government Association Incorporated Te Kahui Kaunihera
ō Aotearoa
Short name **LGNZ**

Background

- A The New Zealand Government (**Government**) is undertaking a programme to reform the delivery of three waters in New Zealand (**Three Waters Reform Programme**).
- B LGNZ is an incorporated society that represents the national interests of local government in New Zealand and leads best practice in the local government sector.
- C Since May 2020, the Crown and LGNZ have worked collaboratively to consider the interests of central and local government in relation to the Three Waters Reform Programme.
- D The Crown and LGNZ wish to continue their interests-based partnering relationship:
- (i) to enable LGNZ's ongoing role in assisting with the interface between the Crown and the local government sector in connection with the Three Waters Reform Programme (including supporting the Three Waters Reform Programme objectives and supporting the sector through its implementation and transition); and
 - (ii) to strengthen the important relationship central government has with local government to continue to work together in relation to the Three Waters Reform Programme, acknowledging local government's critical role in placemaking and achieving positive wellbeing outcomes for communities and the shared objective of a thriving, resilient and sustainable local government system that is fit for purpose and has the flexibility and incentives to adapt to the future needs of local communities.
- E The Crown and LGNZ now wish to set out the agreed process for, and the terms of, the continuation of their interests-based partnering relationship.
- F The Crown (through the Department of Internal Affairs (**DIA**)) and LGNZ have previously entered into a non-disclosure agreement (**NDA**) under which DIA and LGNZ provided certain undertakings to each other in respect of confidentiality, conflict management and use of information (amongst other key terms), which continues to apply.

Agreed Terms

1. Definitions

- 1.1 Defined terms and expressions used in this Heads of Agreement shall, unless inconsistent with the context, have the meaning set out in Schedule 1.

2. Mutual commitment to continuing the partnering approach for three waters reform

- 2.1 In May 2020, the Government (through DIA) and LGNZ committed to working together to explore options for national three waters services delivery reform in recognition of the significant challenges – presently but more so in the future – facing the delivery of water services and infrastructure and the communities that fund and rely on them.

- 2.2 The Crown and LGNZ each wish to continue:

- (a) an interests-based partnering relationship, including through the Joint Steering Committee, to support:
 - (i) the identification and resolution of matters of concern to the local government sector in a manner that is consistent with the shared objectives referred to in this Heads of Agreement; and
 - (ii) a smooth transition and successful implementation of the Three Waters Reform Programme, as further described in this Heads of Agreement; and
- (b) to strengthen the important relationship central government has with local government to continue to work together in the Three Waters Reform Programme, acknowledging the critical role local authorities play in local long-term planning, local placemaking and achieving positive wellbeing outcomes for their communities and the shared objective of a thriving, resilient and sustainable local government system that is fit for purpose and has the flexibility and incentives to adapt to the future needs of local communities.

- 2.3 The Crown acknowledges that:

- (a) although LGNZ has a mandate to consider the national interests of local government in New Zealand, the mandate of individual local authorities (as set out in the Local Government Act 2002) relates to the interests of their own local community; and
- (b) LGNZ's agreement to support and lead the sector in the manner described in this Heads of Agreement does not bind its members and individual local authorities may determine to adopt a position different to LGNZ's.

2.4 Ensuring recognition of rights and interests of iwi/Māori in three waters service delivery

The Crown and LGNZ recognise Te Tiriti o Waitangi/Treaty of Waitangi and the protection and promotion of iwi/Māori rights and interests in the delivery of three waters services, including through existing Treaty settlement mechanisms. Water can be a taonga of particular significance and importance to Māori and both parties recognise the importance of working in partnership, and acting reasonably and in good faith with the Treaty partner throughout the reform process. Both parties recognise the reform is a significant opportunity to improve outcomes for Māori in the delivery of three water services.

2.5 **Shared objectives for the Three Waters Reform Programme**

The Crown and LGNZ each acknowledge shared objectives which underpin the Three Waters Reform Programme. The principal objectives (including as they have been refined over the engagement process to date) are:

- (a) that there are safeguards (including legislative protection) against privatisation and mechanisms that provide for continued public ownership;
- (b) significantly improving the safety and quality of drinking water services, and the environmental performance of drinking water, wastewater and stormwater systems (which are crucial to good public health and wellbeing, and achieving good environmental outcomes);
- (c) ensuring all New Zealanders have equitable access to affordable three waters services and that the Water Services Entities will listen, and take account of, local community and consumer voices;
- (d) improving the coordination of resources and planning, and unlocking strategic opportunities to consider New Zealand's infrastructure and environmental needs at a larger scale;
- (e) ensuring the overall integration and coherence of the wider regulatory and institutional settings (including the economic regulation of water services and resource management and planning reforms) in which the local government sector and their communities must operate;
- (f) increasing the resilience of three waters service provision to both short-and long-term risks and events, particularly climate change and natural hazards;
- (g) moving the supply of three waters services to a more financially sustainable footing, and addressing the affordability and capability challenges faced by small suppliers and local authorities;
- (h) improving transparency about, and accountability for, the planning, delivery and costs of three waters services, including the ability to benchmark the performance of the new Water Services Entities; and
- (i) undertaking the reform in a manner that enables local government to continue delivering (in a sustainable manner) on its placemaking role and broader "wellbeing mandates" as set out in the Local Government Act 2002.

2.6 **Other shared objectives for three waters reform and beyond**

The Crown and LGNZ further acknowledge the following shared objectives of their interests-based partnering relationship in relation to the Three Waters Reform Programme:

- (a) supporting achievement of the shared three waters reform objectives described above;
- (b) ensuring that the Water Services Entities are set up for future success, including preserving their ability to borrow to accelerate investment and meet future investment demands;
- (c) maintaining good faith participation by central and local government in relation to other large reform programmes, including resource management reforms;
- (d) work in partnership to support the 'workforce transfer guidelines' so as to ensure that workers in local communities are treated fairly as part of the three waters reform process and with the least amount of disruption for staff and local authorities (including so that local

authorities can maintain their ongoing operations, including as they relate to three waters service delivery and investment for the duration of the transition period);

- (e) building on the success of the COVID-19 response and Joint Three Waters Steering Committee processes to demonstrate a new way of working that provides a platform for ongoing, constructive relationships between central and local government; and
- (f) supporting three waters service provision by the new Water Services Entities to be an enabler of a resilient, responsive and sustainable local government system, including as the roles and functions of local authorities may change and develop over time.

2.7 Acknowledgement

The Crown and LGNZ each further acknowledge that the Three Waters Reform Programme is a tested and robust package of reforms that will:

- (a) affordably and sustainably address the water services delivery objectives over the next 30 years; and
- (b) require all-in participation of local authorities to do so.

2.8 Partnering principles – Three Waters Reform

The Crown and LGNZ each wish to conduct their working relationship with the other party in relation to, and throughout the period of, the Three Waters Reform Programme in good faith and in accordance with the following objectives and principles:

- (a) *shared intention*: the shared intention of supporting the Three Waters Reform Programme, including ensuring a smooth transition and successful implementation of the Three Waters Reform Programme;
- (b) *mutual trust and respect*: build and foster working relationships and communication practices that are based on, and value, mutual respect and high trust, including so as to address any issues and concerns that might arise, early and constructively, to ensure that process expectations are clear and aligned and to act and respond in ways that reflect a fair assessment of the importance or materiality of the matters requiring an action or a response;
- (c) *constructive*: non-adversarial dealings between the parties, and constructive mutual steps to avoid differences and disputes and to identify solutions that advance the shared interests and objectives of both central and local government with respect to the communities they serve;
- (d) *open and fair*: open, prompt and fair notification and resolution of any differences or disputes which may arise and the identification of potential risks and/or issues (including potential causes of delay) that could adversely impact the timely completion of the activities within the timeframes specified in any agreed programme of activities; and
- (e) *no surprises*: adopt a 'no surprises' approach in respect of their respective communications to stakeholders and their public statements and to ensure they are consistent with the spirit and intent of this Heads of Agreement.

3. Support Commitments

3.1 The Crown and LGNZ each acknowledge that:

- (a) LGNZ will endorse and support such package and the need for all-in participation of local authorities to realise the full system benefits, to help build support for the reform across the sector, in the manner contemplated below; and
- (b) the key features of a Three Waters Reform financial support package are set out in clauses 5.1 to 5.3 below.

3.2 The Crown and LGNZ each agree:

- (a) to continue to carry out the discussions in relation to the Three Waters Reform Programme in good faith with a view to ensuring the reforms are achieved in a manner consistent with the shared objectives set out in clauses 2.4 to 2.6 above and Cabinet decisions in relation to the Three Waters Reform Programme;
- (b) that local authorities will be provided a reasonable period (expected to be around 8 weeks and commencing immediately after the annual LGNZ 2021 conference) to consider the impact of the reforms (including the financial support package) on them and their communities and an opportunity to provide feedback;
- (c) to discuss in good faith (including through the Joint Steering Committee) how the proposed model and design can best accommodate, in a manner consistent with the shared objectives, the following matters:
 - (i) how local authorities can continue to influence how the new water service delivery system as a result of Three Waters Reform will respond to issues of importance to their communities, and provide for localised solutions such as the aspiration for chlorine-free water;
 - (ii) ensuring appropriate integration between the needs, planning and priorities of local authorities (representing their local communities) and the planning and priorities of the Water Service Entities; and
 - (iii) how to strengthen the accountability of the WSEs to the communities that they serve, for example through a water ombudsman; and
- (d) to use all reasonable endeavours (in the case of LGNZ consistent with the resourcing, funding and activities reflected in the funding agreements referred to in clause 6) to achieve support for the Three Waters Reform Programme from the local government sector, including (in the case of LGNZ) as contemplated in clauses 4.2 and 4.3 below.

3.3 DIA and LGNZ have agreed a joint position statement (set out at Schedule 4 of this Heads of Agreement) with respect to the Three Waters Reform Programme. DIA and LGNZ will each ensure that statements made by them respectively in relation to the Three Waters Reform Programme, including statements or information made or provided to the local government sector in relation to the Three Waters Reform Programme (including through LGNZ) including at the annual LGNZ 2021 conference, shall be consistent with the joint position statement.

4. LGNZ support of Three Waters Reform

LGNZ considers:

- (a) the Three Waters Reform Programme is in the national interest of local government and the communities that it represents;

- (b) the partnering approach between the Crown (including DIA and Treasury) and LGNZ in relation to the Three Waters Reform Programme enhances and ensures a long-term commitment to partnership between central and local government in New Zealand; and
 - (c) the Three Waters Reform financial support package (as contemplated in this Heads of Agreement) is fair and reasonable at a national level.
- 4.2 Accordingly, LGNZ commits to supporting, endorsing and promoting the Three Waters Reform Programme.
- 4.3 LGNZ commits to:
- (a) supporting the case for change by:
 - (i) publicly supporting the position that there is a sufficient and evidence-based national case for change, including that the current approach to three waters service delivery is not capable of delivering the outcomes required in an affordable and sustainable way into the future;
 - (ii) noting the analysis supporting the Crown’s preferred approach to reform has been tested through the design process, and expressing the view that the proposed model design and approach to reform is sound, appropriate and beneficial when viewed as a whole at a national level; and
 - (iii) assisting LGNZ’s members to understand the reform-related information being provided to them by or on behalf of the Crown, how the reform is intended to work and the impact it is likely to have on local authorities and the communities they serve, including throughout the transition period – and in respect of which the Crown (through DIA) commits to supporting LGNZ and the local government sector to actively engage in the transition process and to working through the remaining questions and further policy detail with LGNZ with a view to supporting a smooth transition to, and successful implementation of, the Three Waters Reform Programme;
 - (b) endorsing the Three Waters Reform financial support package announced by the Government (as contemplated in this Heads of Agreement);
 - (c) if, after the end of the period referred to in clause 3.2(b), the Government decides to adopt an “all in” legislated approach to the Three Waters Reform then LGNZ agrees that it will accept such a decision on the basis that:
 - (i) “all in” participation of local authorities is needed to realise the national interest benefits of the reform;
 - (ii) such acceptance does not imply that LGNZ supports such approach;
 - (iii) LGNZ will not actively oppose such approach; and
 - (iv) LGNZ may publicly express its disappointment that the Government has considered it necessary to adopt such approach.
 - (d) leading and supporting the local government sector through change arising from the Three Waters Reform Programme, in the interests of a constructive and orderly transition process.
- 4.4 The Crown (through DIA) and LGNZ will each use all reasonable endeavours to agree a timetable to support the reform (which is consistent with Cabinet decisions in relation to the Three Waters

Reform Programme) including the staged release of information and the process to develop individual local authority agreements.

5. **Financial support package to local authorities**

5.1 The Crown is proposing that a Three Waters Reform financial support package be provided to local authorities, comprising:

- (a) a “no worse off” package which will seek to ensure that financially, no local authority is in a materially worse off position to provide services to its community directly because of the Three Waters Reform Programme and associated transfer of responsibility for the provision of water services (including the transfer of assets and liabilities) to the Water Services Entities; and
- (b) a “better off” package of \$2 billion which supports the goals of the Three Waters Reform Programme by supporting local government to invest in the wellbeing of their communities in a manner that meets the priorities of both the central and local government, and is consistent with the agreed criteria for such investment set out in Schedule 3 of this Heads of Agreement,

and which will be given effect (including in relation to the process for the provision of funding by Water Services Entities) in agreements between each local authority and the Crown (through DIA). The key principles and process for development of such agreements will be a matter that is considered by the Joint Steering Committee.

5.2 LGNZ acknowledges that the quantum of the proposed Three Waters Reform financial support package set out in clause 5.1 is a fair and reasonable package and contribution to the local government sector having regard to the impacts of the Three Waters Reform Programme on the sector and to contribute to the future of local government in supporting the wellbeing of their communities.

5.3 The Crown and LGNZ have been discussing the proposed Three Waters Reform financial support package and record the agreed principles, as at the date of this Heads of Agreement:

- (a) in relation to the “no worse off” package, in Schedule 2 of this Heads of Agreement; and
- (b) in relation to the “better off” package, in Schedule 3 of this Heads of Agreement,

noting that in relation to those areas of the financial support package that remain to be finalised as contemplated in those schedules, the Crown intends to finalise the same with LGNZ consistent with the principles and partnering approach set out in this Heads of Agreement; and noting also that (as provided in the Public Finance Act 2010) no funding will be due or payable from the Crown until funding is appropriated.

5.4 For the avoidance of doubt, there are a range of other impacts for local authorities that may represent an adverse financial impact, which the support package contemplated in clauses 5.1 to 5.3 above does not take account of, and are intended to be addressed (through a process to be agreed between the Crown (through DIA) and LGNZ) by alternative mechanisms:

- (a) transaction costs associated with facilitating the transfer of assets, liabilities and revenue, including staff involvement in working with the establishment entities and transition unit, and legal, accounting and audit costs. There is an allocation within the \$296 million tagged contingency established as part of the 2021 Budget Package for the transition and implementation costs incurred by councils and DIA will work with LGNZ in developing the parameters of this funding pool, before it is agreed with Ministers and shared with the sector. The funding will look to ensure that councils are able to participate in the reform

programme without putting at risk council delivery of water services during the transition – noting that the funding pool will have a finite limit, needs to deliver the transition objectives, demonstrate value for money to Crown and meet the conditions around the tagged contingency; and

- (b) accumulated cash reserves that have been earmarked for future water infrastructure investment. Local authorities will be encouraged to use these reserves (subject to reserve conditions) prior to the “go live” date of 1 July 2024. It is intended that any material reserve balances remaining at that time will be transferred to new Water Services Entities with a commensurate commitment to invest those funds in the communities that paid for them, consistent with the conditions under which they were raised. Councils will be allowed to retain immaterial reserve balances upon transfer. The materiality threshold will be developed in discussion between DIA and LGNZ and agreed with Ministers before reflecting this in guidance for the sector; and
- (c) any payment to be made to a local authority by the relevant Water Services Entity associated with the transfer of water assets, debt and revenue - being the amount of water-related debt established through any applicable due diligence and/or audit when that Water Service Entity takes over the three waters-related infrastructure and service delivery responsibilities (including the transfer of water assets, debt and revenue) from the local authority to implement the Three Waters Reform Programme.

6. Crown support for LGNZ to lead and support the local government sector through change

The Crown is proposing to provide ongoing support to LGNZ, by way of separate funding agreement(s) with LGNZ (and subject to the conditions set out in such agreement(s)):

- (a) in the short term (expected to be through to mid-September 2021) to enable LGNZ to build support within the local government sector for the Three Waters Reform Programme; and
- (b) subsequently through the transition and implementation phases of the Three Waters Reform Programme (expected to be approximately two and half years), to enable LGNZ (including LGNZ engaging Taituarā as appropriate) to support the Crown and the local government sector through the transition and implementation of the Three Waters Reform Programme.

7. Joint Steering Committee

- 7.1 The Crown and LGNZ each acknowledge the benefit to both central and local government of the work carried out by the Joint Steering Committee, particularly in ensuring that the perspectives, interests and expertise of both central and local government, and of communities throughout New Zealand, have been accommodated in the development of the Three Waters Reform Programme to date.
- 7.2 The Crown and LGNZ each consider that there is considerable benefit in the Joint Steering Committee continuing to be convened to support the constructive partnering approach between central and local government, to continue to inform the detail that is yet to be developed as part of the Three Waters Reform Programme and to achieve the best outcomes for all New Zealanders through the Three Waters Reform Programme, including through transition and implementation.
- 7.3 The Crown and LGNZ each acknowledge that, in order to give effect to the Cabinet decisions in relation to the Three Waters Reform Programme in a manner that is consistent with the shared objectives set out in this Heads of Agreement, further policy detail remains to be worked through to ensure a smooth transition and successful implementation of the Three Waters Reform

Programme. The Crown (through DIA) and LGNZ agree to continue to work together, including through the Joint Steering Committee, with a view to agreeing an approach to such issues that reflect the priorities of both central and local government.

- 7.4 The Crown and LGNZ therefore agree that the Joint Steering Committee will continue to be convened (on terms to be agreed) to support the Three Waters Reform Programme including through transition and implementation.

8. Future for Local Government review and other major reform initiatives

The Crown acknowledges the opportunity to strengthen the important relationship central government has with local government through the Review. The Crown acknowledges, as set out in the terms of reference for the Review, local government's critical role in placemaking and achieving positive wellbeing outcomes for communities. The terms of reference also notes that:

- (a) the Review should be guided by the objectives of the Public Service Act 2020, in terms of building a unified, agile and collaborative public service, grounded in a commitment of service to the community;
 - (b) the impact of reform programmes, including those related to the three waters sector and resource management system, are within the scope of the review;
 - (c) consideration of the discharge of the functions of the Review should be characterised by a spirit of partnership including between the Review, local government, and iwi/Maori, while upholding the independence of the Review; and
 - (d) the Review must identify options for a collaborative approach with the local government sector.
- 8.2 The Crown commits to working through its response to the Review in an open and transparent manner, consistent with the partnership principles set out in this Heads of Agreement including convening a joint steering committee comprising representatives of central and local government (or other appropriate mechanism) to consider issues arising with respect to the Review. This will include working closely on solutions to funding and financing challenges the sector may face, recognising the potential for reform to compromise the sustainability of some local authorities' current financial arrangements.
- 8.3 The Crown (through DIA) commits to working with other government agencies, and Ministers as appropriate, to seek to extend the partnership-based approach contemplated in this Heads of Agreement (including the partnering principles in clause 2.8) to other policy reforms that have the potential to significantly impact local government.

9. General

9.1 Other roles and functions

The involvement of the Crown (including DIA and Treasury) and LGNZ will not fetter or otherwise limit or compromise the Crown (including DIA and Treasury) or LGNZ respectively (or any other central or local government entity) in performing any regulatory role or function it may have (including as a territorial authority) including, for the avoidance of doubt, in the giving of free and frank policy advice including to Ministers, Cabinet or the Government.

9.2 Communications protocols

It is acknowledged that each of the Crown and LGNZ may at times have distinct obligations in terms of communications with respective stakeholders. However, as it works through the matters

contemplated by this Heads of Agreement, it is critical for the credibility and the integrity reflected in the partnership principles that the nature and manner of communications is agreed. A communications protocol will be agreed by DIA and LGNZ which will include how updates and messaging is provided to the local government sector and other stakeholders including the media. The communications protocol will reflect the partnership principles and principles of openness and transparency and confidentiality, and will address where there is a potential conflict in relation to the application of such principles.

Before making any media statements or press releases (including social media posts) or other public statement regarding this Heads of Agreement and/or the Crown's involvement (including through DIA and/or Treasury) with the Three Waters Reform Programme, LGNZ will consult with DIA.

9.3 **No authority**

LGZ does not have the right to enter into any commitment, contract or agreement on behalf of the Crown or any associated body, or to make any public statement or comment on behalf of the Crown or the Government.

9.4 **LGZ Acknowledgement of disclosure**

LGZ acknowledges and agrees that nothing in this Heads of Agreement restricts the Crown's ability to:

- (a) discuss, and provide all information in respect of, any matters concerning LGZ, this Heads of Agreement with any Minister of the Crown, any other government agency or any of their respective advisors, including for the avoidance of doubt for the purpose of giving free and frank advice;
- (b) meet its obligations under any constitutional or parliamentary convention (or other obligation at law) of or in relation to the New Zealand Parliament, the New Zealand House of Representatives or any of its Committees, any Minister of the Crown, or the New Zealand Auditor-General, including any obligations under the Cabinet Manual including the "no surprises" principle.

9.5 **Some Information subject to Official Information Act 1982**

LGZ acknowledges that:

- (a) the contents of this Heads of Agreement; and
- (b) information provided to the Crown (including DIA and/or Treasury);

may be official information in terms of the Official Information Act 1982 and, in line with the purpose and principles of the Official Information Act 1982, this Heads of Agreement and such information may be released to the public unless there is good reason under the Official Information Act 1982 to withhold it.

Signing

Executed as an agreement:

SIGNATURES

SIGNED by the **SOVEREIGN IN RIGHT OF NEW ZEALAND** acting by and through Her Minister of Finance and Her Minister of Local Government:

SIGNED for and on behalf of **NEW ZEALAND LOCAL GOVERNMENT ASSOCIATION INCORPORATED TE KAHUI KAUNIHERA Ō AOTEAROA** by the persons named below, being a persons duly authorised to enter into obligations on behalf of LGNZ:

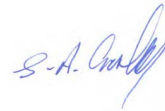
Hon Grant Robertson, Minister of Finance



Name: Stuart Crosby

Position: President, LGNZ National Council

Date: 13 July 2021



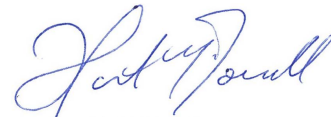
Hon Nanaia Mahuta, Minister of Local Government



Name: Hamish McDouall

Position: Vice-President, LGNZ National Council

Date: 13 July 2021



Schedule 1: Definitions and interpretation

1.1 Definitions:

Defined terms and expressions used in this Heads of Agreement shall, unless inconsistent with the context, have the meaning set out below:

Cabinet means the central decision making body of executive government in New Zealand

Crown means The Sovereign in right of New Zealand.

Joint Steering Committee means the Joint Steering Committee formed in May 2020 by, and comprising representatives from DIA, Treasury, LGNZ and Taituarā to work closely to support a programme of reform for the delivery of three waters.

Review means the Ministerial review into the Future for Local Government.

Taituarā means Local Government Professionals Aotearoa, the national organisation that supports and develops local government professionals in New Zealand (formerly known as the New Zealand Society of Local Government Managers).

Three Waters means drinking water, wastewater and stormwater.

Water Services Entity means the new water services entities to be established by legislation giving effect to the Three Waters Reform Programme.

1.2 Interpretation

In this Heads of Agreement:

- (a) headings are for convenience only and do not affect interpretation of this Heads of Agreement;
- (b) words importing:
 - (i) the singular include the plural and vice versa; and
 - (ii) any gender includes any other gender;
- (c) the term including means “including without limitation”;
- (d) the meaning of “or” will be that of the inclusive, being one, some or all of a number of possibilities.

Schedule 2: “No worse off” package key principles

The Crown and LGNZ acknowledge and agree that the key principles of the “no worse off” package are:

- that the “no worse off” package will seek to ensure that financially, no local authority is worse off as a direct result of the Three Waters Reform and associated transfer of responsibility for the provision of water services (including the transfer of assets, revenues and effective transfer of liabilities) to Water Services Entities (“**Water Transfer**”);
- it is intended that the “no worse off” package will be funded by the relevant Water Services Entity. This approach recognises that the impacts being addressed by this aspect of the support package are closely linked to the Water Transfer. It is also acknowledged that the proposed support arrangements between the Crown and the Water Services Entities, such as a liquidity support, is expected to reduce the borrowing costs and thereby increase the borrowing capacity of the Water Services Entities, supporting funding through this mechanism;
- that the “no worse off” package will acknowledge the costs and financial impacts on local authorities directly as a result of the Three Waters Reform in relation to:
 - o stranded costs, being organisational overheads previously allocated by the local authority to three waters services that are not able to be transferred or avoided in the short-term as part of the Three Waters Reform, and therefore remain with the local authority for a period and be required to be reallocated by the local authority to their remaining activities; and
 - o financial sustainability support, for the (expected small number of) local authorities in respect of which the Water Transfer will adversely and directly affect their financial ability to sustainably perform their non-water related roles and functions at the existing level of performance (noting that for most councils the impact of such transfers is expected to have a positive effect on their borrowing capacity). It is intended that this will be addressed through a one-off payment.
- it is intended that the “no worse off” package will recognise the above costs and financial impacts through:
 - o for stranded costs, up to \$250 million to be allocated to support councils to manage these costs. This represents a nationwide estimate of two years of unavoidable stranded costs for councils with two years considered to be a reasonable period for these costs to be managed. We are proposing a fixed amount as the actual stranded costs faced by any council is dependent on decisions made by the council and cannot be robustly and transparently assessed. The allocation will be spread based on:
 - \$150 million allocated to councils (excluding Auckland, Christchurch and councils involved in Wellington Water) based on a per capita rate that is adjusted recognising that smaller councils face disproportionately greater potential stranded costs than larger councils;¹
 - Up to \$50 million allocated for the councils excluded above based on a detailed assessment of 2 years of reasonable and unavoidable stranded costs directly resulting from the Water Transfer; and

¹ The adjustment is based on adjusting the proportional allocation implied by the squared inverse natural logarithm of population. This means smaller councils receive a greater proportional allocation than larger councils

- Up to \$50 million able to be allocated to councils that have demonstrable, unavoidable and materially greater stranded costs than provided for above (the process for determining this will be agreed and is subject to the agreement of LGNZ and the Crown (through DIA and Treasury));
 - o for financial sustainability, the Crown (through DIA) will work with LGNZ and Taituarā to develop agreed principles for how the assessment of financial sustainability support (described above) will be undertaken, the methodology for quantifying this support requirement, and the process for undertaking the associated due diligence process with councils. The methodology will need to protect the interests of Water Services Entities to ensure only necessary payments are made (up to a maximum of \$250 million), that it does not create poor incentives and ensures a robust and equitable process for New Zealand. Priority will be given to undertaking due diligence with those local authorities that are more likely to suffer adverse borrowing impacts. We note that the due diligence process to confirm three waters debt and revenue for each council will be required to be transparent and robust to ensure equitable treatment of local authorities;
- that the payment of funds under the ‘no worse off’ package to a local authority will be made at the point of the Water Transfer. This is the point at which most of the financial impacts for councils will crystallise.
- that the payment of funds under the “no worse off” package to a local authority will be subject to appropriate conditions to satisfy accountability and other requirements of the Crown. These conditions will include a positive obligation on councils to manage the transfer and reorganisation in a way that minimises the ‘no worse off’ funding required. This would avoid councils seeking greater ‘no worse off’ funding than anticipated on the basis of avoidable costs, and therefore reduces incentives for behaviour that might drive up ‘no worse off’ costs.
- it is acknowledged that certain aspects of the “no worse off” package need to be enabled through legislation including the establishment of the Water Services Entities.

Schedule 3: “Better off” package key principles

The Crown and LGNZ acknowledge and agree that the key principles of the “better off” package are:

- that the better off package is:
 - in recognition of the significance to the local government sector (and the communities they serve) of the transfer of responsibility for water service delivery; and
 - intended to demonstrate central government confidence in the future for local government by providing the sector additional funds to invest in local community wellbeing outcomes, in a way that aligns with the priorities of central government.
- that the better off package will comprise \$2 billion of investment, which will comprise:
 - \$1 billion of Crown funding, \$500 million of which (or such greater amount as may be agreed) is intended to be provided to local authorities from 1 July 2022 to enable early investment; and
 - the remaining \$1 billion to be funded by the new Water Services Entities.

It is intended that such funding (other than that portion of the Crown funding noted above to be provided to local authorities from 1 July 2022) will be provided from 1 July 2024.

- that the funding will be allocated using simple to understand factors for which there are available metrics applied in a way that recognises the relative needs of local communities, the unique challenges facing local authorities in meeting those needs and the relative differences across the country in the ability to pay for those needs. A combination of population, relative deprivation and land area are recognised as the most relevant measures to recognise those factors. The allocation framework will distribute funding on the basis of a 75% allocation based on population, a 20% allocation based on the deprivation index, and a 5% allocation based on land area.
- that the use of this funding supports the three waters service delivery reform objectives and other local wellbeing outcomes and aligns with the priorities of central and local government, through meeting some or all of the following criteria:
 - supporting communities to transition to a sustainable and low-emissions economy, including by building resilience to climate change and natural hazards;
 - delivery of infrastructure and/or services that:
 - enable housing development and growth, with a focus on brownfield and infill development opportunities where those are available,
 - support local place-making and improvements in community well-being.
- to recognise the role that iwi/Māori will play in the new delivery system as partners, local authorities will be expected to engage with iwi/Māori in determining how it will use its funding allocation.
- to ensure value for money, appropriate contractual mechanisms, similar to those used for the initial water infrastructure investment stimulus package, will be implemented. The Crown (through DIA) will develop these in consultation with LGNZ and will likely include funding conditions, wellbeing assessments, delivery milestones, disbursement profiles, monitoring and reporting arrangements. These mechanisms will seek to make funding easily available while maintaining a reasonable level of accountability.

- that any funding conditions will acknowledge that long-term plans are subject to change over time. Conditions may include, but are not limited to:
 - o conditions relating to the planned investment in three waters infrastructure for the duration of the transition period, including commitments made through respective 2021-31 long-term plans;
 - o working in partnership with central government to transition to the new water services delivery system, including working collaboratively with the establishment entities for the new Water Services Entities to support the smooth transfer of assets, liabilities, information and staff to the new entities;
 - o assisting in the preparation of initial asset management plans to ensure continuity of investment, and to provide certainty for local authorities regarding what investment will be prioritised by the new Water Services Entities once they assume responsibility for water services delivery;
 - o provisions to address the consequences of local authorities being in material breach of the associated conditions; and
 - o it is acknowledged that certain aspects of the “better off” package need to be enabled through legislation including the establishment of the Water Services Entities.

Schedule 4: Joint Position Statement

CENTRAL-LOCAL GOVERNMENT JOINT POSITION STATEMENT ON THREE WATERS REFORM

Acknowledging the challenge

Central and local government believe that three waters services are fundamental to the health and wellbeing of our communities and environment; and to our local, regional and national economies. The way they are delivered across New Zealand cannot address the challenges our communities will face in the future.

Analysis produced over the past 12 months shows that all communities will need to invest significantly over the next 30 years to maintain, replace and upgrade ageing assets and to provide for growth. This is reflected by increasing investment in councils' new long-term plans.

Consistently enforced compliance standards, a backlog of infrastructure renewals and external pressures such as climate change, workforce shortages, and economic regulation will create unsustainable pressure on the current system.

Building a new partnership

Three waters reform has created an opportunity for central and local government to work together differently.

In May 2020, the Government and Local Government New Zealand agreed to set up a Joint Steering Committee to provide feedback on the reform of three waters services delivery. This group co-designed delivery of the initial stimulus investment in three waters infrastructure and services, supported the Request for Information (RFI) process and fed back into the Government's policy development. It has interrogated the analysis behind the case for change, facilitated robust conversations, and seen policy shift towards more practicable and enduring solutions.

This model responded to the local government sector's call for a closer working relationship with government, and to the Government's desire to deliver in partnership with the sector. It builds on work undertaken together in response to COVID-19 and has opened the door to a fundamental reset between our two tiers of government, so that change is undertaken together for the benefit of all our communities.

A proposal for change

The Government has proposed creating four new water service delivery entities. The scale of these entities means they'll be able to borrow to fund the significant investment needed to benefit all New Zealanders, from our smallest communities to our largest cities.

As part of this proposal, the Government and LGNZ have developed a package that recognises the importance of local place-making and the critical role that local government plays in that. This package:

- supports local government to invest in the wellbeing of their communities, so that all councils and their communities are better off;
- ensures no council will be financially worse off after reform; and
- makes clear that the Government will cover reasonable transition costs.

The economic model shows that significant benefits are available for all communities and will work best if all councils participate. Each council needs more time to interrogate its own position and understand the implications for their communities and operations. There remain critical issues to work through over the next two months.

These issues include ensuring all communities have both a voice in the system and influence over local decisions. Councils want to be sure the water entities understand and act on communities' needs and wants, including responding to localised concerns like a desire for chlorine-free water.

They want to ensure effective representation on the new water entities' governing boards so that there is strong accountability to the communities they serve. They want to be confident the water entities will respond to their plans for growth. And they want effective assurance that entities, which remain owned by the community, cannot be privatised in future.

We believe continuing the partnership between local and central government is the best way to resolve the remaining questions and policy detail to give these critical reforms the best chance of success. To that end we're recommitting to an agreed a set of shared objectives:

- significantly improving the safety and quality of drinking water services, and the environmental performance of drinking water, wastewater and stormwater systems
- ensuring robust safeguards against privatisation
- ensuring all New Zealanders have equitable access to affordable three waters services and that the water services entities will listen, and take account of, local community and consumer voices
- improving the coordination of resources, planning, and unlocking strategic opportunities
- ensuring the overall integration and coherence of the wider regulatory and institutional settings
- increasing the resilience of three waters service provision to climate change and natural hazards
- ensuring three waters service delivery has a more financially sustainable footing, and addressing the affordability and capability challenges faced by small suppliers and local authorities
- improving transparency about, and accountability for, the planning, delivery and costs of three waters services
- undertaking the reform in a matter that enables local government to continue delivering on its placemaking role and broader "wellbeing mandates".

Looking to the future

We are very aware that how we work together now sets the tone for other large-scale reform affecting the sector, especially the Future for Local Government review.

This review is a real opportunity for New Zealand to re-imagine the roles, responsibilities and resources of councils so that they can meet communities' expectations now and in the future. These expectations have evolved massively since the introduction of the current Local Government Act over 30 years ago. It's time for a genuine re-think about what's needed for local government to respond to communities' changing needs.

For this review to succeed, we need to be partners. Our three waters relationship has allowed robust, open discussions – and opened the door to a fundamental reset between our two tiers of government. Both central and local government are committed to a new way of working together, in tune with our diverse communities and our treaty partnership.

Report to: Council	Meeting Date: 14 September 2021
Title of Item: Risk & Assurance Committee - Minutes	
Report by: Heather Mabin, Acting Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to table to Council a copy of the Risk & Assurance Committee's meeting minutes.

Report Summary

On 30 August 2021 the Audit & Risk Committee meeting was held at Council.

Draft Recommendations

It is recommended that Council resolve to:

Receive for noting the Minutes of the meeting of the Risk & Assurance Committee, held on 21 June 2021.

Attachment

Attachment 1: Minutes of the meeting of the Risk & Assurance Committee, held on 30 August 2021.

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RISK & ASSURANCE COMMITTEE, HELD ON 30 AUGUST 2021, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING 10.30 AM

PRESENT:

D. Magner (Chairperson), S. Challenger, B. Cummings, L. Coll-McLaughlin, J. Hill.
(all attended via Zoom)

IN ATTENDANCE:

H. Mabin (Acting Chief Executive Officer), N. Selman (Acting Corporate Services Manager), C. Brown (Civil Defence Regional Director), N. Costley (Strategy & Communications Manager), R. Beal (Operations Director), K. Hibbs (People and Capability Manager), T. Jellyman (Executive Assistant), M. Schumacher (Information Technology). All attended via Zoom.

APOLOGIES:

Moved (Cummings / Birchfield) *That the apology from Cr Ewen is received.*

Carried

DECLARATIONS OF INTEREST: There were no declarations of interest.

CONFIRMATION OF MINUTES OF MEETING HELD 21 JUNE 2021

Moved (Challenger / Cummings) *That the minutes of the meeting held 21 June 2021 be confirmed as correct.*

Carried

MATTERS ARISING

There were no matters arising.

Cr Magner asked if there is any extraordinary or urgent business. There was none.

CHAIR AND COUNCILLORS' REPORTS:

Cr Magner provided a verbal report on the meetings she has attended since the last meeting. These included several meetings with H. Mabin and Cr Birchfield relating to operational and employment matters. Cr Magner also took part in a telephone meeting with Audit NZ.

Moved (Coll McLaughlin / Cummings) *That the report is received.*

Carried

RISK REGISTER – VERBAL UPDATE

H. Mabin advised that the policy will be developed presented for adoption at the Risk & Assurance Committee meeting on 1 November. The Risk register would then be developed with management input and rolled out across Council.

AF8 PRESENTATION

C. Brown introduced Caroline Orchiston to the meeting. C. Orchiston spoke to a PowerPoint presentation and advised this is the same presentation which was recently presented to the Joint Committee CDEM. C. Orchiston spoke of the new science which was released earlier this year and advised that there is now a 75% probability of a rupture on the central section of the Alpine Fault over the next 50 years. She stated that the next alpine earthquake has an 82% likelihood of being a M8+ event (magnitude 8). This new science has more than doubled the likelihood of the next major earthquake on the fault occurring in the next 50 years.

C. Orchiston provided information on what happened during the Kaikoura earthquake. She spoke extensively and advised of the importance of being prepared for this type of event, in particular to focus on vehicle preparedness.

Cr Cummings stated that fuel storage is very important to the West Coast. Cr Coll McLaughlin asked about resilience for fuel storage. C. Brown provided information on this. C. Orchiston spoke of the importance of community resilience. C. Orchiston and C. Brown answered questions from those present. Cr Magner thanked C. Orchiston for her presentation.

HEALTH & SAFETY TELARC AUDIT REPORT

K. Hibbs spoke to this report and advised that ISO 45001 Occupational Health and Safety Management System certification has been achieved. She offered to answer questions. The report was noted.

Cr Coll McLaughlin congratulated staff on achieving the certification.

LONG-TERM PLAN CONSULTATION PROCESS - VERBAL UPDATE

N. Costley provided an update on the LTP consultation process. She stated that lockdown occurred while printing of the Consultation Document was taking place and for this reason delivery is now behind.

N. Costley advised that both the Westport and Hari Hari drop in seasons have had to be cancelled due to lockdown.

Cr Magner queried as to whether the submission period might be extended. Cr Birchfield noted that there is only eight days for the submission period. N. Costley stated that the Consultation Document has been on the Council website since mid August, with four weeks notification required, and publicly advertised. She confirmed that Council is meeting the statutory timeframe.

R. Beal advised that the Consultation Document has been emailed to as many members of rating districts as possible and members were then invited to attend rating district meetings to discuss the key changes proposed in the Consultation Document prior to it arriving via mail.

ITEM 1 - ACTING CORPORATE SERVICES MANAGER'S, QUARTERLY FINANCIAL REPORT TO 30 JUNE 2021

N. Selman spoke to this report and advised that, if the \$1.9M capital grant had not been received and the investment portfolio matched its budgeted performance then Council's result would be close to break even. He advised that the investment portfolio has outperformed budget expectation by \$477,000. He reported that VCS is performing ahead of budget. He stated that there are numerous year end accounting practices yet to be completed.

Cr Coll McLaughlin asked further information on the surplus / deficit table. He agreed to provide this information via email to Cr Coll McLaughlin. N. Selman answered various questions.

N. Selman confirmed that statutory deadline of 31 October 2021 for producing the Annual Report 2021 will be met, but Audit NZ has an extension to 31 December 2021 for completion of their audit this Annual Report.

Moved (Coll McLaughlin / Cummings)

That the committee:

Receive the draft Statement of Financial Performance for the year ended 30 June 2021.

Carried

ITEM 2 – REGIONAL SOFTWARE HOLDINGS LIMITED - STATEMENT OF INTENT

N. Selman spoke to this report and provided an overview of the history of RSHL. He stated that this is a true shared service and is a good news story. He advised that WCRC has a 4% share in this company. N. Selman advised that IRIS is the main form of software provided and is now due for an update.

N. Selman advised that RSHL only made a minor change to the draft SOI presented to Council in April. The change provided RSHL with flexibility to fund the redevelopment of IRIS.

Moved (Birchfield / Cummings)

That the committee:

Receive the Regional Software Holdings Limited's Statement of Intent 2022 – 2024 and to publish the document on its website.

Carried

GENERAL BUSINESS

AUDIT BY WAKA KOTAHI NZ TRANSPORT AGENCY

N. Costley spoke to this report and took it as read. She offered to answer questions. Cr Coll McLaughlin asked if there has been headway in the reviewing of the assessment criteria. N. Costley advised that in the past this has not been progressed due to this being a small Council. She stated that she is hopeful to get this over the line in the future without having to change our processes and procedures.

Moved (Challenger / Coll McLaughlin)

That the committee:

Receive the Procedural Audit of the West Coast Regional Council.

Carried

The meeting closed at 11.32 a.m.

.....

Chairman

.....

Date

Report to: Council	Meeting Date: 14 September 2021
Title of Item: Adoption of Delegations Manual	
Report by: Toni Morrison, Policy and Planning Consultant	
Reviewed by: Heather Mabin, Acting Chief Executive Officer	
Public excluded? No	

Report Purpose

For the Council to adopt the revised Delegations Manual.

Report Summary

Local authorities are given a significant number of responsibilities to be carried out within a large variety of legislative frameworks. Delegation is an essential tool in allowing the Council to operate efficiently and effectively in this environment.

‘Delegation’ means the assignment of a duty or power of action from one person or entity to another, together with the authority to carry out the duty or complete the action, with responsibility for the outcome.

In accordance with good practice, the Council records its delegations in a Delegations Manual. The Delegations Manual has recently undergone a full review and update, and Council is now asked to adopt the final Manual.

Draft Recommendations

It is recommended that Council resolve to:

Adopt the attached Delegations Manual.

Issues and Discussion

Background

Delegation is an essential tool in allowing the Council to carry out its various roles efficiently and effectively in the complex statutory environment in which it operates. Without delegation, the Council (governing body) would be bound to carry out all legislative duties itself.

Reasons for delegating include:

- **Responsiveness:** delegation enables the Council to respond to issues and manage its processes without unnecessary delay.
- **Efficiency and effectiveness:** delegation should enable decisions to be made and conveyed to ratepayers, applicants and residents in a timely manner, without unnecessary duplication.
- **Strategic focus:** decision-making structures are designed to ensure that Council members’ ability to consider strategic matters is not “crowded out” by the urgent and reactive delegation, and can reduce problems of governing bodies spending time on detailed issues or matters that are urgent but minor.
- **Workload:** some matters involve a significant workload for Council. An example is a review of a regional plan, which is an important policymaking role requiring frequent meetings and

considerable reading/research. However the day to day administration of those plans once adopted is simply impractical for the governing body as a whole.

- **Knowledge and capability:** some issues may require decision-makers to have particular expertise in a specific area, such as building regulation. In some cases Council members may not have the necessary expertise.

Principles and Practices of Delegation

<input checked="" type="checkbox"/>	Authority and responsibility are inseparable. Those with the responsibility for a task or function should always have the authority to carry it out effectively. Those with authority should always be responsible for its wise use.
<input checked="" type="checkbox"/>	Decision-making should be delegated to the lowest competent level. This is to enable the best use of elected member and Council officer abilities and minimise the cost of material, technical and financial resources.
<input checked="" type="checkbox"/>	Delegations do not remove ultimate accountability of elected members, the Chief Executive and the Leadership Team for the affairs of Council.
<input checked="" type="checkbox"/>	Delegations can be revoked at any time , without notice.
<input checked="" type="checkbox"/>	A Council or committee is not entitled to rescind or amend a decision made under a delegation. The Council would be bound by the decision to the extent that the decision had already become binding on the Council by the operation of law and could not be reversed.
<input checked="" type="checkbox"/>	The delegator does not lose the function, power or duty by delegation and may exercise this concurrently with the delegate. No delegations shall limit the power of Council or other delegator to exercise a power in substitution for a delegate.
<input checked="" type="checkbox"/>	Before exercising any delegation, those with delegated authority should always bear in mind Council's responsibilities to and relationships with Te Rūnanga o Ngāi Tahu and Ngā Papatipu Rūnanga, including under: <ul style="list-style-type: none"> • The Ngāi Tahu Claims Settlement Act 1998; • Section 81 of the Local Government Act 2002; • Any relevant relationship agreements or Memoranda of Understanding.
<input checked="" type="checkbox"/>	All significant decisions made or actions taken under a delegated authority should be recorded in writing.
<input checked="" type="checkbox"/>	Where two different delegations apply to the action, both delegations must be complied with (for example, where a person is given a delegation to obtain professional advice, that delegation must also be exercised in accordance with the financial delegations given to the person).

In accordance with good practice, the Council records its delegations in a Delegations Manual. The Delegations Manual provides for specific delegations relating to finance, regulatory and policy functions and specific statutory responsibilities devolved to Council through legislation.

Delegations should be reviewed and updated regularly to ensure compliance with changes to statutory requirements, organisational changes, or new or amended Council processes. The revised Delegations Manual includes a requirement to review the document at least every three years, although it will be regularly updated as required.

Current situation

The current Delegations Manual was adopted by Council in September 2018. However there have been a number of amendments to legislation since the current Manual was adopted, as well as changes to Council processes and governance bodies.

The then Acting Corporate Services Manager, H. Mabin, triggered a review of the current Delegations Manual earlier this year. The review was necessary because the current manual is out of date, and does not cover all aspects of Council's operational decision-making. This exposes the Council to potential risk and reduces the potential for efficiencies in processes.

An initial whole-of-document review was undertaken and a revised draft Manual developed which is based on the format of Otago Regional Council's Delegations Manual adopted in December 2020. The draft delegations have been workshopped with the management team and subsequently with Council. The attached Manual includes the results of those workshops and feedback.

Options Analysis

Council is asked to adopt the final document which has undergone a full and comprehensive review. Council could choose not to adopt the document, but this would leave the Council exposed to potential risk as the current delegations are not comprehensive or up to date in terms of Council's functions.

Costs and Benefits

There are no additional costs associated with the adoption of the Manual. It simply records the updated delegations under which the organisation carries out its duties. The benefits of adopting the revised Manual include legal compliance, efficiency in decision-making structures and processes, and clarity and accountability for staff and governance bodies in carrying out their roles.

Considerations

Implications/Risks

The review of the current Delegations Manual identified the fact that currently Council has not specified all the required delegated authority from Council to Officers that Officers need in order to undertake their roles in a compliant manner.

The adoption of a revised Delegations Manual will mitigate the risk of non-compliance and will provide Officers with an approved tool as to their designated obligations and responsibilities.

Significance and Engagement Policy Assessment

While the Delegations Manual is an important document, it is not considered significant under the Significance and Engagement Policy. There are no issues within this report which trigger matters in this policy.

Tangata whenua views

The updated Manual specifies that relevant decisions taken under delegated authority are required to take in to account the views and interests of tangata whenua, which may require consultation. However the adoption of the Delegations Manual itself does not affect or have implications for relationships with tangata whenua, as it is an internal operational document.

Views of affected parties

As outlined above, the Manual is an internal operational document and does not require consultation.

Financial implications

There are no financial implications of adopting the document.

Legal implications

There is no legal requirement to have all of Council's delegations recorded in a single document. However it is considered best practice to do so. It demonstrates that appropriate decision-making structures are in place. It also facilitates legal compliance and provides clarity and certainty around Council decisions to ratepayers, community and those that interact with Council.

If Council relies on delegations that are out of date or decisions are made without specified delegations in place, then this could have legal implications for Council if those decisions are not lawfully made.

Attachments

Attachment 1: West Coast Regional Council *Delegations Manual – Final Draft*, 6 September 2021

Attachment 2: Marked up amendments made after Council review on 13 July 2021



DELEGATIONS MANUAL

FINAL DRAFT

6 September 2021

Approved by resolution of Council on *[date to be inserted]*

Table of Contents

Part A: INTRODUCTION	6
1. Introduction	6
1.1 Purpose	6
1.2 Background.....	6
1.2.1 Definition of delegation.....	6
1.2.2 The legal basis.....	6
1.2.3 Principles, terms and conditions	7
1.2.4 Sub-delegation.....	9
1.2.5 Decision making and significance and engagement	9
1.2.6 Authority.....	9
1.2.7 Reviews and updates of the Delegations Manual	10
1.3 Structure	10
1.4 Council Resolution.....	11
PART B: COUNCIL AND COMMITTEES	12
2. Council.....	12
3. Council committees	12
3.1 Introduction.....	12
3.1.1 Delegation to Standing Committees	12
3.1.2 Subcommittees	13
3.2 Standing Committees	13
3.2.1 Resource Management Committee.....	13
3.2.2 Risk and Assurance Committee	14
3.3 Joint Committees	15
3.3.1 West Coast Civil Defence Emergency Management Group.....	15
3.3.2 West Coast Regional Transport Committee.....	24
3.3.3 Greymouth Floodwalls Committee	25
3.3.4 Hokitika Joint Committee	26
3.3.5 Westport Floodwalls Joint Committee <i>[Currently being finalised]</i>	27
3.3.6 Te Tai o Poutini Plan Committee	27
PART C: ADMINISTRATIVE DELEGATIONS	30
4. Human Resources delegations	30
4.1 Legislative delegation to the Chief Executive.....	30
4.2 Principles of Human Resources delegations	30

4.3 Human Resources delegations.....	30
5. Requests and the release of information, correspondence, and public records.....	35
5.1 Local Government Official Information and Meetings Act 1987	35
5.2. Privacy Act 2020	36
5.3. Public Records Act 2005.....	36
5.4 Authority to Sign Correspondence	37
5.5 Other.....	37
6. Submissions.....	37
6.1. General.....	37
7. Authorisation to use the Common Seal	38
8. Professional advice and legal proceedings	38
8.1 Authorisation to obtain professional advice	38
8.2 Court proceedings.....	38
PART D: CONTRACTING, FINANCIAL, RATING AND PROPERTY DELEGATIONS	41
9. Contracting, Agreements and Memorandum of Understanding	41
9.1 Introduction	41
9.2 Memorandum of Understanding.....	41
9.3 Authorisation to sign Deeds.....	41
9.4 Authorisation to sign contracts and other agreements (other than Deeds)	41
9.4.1 Procurement Principles	42
9.4.2 Purchase of Good and Services	42
9.4.3 Variation of Contracts	43
9.5 Variation of Budget Between Activities	43
9.6 Authorisation to sign Cheques.....	43
9.7 Credit Card Authorities.....	44
9.8 Contingency Expenditure	44
9.8.1 Emergency Procurement.....	44
9.9 Other financial commitments	44
9.9.1 Invoice debtors.....	44
9.9.2 Debt recovery.....	44
9.9.3 Raise credit notes	45
9.9.4 Banking and payment signatories	45
9.9.5 Operational expenditure – Payroll, PAYE, ACC and other Taxes	45
9.10 Specific Financial Delegations and Authorities	45
9.10.1 Regional On-scene Commander (Marine oil spill response)	45
9.10.2 Local Government Funding Agency.....	46

9.10.3	Council Share Portfolio Investments	46
10.	Rating.....	46
10.1	Introduction.....	46
10.2	Local Government (Rating) Act 2002.....	46
10.3.	Rating Valuation Act 1998	47
11.	Property services.....	47
11.1	Leases and Licences	47
11.2	General and miscellaneous.....	48
11.3	Trespass Act 1980	50
PART E: REGULATORY RESOURCE MANAGEMENT ACT DELEGATIONS		51
12.	General Matters.....	51
12.1	Information and Reports.....	51
12.2	Administrative charges	51
12.3	Power to waive or extend time limits or waive requirements.....	52
12.4	Commissioning reports.....	53
12.5	Protection of sensitive information.....	53
13.	Policy and Planning.....	53
13.1	Evaluation reports.....	53
13.2	Consultation	54
13.3	Notification.....	54
13.4	Summary of decisions requested.....	54
13.5	Resolution of disputes	54
13.6	Amendments to policy statements or plans without using Schedule 1.....	55
13.7	Notification of operative dates.....	55
13.8	Private plan changes.....	55
13.9	Incorporation of documents by reference	56
13.10	Written approval on behalf of the Council	56
14.	Submissions.....	56
15.	Resource consents and certificates of compliance	57
15.1	Application for resource consents	57
15.2	Further Information requests.....	58
15.3	Notification.....	59
15.4	Submissions.....	60
15.5	Pre-hearing meetings and mediation	60
15.6	Hearings and Decisions.....	61
15.7	Decision-making on applications	63

15.8	Duration of consent.....	64
15.9	Cancellation and change of consents	64
15.10	Review of consent conditions by consent authority.....	65
15.11	Determining activities are permitted activities	65
15.12	Minor corrections.....	65
15.13	Transfer and surrender	66
15.14	Certificates of compliance or existing use	66
15.15	Permits over land other than that of the holders.....	67
15.16	Direct referral.....	67
15.17	Objections.....	68
15.18	Consents where the WCRC is the applicant.....	68
15.19	Consent applications where the WCRC may be an affected party or submitter.....	69
16.	Enforcement and compliance	69
16.1	Enforcement officers	69
16.2	Requirement to supply information.....	69
16.3	Powers of entry or search	70
16.4	Infringement notices	70
16.5	Abatement notices.....	70
16.6	Enforcement orders	71
16.7	Offences.....	71
16.8	Water shortage direction.....	72
16.9	Reclamations.....	72
16.10	Emergency works	72
17.	Court proceedings.....	73
17.1	Environment court.....	73
17.2	High Court.....	75
17.3	Court of Appeal and Supreme Court	75
18.	Proposals of national significance.....	75
19.	Water conservation orders.....	77
20.	Designations.....	77
21.	Other RMA matters.....	77
22.	Regulations	78
22.1	Measurement and Reporting of Water Takes	78
22.2	Resource Management (Forms, Fees, and Procedure) Regulations 2003	79
PART F: REGULATORY NON-RMA DELEGATIONS.....		80
23.	Council bylaws.....	80

23.1	Flood Protection Bylaw 2015.....	80
24.	Biosecurity Act 1993	80
25.	The Building Act 2004.....	82
26.	The Crown Minerals Act	86
27.	The Local Government Act 2002	87
28.	Land Transport Management Act 2003.....	88
29.	Maritime Transport Act 1994.....	89
30.	River Engineering.....	90
30.1	Land Drainage Act 1908.....	91
30.2	Public Works Act 1981.....	91
30.3	Water and Soil Conservation Amendment Act 1971 (carried over by S413 RMA).....	92
30.4	Soil Conservation and Rivers Control Act 1941.....	93
31.	Civil Defence Emergency Management Act 2002.....	94
32.	COVID-19 Recovery (Fast-track Consenting) Act 2020.....	95
	APPENDICES.....	97
	Appendix I.....	97
	Procedures for obtaining tenders/quotes.....	97
	Appendix II.....	99
	List of Warranted Officers	99
	Warranted Officers – Resource Management Act 1991.....	99
	Warranted Officers – Biosecurity Act 1993.....	99
	Appendix III.....	100
	Conditions of Delegation under the Maritime Transport Act 1994 from the Director of Maritime New Zealand to the Chief Executive of the West Coast Regional Council	100
	Conditions of Sub-Delegation under the Maritime Transport Act 1994 from the Chief Executive to Employees of the West Coast Regional Council.....	102

Part A: INTRODUCTION

Part A of the Delegations Manual contains introductory and background information for the reader.

Of particular note are the principles and general terms and conditions that apply to all West Coast Regional Council delegations.

1. Introduction

1.1 Purpose

This document is the Delegations Manual for the West Coast Regional Council (**Delegations Manual**).

The primary purpose of the Delegations Manual is to set out the West Coast Regional Council's (**Council** or **WCRC**) delegations given to officers (and elected members in some instances) in relation to certain administrative and financial matters and also the delegations made in relation to the Council's statutory duties, responsibilities and powers.

To assist staff to understand the responsibilities of the Council and its committees, this Delegations Manual also includes specified duties, functions, and powers which cannot be delegated from the Council and the Council committees associated delegations.

1.2 Background

1.2.1 Definition of delegation

In this manual, delegation means *the assignment of a duty or power of action from one person or entity to another, together with the authority to carry out the duty or complete the action, with responsibility for the outcome.*

For the purposes of administrative efficiency and expediency when conducting its day-to-day business, the Council delegates certain statutory duties, responsibilities and powers to its committees, members, or staff. Likewise, the Chief Executive delegates certain duties and responsibilities to a subordinate level. These delegations are a necessary operational requirement to promote effective and expeditious decision-making. Delegations avoid administrative delays and inefficiencies that might otherwise occur if all matters have to be referred to the Council or Chief Executive every time a decision needs to be made.

1.2.2 The legal basis

In most cases, the Council has the primary power of delegation as it is the body that is specified as the delegate in the empowering legislation. In some specific instances the legislation empowers the Chief Executive directly who will have the power of delegation.

The Council's authority to delegate to its standing committees, subcommittees, members or staff is principally derived from Clause 32 of Schedule 7 of the Local Government Act 2002 (LGA 2002) which reads:

(1) Unless expressly provided otherwise in this Act, or in any other Act, for the purposes of efficiency and effectiveness in the conduct of the local authority's business, a local authority may delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties, or powers except

(a) the power to make a rate; or

- (b) the power to make a bylaw; or*
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or*
- (d) the power to adopt a long-term plan, annual plan, or annual report; or*
- (e) the power to appoint a chief executive; or*
- (f) the power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement; or*
- (g) [repealed]*
- (h) the power to adopt a remuneration and employment policy.*

(2) Nothing in this clause restricts the power of a local authority to delegate to a committee or other subordinate decision-making body, community board, or member or officer of the local authority the power to do anything precedent to the exercise by the local authority (after consultation with the committee or body or person) of any power or duty specified in subclause (1).

(3) A committee or other subordinate decision-making body, community board, or member or officer of the local authority may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local authority or by the committee or body or person that makes the original delegation.

(4) A committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, or duties are delegated may, without confirmation by the local authority or committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

(5) A local authority may delegate to any other local authority, organisation, or person the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters.

(6) A territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

(7) To avoid doubt, no delegation relieves the local authority, member, or officer of the liability or legal responsibility to perform or ensure performance of any function or duty.

(8) The delegation powers in this clause are in addition to any power of delegation a local authority has under any other enactment.

Other statutes also confer or limit the ability for the Council to delegate decision-making powers and duties. Of particular note are:

- Section 34 (Delegation of functions, etc, by local authorities) of the Resource Management Act 1991
- Section 105 (Delegation to authorised persons) of the Biosecurity Act 1993
- Sections 42 (Delegation of powers by local authority) and 43 (Delegation of powers by officers) of the Local Government Official Information and Meetings Act 1987

Except as provided for elsewhere in this Delegations Manual, the delegation of a power, function or duty is made under Clause 32 of Schedule 7 of the LGA.

1.2.3 Principles, terms and conditions

The delegations are derived from the Council and the Chief Executive.

When deciding to delegate any duties, responsibilities, and powers, the Council or Chief Executive will have regard to the principles outlined in Table 1.

In the exercise of any delegation, the delegate (i.e. the person given the delegation) must comply with the general terms and conditions, which are also outlined in Table 1. In addition to the general terms and conditions, the delegate must also comply with any additional terms and conditions that might apply to specific delegations.

Table 1: Principles, terms and conditions

Principles	
1.	Wherever possible, delegations to staff have been made on a wide basis to promote the most effective and efficient implementation and delivery of Council’s policies and objectives.
2.	Delegations have generally been made to the lowest level of competence, commensurate with the degree of responsibility, difficulty and risk involved in the undertaking of the task delegated.
3.	In deciding what is the lowest level of competence for each delegation, particular attention has been paid to the responsibilities and accountability for its correct and effective implementation and any reporting requirements.
4.	In exercising delegations which are outside Council’s day-to-day business, staff will report back on the exercise of that delegation to the next relevant Council or Council Committee meeting.
5.	Where Council is expressly prevented from delegating some or all of its powers by a particular statute, it may delegate the power to do anything precedent to the exercise by the Council of that particular power or authority.
Terms and conditions	
1.	No delegations shall limit the power of Council or other delegator to exercise a function, duty or power in substitution for a delegate.
2.	In the exercise of any delegation, the delegate will ensure they act in accordance with: <ul style="list-style-type: none"> a. any binding statutory authority (in relation to each delegation, relevant sections of the Act will be identified); and b. any relevant Council policy or procedural documents (including reporting and recording requirements).
3.	In relation to delegations to officer level, every delegation will be to a stated officer and will be exercised in relation to the duties of their position as identified in their Position Description or when an officer has been appointed in an acting capacity.
4.	Decisions, other than on minor or routine matters, made under delegated authority will be reported to Council or a relevant Committee.
5.	For the avoidance of doubt, supervisors shall have the same delegated powers as subordinate staff, unless the exercise of such delegation requires, by law, a particular qualification or registration. The delegations in this Manual are expressed as the lowest level in the organisation which can exercise the function, duty or power.
6.	For the avoidance of doubt a hearings panel or commissioner sole as may from time to time be appointed shall have the authorities delegated to them through their appointment process.
7.	An officer who is delegated a responsibility, duty or power is also delegated any ancillary responsibilities, duties or powers necessary to give effect to that delegation.
8.	Where a delegation refers to repealed legislation, the reference is to be read as a reference to the legislation that, with or without modification, replaces or corresponds to the repealed legislation.

9. Any power to appoint a person or approve an action or document includes the power to revoke any appointment or approval.
10. The Council may, at any time, revoke, suspend for a period, or amend the terms or conditions in relation to any delegation it has made. Where this occurs, it will be recorded by resolution of Council.
11. The Chief Executive may revoke or suspend for a period, or amend the terms and conditions, in any delegation to subordinates that they have made. Where this occurs, it will be recorded in writing to the relevant staff member and in relevant Council procedures.
12. The Chief Executive may revoke, or limit, or suspend for a period, or reduce the extent of delegations that Council has made to named officers such that some or all of the function, duty or power must be exercised by a supervisor of the person holding the delegation. This would be appropriate during the training or development of new staff, or where, in the view of the Chief Executive, particular types of decision may need greater scrutiny. Where this occurs, it will be recorded in writing to the relevant staff member and in relevant Council procedures.
13. Unless expressed otherwise, where a delegation is to more than one officer, that power of delegation is to each officer separately.

1.2.4 Sub-delegation

At times it will be necessary for the performance of assigned duties for a staff member to have delegated authority additional to those specifically set out in this manual. Such sub-delegations will be recorded in writing, in the job description of the individual where possible, or on a more temporary basis in the form of a memo signed by the person granting the delegation and a copy appended to this manual. With the exception of delegations by the Chief Executive, the supervisor of the person granting the sub-delegation should also sign to indicate their approval of the sub-delegation.

Staff with delegated authority under this manual are empowered to delegate (in the above manner) to the appropriate staff member any authority, which has been delegated to them except the power to delegate, unless otherwise constrained by legislation or the terms of their delegation.

1.2.5 Decision making and significance and engagement

The decision-making requirements under the LGA, including those in sections 76 and 79 must be complied with, including in making decisions on what responsibilities should be delegated to staff in accordance with this Delegations Manual and also in making decisions under delegated authority.

The degree to which compliance with the decision-making requirements in the Act is required is proportional to the significance of the particular decision and the resources available.

In every case, the delegate needs to determine the significance of the decision they are making or the power they are exercising, notwithstanding that they have the delegated authority to make the decision or take the action. The Council's Significance and Engagement Policy is relevant to this assessment.

Where the delegate determines that the decision to be made or power to be exercised may be significant, they should consider whether to refer the decision or exercise of the power back to the delegator before final action is taken. In considering this issue, the delegate needs to balance the delegated authority they have with the potential consequences. While a precautionary approach should be taken, delegates must not be averse to making decisions or taking action as required.

1.2.6 Authority

Unless stated otherwise in this Delegations Manual, delegations are made under Clause 32 of Schedule 7 of the

LGA 2002.

1.2.7 Reviews and updates of the Delegations Manual

The Delegations Manual is a living document and it will be reviewed periodically and when legislative change requires amendments. The Delegations Manual has been developed to record current delegations made by the Council or Chief Executive.

Certain delegations that have been made to the Chief Executive have been made so that they can be further sub-delegated by the Chief Executive. Delegations under the Resource Management Act 1991 and the Local Government (Ratings) Act 2002 are legally not able to be further sub-delegated and may only be approved by a Council resolution.

The general terms and conditions of this Delegations Manual provide that a responsibility, duty or power delegated to an officer holding a named position is also delegated to any officer who performs or exercises the same or substantially similar role or function, whatever the name of his or her position. Any changes in position names must be approved by the Chief Executive and this Delegations Manual will be updated accordingly.

The Chief Executive may authorise changes and updates to any Chief Executive delegations or matters which he or she has sub-delegated, other than delegations under the Resource Management Act 1991 and the Local Government (Rating) Act 2002 as these two statutes prohibit sub-delegation.

This Manual shall be maintained by the Corporate Services Manager who shall amend it in accordance with:

- a) Any instruction to that effect given by the Council and any delegate authorised to amend this manual; or
- b) Any need for typographical, grammatical or other minor amendment where the intention of the Council in the matter of a delegation is not altered.

In addition, the Chief Executive is authorised to amend the Delegations Manual to reflect changes in the organisation's structure.

The Delegations Manual will be reviewed at least three-yearly, between 3 – 6 months following each triennial election.

1.3 Structure

The Delegations Manual is structured in six parts.

Part A of the Delegations Manual presents **introductory and background information** for the Delegations Manual including the Council's principles for making delegations and establishing the Council's legal powers for making delegations.

Part B of the Delegations Manual records the **governance delegations** made by the Council to Committees of the Council.

Part C of the Delegations Manual contains general **administrative delegations** relating to human resource matters, the release of information, submissions and funding, the use of the Common Seal, obtaining professional advice and legal proceedings.

Part D of the Delegations Manual contains **contracting, financial, rating and property delegations**, including financial delegations relating to expenditure (including financial delegation limits), contingency expenditure and other authority and procedures relating to other financial and accounting matters and delegations in respect of rating and property matters.

Part E of the Delegations Manual contains **regulatory RMA delegations** relating to the Council's regulatory

functions, duties and powers under the Resource Management Act 1991.

Part F of the Delegations Manual contains **regulatory non-RMA delegations** relating to the Council's regulatory functions, duties and powers under other legislation including the Biosecurity Act 1993, the Building Act 2004, the Maritime Transport Act 1994, the Civil Defence Emergency Management Act 2002, the Land Drainage Act 1908 and the Soil Conservation and Rivers Control Act 1941.

1.4 Council Resolution

On 2021 *[date to be inserted]*, Council approved the delegations contained in this manual.

PART B: COUNCIL AND COMMITTEES

Part B of the Delegations Manual sets out those delegations that remain with the Council and the delegations given to the Council's Committees.

2. Council

In accordance with Clause 32 of Schedule 7 of the LGA, the Council is required by legislation to make decisions on the following matters:

- (a) The power to make a rate; or
- (b) The power to make a bylaw; or
- (c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan; or
- (d) The power to appoint a chief executive; or
- (e) The power to adopt policies required to be adopted and consulted on under this Act in association with the long term plan or developed for the purpose of the local governance statement; or
- (f) The power to adopt a remuneration and employment policy.

Other legislation, including the Resource Management Act 1991, the Biosecurity Act 1993 and the Land Transport Management Act 2003, provide that certain matters cannot be delegated and that certain decisions must be made by the Council.

3. Council committees

3.1 Introduction

The Council has the following standing committees:

- Resource Management Committee;
- Risk and Assurance Committee.

In addition, Council is part of the following joint committees:

- West Coast Civil Defence Emergency Management Group;
- West Coast Regional Transport Committee;
- Greymouth Floodwalls Committee;
- Hokitika Joint Committee;
- Westport Floodwalls Joint Committee *[currently being finalised]*;
- Te Tai o Poutini Joint Committee.

3.1.1 Delegation to Standing Committees

(a) To the extent it is permitted to do so by law, the West Coast Regional Council delegates to its Standing Committees all the powers, functions and duties granted to the Council in accordance with the broad functions allocated to that Committee from time to time, EXCEPT:

- The power to make a rate.
- The power to make a bylaw.
- The power to institute any proceedings in the High Court that are not injunctive proceedings,

unless otherwise provided for in this Manual.

- The power to borrow money.
- The power to enter into a contract otherwise than in accordance with the provisions of Section 4 of the Public Bodies Contracts Act 1959.
- The power to do anything which is required by law to be done by resolution of the Council.
- The power to appoint or dismiss the Chief Executive.
- The power to appoint Council representation on any body.
- The appointment of Standing Committees and the Deputy Chair.
- The remuneration of the Chair and members of the Council.
- The power to sell, purchase or lease land unless otherwise provided for in this Manual.
- The powers or duties conferred or imposed upon the Council by the Public Works Act 1981, unless otherwise provided for in this Manual.
- Expenditure where no provision is made in the Council's budget for that year (except to the extent permitted in this manual in regard to variations in the departmental budget or as covered in the next clause below.)
- Expenditure of Council's funds where the budget has not been finalised for the relevant year unless the expenditure relates to maintenance of an existing work or progress on a committed work or is in regard to any existing service for which provision is likely to be made in that budget once finalised.
- Proposed over-expenditure of the total budget within the jurisdiction of the Committee.
- The cessation of any existing function or commencement of any function.
- Formulation or amendment of Council's corporate goals and objectives.

(b) No officer may exercise the power listed in the clauses listed in 3.1.1(a) above, except where provided for in this Manual.

3.1.2 Subcommittees

A Subcommittee shall exercise only such delegated authority as is granted to it from time to time by the Council or the relevant Standing Committee or Special Committee.

The primary purposes of Subcommittees are:

- To dispose of matters which have been delegated to it.
- To investigate and report, with recommendations if appropriate, on matters referred from the Standing Committee.
- To act as a forum for communication between elected representatives, officers, and interested parties.

3.2 Standing Committees

3.2.1 Resource Management Committee

(a) Purpose

To guide and monitor the resource management, building, biosecurity, transport, environmental monitoring, mining and emergency management functions of the West Coast Regional Council.

(b) Meetings

The Resource Management Committee will have ordinary meetings as required.

(c) Delegations

1. To formulate and recommend to Council (unless otherwise stated in this section) all policies, plans and strategies on resource management, and to review such policies, plans and strategies as necessary.
2. To set and review policy in respect of resource consent processing, compliance monitoring, mining responsibilities, building legislation functions, environmental monitoring and enforcement. This includes the following delegations:
 - To approve a list of accredited Hearing Commissioners from which appointments can be made to hear and/or decide resource consent applications, reviews or changes to consents, or from which nominations can be made for Hearing Commissioner appointments; and
 - To decide on/approve the release of bonds associated with mining.
3. To make submissions and representations on matters relating to resource management, on District and Regional plans, national policies and programmes, and on legislation and regulations affecting the Council's interest.
4. To formulate, approve and review biosecurity plans and policies.
5. To formulate, approve and review all transport plans and policies and to manage transport issues.
6. To formulate, approve and review strategies for activities related to natural hazards and contaminated sites.
7. To formulate, approve and review flood warning manuals and procedures.

The Resource Management Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

(d) Membership

The Resource Management Committee shall be a committee of the whole Council. All elected members of the West Coast Regional Council shall be members of the Resource Management Committee and in addition, a representative appointed by each of the tribal Rūnanga on the West Coast, namely Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio.

A quorum of the Resource Management Committee shall be four members.

(e) Explanatory Comment

The Resource Management Committee will be responsible for establishing and reviewing the statutory and legal policy instruments of Council. This will particularly include Resource Management Act Policies and Plans, Regional Land Transport and Passenger Transport Plans, and Pest Management Plans.

3.2.2 Risk and Assurance Committee

(a) Purpose

To ensure that Council has appropriate financial, risk management and internal control systems in place that provide Council with:

1. An overview of the financial performance of the organisation;
2. Effective management of potential opportunities and adverse effects; and

3. Reasonable assurance as to the integrity and reliability of Council's financial and non-financial reporting.

(b) Areas of Responsibility

- Risk management and the system of internal controls.
- Reporting – financial and non-financial.
- Maintain an effective relationship with the external auditor.
- Appoint or engage any internal auditor.
- Promote, monitor and review compliance with Council's legal and other obligations.
- Ensure there is good communication between Council, Committees and Management.
- Prepare and implement programmes of work relevant to the purpose of the Committee.

(c) Delegations

The Committee is delegated the authority to:

- Receive and consider external and internal audit reports.
- Receive and consider staff reports on audit, internal controls and risk management related matters.
- Make recommendations to the Council on financial, internal control and risk management policy and procedure matters as appropriate.
- To approve the Auditors' engagement and arrangements letters in relationship to the Annual Report.
- To approve the write-off or write-down of general debtor invoices for sums greater than \$10,000, and approval of the write-off or write-down of rate debtor invoices or penalties for sums greater than \$10,000.

(d) Meetings

The Risk and Assurance Committee will meet quarterly, with additional meetings as required.

(e) Membership

The Committee shall be made up of all elected members of the Council. A quorum of the Committee shall be not less than four members.

3.3 Joint Committees

3.3.1 West Coast Civil Defence Emergency Management Group

The West Coast Civil Defence Emergency Management Group is a joint standing committee of the West Coast Regional Council, and Buller, Grey and Westland District Councils, and is required by statute. Each Council is party to a constituting agreement which contains the powers, functions and duties of the Group, membership and meeting requirements, and the responsibilities of members. The agreement also confers full delegated

authority from each member Council on its representative, to exercise the functions and powers under sections 16 and 17 of the Civil Defence Emergency Management Act 2002.

The Council Chair was appointed to the Group, and the Deputy Chair as the alternate, at the Council meeting of 25 October 2019.

The Constituting Agreement of the Group is set out below.

PART I - FORMATION

1. Parties

1.1 Each of the following local authorities is a party to this agreement and a member of the West Coast Civil Defence Emergency Management Group:

- West Coast Regional Council
- Buller District Council
- Grey District Council and
- Westland District Council

2. Definitions

In this agreement:

2.1 "Act" means the Civil Defence Emergency Management Act 2002.

2.2 "The West Coast Region" means the western part of the South Island of New Zealand comprising of the three constituent territorial authorities of Buller District, Grey district and the Westland District.

2.3 "Co-ordinating Executive Group" means the Co-ordinating Executive Group to be established under clause 17 of this agreement.

2.4 "Regional Council" means the West Coast Regional Council.

2.5 "Group" means the West Coast Civil Defence Emergency Management Group.

2.6 "Group Controller" means a person appointed under clause 12.1(a) of this agreement as a group controller.

2.7 "Member" means a Local Authority that is a member of the Group or any civil defence emergency management group, as the context may require.

2.8 "Party" means a party to this agreement.

3. Term of Agreement

3.1 This agreement shall commence once all the parties to this agreement have executed this agreement under common seal.

3.2 This agreement shall expire on the date on which the Act is repealed or on any other date specified in an enactment.

3.3 This agreement shall be reviewed immediately after reviewing the Group Plan.

4. Purpose of Agreement

- 4.1 The purposes of this agreement are to:
- (a) provide for the establishment of the Group in fulfilment of the parties' obligations under section 12 of the Act; and
 - (b) set out the functions, powers, and duties of the Group and members; and
 - (c) provide for the administrative arrangements of the Group.
5. Formation and Membership of the Group
- 5.1 Pursuant to section 12 of the Act, the parties, must unite in appointing the Group as a joint standing committee under the provisions of section 114S of the Local Government Act 1974 (and Schedule 7 Section 30(1) of the Local Government Act 2002 which comes into force on 1 July 2003), and by each member authority passing a resolution to that effect prior to 1 June 2003.
- 5.2 The Joint Standing Committee will be known as the West Coast Civil Defence Emergency Management Group.
- 5.3 Under section 13(1) of the Act every party to this agreement must be a member of the Group.
- 5.4 The members of the Group will be the West Coast Regional Council and all those territorial authorities that lie wholly within the boundaries of the West Coast Region. Each member is to be represented on the Group by one person only, being the mayor/chairperson of that local authority or an alternate representative who has been given the delegated authority to act for the mayor/chairperson.
- 5.5 An alternate representative must be an elected person from that territorial authority under section 13(4) of the Act.
- 5.6 Under section 114S(4) of the Local Government Act 1974 (and schedule 7 Section 30 (9) of the Local Government Act 2002) the powers to discharge any representative on the Group and appoint his or her replacement shall be exercisable only by the member that appointed the representative.
6. Representatives to have Full Delegated Authority
- 6.1 Each member agrees to confer full-delegated authority on its representative (and alternate representative) to the Group to exercise the functions, powers, and duties of members under sections 16 and 17 of the Act.
- 6.2 At meetings of the Group each member's representative is to have full authority to vote and make decisions on behalf of that member without further recourse to that member.
7. Requirement to Maintain the Group
- 7.1 In accordance with section 12(2) of the Act, section 114P(5) of the Local Government Act 1974 (and Schedule 7 Section 30(5)(b) of the Local Government Act 2002) must not be read as permitting any member to discharge or reconstitute the Group.
- 7.2 Upon members' representatives on the Group being discharged under section 114R(3) of the Local Government Act 1974 (and Schedule 7 Section 30(9) of the Local Government Act 2002), members shall as soon as practicable appoint representatives to the Group with the same delegated functions, duties and powers as their predecessors.

PART II - POWERS, FUNCTIONS AND DUTIES

8. Powers of the Group

- 8.1 Pursuant to section 18 of the Act, the Group has all the powers that are reasonably necessary or expedient to enable it to perform its functions, including the power to delegate any of its functions to members, the Group Controller, or any other person.
- 8.2 Without limiting the generality of clause 8.1 of this agreement, the Group may
- (a) recruit and train volunteers for civil defence emergency management tasks; and
 - (b) conduct civil defence emergency management training exercises, practices, and rehearsals; and
 - (c) issue and control the use of signs, badges, insignia, and identification passes authorised under the Act, regulations made under the Act, or its civil defence emergency management plan; and
 - (d) provide, maintain, control, and operate warning systems; and
 - (e) provide communications, equipment, accommodation, and facilities for the exercise of its functions and powers during an emergency; and
 - (f) exercise any other powers that are necessary to give effect to its civil defence emergency management plan.

9. Functions of the Group

- 9.1 In accordance with section 17 of the Act, the functions of the Group, and of each party as a member of the Group, are to -
- (a) in relation to relevant hazards and risks, -
 - (i) identify, assess, and manage those hazards and risks; and
 - (ii) consult and communicate about risks; and
 - (iii) identify and implement cost-effective risk reduction.
 - (b) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management in the West Coast region; and
 - (c) take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or otherwise to make available material, services, information, and any other resources for effective civil defence emergency management in the West Coast region; and
 - (d) respond to and manage the adverse effects of emergencies within the West Coast; and
 - (e) carry out recovery activities; and
 - (f) when requested, assist other civil defence emergency management groups in the implementation of civil defence emergency management in their areas (having regard to the competing civil defence emergency management demands within the West Coast and any other requests for assistance from other civil defence emergency management groups); and
 - (g) work proactively and cooperatively with Local Authority neighbours to the West Coast CDEM Group area, and CDEM groups formed by those authorities, in CDEM planning and management; and

- (h) within the West Coast region, promote and raise public awareness of, and compliance with, the Act and legislative provisions relevant to the purpose of the Act; and
- (i) monitor and report on compliance within the West Coast region with the Act and legislative provisions relevant to the purpose of the Act; and
- (j) develop, approve, implement, and monitor the West Coast Emergency Management Group plan and regularly review the plan; and
- (k) participate in the development of the national civil defence emergency management strategy and the national civil defence emergency management plan; and
- (l) promote civil defence emergency management within the West Coast that is consistent with the purpose of the Act.

9.2 The Group also has any other functions that are conferred or imposed by or under the Act or any other enactment.

9.3 For the purposes of clauses 9.1(i) to (k) of this agreement, legislative provisions relevant to the purpose of the Act include, but are not limited to, the provisions in the following Act that may be relevant to civil defence emergency management:

- (a) Biosecurity Act 1993; and
- (b) Building Act 1991; and
- (c) Fire Service Act 1975; and
- (d) Forest and Rural Fires Act 1977; and
- (e) Hazardous Substances and New Organisms Act 1996; and
- (f) Health Act 1956; and
- (g) Health and Safety in Employment Act 1992; and
- (h) Local Government Act 1974 & Local Govt Act 2002; and
- (i) Maritime Transport Act 1994; and
- (j) Resource Management Act 1991; and
- (k) any enactment passed in substitution for any of the Acts in paragraphs (a) to (j) above.

10. Responsibilities of Members

10.1 Each member of the Group will:

- (a) appoint one elected representative each to the Group in accordance with clauses 5.4 and 7 of this agreement (section 13(4)); and
- (b) appoint its chief executive officer or senior manager to the Co-ordinating Executive Group (CEG) (section 20); and
- (c) participate in the preparation of and agree the civil defence emergency management group plan for the West Coast region (Section 17(1)(i)); and
- (d) contribute technical expertise and resources to maintain an effective group and local level response capability (17(1)(b) and (c)); and
- (e) provide to the Group the information or reports that may be required by the Group for emergency management purposes (17(1)(c)).

10.2 Each territorial authority member of the Group will:

- (a) be responsible for the reduction, readiness, response and recovery arrangements required of it under the Act and the civil defence emergency management group plan, to the standards agreed by the Group; and
- (b) pursuant to section 223D of the Local Government Act 1974 (and Section 95 of the Local Government Act 2002), provide adequate information to their communities each

year, by way of their annual plan, informing them of the planned activities of the CDEM Group and any significant implications for the community.

11. Powers of Members

11.1 Pursuant to sections 16 and 18 of the Act, each member of the Group may:

- (a) acquire, hold, and dispose of real or personal property for the use of the Group; and
- (b) remunerate its representative or alternate representative on the Group for the cost of that person's participation in the Group; and
- (c) exercise any powers or functions conferred on a member under the Act.

12. Duty to Appoint Group Controller

12.1 In accordance with section 26 of the Act, the Group must appoint:

- (a) a suitably qualified and experienced person to be the Group Controller for the West Coast region; and
- (b) a suitably qualified and experienced person to exercise the functions, powers and duties of the Group Controller in the event of a vacancy in or absence in the office of Group Controller.

12.2 A person appointed under clause 12.1 of this agreement shall have the functions set out in section 28 of the Act.

13. Appointment of Local Controllers

13.1 In accordance with section 27(1) of the Act, the Group may appoint one or more persons to be a Local Controller.

13.2 It is the intention of the Group that, unless a territorial authority indicates otherwise, Local Controllers will be appointed for each territorial authority in the Group.

14. Duty to Appoint Person who may Declare State of Local Emergency

14.1 In accordance with section 25 of the Act, the Group must appoint at least one representative of a member of the Group as a person authorised to declare a state of local emergency for the West Coast Region.

14.2 In accordance with section 25(5) of the Act, the Mayor of a territorial authority or an elected member of the territorial authority designated to act on behalf of the Mayor or if the Mayor is absent, may declare a state of local emergency that covers the district of that territorial authority.

PART III - ADMINISTRATION

15. Duty to Prepare, Approve and Review West Coast Civil Defence Emergency Management Group Plan

15.1 The Group must prepare and approve a civil defence emergency group plan within two years of constituting the Group, under section 54 of the Act, and commence a review of that plan at least every 5 years thereafter, under section 56 of the Act.

16. Emergency Management Office

16.1 West Coast Civil Defence Emergency Management Group will determine the need for and

establish if necessary an Emergency Management Office on the West Coast.

16.2 The Emergency Management Office may carry out such functions as are assigned to it by the Group, but must not carry out any functions of the administering authority under the Act.

16.3 West Coast Civil Defence Emergency Management Group will employ staff for the Emergency Management Office in accordance with the principles of the Local Government Act.

17. Co-ordinating Executive Group

17.1 In accordance with section 20 of the Act the Group will establish and maintain a Co-ordinating Executive Group consisting of:

The chief executive officer of each member or a senior person acting on the person's behalf; and

- a) a senior representative of the police assigned for the purpose by the Commissioner of Police; and
- b) a senior representative of the fire service assigned for the purpose by the National Commander; and
- c) the chief executive of the district health board on the West Coast, or a person(s) acting on their behalf;
- d) any other persons that may be co-opted by the Group.

17.2 The functions of the Co-ordinating Executive Group shall include:

- (a) Providing advice to the Group and any committees or subcommittees of the Group; and
- (b) Implementing as appropriate decisions of the Group; and
- (c) Overseeing the implementation, development, maintenance, monitoring, and evaluation of the Group Plan.

18. Meetings

18.1 The New Zealand Standard for model standing order (NZS 9202 : 2001), or any New Zealand Standard substituted for that standard, will be used to conduct Group meetings as if the Group was a local authority and the principal administrative officer of the administering authority was its principal administrative officer. Representatives of members of the Group may agree to use other standing orders only in accordance with section 19(1) of the Act.

18.2 The Group shall hold all meetings at such times and place(s) as agreed for the performance of the functions, duties and powers delegated under this agreement.

18.3 The West Coast Civil Defence Emergency Management Group meetings will only be held when the four (4) constituent members are present.

18.4 Pursuant to section 2.22.3 of the NZS9202, each member shall have one vote.

19. Chairperson and Deputy Chairperson

19.1 On the constitution of the Group, following a local election, and in the event the

Chairperson or Deputy Chairperson leaving their Group office, the members of the Group shall elect a Group Chairperson and Deputy Chairperson, Section 24 and 30 of schedule 7 of the Local Government Act 2002);

- 19.2 The Group's Chairperson and Deputy Chairperson will hold office for a term of three years or such a lesser period as may be determined by the Group. The term of office of an appointed chairperson or deputy chairperson ends if that person ceases to be a representative of a member of the Group.

20. Casting Vote

- 20.1 As general statements of principle, the following shall apply:
- (a) The casting vote is to be used in the best interests of the West Coast Region represented by members considered together; and
 - (b) The casting vote is to be used in the best interests of all members considered together.
- 20.2 Members shall use their best endeavours to avoid use of a casting vote by obtaining consensus.
- 20.3 In the event of clauses 20.1 to 20.2 being unable to be applied, section 24(1)(b)(i) of schedule 7 of the Local Government Act 2002 will apply, whereby the Chair will be able to exercise a casting vote mindful of the interests of all members of the Group.

21. Administering Authority

- 21.1 Under section 23 of the Act the administering authority for the Group is the West Coast Regional Council.
- 21.2 Under section 24(2) of the Act the administrative and related services referred to in clause 21.1 of this agreement include services required for the purposes of the Local Government Act 2002, the Act, or any other Act, regulation, or bylaw that applies to the conduct of the joint standing committee under Section 30 Schedule 7 of the Local Government Act 2002.
- 21.3 The costs for the provision of administrative and related services that may be required of the administering authority under section 24 of the Act are to be included in the Group's annual budget.

22. Funding

- 22.1 Each territorial authority member of the Group will be responsible for funding the reduction, readiness, response and recovery arrangements required in its district.
- 22.2 The Group shall agree a budget every year. The budget shall be prepared by the Administering Authority and approved by the Group at a meeting conducted in accordance with clause 18 of this agreement.
- 22.3 The funding of the West Coast CDEMG budget will be agreed between the four local authorities. The budget will include:
- (a) Administering authority costs;
 - (b) Emergency Management Office costs if necessary;
 - (c) Costs associated with the preparation and approval of the Group Plan;
 - (d) The costs of Group reduction, readiness, response and recovery activities as determined by the Group; and
 - (e) Such other Group expenses as the Group may decide.
- 22.4 CEG and Group meetings will be held on a rotational basis amongst the four local authorities based on the principle of costs lie where they fall basis.

23. Entering Contracts

- 23.1 The parties agree that the West Coast Regional Council may exercise the functions, powers and duties of the Group in relation to contracts for the provision of (any) goods or services provided for in the Group budget.
- 23.2 The West Coast Regional Council will enter into contracts under clause 23.1 in its own name rather than the name of all members of the Group, notwithstanding that the contract is for the purposes of performing the functions, powers and duties of the Group.
- 23.3 Any financial liability that the West Coast Regional Council assumes under a contract entered into under clause 23.1 is to be met from the Group budget.
- 23.4 Pursuant to section 3 of the Public Bodies Contracts Act 1959, two officers of the West Coast Regional Council, one of whom is the chief executive or acting chief executive, may sign a contract entered into under clause 23.1.
- 23.5 Ownership of copyright in any reports commissioned by the West Coast Regional Council under clause 23.1 shall vest in the members jointly.
- 23.6 During a state of emergency contracts may be entered into on behalf of the Group by the persons set out in section 94(1) of the CDEM Act 2002.

24. Arbitration

- 24.1 Any dispute arising out of the interpretation of this agreement, including any question regarding its existence, validity or termination, shall be referred to arbitration.
- 24.2 If the parties are unable to agree upon the appointment of a single arbitrator within five (5) working days of the receipt of written notification of the desire of a party to have a dispute arbitrated, or if any arbitrator agreed upon refuses or fails to act within fourteen days of his or her appointment then any party may request the President for the time of the Westland District Law Society to appoint an arbitrator and the arbitration shall be carried out in accordance with the Arbitration Act 1996.
- 24.3 In this clause time shall be of the essence and the parties agree to be bound by any decision, determination or award given pursuant to the provisions hereof.

25. Variations

- 25.1 In the event of any circumstances arising that were unforeseen by the parties at the time of entering into of this agreement the parties hereby record their intention that they will negotiate in good faith to add to or vary this agreement so to resolve the impact of those circumstances in the best interests of:
 - (a) The members of the Group collectively; and
 - (b) The West Coast community represented by the members of the Group collectively.
- 25.2 Any member may propose a variation, deletion or addition to this agreement by putting the wording of the proposed variation, deletion or addition to a meeting of the Group.
- 25.3 Once a proposed variation, deletion or addition to this agreement has been put to the Group, this agreement is not amended until each member executes under common seal a written amendment to the agreement giving *affect* to the proposed variation, deletion or addition.

3.3.2 West Coast Regional Transport Committee

The West Coast Regional Transport Committee was re-constituted by Council at its meeting of 25 October 2019. Terms of Reference (including roles and functions of the committee) were adopted by the Committee on 1 May 2020. Council confirmed the appointment of members of the Committee at its meeting of April 2020.

Terms of Reference of the West Coast Regional Transport Committee:

Establishment

The West Coast Regional Transport Committee is established pursuant to the Land Transport Management Act 2003.

Membership

The West Coast Regional Transport Committee (RTC) comprises:

- Two Regional Council representatives
- One District Council representative from each of the:
 - Buller District Council
 - Grey District Council
 - Westland District Council
- One representative from the New Zealand Transport Agency
- One representative from the Department of Conservation (no voting rights).

Total membership of this committee equals seven.

This is dictated by Section 105 of the *Land Transport Management Act 2003*.

Objective

To undertake the functions as prescribed by the *Land Transport Management Act 2003*.

Meeting Schedule

The Regional Transport Committee meets on an as required basis, depending on the issues to be addressed. Members will be advised in advance of the meeting schedule where possible.

Role and Functions

The role and functions of the Regional Transport Committee for the West Coast are as follows:

1. To undertake the statutory requirements of the *Land Transport Management Act 2003 (LTMA)* (Appendix One).
2. To prepare the Regional Land Transport Plan or any variations, for approval by the West Coast Regional Council (*LTMA section 106(1)(a)*).
3. To prepare and adopt a policy that determines significance in respect of:
 - a. Any variations made to the Regional Land Transport Plan.
 - b. Activities included in the Regional Land Transport Plan (*LTMA section 106(2)*).
4. To provide any advice and assistance the Regional Council may request on its transport responsibilities generally (*LTMA section 106(1)(b)*).
5. To undertake monitoring to assess implementation of the Regional Land Transport Plan (*LTMA section 16(6)(e)*).
6. To consult on a draft Regional Land Transport Plan for the West Coast region in accordance with the consultation principles specified in section 82 of the *Local Government Act 2002*.

7. To complete a review of the Regional Land Transport Plan during the 6-month period immediately before the expiry of the third year of the Plan (*LTMA section 18CA*).
8. To advise the Regional Council on any significant legislative changes, programmes, plans or reports relating to the region's transport system.
9. To represent and advocate for transport interests of regional concern.
10. To consider and submit on transport related policies, plans and consultation documents issued by the Ministry of Transport, New Zealand Transport Agency, regional/district councils, and other relevant organisations as considered appropriate.
11. To engage with other regional transport committees and working parties (e.g. South Island Regional Transport Chairs Group) as required.
12. To consider advice and recommendations from the West Coast Regional Transport Advisory Group.

Terms of membership

Should a vacancy occur in the membership of the Regional Transport Committee, the relevant organisation will be requested to nominate a replacement.

Members of the Regional Transport Committee are expected to regularly report back to their organisation on matters discussed at committee meetings.

Quorum

Four members, of whom at least one shall be a Regional Councillor.

Voting

All members shall have full speaking rights; however if advisors are appointed, they are not entitled to vote.

Support

The West Coast Regional Transport Committee will be supported at a strategic level by the West Coast Regional Transport Advisory Group.

The West Coast Regional Council will provide secretariat services for meetings, including administrative support and policy advice.

3.3.3 Greymouth Floodwalls Committee

Background

The Greymouth Floodwalls Committee was initially established based on a 1994 agreement made between the West Coast Regional Council and the Grey District Council. This agreement was replaced in 2015 by the Greymouth Floodwalls Joint Agreement which sets out the membership and authorities of the Committee.

The Committee has the function of co-ordinating the Regional Council's floodwall maintenance activities with Grey District Council activities relating to floodwall access and amenity, and of overseeing the management of the mouth of New River/Saltwater Creek at Paroa. Membership consists of three elected representatives from each Council.

Structure and role of Committee

1. The Greymouth Floodwalls Joint Committee (the committee) comprises of three persons representing each of the two Councils, with the function of co-ordinating the WCRC Greymouth floodwall maintenance activities with GDC activities, and the Saltwater Creek/New River rivermouth activities of each council.
2. The committee shall have its membership appointed from time to time as each parent Council may

determine, and shall meet and regulate the conduct of its own business as it sees fit.

3. The committee shall not have any funding or rate setting authority. Such decisions shall be the responsibility of the two parent Councils.
4. The Chair shall alternate one year to the next being a GDC elected representative one year and a WCRC elected representative the next.
5. The committee shall use the current standing orders of the West Coast Regional Council, noting that the committee wishes to achieve consensus decisions wherever possible.
6. 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.
7. Each year the committee shall ascertain what the work and budget requirements will be for the coming year and make a recommendation to each parent Council for annual planning and action.
8. Without limiting the ability of the committee to recommend the most appropriate arrangements for works and funding, in relation to the Greymouth floodwalls the GDC shall be responsible for all works and funding relating to:
 - 8.1 Amenity management, including grass mowing, gardening, beautification, and public access management;
 - 8.2 Stormwater management, including any pump station operation and maintenance and floodgates on drainpipes and their operation and maintenance (but excluding the Cobden cut)
 - 8.3 Flood emergency management, including the maintenance and operation of concrete flood barriers over road and rail, any sandbagging requirements, and all and any Civil Defence evacuation planning and execution;
 - 8.4 Ownership of the floodwalls and the land occupied by them, including ownership of all infrastructural assets comprised by the floodwalls and their associated structures;
9. Without limiting the ability of the committee to recommend the most appropriate arrangements for works and funding, in relation to the Greymouth floodwalls the WCRC shall be responsible for all works and funding relating to:
 - 9.1 The maintenance and repair of the structural integrity of the floodwalls;
 - 9.2 The provision of flood warning advice to GDC for the Grey River in accordance with the Grey River Flood Management Plan;
 - 9.3 Management of the Cobden cut outlet to the sea, to prevent backup of water from the lagoon causing surface flooding.
10. The WCRC has constituted a Greymouth Floodwalls Separate Rating District and reserves the right to raise such funds as it may need to carry out its functions under clause 9 above from this source.
11. The GDC will fund the performance of its functions under clause 8 above from such sources that are available that it may determine.
12. The WCRC has constituted a New River/Saltwater Creek Rating District and will use funding from this source for managing the New River/Saltwater Creek rivermouth.
13. The GDC will fund its New River/Saltwater Creek rivermouth activities from such sources that are available that it may determine.

3.3.4 Hokitika Joint Committee

Background

This is a joint committee involving both the Westland District Council and the West Coast Regional Council. The founding document is the Hokitika Joint Agreement, signed by both Westland District Council (WDC) and the West Coast Regional Council dated 8 December 2017. The Committee's role is to jointly manage the maintenance of the Hokitika foreshore area and its sea protection works. Membership consists of three elected representatives from each Council.

Structure and role of Committee

1. The Hokitika Seawall Joint Committee (the committee) comprises of three persons representing each of the two Councils, with the function of co-ordinating the WCRC seawall maintenance and groyne maintenance activities, with WDC activities.
2. The committee shall have its membership appointed from time to time as each parent Council may determine, and shall meet and regulate the conduct of its own business as it sees fit.
3. The Chair shall be the most senior WCRC elected representative present.
4. The committee shall use the current standing orders of the West Coast Regional Council, noting that the committee wishes to achieve consensus decisions, wherever possible.
5. This agreement may be amended at any time, on request by either council, but such amendments will only take effect once both parent councils have formally received and adopted those changes sought.
6. The committee shall not have any funding or rate setting authority. Such decisions shall be the responsibility of the two parent Councils.
7. Each year the committee shall ascertain what the work and budget requirements will be for the coming year and make a recommendation to each parent Council for annual planning and action.
8. Without limiting the ability of the committee to recommend the most appropriate arrangements for works and funding, the WDC shall be responsible for all works and funding relating to:
 - 8.1 Amenity management, including grass sowing & mowing, any gardening, beautification, and public access management;
 - 8.2 Stormwater management, including maintenance of drain pipes and their operation.
9. Without limiting the ability of the committee to recommend the most appropriate arrangements for works and funding, the WCRC shall be responsible for all works and funding relating to:
 - 9.1 The maintenance and repair of the structural integrity of the 650m seawall;
 - 9.2 Management of the groyne field to the north of the seawall.
10. If new erosion were to occur between the river mouth and the seawall, the management of the foreshore between the seawall and the Hokitika River will be a joint responsibility of the two councils.
11. The WCRC has constituted a Hokitika Seawall Rating District and reserves the right to raise such funds as it may need to carry out its functions under clause 9 and 10 above from this source.
12. The WDC will fund the performance of its functions under clause 8 above from such sources that are available that it may determine.

3.3.5 Westport Floodwalls Joint Committee *[Currently being finalised]*

3.3.6 Te Tai o Poutini Plan Committee

Background

Te Tai o Poutini Plan Committee is a permanent joint committee of the four West Coast Councils established under the Local Government Reorganisation Scheme (West Coast Region) Order 2019 to produce a combined District Plan for the West Coast. This order and a subsequent Deed of Agreement between the four Councils, Te Rūnanga O Ngāti Waewae and Te Rūnanga O Makaawhio dated 30 July 2020 set out the purpose, terms of reference, and delegations of the Joint Committee.

The obligations of each of Buller, Grey and Westland district councils for there to be a district plan at all times for each district and for the preparation, notification, adoption, periodic amendment and review of these district plans, have been transferred to West Coast Regional Council. These transferred obligations for the preparation, notification and adoption of new district plans and for the periodic amendment and review of those plans are to be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts.

The West Coast Regional Council has delegated to Te Tai o Poutini Plan Committee (TTPPC) the district plan obligations transferred to it.

Role and membership of joint committee

1. The purpose and terms of reference for TTPPC are to:
 - a) prepare and notify the proposed combined West Coast district plan (combined district plan)
 - b) hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the proposed combined district plan
 - c) adopt a final combined district plan
 - d) monitor implementation of the combined district plan and the need for amendments
 - e) undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.
2. The initial membership of Te TTPPC, to at least such time as the combined district plan becomes fully operative, is to comprise:
 - a) an independent chairperson
 - b) the chairperson of West Coast Regional Council and one other elected member from and appointed by West Coast Regional Council
 - c) the mayor of Buller District and one other elected member from and appointed by Buller District Council
 - d) the mayor of Grey District and one other elected member from and appointed by Grey District Council
 - e) the mayor of Westland District and one other elected member from and appointed by Westland District Council
 - f) one representative appointed by Te Rūnanga o Ngati Waewae
 - g) one representative appointed by Te Rūnanga o Makaawhio.
3. The first appointment of the independent chairperson of TTPPC will be made by the Local Government Commission on the recommendation of the transition board, with all subsequent appointments made by the committee.

Technical Advisory Team

4. A technical advisory team is to provide technical advice to TTPPC.
5. The membership of the technical advisory team will be agreed by TTPPC following nominations by the parties comprising the committee.

Funding

6. Subject to clause 12, the costs for there to be a combined district plan and for preparing, notifying, adopting, periodically amending and reviewing the combined district plan will be funded by West Coast Regional Council through a rate set in relation to all rateable land within West Coast Region.
7. Tai Poutini Plan Committee may agree that the relevant district council or councils, or their district or districts, is to be responsible for funding work relating to a particular amendment to the operative

combined district plan which will have only, or predominantly, a localised impact.

Membership and meetings of Te Tai o Poutini Plan Committee

8. The four West Coast councils will appoint their second elected member to TTPPC (i.e. other than the regional council chairperson/district mayor) at their first meeting after each triennial election. The councils will appoint, if necessary, a replacement member for a particular triennium as soon as practically possible.
9. Responsibility for hosting TTPPC meetings will rotate around the six parties making up the committee.
10. The quorum for TTPPC meetings will comprise one representative of four of the six parties comprising the committee.
11. Media publicity relating to TTPPC meetings will be the responsibility of the chairperson but be undertaken after liaising with the regional council chairperson and district mayors as appropriate. Proposed media releases will generally be an agenda item for committee meetings.
12. Remuneration of council members of TTPPC will be the responsibility of each council. Remuneration of the chairperson and iwi representatives will be agreed by TTPPC and be funded by West Coast Regional Council.
13. Administrative support for TTPPC and its meetings will be provided by West Coast Regional Council in conjunction with the organisation hosting a particular meeting as agreed by the parties.

Membership of West Coast District Plan Technical Advisory Team

14. TTPPC will be supported by a technical advisory team comprising planners with expertise from across the four councils and local iwi.
15. The team will work with the project manager to ensure that TTPPC receives technical support throughout the process. The team's contribution in kind to the district plan development process will be supported by their reporting organisation.
16. Each party to this agreement is expected to make contributions of staff time and technical expertise "in kind".

Steering group

17. In addition to the technical advisory team, a steering group comprising the council chief executives and iwi representatives will meet regularly with the project manager to ensure the project is supported and progressing as planned.

Administration of existing district plans

18. The Buller, Grey and Westland district councils will continue to administer and be responsible for their own district plans in accordance with the requirements of the Resource Management Act 1991, until such time as there is an operative combined West Coast district plan.

PART C: ADMINISTRATIVE DELEGATIONS

4. Human Resources delegations

4.1 Legislative delegation to the Chief Executive

Pursuant to section 42(2) of the Local Government Act 2002, the Chief Executive is responsible, on behalf of the Council, for ensuring the effective and efficient management of the Council, employing staff and negotiating the terms of employment of staff.

The Chief Executive has absolute control over all employment-related matters concerning staff. Further specific delegations made by the Chief Executive in relation to human resources under section 42(2) are prescribed below (the Human Resources Delegations).

Explanatory Note: *The Chief Executive may appoint in writing, in consultation with the Chairperson, any person to be acting Chief Executive during temporary periods of absence from duties together with such of the Chief Executive's powers as he or she considers appropriate.*

4.2 Principles of Human Resources delegations

In support of, and in addition to, the principles, terms and conditions outlined in Section 1.2.3 of this Delegations Manual, the following principles, terms and conditions are applied to the delegation of employment or people management activities:

- (a) Human Resources Delegations are standardised across management roles unless otherwise stated (i.e. if a delegation is granted to Managers, then everyone in a Manager role holds that delegation).
- (b) Human Resources Delegations automatically apply to the person appointed to that role (i.e. no additional documentation is required beyond acceptance of the employment agreement for the role).
- (c) Human Resources Delegations are granted to the lowest appropriate tier (with demonstrated competence to execute the delegation) to empower and enable our people managers; this authority may also be executed by all managers in a direct line above that position.
- (d) No Human Resources Delegations may be used to self-approve – the one up rule applies.
- (e) Human Resources Delegations must be exercised in accordance with Staff Policies.
- (f) The Manager People and Capability may sub-delegate their authority to the Health and Safety Advisor as appropriate.

4.3 Human Resources delegations

The Chief Executive retains the responsibility for all human resources matters. The Chief Executive retains the delegation for the following activities specified in Table 2 below.

Other delegations have been made by the Chief Executive to the Directors/Managers and Team Leaders.

Explanatory Note: *For the purpose of these human resources delegations: 'Managers' are defined as Tier 2 management roles with responsibility for a Group and reporting directly to the Chief Executive, and includes Directors. Team Leaders are defined as any management roles below Managers (with or without the Team Leader title, such as and including the Operations Manager, Vector Control Services) which hold formal staff management responsibilities as outlined in the position description.*

Table 2: Human Resources delegations

Chief Executive	Managers (T2)	Team Leaders (T3)
Recruitment Requisitions		
<ul style="list-style-type: none"> • approve recruitment of additional Full Time Equivalent (FTE) permanent employee numbers (unbudgeted recruitment) • approve recruitment where significant change has been made to a role 	<ul style="list-style-type: none"> • approve like-for-like recruitment (permanent, fixed term and casual) • make recommendations on recruitment (like for like and unbudgeted) to the appropriate approving manager • engage the services of a recruitment agency with Manager People and Capability's agreement (provided Procurement Policy obligations have been met) 	<ul style="list-style-type: none"> • make recommendations on recruitment (like for like) to the appropriate approving manager
Candidate Appointments		
<ul style="list-style-type: none"> • sign offers of employment • approve non-standard terms and conditions, following consultation with the Manager People and Capability • approve candidate offers which fall outside market range (above 100% of the assessed salary grade for the position) • approve candidate offers for 2nd tier managers 	<ul style="list-style-type: none"> • approve candidate offers within market range (up to 100% of the assessed salary grade for the position) • offer relocation expenses with the Manager People and Capability's agreement 	<ul style="list-style-type: none"> • make recommendations on candidate appointment, including salary recommendation, to the appropriate approving manager
Employment Conditions		
<ul style="list-style-type: none"> • require and set dates for an annual shutdown period • sign (on behalf of WCRC) Collective Employment Agreements and bargaining Terms of Settlement 	<ul style="list-style-type: none"> • approve timesheets • provide prior approval for overtime payments • determine actions to address conflict of interest situations • approve staff entering into secondary employment • deliver a Final warning with Manager People and Capability's agreement 	<ul style="list-style-type: none"> • approve timesheets for own teams • approve one-off or occasional work from home • initiate a performance improvement process with Manager People and Capability's agreement

	<ul style="list-style-type: none"> • second staff to other organisations subject to consultation with CE • approve staff to present a paper or publication refering West Coast Regional Council • approve requests for flexible working arrangements (fomal, change to employment terms and conditions), and other standard employment agreement adjustments (i.e. changes to reporting line) • determine the course of action following an external complaint against a staff member subject to consultation with Manager People and Capability • approve requests for flexible working arrangements (informal) • second staff to other teams within the Council • deliver a Verbal or First waming with Manager People and Capability's agreement • make a verbal employment offer 	
Termination		
<ul style="list-style-type: none"> • approve termination of an employment agreement • approve the outcome of change proposals and position disestablishments resulting in a triggering of redundancy dause in employment agreement • approve payments under section s123(1)(c)(i) of the Employment Relations Act (2000) 	<ul style="list-style-type: none"> • attend employment mediations on behalf of WCRC alongside the Chief Executive and/or Manager People and Capability 	
Leave		

<ul style="list-style-type: none"> • approve corporate-wide paid leave for staff unable to work due to an emergency or severe weather situation • approve the cash-out of annual leave • grant paid and unpaid compassionate leave • approve requests for leave without pay • approve Long Service leave • approve all special leave except domestic violence leave • grant additional paid sick leave in situations of prolonged illness or injury (Discretionary Wellbeing Leave) 	<ul style="list-style-type: none"> • grant additional bereavement/tangi leave subject to consultation with CE • Manager People and Capability ONLY: sign off parental leave • provide a request for exemption from jury service • Manager People and Capability, following consultation with Manager: approve use of partner/paternity leave • Manager People and Capability ONLY: approve special leave (Domestic Violence) • grant additional paid sick leave (fair and reasonable sick leave only), following consultation with Manager People and Capability • approve study leave (including examination) 	<ul style="list-style-type: none"> • approve sick, annual, bereavement or jury service leave • approve time in lieu • approve Alternate Holiday leave • approve ACC leave
Performance and Development		
<ul style="list-style-type: none"> • approve attendance at overseas learning events 	<ul style="list-style-type: none"> • approve study applications • approve individual performance and development objectives and review outcomes for direct reports • approve attendance at internal or external learning events with Manager People and Capability's agreement 	<ul style="list-style-type: none"> • approve individual performance and development objectives and review outcomes for direct reports
Policies and Procedures		
	<ul style="list-style-type: none"> • policy ownership for cross-organisational policies within sphere of responsibility • acting in the capacity as a member of the executive management team, approve new policies, changes to existing policies and disestablishment of redundant/superseded policies 	<ul style="list-style-type: none"> • approve standard operating procedures (SOPs)

	<ul style="list-style-type: none"> • approve divergence from existing policy • acting in the capacity as a member of the executive management team, approve new policies, changes to existing policies and disestablishment of redundant/superseded policies • approve operational procedures and guidelines within sphere of responsibility 	
Health, Safety and Wellbeing		
<ul style="list-style-type: none"> • approve consumption of alcohol for work-related functions • duties as required of the primary Officer of the PCBU • final approval of the Hazard and Risk Register • Determine the resolution on any matters escalated by the Health and Safety Committee • issue a trespass notice 	<ul style="list-style-type: none"> • decide actions following harassment or bullying investigations • duties as required as Officers of the PCBU in matters relevant to their work groups • approve Permit(s) to Work for work deemed 'high risk' (e.g. Asbestos removal, accessing a confined space) • determine any corrective actions required on safety matters (e.g. as a result of an audit, incident investigation, matters raised at the Health and Safety Committee) • determine the resolution on any matters escalated by the Health and Safety Committee • approve catering for meetings and functions • approve new and replacement garments and Personal Protective Equipment (PPE) for field work • approve safety training requirements for employees 	<ul style="list-style-type: none"> • approve new and replacement garments and Personal Protective Equipment (PPE) for field work • approval of safety training requirements for employees • approval of ergonomic workstation assessments • Approval of Return to Work (RTW) Plans for injured or ill employees • approve new and replacement garments and Personal Protective Equipment (PPE) for field work • approval of Return to Work (RTW) Plans for injured or ill employees • final sign off/closing out of incident investigations

	<ul style="list-style-type: none"> • approve ergonomic workstation assessments • approval of Return to Work (RTW) Plans for injured or ill employees • final sign off/closing out of incident investigations • determine any corrective actions required on safety matters (e.g. as a result of an audit, incident investigation, matters raised at the Health and Safety Committee) 	
Recognition, Reward & Remuneration		
<ul style="list-style-type: none"> • approve overall salary increase following annual review (within governance-set budget) • approve out of cycle remuneration increases (up to 100% of the assessed grade for the position) 	<ul style="list-style-type: none"> • decide appointment and amount of higher duties payments • approve overtime and accumulation of flexitime 	

5. Requests and the release of information, correspondence, and public records

Explanatory Note: For the purpose of these delegations: ‘Managers’ are defined as Tier 2 management roles with responsibility for a Group and reporting directly to the Chief Executive, and includes Directors. Team Leaders are defined as any management roles below Managers (with or without the Team Leader title, such as and including the Operations Manager, Vector Control Services) which hold formal staff management responsibilities as outlined in the position description.

5.1 Local Government Official Information and Meetings Act 1987

Section	Description	Delegated to
s.8	Information concerning existence of certain information	Manager Corporate Services
s.10	Requests for official information	All staff
s.11	Assistance with requesting information	All staff
s.12	Transfer of requests	Manager Corporate Services

s.13	Decisions on requests (including the decision to impose a charge for providing official information and consulting on release)	Manager Corporate Services
s.14	Extension of time to provide official information	Manager Corporate Services
s.15	Power to determine manner of presenting information	Manager Corporate Services Executive Assistant
s.16	Power to determine deletions of some information from documents	Manager Corporate Services
s.17, 17A, 17B, 18	Refusal of requests for information	Manager Corporate Services
s.21,22, 23	Right of access to internal rules affecting decisions / personal information	Manager Corporate Services
s.24	Precautions regarding access to personal information	All staff
s.25	Correction of personal information	All staff
s.26	Refusal to supply personal information	Manager Corporate Services
s.29	To comply with the requirements of an Ombudsman	Managers
s.33	Requirement to notify decision of Ombudsman	Manager Corporate Services
s.39	Publication of summary of report	Manager Corporate Services
s.46	Public notification of meetings	Executive Assistant
s.46A, 46B, 49, 51, 51AA	Availability of agendas, reports and minutes	Executive Assistant
s.51A	Public notification of resolution at emergency meeting	Executive Assistant

5.2. Privacy Act 2020

Section	Description	Delegated to
s.201	Power to appoint Privacy Officers	Chief Executive
s.47, 49, 50, 51, 52, 53	Decision to refuse access to personal information	Manager Corporate Services Privacy Officer
S41, 43, 45, 46, 48, 55, 56, 60, 62, 63, 64, 65, 66	<ul style="list-style-type: none"> - To treat the requests with urgency; - To decide to transfer a request to another agency; - To decide whether the request can be granted (including the decision to impose a charge); - Where a request has been granted, whether any information should be withheld; - Decision to extend the time limits; - Deciding the way information is to be provided; - Providing the reasons for refusal. 	Manager Corporate Services Privacy Officer
	All other powers and duties under the Privacy Act 2020. This delegation may be sub-delegated.	Chief Executive

5.3. Public Records Act 2005

The Council has certain obligations under the Public Records Act 2005, including in relation to the disposal of Council records.

Section	Description	Delegated to
17	To provide for the creation and maintenance of local authority records	Manager Corporate Services

40	To comply with the requirements in relation to protected records	Manager Corporate Services
45, 46	To classify the access status of the Council's local authority records	Manager Corporate Services
47	To provide for the public inspection of open access records	Executive Assistant

5.4 Authority to Sign Correspondence

The following details the delegation for staff to sign outward correspondence. This applies to all formal correspondence by letter, fax or electronic mail.

1. Correspondence to Members of Parliament, Ministers of the Crown and the Ombudsman

- Chief Executive.

2. Other Correspondence

- Chief Executive.
- Managers for matters relating to their areas of responsibility.
- Managers may sub-delegate signing authority to individual staff, but this must be limited to matters which are directly within the staff member's area of work. Correspondence concerning matters of council policy, issues of political sensitivity, financial commitments, and any other aspects of contractual arrangements should only be signed by the CEO or managers.
- Managers are directly responsible for the standard of correspondence within their areas.

5.5 Other

This Delegations Manual does not contain formal delegations in relation to media statements (including social media). Staff should refer to the relevant Staff Policies in relation to these matters.

6. Submissions

6.1. General

The authority to make a submission on any matters of general interest or concern to the Council (including proposed Government policies, discussion documents and legislation but **excluding** proposed plans and plan changes and resource consent applications under the RMA and any other policy or standard not delegated in this manual), where it is not possible within the available time to refer the matter to the Council or where there is no other delegation, is delegated to the Chief Executive or, in the Chief Executive's absence, the Acting Chief Executive.

NOTE: When this delegation is exercised, it must be reported to the next Council meeting.

7. Authorisation to use the Common Seal

The authority for the use of the Council's Common Seal is contained in the Council's Resolutions of 12 February 2002.

Use of the Common Seal:

- The Chief Executive Officer shall hold the common seal of the local authority and be responsible for the use of the same.
- The seal shall not be affixed to any document unless by resolution of the local authority but the Chief Executive Officer and one other Council manager may affix the seal in an urgent case, in which case, such action shall be reported to the local authority.
- Every sealing shall be made and done by the Chief Executive Officer and the Chairperson, or such Council managers as may be authorised from time to time, according to the procedure prescribed by the local authority and shall be reported to the local authority.

The Common Seal will be affixed to any document that is required to be executed under the Seal, including:

- Certain warrants to carry out statutory functions, including warrants made under the Biosecurity Act 1993, the Building Act 2004, and the Local Government Act 2002.
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002.
- Regional policy statements and regional plans prepared under the Resource Management Act 1991.
- Bylaws prepared under the Local Government Act 2002 or other relevant statutes.
- Any documents (e.g. covenants, caveats, s417 certificates or consent notices) which otherwise require the use of the Council's Common Seal.

8. Professional advice and legal proceedings

8.1 Authorisation to obtain professional advice

The authority to obtain professional advice, including but not limited to legal, engineering, human resources, financial, accounting and resource management advice on Council's behalf is delegated to:

- Chief Executive
- Managers

Explanatory notes: *In accordance with the general terms and conditions this delegation may only be exercised in accordance with financial delegations.*

Any advice must also be sought in accordance with any arrangements that the Council has regarding the provision of services (i.e. if there is a preferred or agreed service provider).

This delegation does not prohibit other staff members from liaising with professional advisors as part of the Council obtaining advice. Instead it is intended to operate to ensure that the engagement of the advisor has been approved by one of the above staff members.

8.2 Court proceedings

Unless otherwise provided for elsewhere in this Delegations Manual, the following delegations for Court Proceedings apply.

Reference	Function	Delegated to
General <i>Clause 32, Schedule 7 of LGA</i>	The authority to decide whether to commence or defend any action before a Court, tribunal, arbitral panel or other such body subject to, at the delegate's discretion, discussion with the Chairperson, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the relevant Committee of the Council.	Chief Executive [Note: it is good practice to consult with the Chair of the Risk and Assurance Committee prior to exercising the delegation under this section].
General <i>Clause 32, Schedule 7 of LGA</i>	In the event the Chief Executive is unavailable or in exceptional circumstances where time does not permit consideration by the Chief Executive and where such action is necessary to protect or further Council's interests, the authority to commence or defend any action before a Court, tribunal, arbitral panel or other such body.	Manager Corporate Services Manager Consents and Compliance Manager Planning, Science and Innovation [Note: it is good practice to consult with the Chair of the Risk and Assurance Committee prior to exercising the delegation under this section].
General <i>Clause 32, Schedule 7 of LGA</i>	The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to any matter before any Court, tribunal, arbitral panel, or other such body subject to, at the delegate's discretion, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the Council or appropriate Committee.	Managers
General <i>Clause 32, Schedule 7 of LGA</i>	The authority to: <ul style="list-style-type: none"> • Initiate to have Court costs awarded; and • Initiate legal proceedings to collect Court costs awarded. 	Managers
General <i>Clause 32, Schedule 7 of LGA</i>	The authority to take appropriate action within Council policy to recover debts, including, but not limited to Court and, Tribunal proceedings and debt collection agencies.	Manager Corporate Services
General <i>Clause 32, Schedule 7 of LGA</i>	The authority to initiate, prosecute, withdraw and do all things necessary to conduct appeals as follows: <ul style="list-style-type: none"> • Environment Court to the High Court • District Court to the High Court • High Court to the Court of Appeal or Supreme Court • Court of Appeal to the Supreme Court. 	Chief Executive [Note: it is good practice to consult with the Chair of the Risk and Assurance Committee prior to exercising the delegation under this section].
Judicial Review <i>High Court Rule 30.3, Clause 32, Schedule 7 of LGA</i>	Lodge, withdraw, oppose or join an application for Judicial Review with the High Court and any related applications or proceedings and be heard in relation to any application or proceedings subject to, at the delegate's discretion, discussion with the Chairperson, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the relevant Committee of the	Chief Executive [Note: it is good practice to consult with the Chair of the Risk and Assurance Committee prior to exercising the delegation under this section].

	Council	
Judicial Review <i>High Court Rule 30.3, Clause 32, Schedule 7 of LGA</i>	The authority to settle a dispute or issues at stake at mediation or other dispute resolution sessions in relation to judicial review proceedings subject to, at the delegate's discretion, discussion with Legal Counsel, discussion with officers involved, discussion with the Council's insurers and reports being made to the Council or appropriate Committee. This delegation includes the authority to approve Consent Memoranda, draft Consent Orders, side agreements or other documents required to settle a matter	Chief Executive

Specific terms and conditions:

- The authority to settle any matter against the Council must be exercised in accordance with any financial delegations.

Explanatory Notes:

- *Further delegations in relation to Court proceedings on property matters are listed in the property delegations.*
- *Further delegations in respect of specific statutory proceedings are listed in the regulatory delegations (e.g. under the Resource Management Act 1991 and Biosecurity Act 1993).*

PART D: CONTRACTING, FINANCIAL, RATING AND PROPERTY DELEGATIONS

Part D of the Delegations Manual sets out delegations relating to contracting and agreements, financial matters (including rating) and property delegations.

9. Contracting, Agreements and Memorandum of Understanding

9.1 Introduction

The Council enters into a range of different contracts and agreements as part of undertaking its day to day business. These range from non-binding memorandum of understanding (but which may have significant reputational impact), contracts and agreements of low financial value, to high financial value contracts and agreements.

This section of the Delegations Manual contains delegations in relation to these matters and should be read alongside the financial delegations.

9.2 Memorandum of Understanding

The authority to sign on Council's behalf any memorandum of understanding is delegated to all Managers within their own area of responsibility.

9.3 Authorisation to sign Deeds

The Property Law Act 2007 requires Deeds to be signed by "two directors" in the case of a body corporate. "Directors" equates to Councillors (that is persons holding a governance as opposed to management role).

Attorneys may be appointed to execute a Deed on behalf of Council. The attorneys must be appointed by Deed, and that Deed of appointment must be executed by two "directors".

9.4 Authorisation to sign contracts and other agreements (other than Deeds)

This section provides for delegations to staff in relation to financial expenditure. The exercise of delegation under this section is on the total expenditure. Commitment and attention must be given to approved delegation levels. Staff must be aware of their delegations, and if necessary, obtain approval from appropriate staff with a higher delegation level if the procurement will exceed their own delegation limit.

Staff can only use their delegations within their area; delegations are not to be used elsewhere in Council.

Splitting procurement costs in order to bring the pricing under delegation or procurement level limits while knowing that the total expenditure is above the approval level is prohibited.

Authority to sign off contracts (excluding Deeds) rests with the relevant staff who have a level of delegation consistent with the total expenditure expected over the life of the contract (refer Financial Delegations Authority table below). Once in place, individual invoices under that contract may be authorised by relevant staff with the level of delegation appropriate to each invoice.

If contract modification, extension or amendment is required, it is treated as being part of the original contract and can only be approved by the staff member of same or higher delegation level of that which approved the original contract, regardless of the size or value of the modification, extension or amendment.

9.4.1 Procurement Principles¹

The Council’s Procurement Policy sets out guiding principles which are to ensure that Council procurement activities:

- Achieve best value outcomes.
- Are conducted with probity and transparency with fair, open and effective competition.
- Demonstrate compliance with good practice for similar types of public entities.
- Are compliant with all relevant legislation, delegated authorities and other Council policies.
- To manage risks associated with procurement.

Council staff are also guided by the following when procuring goods and/or services on behalf of the West Coast Regional Council:

1. Council has a responsibility to manage its resources in an effective and efficient manner, and in doing so will consider best value for money over the whole of life cycle when procuring goods and services
2. Council may procure goods and services as sole procurer or in conjunction with other Councils or entities
3. Council will ensure open and effective competition as a competitive procurement process, as this is likely to result in a better procurement outcome
4. Council will provide a full and fair opportunity for both local and national suppliers
5. Council will comply with all relevant legislation, policies and procedures when engaging in the procurement process
6. Council will require sustainably produced goods and services whenever possible, having regard to economic, environmental, social and cultural impacts over their life cycle

9.4.2 Purchase of Good and Services

Delegations by the Council set out in the Financial Delegations Register (refer tables below) attach to the position.

The following officers of the Council have the authority to enter into contracts for the purchase of goods and services required by the Council (up to the **limits** shown in the appropriate annual plan). This authority includes signing of orders and approval of payment of invoices.

All amounts are GST exclusive.

Financial Delegations Register

Position/s	Delegation
Chief Executive and one other Manager jointly for all contracts & services	\$300,000
Chief Executive alone	\$200,000
Corporate Services Manager, Planning, Science & Innovation Manager, Director Operations, and Consents & Compliance Manager	\$150,000
Corporate Services Manager – for statutory and payroll purposes only	\$250,000
Operations Manager (Vector Control Services only)	\$150,000
Other Regional Council Managers	\$25,000
Regional On-Scene Commander (Oil Spills), Group Controllers (CDEM), Regional Director Emergency Management and Natural Hazards	\$100,000
All Team Leaders	\$10,000
Vector Control Services Supervisors	\$5,000

¹ West Coast Regional Council Procurement Policy

Executive Assistant	\$5,000
---------------------	---------

The above financial limits apply per single item or transaction, except in the following circumstances:

Authority to approve contract progress payments for the supply of goods and services that have been approved by Council or the appropriate Committee ²	Chief Executive jointly with: <ul style="list-style-type: none"> • Planning, Science & Innovation Manager; or • Director Operations 	No limit
Authority to jointly approve contracts above individual delegations for the following activities: <ul style="list-style-type: none"> • vector control services contracted operations • emergency works 	Chief Executive jointly with the relevant Manager	\$500,000

Note: General procedures for obtaining prices, including tenders, are set out in Appendix I.

9.4.3 Variation of Contracts

1. The Chief Executive, appropriate managers or appropriate officers are empowered to approve variations during the period of a contract, approved by them under delegated authority, to an amount in total not exceeding their own delegated authority.
2. Any variation of greater than 15% of any quantity, scheduled item or fixed price must be fully documented as to the reasons why this has happened and if it is acceptable.
3. The officer exercising the power to approve variations (under the above clauses 1 and 2) must report those to the next level up for confirmation before the contractor can act upon the variation (ie. an officer must have the variation confirmed by their manager and a manager must have the variation confirmed by the CEO. Any exercise of this power by the CEO must be reported to the Council).

9.5 Variation of Budget Between Activities

The Chief Executive Officer may reallocate budgets between activities within divisions, provided Annual Plan outputs are not compromised.

In situations where variations are anticipated to affect divisional Annual Plan outputs these must be brought before Council for its agreement before any management action is possible.

Any such allocations are to be subsequently reported to the Council.

9.6 Authorisation to sign Cheques

Signing authority on cheques is delegated to the Chairperson of the Council, the Chief Executive, the Corporate Services Manager, the Consents and Compliance Manager, the Planning, Science and Innovation Manager, the Director Operations and the Executive Assistant (any two jointly). This authority also includes payments transmitted electronically.

² where the supply of goods and services to/from external parties has received prior approval from Council or the appropriate Committee

9.7 Credit Card Authorities

The following positions are delegated authority to use Council credit cards to the specified monthly limit:

Position	Credit Limit
Creditors Officer	\$10,000
Executive Assistant to CEO	\$10,000
Director Operations	\$5,000
IT Team Leader	\$15,000

Delegations are to be exercised in accordance with the Council's Credit Card Policy.

9.8 Contingency Expenditure

9.8.1 Emergency Procurement

An emergency procurement situation can arise from natural disasters such as flooding and earthquakes. In an emergency, the following procedure is to be followed by staff:

- An emergency for procurement purposes must be classified by either the Manager Corporate Services, Chief Executive, Director Operations, Chairperson or Group Controller of West Coast Civil Defence Emergency Management Group.

The Chief Executive, Director Operations, and Regional Director Emergency Management and Natural Hazards are authorised in emergency circumstances to undertake the necessary remedial or response action (within the same maximum limits as provided in the Financial Delegations Register) and, at the first subsequent meeting of the Council, must report on action taken under the delegation.

9.9 Other financial commitments

9.9.1 Invoice debtors

The authority to approve invoices for revenue to be charged against debtor accounts is delegated to the relevant Manager and may be sub-delegated with approval from the relevant Manager, where this sub-delegation will facilitate the invoicing process.

9.9.2 Debt recovery

In a number of areas of the Council's operation it may be necessary on occasion to negotiate a reduction in amounts owing or to write-off debts which cannot be collected.

- (a) Approval of write-off or write-down of general debtor invoices up to \$10,000 is delegated to the Manager Corporate Services. For sums greater than \$10,000, approval is reserved to the ~~Chief Executive~~ Risk and Assurance Committee.
- (b) Approval of write-off or write-down of rate debtor invoices or penalties up to \$10,000 is delegated to the Manager Corporate Services. For sums greater than \$10,000 this is delegated to the Risk and Assurance Committee. Rate debtor invoices will only be written off or written down to correct errors.

Write-off of rate debtors due to hardship reasons as outlined in the Local Government (Rating) Act 2002 is reserved to the Chief Executive and must be reported to Council.

The authority to take appropriate action within Council policy to recover debts within the financial delegation limits above, including, but not limited to Court, Tribunal proceedings and debt collection agencies is delegated to Manager Corporate Services.

Explanatory note: See also court proceedings delegations.

9.9.3 Raise credit notes

Credit notes represent a disbursement of a Council asset. Authorisation to raise a credit note is delegated to the Corporate Services Manager, in accordance with the maximum limits as provided in the Financial Delegations Register. This authority may be sub-delegated with approval from the Corporate Services Manager, where this sub-delegation will facilitate the process of raising credit notes.

9.9.4 Banking and payment signatories

Changes to banking arrangements requires the signature of Manager Corporate Services.

Specific terms and conditions: All payments must be authorised by TWO approved signatories signing and countersigning appropriate documentation. Bank signatories are 'person specific'.

9.9.5 Operational expenditure – Payroll, PAYE, ACC and other Taxes

For payroll, PAYE, ACC and other taxes and deductions - any two authorised bank signatories jointly.

9.10 Specific Financial Delegations and Authorities

9.10.1 Regional On-scene Commander (Marine oil spill response)

The Regional On-Scene Commander is a person trained and authorised by Maritime New Zealand and appointed by Council under the Maritime Transport Act 1994. Appointment by Council provides financial authorisations within the West Coast Regional Council Marine Oil Spill Contingency Plan (June 2020).

1. When a Tier 2 marine oil spill response has been declared, total expenditure may not exceed \$250,000 without authorisation of the West Coast Regional Council Chief Executive.
2. The authority to make individual purchases in response to a Tier 2 marine oil spill response are as follows:
 - a. The person acting as Regional On-Scene Commander, or as alternative Regional On-Scene Commander has a financial delegation for individual purchases to a maximum of \$100,000.
 - b. The person acting as Operations Manager, Logistics Manager, Planning Manager or Deputy Regional On-Scene Commander has a financial delegation for individual purchases to a maximum of \$50,000.
3. Regional On-scene Commanders are required as a condition of the delegation to:
 - i. comply with Maritime New Zealand Operational Policy; and

- ii. comply with Council procedures and subsequently report to the next meeting of Council.

9.10.2 Local Government Funding Agency

Authority to sign all documents including resolutions, special resolutions and funding documents, required to give effect to Council decisions in relation to the Local Government Funding Agency (LGFA)	Any TWO of the following: <ul style="list-style-type: none"> • Chief Executive • Chair of Council • Chair of Risk & Assurance Committee
--	--

9.10.3 Council Share Portfolio Investments

Authority to sign all documents including resolutions, special resolutions and funding and financial documents, required to give effect to Council decisions in relation to share portfolio investments	Any TWO of the following: <ul style="list-style-type: none"> • Chief Executive • Chair of Council • Chair of Risk & Assurance Committee
---	--

10. Rating

10.1 Introduction

The following section of the Delegations Manual describes the delegations given in relation to rating matters.

The Chief Executive is delegated all powers, functions and duties under the Local Government (Rating) Act 2002 that are legally able to be delegated under section 132 of the Local Government (Rating) Act 2002.

The Local Government (Rating) Act 2002 prohibits the delegation of the power of delegation. Accordingly, the following table sets out a range of other delegations made by the Council to specified positions.

In relation to the Rating Valuations Act 1998 and the Rate Rebate Act 1973 the Council delegates to the Chief Executive all powers, functions and duties under these two Acts that are legally able to be delegated. In accordance with Clause 32 of Schedule 7 of the LGA, the Chief Executive has made the following sub-delegations as indicated below in the following tables.

10.2 Local Government (Rating) Act 2002

Section	Function	Delegated to
40	Power to correct rates	Manager Corporate Services
41	Authority to issue an amended rates assessment if an error is encountered.	Manager Corporate Services

54	Power not to collect rates that are uneconomic to collect	Manager Corporate Services
61,62,63	Powers for recovery of unpaid rates	Manager Corporate Services
85, 86	Power to postpone rates pursuant to Council rates remission policy	Manager Corporate Services to approve postponement of rates on applications which meet the criteria of the Council's policy
87,90	Power to postpone rates pursuant to Council rates postponement policy	Manager Corporate Services to approve postponement of rates on applications which meet the criteria of the Council's policy
91-113	Rating of Maori freehold land including district valuation rolls, land vested in trustees, multiple ownership, using land in multiple ownership	Manager Corporate Services, to be exercised in accordance with Council's Rates policies
114-115	Power to remit or postpone rates on Maori Freehold land	Manager Corporate Services, to be exercised in accordance with Council's Rates policies

10.3. Rating Valuation Act 1998

Section	Function	Delegated to
43	Obligation to pay annually a share of the costs of any territorial authority in the region in preparing and maintaining its district valuation roll	Manager Corporate Services
43	Resolve any dispute regarding the amount payable, including in arbitration	Manager Corporate Services

11. Property services

11.1 Leases and Licences

Matter	Function	Delegated to
New leases/ Licences	The authority to: (a) as lessor or lessee to sign agreements to lease for residential and commercial property granting leases for periods of no more than eight years (b) grant new leases or licenses for terms not exceeding twenty-one years for all other land	Subject to obtaining the prior approval of Council: <ul style="list-style-type: none"> • Chief Executive • Manager Corporate Services

	(c) execute contracts of guarantee	
Assignment and subleasing	The authority as lessee or licensee to approve the sublease and assignment of leases and licenses	Chief Executive Manager Corporate Services
Mortgages	The authority to: (a) secure a mortgage over the lessees' interest in the lease (b) vary mortgage terms (c) release a mortgage	Chief Executive Manager Corporate Services
Rents	The authority to appoint an officer to set rentals for council property	Subject to obtaining the prior approval of Council: <ul style="list-style-type: none"> • Chief Executive • Manager Corporate Services
	The authority to set, review and reduce prices and rents in relation to existing Council leases or licenses	Chief Executive Manager Corporate Services
Rents	The authority to: (a) issue rent/fee rebates (b) appoint an arbitrator where rent reviews are appealed	Chief Executive Manager Corporate Services
Variation of leases	The authority to: (a) approve variations to commercial, industrial and residential leases; and (b) approve variations to all licenses	Chief Executive Manager Corporate Services
Termination and surrender of leases	The authority: (a) as lessor or lessee, or licensor or licensee, to terminate leases or licences within the terms and conditions of the contract, including failure to pay rent (b) as property owner, lessor, assignor or licensor, to approve the surrender of leases and licences	Chief Executive Manager Corporate Services
Registration	The authority to sign an authority and instruction form authorising registration of a lease or any surrender, variation or renewal of a currently registered lease approved under the above delegations	Chief Executive Manager Corporate Services
Consent	The authority to provide (or withhold) any permission as a landholder required under a lease	Chief Executive Manager Corporate Services

11.2 General and miscellaneous

Matter	Function	Delegated to
Access	Authority to enter into, vary, revoke or cancel an access agreement.	Chief Executive Managers

Land acquisition	Authority to approve minor land purchases or sales by agreement, for public works, subject to the transaction being in accordance with the Long Term Plan and to sign an authority and instruction form for the above purpose.	Chief Executive, subject to prior notification to Council
Affected party approvals, applications and permissions For further delegations on affected party approvals see: 15.10	Authority to provide approval, consents and make submissions or objections as a adjoining landowner or potentially affected party in relation to property owned, leased or managed by Council. Making applications, seeking and obtaining approvals, agreements, consents and permissions under the Building Act, Resource Management Act, or any other applicable statute in relation to property, land or assets owned, leased or managed by Council.	Chief Executive Director Operations Manager Corporate Services
Land Interests	Power to register, approve amendments to or withdrawals or discharges of caveats, easement certificates and releases of bonds or encumbrances. Specific terms and conditions: This delegation will only be exercised upon confirmation that all obligations have been satisfied.	Chief Executive Manager Corporate Services
Signing Issues	Sign any other applications, documents, agreements or instruments or certify any documents or instrument in relation to any interest in land, on behalf of Council not otherwise provided in these property delegations.	Chief Executive Manager Corporate Services
Emergency	Power to close a premises / facility in an emergency situation.	Any Manager
Use of Council Property and land	Authorise the use of any Council building, land, facility or equipment by an outside person or organisation in accordance with any established guidelines.	Manager Corporate Services
Disposal	Dispose (whether by tender or otherwise) of any motor vehicle or item of plant or surplus Council asset in accordance with Council policy [<i>presently under development</i>].	Manager Corporate Services Chief Executive
Statutory Land Charge	The authority to release a statutory land charge.	Manager Corporate Services
Easements and other interests	The authority to (a) create, vary and surrender, easements and covenants over Council land; (b) request removal of easements, covenants and profits à prendre from LINZ register and removal of fencing covenants from title; (c) to sign an authority and instruction form for the above purposes.	Chief Executive Manager Corporate Services

Explanatory note: Land owned by West Coast Regional Council is held pursuant to a range of different statutes, often as endowment land. Further, other statutory obligations, including under the Public Bodies Leases Act 1969 may be relevant to how the land may be able to be dealt with.

For the avoidance of doubt, nothing in the above delegations relieves the Council from complying with the statutory obligations that apply in relation to the land.

The exercise of the property delegations must also be carried out in accordance with the financial delegations, e.g. the value of the lease may require a higher level of authority to sign the document than provided for in the delegations.

11.3 Trespass Act 1980

Section	Function	Delegated to
3	Power to warn a trespasser to leave the property. Power to issue trespass notices. This delegation may be subdelegated.	Any Manager
4	Power to either at the time of the trespass or within a reasonable time thereafter, warn a trespasser to stay off the property. This delegation may be subdelegated.	Any Manager
4(2), 9(1)	Power to, where there is reasonable cause to suspect that any person is likely to trespass on the property, warn that person to stay off the property and to require that a person give name and other particulars. This delegation may be subdelegated.	Any Manager

PART E: REGULATORY RESOURCE MANAGEMENT ACT DELEGATIONS

12. General Matters

Advisory note – Resource Management Act (RMA) Planning:

The following delegations apply to all RMA matters including regional policy statements and plans, and matters pertaining to changes of existing District Plans within the region under s73 and Schedule 1 of the RMA. This is in accordance with the Local Government Reorganisation Scheme (West Coast Region) Order 2019.

The West Coast Regional Council delegated its functions for the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA to Te Tai Poutini Plan Committee on 13 April 2021, in accordance with the Local Government Reorganisation Scheme (West Coast Region) Order 2019. The following delegations do not apply to that process.

Advisory Note –

Paetae Kotahitanga ki Te Tai Poutini - Partnership Protocol

Mana Whakahono ā Rohe Resource Management Act - Iwi Participation Arrangement:

When exercising relevant delegations under this section, including those relating to the appointment of Hearing Commissioners, staff will have regard to the provisions of the above Protocol/Arrangement.

12.1 Information and Reports

Section	Function	Delegated to
35(2A)	Prepare and make available to the public a report on monitoring activities undertaken by Council in the course of exercising its functions under the RMA	Manager Planning, Science and Innovation Manager Consents and Compliance

12.2 Administrative charges

Section	Function	Delegated to
36(5)	Require payment of additional charges over and above any fixed charges to enable the recovery of actual and reasonable costs.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
36(6)	Approve an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
36AAB(1)	Waive or remit the whole or any part of any charge referred to in section 36 which would otherwise be payable.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

36AAB(2)	Where a charge of a kind referred to in section 36 is payable, cease performing the action to which the charge relates until the charge has been paid in full.	Manager Planning, Science and Innovation Manager Consents and Compliance
36AA	Determine any discount under section 36AA on an administrative charge imposed under section 36.	Manager Consents and Compliance

12.3 Power to waive or extend time limits or waive requirements

Section	Function	Delegated to
37(1)(a)	Extend time periods associated with a resource consent process, if the applicant has agreed to the extension.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
	Extend time periods associated with a resource consent process, where the applicant has not agreed to the extension.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
	Extend any other time period not associated with a resource consent process.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
37(1)(b)	In relation to resource consent processes, waive a failure to comply with a requirement regarding the time or method of services of documents.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
	In relation to any process other than a resource consent process, waive a failure to comply with a requirement regarding the time or method of service of documents.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
37(2)	In relation to a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
	In relation to any process other than a resource consent process, waive compliance with a requirement (including a procedural requirement) to provide information or direct that the omission or inaccuracy be rectified, and the manner of the correction.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

12.4 Commissioning reports

Section	Function	Delegated to
42A	Require an officer or commission a consultant or other person to prepare a report.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
42A(3) 42A(4)(b) 42A(5)	Waive compliance with the requirements in sections 42A(3) and 42A(4)(b).	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

12.5 Protection of sensitive information

Section	Function	Delegated to
42	<p>Make an order under this section to avoid:</p> <ul style="list-style-type: none"> serious offence to tikanga Maori, or to avoid the disclosure of the location of wahi tapu; the disclosure of a trade secret or unreasonable prejudice to the commercial position of the person who supplied, or is the subject of, the information; <p>and, in the circumstances of the particular case, the importance of avoiding such offence, disclosure, or prejudice outweighs the public interest in making that information available.</p>	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

13. Policy and Planning

13.1 Evaluation reports

Section	Function	Delegated to
32 Schedule 1, Clause 5	Direct the preparation of an evaluation report for a proposed policy statement or plan in accordance with section 32.	Manager Planning, Science and Innovation Planning Team Leader
32AA Schedule 1, Clause 5	This is a report to be prepared or commissioned by the hearing panel making recommendations on the planning document.	

165H(1A)	Prepare a report summarising the matters required by section 165H(1) and make it available for inspection.	Manager Planning, Science and Innovation Planning Team Leader
----------	--	--

13.2 Consultation

Section	Function	Delegated to
Schedule 1, Clause 3	Determine affected Ministers of the Crown, local authorities and other persons to consult with during the preparation of a proposed policy statement or plan	Manager Planning, Science and Innovation Planning Team Leader
Schedule 1, Clause 4A	Consult with iwi authorities and provide documents on any proposed RPS or Regional Plan	Manager Planning, Science and Innovation Planning Team Leader

13.3 Notification

Section	Function	Delegated to
Schedule 1, Clause 5(1C)	Determine whether a person is likely to be directly affected by the proposed policy statement or plan and determine what information to provide those persons.	Manager Planning, Science and Innovation Planning Team Leader
Schedule 1, Clause 5(5)	Determine appropriate locations in the region to make any proposed policy statement or plan available.	Manager Planning, Science and Innovation Planning Team Leader

13.4 Summary of decisions requested

Section	Function	Delegated to
Schedule 1, Clause 7	Publicly notify a summary of decisions requested by persons making submissions on a proposed policy statement, plan, or plan change and/or service notice on relevant persons where a decision was made to have limited notification of a RPS or Regional Plan.	Manager Planning, Science and Innovation Planning Team Leader

13.5 Resolution of disputes

Section	Function	Delegated to
Schedule 1, Clause 8AA(1)	Invite persons to a meeting for the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan.	Manager Planning, Science and Innovation Planning Team Leader

82	Resolution of disputes relating to inconsistencies between instruments by referral to the Environment Court (relates to inconsistency between water conservation orders and the Regional Policy Statement, or Regional Policy Statement or Plans and a District Plan, or between Regional Policy Statement or Plan and a national direction).	Chief Executive Manager Planning, Science and Innovation
----	---	---

13.6 Amendments to policy statements or plans without using Schedule 1

Section	Function	Delegated to
Schedule 1, Clause 16(1) and (2) Schedule 1, Clause 20A	Amend a proposed or operative policy statement or plan in accordance with Clauses 16(1), 16(2) (to give effect to national direction or a direction from the Environment Court) and 20A (to correct a minor error) without using the Schedule 1 process.	Manager Planning, Science and Innovation
292	Amend a plan without using the process in Schedule 1 of the RMA to remedy a mistake, defect, or uncertainty or to give full effect to a plan as directed by the Environment Court.	Manager Planning, Science and Innovation Planning Team Leader
85(3) 85(3A) 293	Make an amendment directed by the Environment Court under sections 85(3), 85(3A) and 293 without using the process in Schedule 1.	Manager Planning, Science and Innovation

13.7 Notification of operative dates

Section	Function	Delegated to
Schedule 1, Clause 20	Publicly notify a date on which a policy statement or plan becomes operative.	Manager Planning, Science and Innovation Planning Team Leader

13.8 Private plan changes

Note: plan changes to current district plans are the responsibility of WCRC under the Reorganisation Scheme.

Section	Function	Delegated to
Schedule 1, Clause 23(1) and (2)	Require, by written notice, further or additional information in accordance with Clause 23.	Manager Planning, Science and Innovation Planning Team Leader
Schedule 1, Clause 23(3)	Commission a report in relation to a request made under Clause 21 and notify the person who made the request.	Manager Planning, Science and Innovation Planning Team Leader

Schedule 1, Clause 24	Modify a request made under Clause 21 with the agreement of the person who made the request.	Manager Planning, Science and Innovation Planning Team Leader
Schedule 1, Clause 28	Give notice that request made under Clause 21 will be deemed to be withdrawn if not advised of wish to continue with request.	Manager Planning, Science and Innovation Planning Team Leader

13.9 Incorporation of documents by reference

Section	Function	Delegated to
Schedule 1, Clause 34	Consult on proposal to incorporate material by reference in a proposed plan, variation, or change in accordance with Schedule 1, Clause 34.	Manager Planning, Science and Innovation Planning Team Leader

13.10 Written approval on behalf of the Council

Section	Function	Delegated to
104(3)(a)(ii) 104(4)	Where the Council is an affected party, give or decline to give written approval on behalf of the Council to a resource consent application, and withdraw any written approval given.	Chief Executive Manager Planning, Science and Innovation – for policy interests Director Operations – for operational matters Manager Corporate Services – for property matters

14. Submissions

Council is responsible for setting the region's policy direction through its regional policy statement (RPS) which territorial authorities must give effect to. An important part of implementing the RPS is through making submissions on District Councils' proposed plans, plan changes, and resource consent applications. These submissions seek to implement Council's previous decisions so generally will not require further approval from Council.

Where Council has no relevant policy, but the issues raised in a plan change or consent application are significant the matter should be referred to the Resource Management Committee for consideration. Where this is not possible within the time that is available a submission should be lodged and the matter brought to the next Committee meeting.

Section	Function	Delegated to
96	Lodge or withdraw a submission on a resource consent application on behalf of Council.	Chief Executive Manager Planning,

		Science and Innovation Manager Consents and Compliance
149E 149F 149O	Make a submission to the EPA on a matter that has been called in or referred to it.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
Schedule 1, Clause 6 Schedule 1, Clause 8	Lodge or withdraw a submission or further submission on a proposed plan or plan change on behalf of Council.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
Part 5	Make a submission in relation to a proposed National Policy Statement, National Environmental Standard, National Planning Standard or NZ Coastal Policy Statement.	Manager Planning, Science and Innovation Note: Draft submissions are to be circulated to all members of the Resource Management Committee for review and comment prior to this delegation being exercised, unless timeframes do not permit this.

15.Resource consents and certificates of compliance

15.1 Application for resource consents

Section	Function	Delegated to
88(3)	Determine that an application is incomplete.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Senior Consents Officer Team Leader Consents
88(3A)	If an application is determined to be incomplete, return the application to the applicant with written reasons for the determination.	Chief Executive Manager Planning, Science and Innovation

		<p>Manager Consents and Compliance</p> <p>Senior Consents Officer</p> <p>Team Leader Consents</p>
88H	Decision to exclude time period while waiting for a fixed charge when the application is lodged or when the application is notified.	<p>Manager Consents and Compliance</p> <p>Team Leader Consents</p>
91	Power to defer the notification or hearing of an application for a resource consent if it is considered other consents are also required.	<p>Chief Executive</p> <p>Manager Planning, Science and Innovation</p> <p>Manager Consents and Compliance</p>
91C(2)	Following a period of suspended processing, decide whether to return the application to the applicant with a written explanation as to why it is being returned or continue to process the application.	<p>Manager Consents and Compliance</p> <p>Team Leader Consents</p>
91C(3)	If a decision is made under section 91C(2) to return an application, return the application with a written explanation as to why it is being returned.	<p>Manager Consents and Compliance</p> <p>Team Leader Consents</p>
165D	Refuse to receive an application for a coastal permit where consent for a similar activity has been refused within the previous 12 months	<p>Chief Executive</p> <p>Manager Consents and Compliance</p>

15.2 Further Information requests

Section	Function	Delegated to
92(1)	Request further information relating to a resource consent application.	<p>Chief Executive</p> <p>Manager Planning, Science and Innovation</p> <p>Manager Consents and Compliance</p> <p>Senior Consents Officer</p>
92(2)	Commission a person to prepare a report on any matter relating to a resource consent application.	<p>Chief Executive</p> <p>Manager Planning, Science and Innovation</p> <p>Manager Consents and Compliance</p> <p>Team Leader Consents</p>

92A(2)	When requesting further information under section 92, set a reasonable time within which the applicant must provide the information and tell the applicant in a written notice.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Senior Consents Officer Team Leader Consents
--------	---	---

15.3 Notification

Section	Function	Delegated to
91	Determine not to proceed with the notification or hearing of an application for a resource consent, and notify the applicant of that determination.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
95(1)	Decide whether to give public or limited notification of a resource consent application in accordance with sections 95A and 95B and notify the application as determined appropriate.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
95C	Publicly notify an application for a resource consent after request for further information or report.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
95E 95F 95G 127(4)	Determine if a person is an affected person.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
95D	For the purposes of deciding whether to publicly notify an application, determine whether the effects of the activity will be more than minor.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents

15.4 Submissions

Section	Function	Delegated to
97	Adopt an earlier closing date for submissions.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

15.5 Pre-hearing meetings and mediation

Section	Function	Delegated to
99(1)	Invite the applicant and submitters to attend a pre-hearing meeting.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99(1)	Require the applicant and submitters to attend a pre-hearing meeting.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99	Decide who will chair a pre-hearing meeting	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99(2)	Invite a person or persons to attend a pre-hearing meeting.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99(2)	With the consent of the applicant, require a person or persons to attend a pre-hearing meeting.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99(8)	Decline to process a person's application or consider a person's submission if they were required but failed to attend a pre-hearing meeting.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

99A	Refer an applicant and submitters to mediation.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
99A	Appoint mediators for consent applications	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

15.6 Hearings and Decisions

Section	Function	Delegated to
	Approve a list of accredited Hearing Commissioners from which appointments to hear and/or decide resource consent applications, reviews or changes to consents can be made.	Resource Management Committee In approving the list of accredited Hearing Commissioners, regard must be had to the implementation of <i>Paetae Kotahitanga ki Te Tai Poutini</i> Partnership Protocol <i>Mana Whakahono ā Rohe</i> Resource Management Act Iwi Participation Arrangement
	Appoint accredited Hearing Commissioners not on the approved list of Commissioners; to hear and decide resource consent applications, reviews or changes to consents and delegate to that person or persons all the necessary powers, functions, and duties in the RMA. This includes the ability to decide procedural matters, control hearings, and make directions.	Chairperson of the Resource Management Committee Chairperson of Council In making any appointments, regard must be had to the implementation of <i>Paetae Kotahitanga ki Te Tai Poutini</i> Partnership Protocol <i>Mana Whakahono ā Rohe</i> Resource Management Act Iwi Participation Arrangement
34A(1) 34A(1A)	Appoint an accredited hearing commissioner(s) from the list of Approved Hearing Commissioners to hear and/or decide resource consent applications, reviews or changes to consents and delegate to that person or persons all the necessary powers, functions, and duties in the RMA. This includes the ability to decide procedural matters, control hearings, and make directions. In making any appointments, regard must be had to the	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

	implementation of <i>Paetae Kotahitanga ki Te Tai Poutini</i> Partnership Protocol <i>Mana Whakahono ā Rohe</i> Resource Management Act Iwi Participation Arrangement	
39 40 41A 41B 41C	To determine the procedures for the conduct of a hearing.	The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular plan proposal or consent application
41D	To strike out all or part of a submission in accordance with the section.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance The Hearings panel or Commissioners, or Commissioner sole appointed to hear and determine the particular plan proposal or consent application
100	Determine that a hearing of an application is necessary.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
100A(4)	Where an applicant or submitter has made a request under section 100A, appoint a hearing commissioner(s) from the list of Approved Hearing Commissioners to hear and decide the application.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
101(1) 101(3)	Fix and give notice of the commencement date, time and place of a hearing.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
102(1)	In relation to joint hearings, agree that applications are sufficiently unrelated that a joint hearing is unnecessary.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
102(2)	Instead of the regional council, agree that for a joint hearing another authority should be responsible for notifying the hearing, setting the procedure, and providing administrative services.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

103(1)	Determine that applications for resource consents for the same proposal are sufficiently unrelated that it is unnecessary to hear and decide the applications together.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
--------	---	--

15.7 Decision-making on applications

Section	Function	Delegated to
104 104A 104B 104C 104D 104F 105	Consider and determine applications and impose conditions for applications that were publicly notified but no hearing is required (subject to Section 100). This delegation does not include authority to decline a resource consent application, unless the applicant has been offered and has refused the option to have the application heard and decided by an accredited Hearing Commissioner or Hearings Panel.	Manager Consents and Compliance
107 108 108AA 217	Determine applications and impose conditions for applications that were processed: (a) non-notified; or (b) by limited notification where no hearing is required (subject to Section 100). This delegation does not include authority to decline a resource consent application, unless the applicant has been offered and has refused the option to have the application heard and decided by an accredited Hearing Commissioner or Hearings Panel.	Manager Consents and Compliance

Section	Function	Delegated to
108A 109	Implementation of requirement in a resource consent for a bond to secure the performance of consent conditions. Note: If a bond or covenant is considered as a possible consent requirement then all matters relating to consent conditions under sections 104A, 104B, 104C, 104D, 104F, 105, 107, 108, 108AA and 217 must be considered together with delegation exercised by Manager Consents and Compliance.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance EXCLUDING release of bonds associated with mining. These are delegated to the Resource Management Committee.
110(1)	Refund or return the whole of a financial contribution or land in accordance with section 110.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

110(2)	Determine the portion of a financial contribution or land to retain to cover the costs incurred by the Council in relation to the activity and its discontinuance.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
114(2)	Determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

15.8 Duration of consent

Section	Function	Delegated to
124	Allow a resource consent holder to operate under an expired resource consent while the application for a new consent and any references (appeals) to the Environment Court are determined in accordance with section 124.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
125(1A)(b)	Determine an application for extension of the lapse date of a consent.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

15.9 Cancellation and change of consents

Section	Function	Delegated to
126(1)	Cancel a resource consent by written notice in accordance with section 126.	Chief Executive
126(2)	Revoke the notice of cancellation of a resource consent and determine a new period after which a new notice of cancellation may be issued in accordance with section 126.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

127	Determine applications by the holder of a resource consent for a change or cancellation of any condition of the consent for applications that are processed: (a) non-notified; or (b) by limited notification where no hearing is required (subject to Section 100).	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
-----	--	--

15.10 Review of consent conditions by consent authority

Section	Function	Delegated to
128 129	Determine whether to review the conditions of a resource consent, serve notice on a consent holder of the intention to review the conditions, and propose new conditions.	Chief Executive Manager Consents and Compliance Manager Planning, Science and Innovation
130	Determine whether notification of a review is required and whether a hearing be held.	Chief Executive Manager Consents and Compliance Manager Planning, Science and Innovation
131 132	Consider and determine a review of consent conditions under section 128 for reviews that are processed: (a) non-notified; or (b) by limited notification where no hearing is required (subject to Section 100).	Chief Executive Manager Consents and Compliance Manager Planning, Science and Innovation

15.11 Determining activities are permitted activities

Section	Function	Delegated to
87BB	Determine that an activity is a permitted activity in accordance with section 87BB(1)(a) to (c) and advise the person proposing to undertake the activity.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents

15.12 Minor corrections

Section	Function	Delegated to
133A	Issue an amended consent that corrects minor mistakes or defects in	Chief Executive

	the consent in accordance with section 133A.	Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
--	--	---

15.13 Transfer and surrender

Section	Function	Delegated to
136	Approve the transfer of a water permit in whole or in part to another person on another site or to another site in accordance with section 136.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
136(1) 136(2)(a)	Approve the transfer of a water permit to any owner or occupier of the subject site in accordance with section 136(1) and 136(2)(a)	Consents Business Support Officer/ Administrator
137	Approve the transfer of a discharge permit in whole or in part to another person or another site in accordance with section 137.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Consents Business Support Officer/ Administrator
137(2)	Approve the transfer of a discharge permit to any owner or occupier of the subject site or a local authority in accordance with section 137(2).	Consents Business Support Officer/ Administrator
138(2)	Refuse to accept the surrender of part of a resource consent	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
138(4)	Power to issue notice of acceptance of surrender of permit.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

15.14 Certificates of compliance or existing use

Section	Function	Delegated to
---------	----------	--------------

139(4)	Require further information to be provided in relation to a request for a certificate of compliance.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
139(5)	Issue a certificate of compliance.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
139A(3)	Require further information to be provided in relation to a request for an existing use certificate.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents
139A(5)	Issue an existing use certificate.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
139A(8)	Revoke an existing use certificate in accordance with sections 139A(7) and (8).	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

15.15 Permits over land other than that of the holders

Section	Function	Delegated to
417	To sign a certificate that defines a water race on land, as a authorised by a mining privilege.	Not delegated

15.16 Direct referral

Section	Function	Delegated to
87E	Decide whether to agree to an applicant's request for direct referral of a resource consent application to the Environment Court.	Chief Executive Manager Consents and Compliance

87F	Approve the content of a report prepared under section 87F on an application that has been directly referred to the Environment Court.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
-----	--	--

15.17 Objections

Section	Function	Delegated to
357C	Hear and decide objections against certain decisions under sections 357, 357A and 357B – except where the objector has requested that the matter be resolved by a hearing commissioner.	Manager Consents and Compliance Except that if they made the decision that is the subject of the objection, the objection must be determined by the Chief Executive.
357AB(2)	If requested by an applicant with a right of objection under section 357A(1)(f) or (g), appoint a hearing commissioner from the list of Approved Hearing Commissioners to consider the objection in accordance with section 357AB.	Commissioner appointed by any two of the following: Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
357C(4)	Hear and decide objections against additional charges collected under section 36(5).	Manager Consents and Compliance Except that if they made the decision that is the subject of the objection, the objection must be determined by the Chief Executive.

15.18 Consents where the WCRC is the applicant

Section	Function	Delegated to
88(1)	Authority to apply for a resource consent on behalf of the WCRC.	Any Tier II Manager or Director
	For all delegations covered in sections 15.1 to 15.17 of this Manual decision making will be delegated to an external, independent and appropriately qualified commissioner appointed by the Manager Consents and Compliance from the approved Hearing Commissioner list. All analysis, processing, report writing and support for the Independent Commissioner may be provided by an independent consultant appointed at the discretion of the Manager Consents and Compliance, for example where there is a perceived conflict of interest.	Independent Commissioner Independent Consultant

15.19 Consent applications where the WCRC may be an affected party or submitter

Section	Function	Delegated to
95B	Authority to make submissions, or provide written approval of a resource consent application on behalf of Council where it is an affected party.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Manager Corporate Services Director Operations
96	Authority to make a submission to a resource consent application on behalf of Council.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

16. Enforcement and compliance

Note: It is considered good practice to notify the Resource Management Committee when exercising delegations in relation to enforcement.

16.1 Enforcement officers

Section	Function	Delegated to
38(1)	Authorise staff to act as enforcement officers.	Chief Executive
38(5)	Supply enforcement officers with warrants.	Chief Executive
38(2)	Authorise other persons to act as enforcement officers.	Chief Executive

16.2 Requirement to supply information

Section	Function	Delegated to
388	Require information to be supplied by a person exercising a resource consent as to the nature and extent of activities carried out under the consent and the effects of the activities on the environment.	Warranted staff

16.3 Powers of entry or search

Section	Function	Delegated to
332	Use powers of entry for inspection in accordance with section 332.	Warranted staff
333	Use powers of entry for survey in accordance with section 333.	Warranted staff
334	Authority to apply to an issuing officer for a warrant for entry to search where there are reasonable grounds to believe an offence against the RMA has been or is suspected of having been committed that is punishable by imprisonment.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

16.4 Infringement notices

Section	Function	Delegated to
343B	To decide to proceed by way of filing a charging document or serving an infringement notice	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
343C	Where an enforcement officer observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has been committed by that person, authority to serve an infringement notice in respect of that offence.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
343C	To commence proceedings for a defended infringement notice.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

16.5 Abatement notices

Section	Function	Delegated to
322	To decide to serve an abatement notice.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

325A	Determine that an abatement notice be cancelled, changed, or confirmed.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
------	---	--

16.6 Enforcement orders

Section	Function	Delegated to
316	Apply to the Environment Court for an enforcement order.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
317	Where an application for an enforcement order is made, serve notice on every person directly affected by the application.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
318	Give and withdraw notice of wish to be heard on an application for an enforcement order.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
320	Apply to the Environment Court for an interim enforcement order.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
321	If directly affected by an enforcement order, apply to the Environment Court to change or cancel the order.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

16.7 Offences

Section	Function	Delegated to
338	To initiate and/or withdraw a prosecution for an offence against the RMA. The CEO and relevant manager, together, have the power to initiate or withdraw a prosecution for an offence, provided that decision must be unanimous, recorded in writing and reported	The Chief Executive and one of the below, being the relevant manager: Manager Planning, Science and Innovation

	promptly to council.	Manager Consents and Compliance
338	If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

16.8 Water shortage direction

Section	Function	Delegated to
329	Issue, amend or revoke a water shortage direction	Chief Executive, following consultation with the Chair of the Resource Management Committee

16.9 Reclamations

Section	Function	Delegated to
355B	Authority to act against unlawful reclamations.	Chief Executive Manager Consents and Compliance

16.10 Emergency works

Section	Function	Delegated to
330	Power to undertake emergency works for WCRC and/or other preventative measures to contain or minimise adverse effects on the environment.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Director Operations
330A	Apply for a retrospective consent for emergency works	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Director Operations
331(1)	Require reimbursement or seek compensation for any emergency action undertaken by the Council.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

		Director Operations
331(1A)	Apply for enforcement order under section 314(1)(d) to recover costs.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

17. Court proceedings

17.1 Environment court

Section	Function	Delegated to
120 174 192 195 Schedule 1, Clause 14	Authority to enter in to proceedings, including authority to lodge, withdraw, or oppose an appeal to the Environment Court in relation to a resource consent, a designation, or a heritage order, plan reviews, policy statements, plan changes and new plans.	Chief Executive, following consultation with the Chair of the Resource Management Committee
Schedule 1, Clause 27	Subsequent to any decision to enter in to proceedings as per the above, authority to respond to/progress proceedings, including a authority to enter into mediation, approve Consent Memoranda, draft Consent orders and side agreements, appear at hearings, and present evidence (subject to delegations under s285 below). This does not include authority to deal with costs.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance Director Operations (where WCRC is the applicant or made a submission as a affected party)
267	Participate and make decisions in Environment Court conferencing and/or appoint a representative who has authority (on behalf of Council) to participate and make decisions.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
268A	(1) For RMA planning matters, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions to resolve proceedings directly relating to the contents of West Coast Regional Council Regional Policy Statements and Plans, including approving Consent Memoranda, draft Consent Orders and side agreements, provided that consultation is undertaken with the Resource Management Committee chair prior to the officer attending mediation or other alternative dispute resolution sessions. (2) For other RMA planning matters, settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions, including approving Consent Memoranda, draft Consent Orders and side agreements.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance

	For RMA resource consent and other RMA matters, approve Consent Memoranda, draft Consent Orders and side agreements.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
272 275 277A	Decide to appear at proceedings before the Environment Court and call evidence, or new evidence for the Council.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
274	Lodge, withdraw, or oppose a notice of intention to become an interested party to Environment Court proceedings.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
278 279 280	Seek, withdraw, or oppose orders in accordance with sections 278, 279 and 280.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
281	Lodge, withdraw, or oppose an application for a waiver or direction in accordance with section 281.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
285	Authority to approve an application for costs, respond to an application for costs, or waive the pursuit of costs in Court proceedings.	Chief Executive, following consultation with the Chairs of the Resource Management Committee and Risk and Assurance Committee
291	Lodge, oppose, or withdraw a Notice of Motion (or originating application) with the Environment Court seeking an order and give or withdraw notice of a wish to be heard on an application.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
294	Apply to the Environment Court for a rehearing of its proceedings where new and important evidence has become available after the Court's decisions.	Chief Executive
308G 311	Lodge, withdraw, join, or oppose an application for declaration with the Environment Court.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
356	Apply to the Environment Court for a matter to be determined by arbitration.	Chief Executive

17.2 High Court

Section	Function	Delegated to
149V 299 300	Lodge, withdraw, oppose, or join an appeal to the High Court and any related applications or proceedings.	Chief Executive, following consultation with the Chairs of Council, Resource Management and Risk and Assurance Committees
	Settle a dispute or issues at stake at mediation or other dispute resolution sessions.	
	Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	
301	Give or withdraw notice of intention to appear and be heard on an appeal in High Court proceedings.	Chief Executive, following consultation with the Chairs of Council, Resource Management and Risk and Assurance Committees
305	Lodge, withdraw, oppose, or join an appeal to the High Court.	Chief Executive, following consultation with the Chairs of Council, Resource Management and Risk and Assurance Committees
306	Lodge, withdraw, or respond to an application for an extension of time.	Chief Executive

17.3 Court of Appeal and Supreme Court

Section	Function	Delegated to
308 RMA Subpart 8 of Part 6 of Criminal Procedure Act 2011	Lodge, withdraw, join, or otherwise respond to an application for leave to appeal to the Court of Appeal, a Notice of Appeal to the Court of Appeal, or any related applications or proceedings and be heard in relation to any application or proceedings.	Not delegated
	Settle a dispute or issues at stake at mediation or other dispute resolution sessions.	Not delegated
	Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	Chief Executive, following consultation with the Chair of Council

18. Proposals of national significance

Section	Function	Delegated to
---------	----------	--------------

142(1)	Request that the Minister for the Environment call in a resource consent application as a matter of national significance.	Chief Executive, following consultation with the Chair of Council and the Chair of the Resource Management Committee
142(2) 147(4)	Provide the Council's view on a direction to be made by the Minister for the Environment.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149	Prepare a report requested by the EPA	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149B	Provide information to the EPA	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149K	Provide suggestions to the Minister on the members of a Board of Inquiry, from an approved list of potential members previously approved by the Resource Management Committee. If there is not an approved list in place, this delegation can be exercised jointly by the Chair of the Resource Management Committee and the Chief Executive.	Chief Executive
149G 149M 149N	Prepare a report for the EPA on key planning matters relating to a called in application and provide information or comments to the EPA on proposed plans or plan changes	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149Q(4) 149Q(5)	Provide comments to the EPA on minor or technical aspects of a draft Board of Inquiry report.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149W(2)(a)	Amend a proposed plan, change, or variation under clause 16(1) of Schedule 1 as if the decision were a direction of the Environment Court under section 293.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
149(ZD)	Recover actual and reasonable costs of a process involving a matter of national significance.	Chief Executive Manager Consents and Compliance

		Manager Planning, Science and Innovation
--	--	--

19. Water conservation orders

Section	Function	Delegated to
205 209 211	To make a submission to a special tribunal on a water conservation order, appeal to the Environment Court and power to be heard in person or be represented by another person at an inquiry conducted by the Environment Court under section 210. Any exercise of this delegation must be reported to the next meeting of the Resource Management Committee.	Chief Executive, following consultation with the Chair of the Resource Management Committee

20. Designations

Section	Function	Delegated to
168	Authority to give notice of a requirement for a designation to a territorial authority.	Chief Executive Director Operations
172	Authority to make a decision on a recommendation on a notice of requirement for a designation	Chief Executive
174	Authority to appeal a decision of the requiring a authority relating to a designation	Chief Executive following consultation with the Chair of the Resource Management Committee
176 178	Authority to approve activities on land affected by a designation	Chief Executive Director Operations
176A	Prepare an outline plan to be constructed on designated land	Director Operations
181 182	Authority to amend or remove a designation	Chief Executive Director Operations
184	Authority to seek extension of a designation before lapsing	Director Operations
195	Authority to appeal a matter subject to a heritage order	Chief Executive following consultation with the Chair of the Resource Management Committee

21. Other RMA matters

Section	Function	Delegated to
---------	----------	--------------

80 186	Power to acquire land	Chief Executive
237D	Transfer of land to the Crown or regional council	Chief Executive
245	To approve or decline a plan of survey of a consented reclamation.	Manager Consents and Compliance

22. Regulations

22.1 Measurement and Reporting of Water Takes

Regulation	Function	Delegated to
6(5)	Approving format of records	Manager Planning, Science and Innovation Manager Consents and Compliance
7(4)	Determining whether the certifier is suitably qualified.	Manager Planning, Science and Innovation Manager Consents and Compliance
8(4) 8(6)	Authority to request evidence from the consent holder.	Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Consents Team Leader Compliance
9	Approval to measure water taken each week (instead of each day).	Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Compliance Team Leader Consents
10	Approval to use device or system installed near (instead of at) location from which water is taken.	Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Compliance Team Leader Consents
11	Authority to revoke a approval granted under regulations 9 or 10.	Manager Planning, Science and Innovation Manager Consents and Compliance

22.2 Resource Management (Forms, Fees, and Procedure) Regulations 2003

Section	Function	Delegated to
Clause 10A(2)	Require a notice to be affixed in a conspicuous place.	Manager Planning, Science and Innovation Manager Consents and Compliance Team Leader Compliance Team Leader Consents

PART F: REGULATORY NON-RMA DELEGATIONS

23. Council bylaws

23.1 Flood Protection Bylaw 2015

Clause	Function	Delegated to
Authority to carry out work		
7.1	To approve/refuse authority under the Bylaw, including granting authority on such conditions as are considered appropriate.	Director Operations, except where WCRC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: Chief Executive, any other Tier II manager, Council chairperson
7.2	Determining, refunding, remitting or waiving the whole or any part of any fee payable under the Bylaw.	Director Operations, except where WCRC is the applicant then this is delegated to an independent decision maker(s) appointed by any two of the following: Chief Executive, any other Tier II manager, Council chairperson
Compliance and Enforcement		
8.1	Revocation of an authority granted under the Bylaw	Director Operations
8.3	Issue a notice to remedy	Director Operations
8.4	Authorisation of removal of works and cost recovery	refer Local Government Act 2002 delegations
Objections		
8.5	Consideration and determination of objections, including the giving of written notice of the determination	Director Operations Chief Executive

24. Biosecurity Act 1993

The Biosecurity Act 1993 contains legislative provisions and powers to enable the effective implementation, including enforcement, of a regional pest management plan. The Act provides powers to a Principal Officer

(Chief Executive) and Authorised Persons (who are appointed by the Chief Executive under section 105(1) of the Act).

In addition to the functions and powers delegated by the Chief Executive to “authorised persons” the following functions and powers are delegated.

Section	Function	Delegated to
13(1)(a)	Power to carry out monitoring and surveillance of pests, pest agents, and unwanted organisms for the purposes of Part 5 of this Act	Director Operations Operations Manager
13(1)(b)	Power to provide for the assessment and management or eradication of pests	Director Operations Operations Manager
70-75	Prepare and review a regional pest management plan	Director Operations to make recommendations to the Resource Management Committee
76, 96	Lodge, withdraw or oppose an application to the Environment Court Settle a dispute or issues at stake at mediation or other alternative dispute resolution sessions Approve Consent Memoranda, draft Consent Orders and side agreements Decide to appear at proceedings before the Environment Court and call evidence for the Council	Director Operations
78	Exempt a person from a requirement in a rule in a regional pest plan.	Director Operations
90-95	Prepare and review a regional pathways management plan	Director Operations to make recommendations to Council
98	Exempt a person from a requirement in a rule in a regional pathways management plan	Director Operations
100M 100N	Recovery of a levy as a debt due	Manager Corporate Services Director Operations
100V	Prepare a small scale management programme	Director Operations to make recommendations to council
122	Power to issue/withdraw a Notice of Direction	Authorised Person
128	Power to act on default and authorise action for work and recover costs of that action	Director Operations
129	Power to put a charge on the property	Manager Corporate Services

130	Power to declare a restricted place	Director Operations
131	Declare a specified area to be a controlled area	Director Operations
135	Power to recover costs of administering the Biosecurity Act 1993 and performing the functions, powers and duties provided for in the Act in accordance with section 135 and regulations	Director Operations in conjunction with Manager Corporate Services as to the methods used
154	Power to issue/withdraw a Compliance Order	Director Operations
154M 154N 154O	To initiate and/or withdraw a prosecution for an offence under this Act Authority to file a charging document that has been laid in relation to a prosecution	Director Operations
159	Commence, withdraw or join proceedings in respect of infringement offences	Director Operations

25. The Building Act 2004

West Coast Regional Council is a regional authority under the Building Act 2004. Regional authorities have several functions, powers and duties in relation to dams.

From 1 June 2021 a number of Council's Building Act functions were transferred to Environment Canterbury under s244 of the Act.

The functions Council have retained are:

- Granting of exemptions under Schedule 1 of the Building Act 2004
- Project information memorandum (PIM) functions
- Issue of Certificate of Acceptance
- Issue of Notice to Fix on dams that do not comply with the building code or any other parts of the Building Act not related to the building consent
- Functions related to the dam register, Dangerous Dams Policy, classification of dams, dam safety assurance, dam compliance certificate.

Delegations for these and other Building Act functions not specifically transferred are set out in the table below.

Section	Function	Delegation
<i>Project Information Memorandum (PIM) functions</i>		
31 34	Issue and re-issue a PIM in certain circumstances and provide a copy of a PIM to the applicant as required.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities

33	Determine further information required in relation to a PIM application.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
36	Attach development contribution notice.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
37	Issue a certificate if a resource consents is required.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
38	Provide copy of PIM to network utility operator(s) and/or statutory authority, if required.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
39	Advise Heritage New Zealand Pouhere Taonga of PIM application, if required.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
45	Receive additional information.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
<i>Certificates of acceptance</i>		
96(1) 98(1)	Deciding whether to issue a certificate of acceptance.	Manager Consents and Compliance
97(c)	Specifying any additional information that is required to be lodged with an application for a certificate of acceptance.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
98(2)	Requiring further information in relation to an application for a certificate of acceptance.	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities

99(2)	Qualifying a certificate of acceptance to the effect that only parts of the building work were able to be inspected	Manager Consents and Compliance Senior Consents Officer or Consents Officer with Building Act responsibilities
Classification of Dams		
134A(1)	Requiring an owner to classify a referable dam	Manager Consents and Compliance
136(1) 136(2)	Decision to approve or refuse a dam classification	Manager Consents and Compliance
138(1)	Requiring the re-audit of a classification	Manager Consents and Compliance
138(2)	Specifying a period beyond 15 working days for a dam classification re-audit	Manager Consents and Compliance
Dam safety assurance programmes		
143(1)	Decision to approve or refuse to approve a dam safety assurance programme	Manager Consents and Compliance
145(2)	Requiring a period beyond 15 working days for a dam safety assurance programme to be re-audited	Manager Consents and Compliance
146(2)(b)	Requesting a review of the dam safety assurance programme for an earthquake-prone or flood-prone dam	Manager Consents and Compliance
148(a)(iii)	Decision on keeping a dam safety assurance programme in a place agreed by the Regional Council and the owner	Manager Consents and Compliance
Register of dams		
151	Maintain a register of dams in West Coast	Manager Consents and Compliance
Dangerous dams		
154(1)	Determine that a dam is dangerous in terms of s153 and take action as set out in s154(1)(a), (b) and (c).	Manager Consents and Compliance
155(1)(b)	Determining whether building consent is required in respect of work required by a notice to fix	Manager Consents and Compliance
156(1)	Apply to a District Court for an order enabling the West Coast Regional Council to carry out building work.	Manager Consents and Compliance
156(3)(b)	Recover costs of carrying out work under s156(1) from the owner.	Manager Consents and Compliance

157(2)	Decision to take action to avoid immediate danger.	Manager Consents and Compliance
157(3)(b)	Decision to recover costs of taking action under section 157(2).	Chief Executive
158	To make an application to the District Court to confirm warrant for emergency work on a dam	Chief Executive
Determinations		
177 180	Making and withdrawing an application for a determination	Chief Executive Manager Consents and Compliance
182(2)	Commencement of proceedings in the High Court where the matter has been the subject of a determination	Chief Executive
185(2)(b)	Agreeing on a period beyond 60 working days for making a determination	Chief Executive Manager Consents and Compliance
189(b)(ii)	Agreement to amendment of a determination for clarification purposes	Chief Executive Manager Consents and Compliance
190(3)	Filing a direction to the District Court as to costs in respect of a determination	Chief Executive
Registration and Accreditation as Building Consent Authority		
194	Making application for registration as a building consent authority	Manager Consents and Compliance
252(4)	Request to change the scope of accreditation	Manager Consents and Compliance
253	Application for accreditation to perform Building Consent Authority functions	Manager Consents and Compliance
200 202	Make submissions and respond to complaints or to an investigation	Manager Consents and Compliance
276(2)(b)	To make submissions on a review of the regional authority	Manager Consents and Compliance
Appeals		
208 209	Appealing a decision of the CEO of the Ministry responsible for the administration of the Building Act	Chief Executive, following consultation with the Chair of the Resource Management Committee

Carrying out building work on default		
220(2)	Making application to the District Court for an order in respect of building work required to be done	Chief Executive
220(4)(b)	Recovery of costs associated with carrying out building work authorised under s220(2)	Chief Executive
221	Disposal, sale, etc. of materials that result from carrying out building work authorised under s220(2)	Chief Executive
Responsibilities of a BCA that is not a Territorial Authority		
240(2)	Refusal to perform functions under the Building Act where fees, charges or levies are unpaid	Manager Consents and Compliance
243	Power to impose fees or charge and recovery of costs and to collect levies	Manager Consents and Compliance
Fees and charges		
281A 281B 281C 219	Imposing fees and charges, charging of a fee for the issue of compliance schedule, increasing the amount of a fee or charge to meet additional costs, and waiving or refunding a fee – consistent with the Council’s fees and charges policy	Manager Consents and Compliance
Other matters		
315(1)	Making a complaint about a licensed building practitioner.	Manager Consents and Compliance
403(4)(b)	Making submissions as an ‘interested person’ to proposed Orders in Council or regulations	Resource Management Committee
Schedule 1, part 1, clause 2	Deciding whether a building consent is not necessary	Manager Consents and Compliance
Offences		
371(2)	Commencement of proceedings where an infringement notice has been issued	Chief Executive
372	Decision to issue an infringement notice	Manager Consents and Compliance
	Serving an infringement notice	Warranted Officer where specified on warrant
372B(2)	Authorising officers to issue infringement notices	Chief Executive
377	Filing a charging document	Chief Executive
381(1) 381(2)	Making an application to the District Court for an injunction	Chief Executive

26. The Crown Minerals Act

The Crown Minerals Act provided transitional provisions for mining licences issued under the Mining Act 1971 which was repealed in 1991. There is now only one residual section left in schedule 1 of the Crown Minerals Act 1991 that refers to Regional Councils.

Section	Function	Delegated to
Schedule 1 clause 16	Require the holder of a coal mining right to increase the amount of bond or deposit.	Chief Executive Manager Consents and Compliance
Schedule 1 clause 16	To make a determination whether the holder of an existing mining privilege has complied with the terms and conditions of the privilege.	Chief Executive Manager Consents and Compliance

27. The Local Government Act 2002

Section	Function	Delegated to
162	Apply for injunction restraining a person committing a breach of a Bylaw or an offence against this Act	Chief Executive Director Operations Manager Consents and Compliance
163	Removal or alteration of work or thing that is or has been constructed in breach of a bylaw and recovery of costs.	Chief Executive Director Operations
164	To seize and impound property not on private land.	Warranted officer where specified on warrant
165	To seek a search warrant.	Chief Executive
168	To dispose of property seized and impounded.	Chief Executive
171	Power of entry.	Warranted officer where specified on warrant
172	Power of entry for enforcement purposes.	Warranted officer where specified on warrant
173	Powers of entry in cases of emergency.	Warranted officer where specified on warrant
174	Authority to appoint an authorised person and issue warrants for the purposes of: <ul style="list-style-type: none"> • Local Government Act 2002 • Building Act 2004 • West Coast Regional Council Bylaws • Soil Conservation and Rivers Control Act 1941 	Chief Executive

	<ul style="list-style-type: none"> Land Drainage Act 1908 	
174	Authority to act.	Warranted officer where specified on warrant
175	Power to recover costs of damage.	Chief Executive Director Operations
176	Power to recover costs of remedying damage arising from breach of bylaw.	Chief Executive Director Operations
177	Authority to appoint enforcement officers and issue warrants.	Chief Executive
181	Authorise construction of works on or under private land, or under a building on private land, considered necessary for land drainage and rivers clearance.	Chief Executive Director Operations
181(4)	Enter land to inspect, alter, renew, repair, or clean any work constructed under section 181.	Director Operations, or their sub-delegate
182	Power of entry to check utility services.	Warranted officer where specified on warrant
185	Grant approval for occupier to undertake work.	Chief Executive Director Operations
186	To approve works if owner or occupier defaults.	Chief Executive Director Operations
187	To approve the recovery of costs.	Chief Executive Director Operations
189 190	Power to acquire land.	Chief Executive
224-236 238-239	To initiate or withdraw a prosecution for an offence against this Act.	Chief Executive
241	Authority to file charging document.	Chief Executive

28. Land Transport Management Act 2003

Section	Function	Delegated to
---------	----------	--------------

121	Obligations regarding notification and provision of copies of plans.	Manager Strategy and Communications
128	Power to provide information.	Manager Strategy and Communications
129	Power to make decisions on the release of information and a duty to consult with relevant organisations.	Manager Strategy and Communications
133	Authority to make decisions regarding the notification of a proposal to operate or vary exempt services.	Manager Strategy and Communications
134	Authority to decide on the grounds in section 134 to decline registration or variation of exempt services.	Manager Strategy and Communications
136	Authority regarding the registration of exempt services or variations to exempt services.	Manager Strategy and Communications
137	Authority to decide to deregister an exempt service and remove details of variations.	Manager Strategy and Communications
138	Authority to undertake the process for deregistering exempt services or removing details of variations.	Manager Strategy and Communications
139	Authority to make decisions in relation to the withdrawal of exempt services.	Manager Strategy and Communications
146 147 148 149	Authority to require a person to produce and inspect records. Authority to manage offences , including making decisions to initiate or withdraw a prosecution.	Chief Executive Manager Strategy and Communications

29. Maritime Transport Act 1994

The Maritime Transport Act provides that, for the purpose of ensuring maritime safety in their regions, regional councils may regulate—

- (a) the ports, harbours, and waters in their regions; and
- (b) maritime-related activities in their regions.

The West Coast Regional Council transferred its navigation safety and harbourmaster functions to Buller District Council in April 1999. Formalisation of a previous transfer of these functions to Grey District Council is presently being completed. There are therefore no WCRC delegations associated with these functions in this Manual.

The following also includes the Instrument of Delegation from the Director of Maritime Transport NZ to the WCRC Chief Executive dated 3 August 2020. These delegations are in force until 31 July 2025.

Section	Function	Delegated to
Maritime response		

231	Authority to notify the Director of Maritime Safety and process matters relating to the Council's notification responsibilities.	Chief Executive
Appointment of Regional On-scene Commander		
318	Authority to appoint a Regional On-scene Commander for the West Coast region.	Chief Executive
DELEGATIONS FROM THE DIRECTOR OF MARITIME NEW ZEALAND		
Approval and Monitoring of Site Plan Documents		
270(1)	Power to issue marine protection document by way of approval of a site marine oil spill contingency plan ("site plan document") in accordance with rule 130B.7 of the Marine Protection Rules.	Chief Executive
272(1) 272(3)	Power to suspend or impose conditions on a site plan document and suspend site plan document for a further period or impose further conditions.	Chief Executive
275(1) 275(2)	Powers to amend or revoke site plan document: <ul style="list-style-type: none"> • as requested in writing by a holder of site plan document • to correct clerical errors or obvious mistakes • to reflect that privileges or duties relating to the document are no longer being carried out or able to be carried out. 	Chief Executive
396(1)	Power to require holder of site plan document to undergo, or carry out, inspections or audits considered necessary relating to that plan.	Chief Executive
396(2)	Power to carry out an inspection or audit in respect of any person holding or required to hold a site plan document.	Chief Executive
396(3)(a)	Power to require information relevant to an inspection or audit.	Chief Executive
Marine Protection Rules - Part 130B Oil Transfer Site Marine Oil Spill Contingency Plans		
130B.5(2)	Power to require additional information to support an application for approval of a site marine oil spill contingency plan.	Chief Executive
130B.10(3)(b)(ii)	Power to approve modifications to a site marine oil spill contingency plan..	Chief Executive

These delegations from the Director of Maritime NZ are subject to a number of conditions (refer Appendix III), and may be sub-delegated.

The Chief Executive's delegated authority to approve and monitor site plan documents (those powers identified in section 31 above) is sub-delegated to:

- Regional On-Scene Commander

30. River Engineering

Council has extensive functions in relation to river engineering which fall under a number of different statutes.

These delegations should be read alongside the delegations made under the Local Government Act 2002, and the delegations made under the Flood Protection Bylaw 2015.

30.1 Land Drainage Act 1908

Section	Function	Delegated to
17	Authority to construct and maintain drains and watercourses.	Director Operations
18	Entry to lands for inspection, survey, or inquiry.	Warranted Officer where specified on warrant
62	Order removal of an obstruction from a watercourse or drain where the obstruction is causing or likely to cause damage to any property. Authority to remove any obstruction from a watercourse or drain.	Director Operations <i>This authority may be sub-delegated.</i>
n/a	Consider and make decisions on taking enforcement action, including cost recovery and registration of a charge.	Chief Executive Director Operations

30.2 Public Works Act 1981

Section	Function	Delegated to
18	Prior negotiation required for acquisition of land for essential work	Chief Executive Director Operations
19	Authority to register, approve amendments to or to withdrawals or discharges of compensation certificates. Authority to sign an authority and instruction form for the above purposes.	Director Operations Manager Corporate Services
110	Power of entry onto private land for the purposes of carrying out any public work or any proposed public work.	Director Operations <i>This authority may be sub-delegated.</i>
111	Power of entry onto private land for survey and investigation purposes.	Director Operations <i>This authority may be sub-delegated.</i>
133 134	Provide for the removal of trees and hedges that interfere with public works.	Director Operations <i>This authority may be sub-delegated.</i>
135	Emergency work on trees.	Director Operations <i>This authority may be sub-delegated.</i>

233 234	Obligation to provide notice before entry onto private land.	Director Operations <i>This authority may be sub-delegated.</i>
237	Approve excavations near public works.	Director Operations <i>This authority may be sub-delegated.</i>
238	Power to bring action for damage to public work.	Not delegated.
239	Power to remove and/or dispose of abandoned property from public works land.	Chief Executive Director Operations
242	Consider and make decisions on taking enforcement action for offences committed.	Chief Executive
242	Authority to file charging document for enforcement action.	Chief Executive

30.3 Water and Soil Conservation Amendment Act 1971 (carried over by S413 RMA)

Section 413 of the Resource Management Act contains provisions relating to current mining privileges becoming deemed permits.

Section	Function	Delegated to
12	Issue a certificate of priority.	Manager Consents and Compliance
14(1)(d)	Direct a privilege holder to stop water running to waste.	Warranted Enforcement Officer under the RMA
14(1)(g)	Require structures permitting private or public access over water races to be kept in good repair and condition.	Warranted Enforcement Officer under the RMA
14(1)(h)	Require privilege holder to record and report information concerning the exercise of the privilege.	Manager Consents and Compliance Team Leader Compliance
14(2)	Give directions for the repair, strengthening or otherwise of dams	Manager Consents and Compliance
16(2)	Determination of what is a reasonable quantity of domestic needs of animals or for firefighting.	Manager Consents and Compliance
30	Provide certified copies of privileges	Manager Consents and Compliance

30.4 Soil Conservation and Rivers Control Act 1941

Council has the functions, duties, and powers of a catchment board and a regional water board under the Soil Conservation and Rivers Control Act 1941 in accordance with the 1989 local government reorganisation *Gazette* notice.

Section	Function	Delegated to
30, 30A	To enter in to a land improvement agreement.	Chief Executive
30A	Registration of land improvement agreements, including authority and instruction forms.	Chief Executive
30A	To certify that a land improvement agreement has expired or has been terminated.	Chief Executive
30A	Enforcement in relation to Land Improvement Agreements.	Chief Executive
30A	To determine requests for consents and approvals as a consequence of the Council having an interest in land by virtue of a land improvement agreement.	Chief Executive
30A	To authorise the release/discharge of a land improvement agreement on behalf of Council.	Chief Executive
126	To carry out its functions under the Act, including the power to construct, reconstruct, alter, repair, and maintain works to control or regulate water to prevent or lessen the overflow or breaking of the banks of any watercourse.	Chief Executive Director Operations
131	To determine to carry out or execute any works that the Council is empowered to undertake under this Act.	Director Operations
132	Power to enter land for survey and investigation.	Director Operations <i>This authority may be sub-delegated.</i>
133	Decide to undertake work to maintain and improve watercourses and defences against water and authorise other staff and agents to undertake such works Decide to undertake urgent work to meet an emergency in respect of any watercourse or defences against water and authorise other	Chief Executive Director Operations

	staff and agents to undertake such works.	
134(1)	Approve the planting or sowing and maintenance of trees, shrubs, plants, or grasses.	Director Operations <i>This authority may be sub-delegated.</i>
135	Decide to take any of the actions listed in section 135.	Chief Executive Director Operations
136	Where works may interfere with any road, street, footpath, or any other public work, give one months' notice (in writing) to the body in control of the road, street, footpath, or other public work.	Director Operations
137	Approval to give public notice or to undertake works on private land and resolve any objections.	Chief Executive Director Operations
138	To apportion costs with owners of land.	Director Operations
139	To purchase land on a system of time payment (if approved by the Minister).	Chief Executive
153, 154	Consider and take all enforcement action as necessary and appropriate in relation to any person preventing, obstructing, or impeding the Council in carrying out the provisions of this Act, or doing any work or thing authorised by the Act.	Chief Executive Director Operations
153,154	Consider and take all enforcement action as necessary and appropriate in relation to any person that wilfully destroys any watercourse or defence against water, including all matters set out in Section 154.	Chief Executive Director Operations
153,154	Authority to file charging document when enforcement action is approved.	Chief Executive Director Operations

31. Civil Defence Emergency Management Act 2002

The West Coast CDEM Group is established under section 12 of the Civil Defence Emergency Management Act 2002 and is made up of representatives from each of the local authorities in the West Coast region. This Group is responsible for managing civil defence in the region. Every local authority must be a member of a CDEM Group.

Section	Function	Delegated to
13(1)	Authority to represent the Council and act on its behalf on the Civil Defence Emergency Management (CDEM) Group under section 13(1) of the Civil Defence Emergency Management (CDEM) Act 2002.	The Chairperson of the Council (or an elected member of Council approved

		by the Chairperson)
20	Membership of the CDEM Co-ordinating Executive Group	Chief Executive (or a person acting on the Chief Executive's behalf)

Explanatory Note: The Civil Defence Emergency Management Co-ordinating Executive Group is responsible for:

- a) Providing advice to the CDEM Group (and advisory groups) and implementing its decisions.
- b) Overseeing the development, implementation, monitoring and evaluation of the CDEM Group Plan.

32. COVID-19 Recovery (Fast-track Consenting) Act 2020

Section	Function	Delegated to
20	Authority to apply to the Minister for a project to be referred to an expert consenting panel.	Director Operations
21 22	Authority to provide written comments or further information to the Minister.	Manager Consents and Compliance
35(1) 35(2)	Authority to monitor activities and recover charges.	Manager Consents and Compliance
Schedule 5 3(3)	Authority to nominate a Hearing Commissioner for an Expert Panel from a list of accredited Hearing Commissioners approved by the Resource Management Committee. In making any appointments, regard must be had to the implementation of <i>Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol</i> <i>Mana Whakahono ā Rohe Resource Management Act Iwi Participation Arrangement</i>	Manager Consents and Compliance
Schedule 6, including the following clauses: 2 5	Authority to make an application and to withdraw an application. All powers, functions and duties of consent applicants under Schedule 6.	Director Operations

Schedule 6 7(3) 7(4) 17(4)(a) 17(6)(a) 25(1)(a) 25(1)(b)	Authority to respond to a request for information from the Environmental Protection Authority or the Expert Panel.	Manager Consents and Compliance
Schedule 6 21(1) 21(2)	Authority to attend a hearing and to give notice of attendance at a hearing.	Manager Consents and Compliance
	General authority to recover costs of exercising Council's functions in a fast-track consenting process, including under Schedule 5 clauses 14(2) and 14(3), and Schedule 6 clause 7(5).	Manager Consents and Compliance
Schedule 6 42(2) 42(5)	Authority to administer any resource consent.	Manager Consents and Compliance
Schedule 6 44(1)(a)	Authority to appeal a decision of a panel's decision to the High Court as the consent applicant.	Chief Executive, following consultation with the Chairs of Council, Resource Management Committee, and Audit and Risk Committee
Schedule 6 44(1)(b)	Authority to appeal a decision of a panel's decision to the High Court as a relevant local authority.	Chief Executive, following consultation with the Chairs of Council, Resource Management Committee, and Audit and Risk Committee

APPENDICES

Appendix I

Procedures for obtaining tenders/quotes

The following are the general procedures to be observed for obtaining tender prices/quotes for the purchase of goods and supply of services.

Estimated Cost of Work	Tender Process
Less than \$5,001	<p>Obtain a verbal price. Ensure price is endorsed on the order sent to the firm (and on other copies) and clearly marked whether GST exclusive or inclusive.</p> <p>In some circumstances it may be impracticable to obtain a verbal price. This should only apply when minor purchases are involved. Office copies should be endorsed with an estimated cost.</p>
\$5,001 - \$75,000	<p>Obtain competitive quotes, e.g. from three firms or tender procedure if it is felt this would be advantageous.</p> <p>Normally, it would be expected that written prices be obtained, but if special circumstances dictated that verbal prices were obtained, e.g. urgency, the intended successful tenderer must be asked to confirm the price in writing.</p> <p>If urgent work is needed, an attempt should be made to get three quotes, at minimum verbally. If contractors are not available at short notice then quotes from those that are available will suffice.</p>
\$75,001 or more	<p>Ensure price is endorsed on the order sent to the firm (and on other copies) and clearly marked whether GST exclusive or inclusive.</p> <p>Formal tender procedures are to be used unless there are special circumstances existing, e.g.:</p> <ul style="list-style-type: none"> • Whether the work intended is specialised. • Type of work carried out. • Number of contractors available to do the particular work is restricted. <p>In most cases, however, open tender procedures are to be used and wherever possible, all contractors given the opportunity to quote.</p> <p>If it is not intended to use open tender procedures, the approval of the Chief Executive is required.</p> <p>In all cases, justification for selecting a particular contractor must be retained and fully documented.</p> <p>Where a decision is made not to put out to tender a contract for goods</p>

Estimated Cost of Work	Tender Process
	<p>and services to an amount greater than \$75,000, the reasons for the decision shall be recorded in writing and reported to Council.</p> <p>All tenders for goods and services to the value of \$75,000 shall be accepted by the initiating officer where the value of the goods and services concerned is less than the limits of his/her contractual authority, or where this is not the case by the appropriate member of the management team.</p> <p>All tenders for goods and services of a value of more than \$300,000 shall be accepted by the full Council meeting having regard to the appropriate officer's recommendation.</p> <p>All tenders regardless of the amount shall be opened in the presence of one manager and a Councillor.</p> <p>The time and date of tender opening shall be noted on the tender documents and shall be not more than a week after the closing of tenders.</p>

Notes:

- If it was thought that more competitive prices might be obtained there is nothing to prevent open tender procedures to be used for work estimated to cost less than \$75,000.
- It is not necessary to accept the lowest or any tender, but if it is not intended to accept the lowest, reasons for making that decision should be detailed and retained on file.
- A weighted attributes contract approach can be used where it is important to ensure the outcome is of suitable quality.
- The above procedures do not apply to work or services to be carried out by named organisations as a requirement of legislation e.g. Audit New Zealand, Quotable Value.
- New Zealand Transport Agency funding, as per the Competitive Pricing Procedures (CPP). For example, Road Safety Coordinator tenders must follow the Price Quality Method for Professional Services as outlined in the CPP.
- To overcome the practical problems caused by the requirement of the Public Bodies Contracts Act 1959, all successful tenders will be reported to the next Council meeting.

Appendix II

List of Warranted Officers

Warranted Officers – Resource Management Act 1991

- Tony Ridge
- Jonny Horrox
- Rachel Clark
- Colin Helem
- Paulette Birchfield
- Nichola Costley
- Emma Chaney
- Greg Sturgeon
- Chris Barnes
- Emma Carrad
- Jorja Hunt
- Ben Storrie

Warranted Officers – Biosecurity Act 1993

- Randal Beal
- Cameron Doake

Appendix III

Conditions of Delegation under the Maritime Transport Act 1994 from the Director of Maritime New Zealand to the Chief Executive of the West Coast Regional Council

Conditions of this delegation

In exercising any statutory function or power ('functions and powers') pursuant to this delegation, the following conditions must be complied with in every case:

1. These functions and powers may only be exercised in respect of site marine oil spill contingency plans required under the Marine Protection Rules that are within the region of West Coast Regional Council as defined by the Local Government Act 2002.
2. These functions and powers must not be exercised in any case where the delegate has a personal and/or financial interest in the operation, or ownership of, the oil transfer site.
3. The delegate may not exercise a function or power in a case in respect to which the Director of Maritime New Zealand ('the Director') has already exercised those powers, without the prior agreement of the Director.
4. In exercising these functions and powers, the delegate must only collect and store information sufficient to record the exercise of the delegated functions and powers, and must ensure compliance with all statutory obligations, including the Official Information Act 1982 and the Privacy Act 1993. The information collected and stored, is and remains, the property of the Director and shall be made available to the Director when requested, and it shall be provided in a form that is acceptable to the Director.
5. In exercising these functions and powers, the delegate must comply with Maritime New Zealand's Service Charter, as applicable, prepared under section 437 of the Maritime Transport Act 1994 ('the Act').
6. The delegate must provide the Director with information, in a format acceptable to the Director and within a timeframe determined by the Director after the exercise of the delegated power, of all matters relating to the exercise of the delegated power, including:
 - a. details of each site plan document that has been amended;
 - b. Details of the suspension or imposition of conditions on a site plan document;
 - c. Details of each extension of a period of suspension or further conditions on a site plan document;
 - d. Details of each site plan document that has been amended;
 - e. Details of each site plan document that has been revoked at the holder's request;
 - f. Details of each audit carried out; and
 - g. Any matters specifically requested by the Director that relate to the exercise of the delegated powers.
7. In exercising the functions and powers under section 396 of the Act, the delegate must record details of each inspection or audit on the form or forms prescribed by the director from time to time.

8. In accordance with section 444(12) of the Act, the delegate may charge any holder of a marine oil spill contingency plan, or any person required to have a marine oil spill contingency plan, a reasonable fee for performing the delegated functions and powers.
9. These functions and powers may only be sub-delegated to employees of the West Coast Regional Council and/or its council-controlled organisations under the following conditions:
 - a. The Chief Executive has determined that there is a need for an employee of the West Coast Regional Council and/or an employee of a council-controlled organisation, to be able to undertake the functions to which the delegation relates;
 - b. The Chief Executive is satisfied that the employee of the West Coast Regional Council and/or an employee of a council-controlled organisation has the knowledge and skills in the following areas:
 - i. Oil spill response procedures;
 - ii. Part 130B Marine Protection Rules;
 - iii. Local Government compliance and audit;
 - iv. Marine fuel transfer/storage operations; and
 - v. Marine protection regulatory environment.
10. Any sub-delegation may only be made on such terms as permitted by this delegation and may not extend beyond the expiry date of this delegation.
11. Nothing in paragraph (8) prohibits the Chief Executive of the West Coast Regional Council from imposing additional restrictions on the functions and powers sub-delegated to employees of the West Coast Regional Council and/or its council-controlled organisations.
12. Notwithstanding paragraph (8) and (9) above, the sub-delegation to each employee of West Coast Regional Council and/or its council-controlled organisations shall be recorded in an instrument of sub-delegation in the form set out in the template annexed to this schedule.
13. The Chief Executive shall not issue any guidelines in relation to the exercise of the sub-delegated functions and powers unless prior approval has been obtained from the Director in writing.
14. This delegation does not prevent the exercise of statutory powers by the Director and does not affect the Director's responsibilities for actions taken by the delegate in performance of these powers.

Conditions of Sub-Delegation under the Maritime Transport Act 1994 from the Chief Executive to Employees of the West Coast Regional Council

Conditions of this sub-delegation

In exercising any statutory function or power ('functions and powers') pursuant to this sub-delegation, the following conditions must be complied with in every case:

1. These functions and powers shall not be further sub-delegated to any other person or persons.
2. These functions and powers may only be exercised in respect of site marine oil spill contingency plans required under the Marine Protection Rules that are within the region of West Coast Regional Council as defined by the Local Government Act 2002.
3. These functions and powers must not be exercised in any case where the sub-delegate has a personal or financial interest in the operation or ownership of the oil transfer site.
4. The sub-delegate may not exercise a function or power in a case in respect to which the Director of Maritime New Zealand ('the Director') has already exercised those powers, without the prior agreement of the Director.
5. In exercising these functions and powers, the sub-delegate must only collect and store information sufficient to record the exercise of the sub-delegated powers and must ensure compliance with all statutory obligations, including the Official Information Act 1982 and Privacy Act 1993. The information collected and stored is, and remains the property of the Director and shall be made available to the Director when required, and it shall be provided in a form that is acceptable to the Director.
6. In exercising these functions and powers, the sub-delegate must comply with Maritime New Zealand's Service Charter, as applicable, prepared under section 437 of the Maritime Transport Act 1994 ('the Act').
7. The sub-delegate must provide the Director with information, in a format acceptable to the Director and within a timeframe determined by the Director after the exercise of the delegated power, of all matters relating to the exercise of the sub-delegated power, including:
 - details of each approval of a site marine oil spill contingency plan ("site plan document");
 - details of any suspension or imposition of conditions on a site plan document;
 - details of each extension of a period of suspension or further conditions on a site plan document;
 - details of each site plan document that has been amended;
 - details of each site plan document that has been revoked at the holder's request;
 - details of each audit carried out; and
 - any matters specifically requested by the Director that relate to the exercise of the delegated powers.
8. In exercising these functions and powers, under section 396 of the Act, the sub-delegate must record details of each inspection or audit on the form or forms prescribed by the Director from time to time.
9. This sub-delegation does not prevent the exercise of these statutory powers by the Director and does not affect the Director's responsibilities for actions taken by the sub-delegate in performance of these powers.

Attachment 2: Marked up amendments to the draft Delegations Manual made after Council review on 13 July 2021

A. Amendment to the membership and quorum of Risk and Assurance Committee:

3.2.2 Risk and Assurance Committee

(e) Membership

The Committee shall be made up of ~~four~~ **all** elected members of the Council. A quorum of the Committee shall be not less than ~~two~~ **four** members.

B. Amendment to the name of the Hokitika joint committee:

3.3.4 Hokitika ~~Seawall~~ Joint Committee

C. Insertion of placeholder for the Westport Floodwalls joint committee:

3.3.5 Westport Floodwalls Joint Committee [*Currently being finalised*]

D. Clarification that Council delegates financial authorities to staff, and removal of option for CEO to subdelegate financial authorities to staff:

9.4 ~~Authorisation to sign contracts and other agreements~~ (other than Deeds)

~~The Chief Executive has the power to authorise expenditure up to \$200,000, and with one other Manager jointly, up to \$300,000, where that expenditure is within the annual plan or other Council approval. The Chief Executive may, in turn, sub-delegate this authority to staff, and limit, suspend or withdraw said delegation at their discretion.~~

E. Clarification that Operations Manager financial authority relates to Vector Control Services only:

9.4 Financial Delegations Register

Operations Manager (Vector Control Services only)	\$150,000
--	-----------

F. Clarification that CEO can only reallocate budgets within Council divisions, and that any reallocation between divisions is a matter for Council:

9.5 ~~Variation of Budget Between Activities~~

The Chief Executive Officer may reallocate budgets between activities **within divisions**, provided Annual Plan outputs are not compromised.

In situations where variations are anticipated to affect **divisional** Annual Plan outputs these must be brought before Council for its agreement before any management action is possible.

G. Amendment to Staff Credit Card Authorities:

9.1 Credit Card Authorities

The following positions are delegated authority to use Council credit cards to the specified monthly limit:

Position	Credit Limit
Manager Corporate Services	\$20,000
<i>Creditors Officer</i>	<i>\$10,000</i>
Manager Planning, Science and Innovation	\$5,000
<i>Executive Assistant to CEO</i>	<i>\$10,000</i>
Director Operations	\$5,000
IT Team Leader	\$10,000 <i>\$15,000</i>

H. Inclusion of previous Council delegation decisions in revised Manual:

9.10.2 Local Government Funding Agency

<i>Authority to sign all documents including resolutions, special resolutions and funding documents, required to give effect to Council decisions in relation to the Local Government Funding Agency (LGFA)</i>	<i>Any TWO of the following:</i> <ul style="list-style-type: none"> • <i>Chief Executive</i> • <i>Chair of Council</i> • <i>Chair of Risk & Assurance Committee</i>
--	--

9.10.3 Council Share Portfolio Investments

<i>Authority to sign all documents including resolutions, special resolutions and funding and financial documents, required to give effect to Council decisions in relation to share portfolio investments</i>	<i>Any TWO of the following:</i> <ul style="list-style-type: none"> • <i>Chief Executive</i> • <i>Chair of Council</i> • <i>Chair of Risk & Assurance Committee</i>
---	--

I. Section 14 – inclusion of condition in delegation that draft submissions on national policies etc are to be circulated to all Resource Management Committee members:

Part 5	Make a submission in relation to a proposed National Policy Statement, National Environmental Standard, National Planning Standard or NZ Coastal Policy Statement.	Manager Planning, Science and Innovation Note: Draft submissions are to be circulated to all members of the Resource Management Committee for review and comment prior to this delegation being exercised, unless timeframes do not permit this.
--------	--	--

J. Section 15.9 – Delegation to cancel a resource consent removed from Managers to CEO alone:

126(1)	Cancel a resource consent by written notice in accordance with section 126.	Chief Executive Manager Planning, Science and Innovation Manager Consents and Compliance
--------	---	--

K. Sections 17.2 and 18 – Significant RMA proceedings – inclusion of requirement to consult with Chair of Council as well as the committee chairs:

17.2 High Court

Section	Function	Delegated to
149V 299 300	Lodge, withdraw, oppose, or join an appeal to the High Court and any related applications or proceedings. Settle a dispute or issues at stake at mediation or other dispute resolution sessions. Approve Consent Memoranda, draft Consent Orders, side agreements, or other documents required to settle a matter.	Chief Executive, following consultation with the Chairs of Council , Resource Management and Risk and Assurance Committees
301	Give or withdraw notice of intention to appear and be heard on an appeal in High Court proceedings.	Chief Executive, following consultation with the Chairs of Council , Resource Management and Risk and Assurance Committees
305	Lodge, withdraw, oppose, or join an appeal to the High Court.	Chief Executive, following consultation with the Chairs of Council , Resource Management and Risk and Assurance Committees

18. Proposals of national significance

Section	Function	Delegated to
142(1)	Request that the Minister for the Environment call in a resource consent application as a matter is of national significance.	Chief Executive, following consultation with the Chair of Council and the Chair of the Resource Management Committee

L. Section 30.4 – Inclusion of two sections relating to Land Improvement Agreements under the Soil Conservation and Rivers Control Act:

30.4 Soil Conservation and Rivers Control Act 1941

Section	Function	Delegated to
30, 30A	To enter in to a land improvement agreement.	Chief Executive
30A	Registration of land improvement agreements, including authority and instruction forms.	Chief Executive

M. Appendix III – Inclusion of mandatory conditions of sub-delegation under the Maritime Transport Act in relation to marine oil spill plans:

Conditions of Sub-Delegation under the Maritime Transport Act 1994 from the Chief Executive to Employees of the West Coast Regional Council

Conditions of this sub-delegation

In exercising any statutory function or power ('functions and powers') pursuant to this sub-delegation, the following conditions must be complied with in every case:

1. These functions and powers shall not be further sub-delegated to any other person or persons.
2. These functions and powers may only be exercised in respect of site marine oil spill contingency plans required under the Marine Protection Rules that are within the region of West Coast Regional Council as defined by the Local Government Act 2002.
3. These functions and powers must not be exercised in any case where the sub-delegate has a personal or financial interest in the operation or ownership of the oil transfer site.

4. The sub-delegate may not exercise a function or power in a case in respect to which the Director of Maritime New Zealand ('the Director') has already exercised those powers, without the prior agreement of the Director.
5. In exercising these functions and powers, the sub-delegate must only collect and store information sufficient to record the exercise of the sub-delegated powers and must ensure compliance with all statutory obligations, including the Official Information Act 1982 and Privacy Act 1993. The information collected and stored is, and remains the property of the Director and shall be made available to the Director when required, and it shall be provided in a form that is acceptable to the Director.
6. In exercising these functions and powers, the sub-delegate must comply with Maritime New Zealand's Service Charter, as applicable, prepared under section 437 of the Maritime Transport Act 1994 ('the Act').
7. The sub-delegate must provide the Director with information, in a format acceptable to the Director and within a timeframe determined by the Director after the exercise of the delegated power, of all matters relating to the exercise of the sub-delegated power, including:
 - details of each approval of a site marine oil spill contingency plan ("site plan document");
 - details of any suspension or imposition of conditions on a site plan document;
 - details of each extension of a period of suspension or further conditions on a site plan document;
 - details of each site plan document that has been amended;
 - details of each site plan document that has been revoked at the holder's request;
 - details of each audit carried out; and
 - any matters specifically requested by the Director that relate to the exercise of the delegated powers.
8. In exercising these functions and powers, under section 396 of the Act, the sub-delegate must record details of each inspection or audit on the form or forms prescribed by the Director from time to time.
9. This sub-delegation does not prevent the exercise of these statutory powers by the Director and does not affect the Director's responsibilities for actions taken by the sub-delegate in performance of these powers.

Report to: Council	Meeting Date: 14/09/2021
Title of Item: Franz Josef Emergency Works	
Report by: Randal Beal Director of Operations	
Reviewed by: Heather Mabin, Acting Chief Executive	
Public excluded? No	

Report Purpose

To seek formal approval from Council after the approval in principle was provided by Council on the 28th August 2021 for staff to undertake Emergency Works on behalf of the Franz Josef Rating District.

Report Summary

Staff are undertaking Emergency Works to protect the community and current assets from the Waiho river.

Draft Recommendations

It is recommended that Council resolve to:

Approve the Emergency Works begun on 28 August 2021 on the Waiho River at Franz Josef.

Issues and Discussion

Background

In Council's 2020 application for funds the Franz Josef IRG Project, Council included a new rock lined wall at an estimated cost of \$2,427,250. The Provincial Growth Fund's (PGF) response was to split the original application into two phases:

- Phase One \$12.3M (including co-funding) to complete the work planned for the Northside of the Waiho River, some of which is to be co-funded by NZTA and Westland District Council.
- Phase Two with \$9.3M ring-fenced to complete works on the Southside.

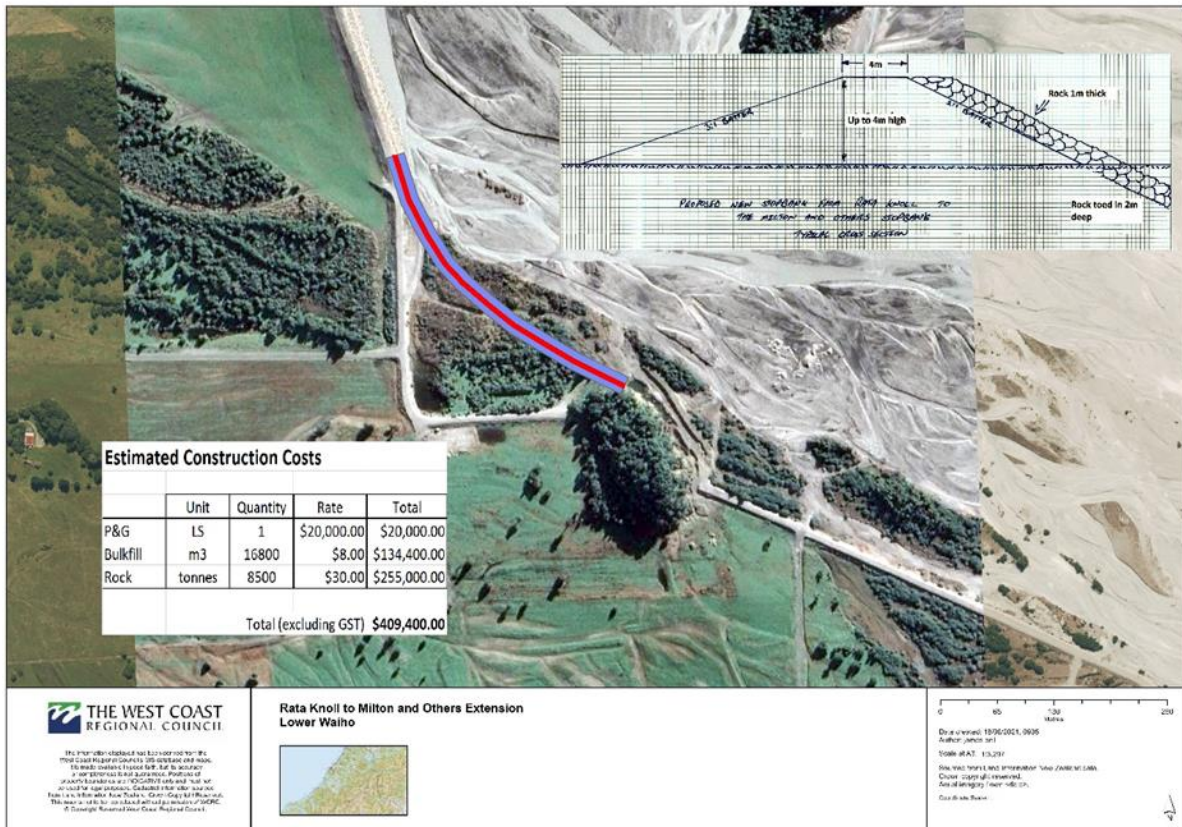
Since making the initial funding decision, the Government has been reconsidering the work to be undertaken on the Southside and is considering a buy-out of farmland to be undertaken by central government plus capital work to be funded by NZTA. During this time, Council Officers have been seeking a resolution from DIA and Kanoa Regional Economic Development & Investment Unit (REDIU) as to the final outcome for Phase Two.

Regardless of this final outcome, Council is expected to maintain and protect the assets on the Southside.

Current situation

Council's area engineer inspected the site with members of the Rating District on the 9th August and agreed that protections were required to prevent the Waiho river breaking through behind the "Milton and Others" stop bank that would result in private property being flooded as well as causing damage to the \$4.9M flood protection asset.

To mitigate the risk of this happening, Council is proposing the construction of a rockwall, see picture below. This is seen as a short-medium term solution.



Given that Council has not received a final resolution from central government about Phase Two, Council will advise representatives of both DIA and Kanoa that Council is undertaking this Emergency Work, the reason for it and once again seek a final decision regarding Phase Two of the Franz Josef Project.

Council will also request advice from Kanoa that should the additional funding for implementing the original long-term solution fail to be secured, that the remaining funds approved for Franz Josef in 2020 will be released to complete the proposed works.

WCRC will urgently convene a Joint Committee meeting to review the flood modelling and x section data as soon as it is completed.

Local pre-approved contractors have been engaged and have commenced work on the 30/08/2021.

Options Analysis

Council's River Engineer has considered cheaper options as requested by the joint committee members but advise the following;

"This whole asset is at risk of major damage in a medium size upwards flood event and of course all other assets, including private property, that the "Milton and Others" wall provides protection for.

Constructing a gravel bund without any rock protection will not stop floodwater eroding the bund and then getting in behind the Milton Bank, which would cause major damage.

Although the major flows of the Waiho river will not be hitting this point, rock protection of any new bank is definitely required. The risk in my opinion as Council Engineer is too great to not to have the rock protection on the bank."

It is proposed that the funding released for Phase One works be used to pay for this work in the interim, given that central government has ring-fenced \$18.6M for Franz Josef and it is assumed the balance of funds will be released at some time in the future.

If, at a later date central government confirms that Council should proceed with its original long-term solution for the Southside, the Emergency Works completed now will be used as a foundation for the final rockwall.

Considerations

Implications/Risks

Undertaking the Emergency Works mitigates the risk damage to a significant Council asset and strengthens the protection of the community on the Southside.

If the Waiho river breaks out it will cause significant damage to the \$4.9 Million flood protection asset and private property as was seen during the 2019 flood event.

Staff propose that the \$409,400 is the best risk mitigation available without over committing the Rating District to an asset that is only a short to medium term solution.

Significance and Engagement Policy Assessment

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

Tangata whenua views

Te Runanga o Makaawhio Chairman Paul Madgwick supports the proposed emergency works.

Views of affected parties

Members of the planned Franz Josef Joint Committee have reviewed and discussed the staff recommendations.

Discussion was raised about cheaper alternatives and whether the proposed emergency works supports the long term solution. Staff responded with advice on the design and budget implications.

One community member raised concerns about the process and excluding the general rate payers from being included in a consultation process. There is also an opportunity to use the money to start the “buy out” process rather than further investing in flood protection works that are short to medium term solutions only.

Department of Conservation does not support the proposed works as it is inconsistent with the ‘retreat and migrate’ approach proposed to provide longer-term reliance in Franz Josef. The Department also recommends requesting an update from Kanoa and DIA on the phase 2 funding decisions.

The majority support the staff recommendation.

Financial implications

Due to the Rating District being merged and reformed in 2020, there is no current reserves held on behalf of the Rating District.

As this is part of the “approved in principle” funding package announced in 2020 this work is able to be included as part of the existing funding subsidy of 75% with the rating district providing the co-funding of

Future implications

If the total IRG project expenditure exceeds the agreed co-funding from Kanoa then 100% of the additional costs are required to be funded by the Rating District.

Legal implications

This work was undertaken under section 330 of the Resource Management Act 1991.

Staff will follow the notification process for the emergency works and lodge a retrospective consent within 20 working days.

Report to: Council	Meeting Date: 14 September 2021
Title of Item: Operations Monthly Works Report	
Report by: Brendon Russ – Engineer James Bell – Engineering Officer Lauren Ruyppers – BSO Paulette Birchfield - 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 undertaken during the month of August 2021 and any issues that Council needs to consider.

Report Summary

During the month of August Operation’s focus was on the erosion line at Hokitika, the identification and initiation of Emergency Works at Franz Josef and the ongoing progress of three IRG Projects. Also presented in this report will be the production and sale of rock from the council owned quarries during the month of July 2021.

Draft Recommendations

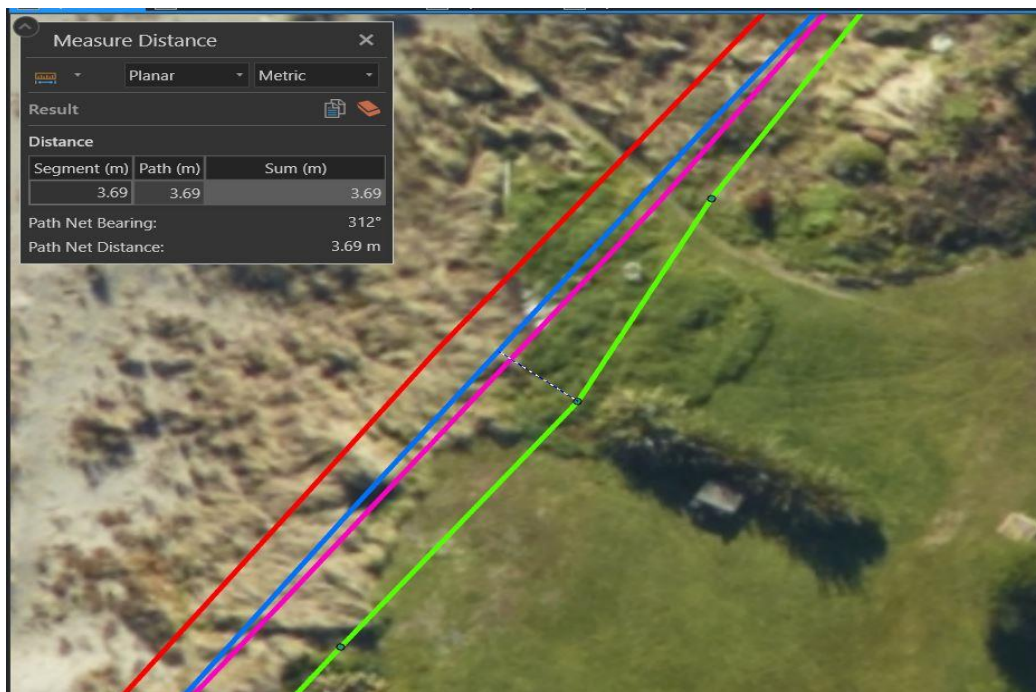
It is recommended that Council resolve to:

- Receive the report; and
- Delegate the authority to the Acting Chief Executive to sign the RCEO Inter Council agreement for Flood Event Operational Assistance

Operations Activities for August 2021

Hokitika Erosion Line

The coastal erosion line was re-surveyed following reports of concerns from property owners.

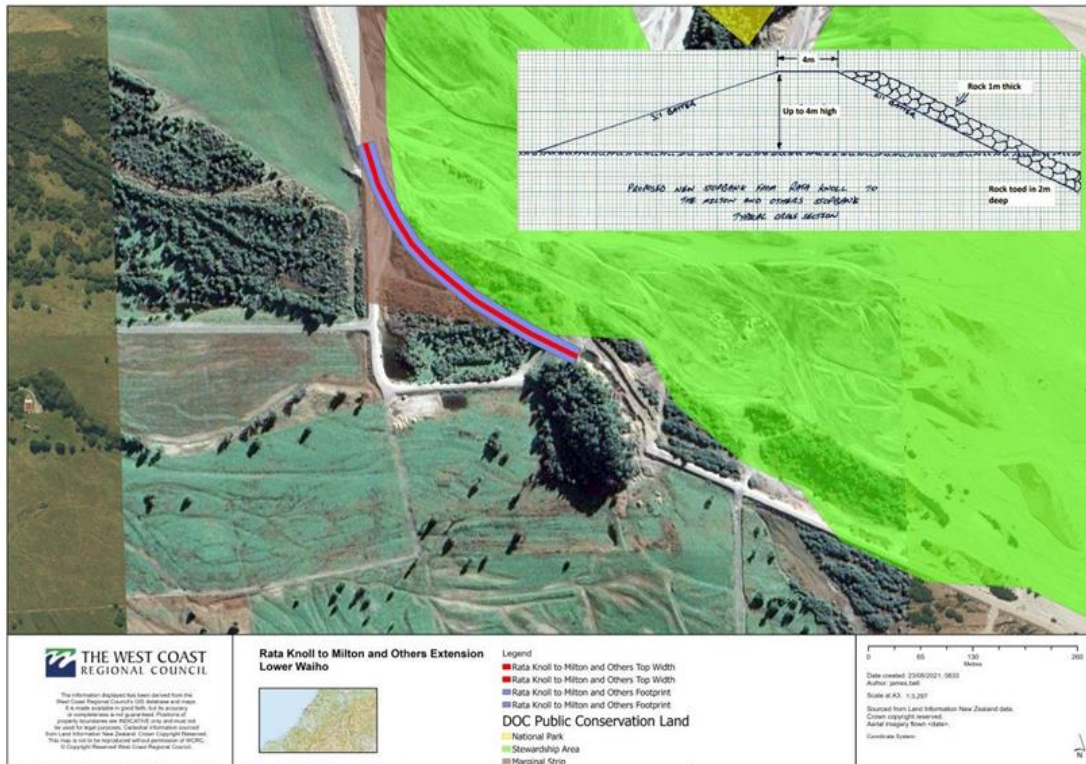


A re-measure of the erosion that has been occurring along the Hokitika shoreline has shown erosion of up to 3.7m. This significant amount of erosion has occurred between July 20th 2021 (blue line) and August 30th 2021 (green line). The area in the snippet below is behind 237 Revell Street with the green line being approximately 30m from their property boundary.

Franz Josef Emergency Works

Staff have engaged local contractors that are pre-qualified as Council approved contractors to undertake this work as part of meeting the social procurement outcomes of the IRG contract.

Work commenced on Monday 30 August 2021 and it is expected to take 4-6 weeks to complete. The budget for this project is estimated @ \$410,000.00 + GST.



Staff have applied for a Letter of Authority to construct the stop-bank on DOC administered land and a concession for gravel and rock extraction, both applications have been approved by DOC.

IRG Projects:

Franz Josef

A variation to the project plan has been submitted for the inclusion of the Rata Knoll bank into the “phase one” works.

The modelling and flood wall design recommendations are complete, this data will be used to update the resource consent applications and contract documents.

Hokitika

Surveying of the priority flood protection areas are expected to be completed and this will allow the flood wall design heights and plans to be completed and the consents to be applied for in September.

BECA have commenced the consent application for the sea wall project.

Greymouth

The surveying has been completed but co-vid has delayed some on-site inspections and assessments and these will need to be re-scheduled.

Quarries

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

Quarry	Opening Stockpile Balance	Rock Sold	Rock Produced	Closing Stockpile Balance
Camelback	36,036*	2662	0	
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	36,486*	2662	0	33,824

*Stock adjustment after June quarry audit

Other Sales: 347.5T of rubble was sold to Henry Adams Contracting from Camelback Quarry. This rubble was sold at \$2.00 per tonne for a total of \$695.00 GST exclusive.

Issues and Discussion

Background

WCRC is a signatory to the 2016 Flood Event Operational Assistance agreement. This agreement has been actioned in the March 2019 West Coast Flood event with support being provided to WCRC by Otago, Canterbury, Wellington, Taranaki and Waikato Regional Councils

In the 2021 Canterbury flood event assistance was provided to Canterbury by Otago, West Coast, Wellington, Taranaki and other Councils.

Current situation

The 2016 agreement has been updated and replaced with the 2021 agreement and recommended to the RCEO's for signing.

Considerations

Financial implications

- Staff related costs including their personal equipment shall be paid by the Provider. Staff related costs means all salary, wages, allowances, bonuses and all other remuneration payable by the Provider to any employee or contractor under his or her contract.
- Welfare costs including meals and accommodation shall be paid by the Receiver.
- Transport costs including costs to transport staff to and from the Receiver Council shall be paid by the Receiver.
- All other costs will lie where they fall.

Attachments

Attachment 1: Inter Council 2021 Agreement for Flood Event Operational Assistance

Attachment 2: Memorandum to Regional Chief Executive Officer from Gavin Palmer, 23 July 2021 Agreement for Assistance During Flood Events

Agreement

for

Flood Event Operational Assistance

July 2021

Agreement for Flood Event Operational Assistance

Dated

2021

1. Parties to the Agreement

Northland Regional Council

Auckland Council

Waikato Regional Council

Bay of Plenty Regional Council

Gisborne District Council

Hawkes Bay Regional Council

Taranaki Regional Council

Manawatu-Wanganui Regional Council

Wellington Regional Council

Marlborough District Council

Nelson City Council

Tasman District Council

Canterbury Regional Council (Environment Canterbury)

West Coast Regional Council

Otago Regional Council

Southland Regional Council (Environment Southland)

(the parties)

2. Interpretation

- 2.1 Each party includes any successor of that party.
- 2.2 The River Managers Special Interest Group (RM) is a group of staff representatives from the Regional Councils and Unitary Authorities (RUCs) that reports to the Regional Chief Executive Officers Group.

3. Purpose

- 3.1 This agreement is to set out an agreed process by which RUCs can assist each other operationally during flood events, through RM. This agreement defines the obligations of both the contributing and receiving RUCs in terms of support, costs and other matters.
- 3.2 While RUCs will use their best efforts to assist each other during flood events, none shall be obliged to do so, nor, having commenced assistance, to continue giving it beyond defined periods of notice.

4. Term of the Agreement & Review

This agreement replaces a prior agreement dated 30 June 2016.

This agreement has no fixed term. It shall remain in force while the participating parties consider the flood event assistance mechanism beneficial.

Any party may withdraw from the agreement by giving 3 months' written notice to all other parties.

This agreement shall be reviewed on a 5-yearly frequency. The next review date shall be 5 years from the date shown on the title page.

5. Background

RM members wish to create a formal and proactive process for sharing staff (and other resources) during a flood event. These arrangements are intended to complement but not replace Civil Defence and Emergency Management (CDEM) arrangements between CDEM Groups or between CDEM Groups and the National Emergency Management Agency (NEMA).

The process set out in this agreement is based on the principle that the assistance provided for in this agreement is only for flood events where the resources of the affected Councils are stretched beyond its capacity to reasonably cope.

6. Responsibilities under this Agreement

6.1 Intention of the Parties

All RUCs agree to act openly in good faith and on a fair and reasonable basis.

6.2 Terms

The Regional Council or Unitary Authority providing the assistance is termed the *Provider* and the Regional Council or Unitary Authority receiving the assistance is called the *Receiver*.

At all times there must be three named *National Assistance Co-ordinators*, two based in the North Island (north and central) and one in the South Island. RM shall select the three co-ordinators from their group. Reconfirmation of the National Assistance Coordinators shall occur at each RM meeting.

At any time, the RM may appoint additional or replacement co-ordinators. Any co-ordinator may resign from the office of coordinator by notice in writing to the RM. Any changes due to appointments or resignations will be recorded in the RM minutes which must be circulated to RM members.

The *National Assistance Co-ordinators* will be responsible for working with potential *Provider* to ensure that the *Receiver* obtains the assistance that they require.

6.3 Process for providing assistance

The process for providing assistance is shown on Schedule 1.

It may be triggered either by a direct request from the *Receiver* or by a *National Assistance Co-ordinator* proactively contacting the *Receiver* and offering assistance.

Should the event last over an extended period the *Receiver* will be responsible for returning staff to the providers and if necessary, arranging replacement staff through the *National Assistance Co-ordinator*.

6.4 Personnel

RUCs will make available such employees or contractors as are willing to participate.

The *Provider's* member of RM shall ensure that only qualified, trained and experienced staff are provided, unless specific agreement has been reached between the *Receiver* and *Provider* for other staff to be provided.

The *Provider* shall, as far as possible and practical, equip the staff provided with equipment to enable them to undertake tasks independent of any significant *Receiver* support or input. Equipment may include survey or other engineering equipment, communications equipment, laptop computer, and other basic tools.

The welfare of staff supplied to provide assistance is the responsibility of the *Receiver*, unless they advise their inability to make welfare arrangements and alternative arrangements are agreed between the *Provider* (through the *National Assistance Co-ordinator*) and *Receiver*. Welfare includes suitable accommodation and meals which will generally be arranged and paid for by the *Receiver*.

All staff provided by the *Provider* shall be supervised by staff of the *Receiver*. The supervisors will be responsible for ensuring that the work carried out by their assigned staff is to the appropriate standards, that Health & Safety procedures are in place, and that all necessary documentation is completed including timesheets for the basis of charges.

Provider Council's shall maintain regular contact with their staff while they are attending an event. Any issues are to be referred through the *National Assistance Co-ordinator* or through management staff of the *Provider* or *Receiver*, whichever is applicable.

6.5 **Plant and equipment**

Plant and equipment (e.g. mobile pumps) may be made available on terms agreed between the *Provider* and *Receiver*.

6.6 **Costs**

The costs incurred in implementing this agreement shall lie as follows:

- Staff related costs including their personal equipment shall be paid by the *Provider*. Staff related costs means all salary, wages, allowances, bonuses and all other remuneration payable by the *Provider* to any employee or contractor under his or her contract.
- Welfare costs including meals and accommodation shall be paid by the *Receiver*.
- Transport costs including costs to transport staff to and from the *Receiver* Council shall be paid by the *Receiver*.
- All other costs will lie where they fall.

Except as provided above neither party shall incur debts for the other party unless expressly agreed otherwise in writing.

Where costs are, under this agreement, payable by the *Receiver*, the *Provider* may pay costs in the first instance. In such case, the *Receiver* must reimburse the *Provider* by paying the *Receiver* by the 20th of the month following the date of the tax invoice issued by the *Provider* for the costs.

6.7 **Liability & Indemnity**

The *Receiver* shall indemnify the *Provider*, its directors/general managers/councillors, officers and employees and the *National Assistance Co-ordinator* from all claims for loss, damage, injury and liability.

6.8 **Health and Safety**

The *Provider* acknowledges that it, and its staff have responsibilities for health and safety under the Health and Safety at Work Act 2015 and must take all reasonably practicable steps to comply with its duties.

Whilst overall responsibility for ensuring health and safety of personnel supplied by the *Provider* and control of their places of work lies with the *Receiver*, the *Provider's* staff must do all things necessary to enable the *Receiver* to comply with its obligations under all applicable health and safety laws including notifying the *Receiver* of particular issues arising.

The *Provider's* staff must comply with all reasonable health and safety procedures, policies and directions from the *Receiver's* staff. Where the *Provider* and *Receiver* have overlapping duties on health and safety, the Parties must, as far as reasonably practicable, cooperate, consult and co-ordinate with each other. This may include (but is not limited to) sharing information regarding health and safety matters when reasonably requested to do so.

7. **Counterparts**

This agreement may be executed in two or more counterparts, all of which will together be deemed to constitute one and the same agreement. A party may enter this agreement by signing a counterpart copy and sending it to the other parties, including by facsimile or email.

.....

Date Adopted

.....

Convenor Regional Council CEO Group

SIGNED by

on behalf of **NORTHLAND REGIONAL COUNCIL:**

SIGNED by

on behalf of **AUCKLAND COUNCIL:**

SIGNED by

on behalf of **WAIKATO REGIONAL COUNCIL:**

SIGNED by

on behalf of **BAY OF PLENTY REGIONAL COUNCIL:**

SIGNED by

on behalf of **GISBORNE DISTRICT COUNCIL:**

SIGNED by
on behalf of **HAWKES BAY REGIONAL
COUNCIL:**

SIGNED by
on behalf of **TARANAKI REGIONAL
COUNCIL:**

SIGNED by
on behalf of **MANAWATU-WANGANUI
REGIONAL COUNCIL:**

SIGNED by
on behalf of **WELLINGTON REGIONAL
COUNCIL:**

SIGNED by
on behalf of **MARLBOROUGH DISTRICT
COUNCIL:**

SIGNED by
on behalf of **NELSON CITY COUNCIL:**

SIGNED by
on behalf of **TASMAN DISTRICT COUNCIL:**

SIGNED by
on behalf of **CANTERBURY REGIONAL COUNCIL:**

SIGNED by
on behalf of **WEST COAST REGIONAL COUNCIL:**

SIGNED by
on behalf of **OTAGO REGIONAL COUNCIL:**

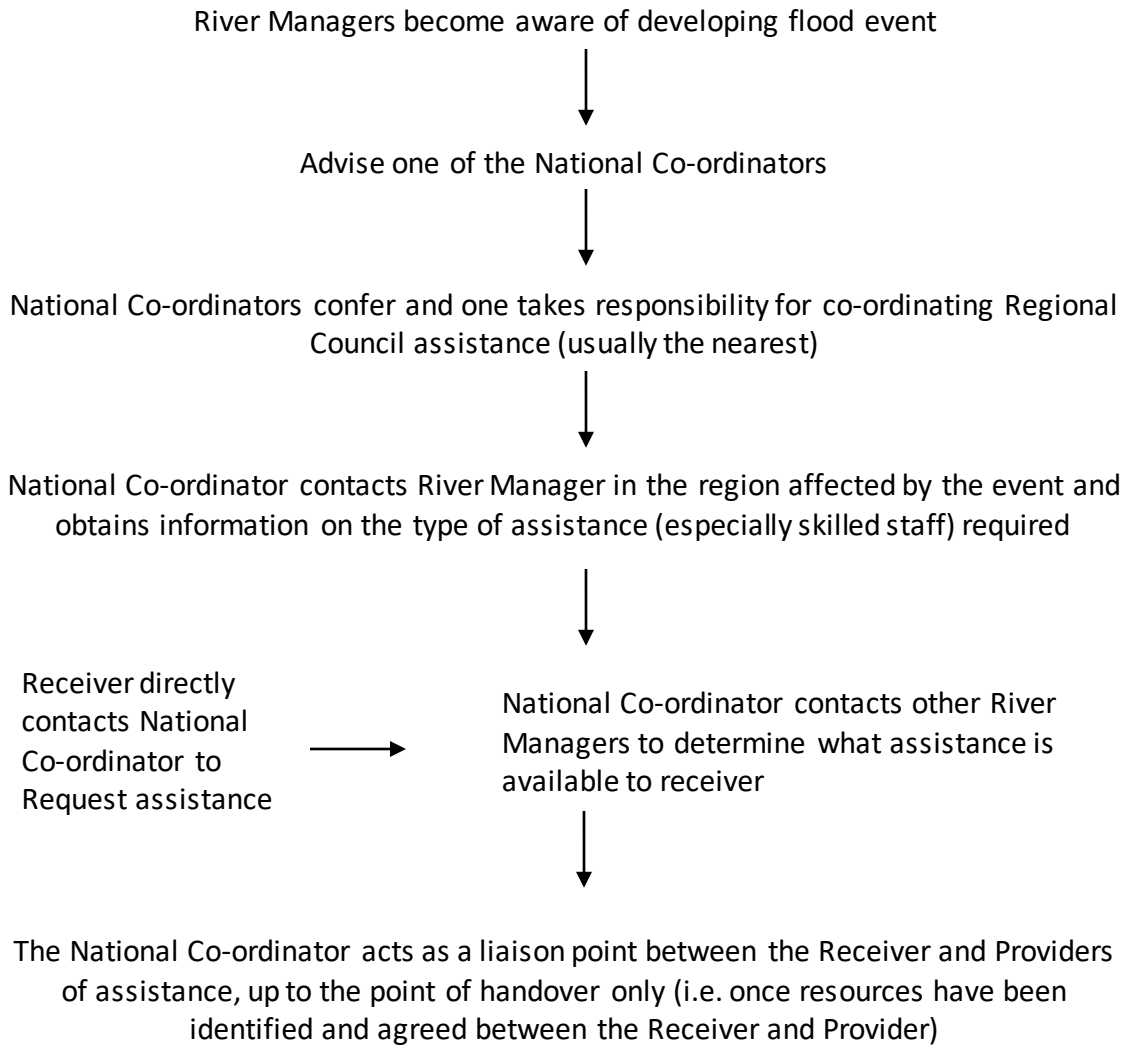
SIGNED by
on behalf of **SOUTHLAND REGIONAL COUNCIL:**

Attachments:

Schedule 1 - Process for assisting RUCs during flood events

Schedule 1

Process for assisting Regional Councils and Unitary Authorities during flood events:



Document Id:

MEMORANDUM

To: Regional Chief Executive Officers
From: Gavin Palmer (on behalf of River Managers' SIG)
Date: 23 July 2021
Re: Agreement for Assistance During Flood Events

1 Recommendations

1. The Agreement for Flood Event Operational Assistance (attached) is approved.
2. The understandings and commitments of the parties to the Agreement are noted particularly the communication process described in Schedule 1.

2 Discussion

All regional councils and unitary authorities are parties to the Agreement for Assistance During Major Emergencies. A copy of the Agreement (dated March 2016) is attached.

The Agreement sets out the understandings and arrangements for river managers assisting each other, where possible, during floods. It describes a process by which river managers monitor the needs of each other and communicate with the affected council(s) in an efficient way. The Agreement complements and does not replace sector arrangements for Civil Defence and Emergency Management.

Clause 4 of the existing Agreement requires that it be reviewed every 5 years. A proposed new Agreement (attached) has been prepared and endorsed by the River Managers SIG based on experience over the past 5 years. The key differences between the existing and proposed Agreements are as follows:

1. Names of co-ordinators removed from the Agreement so that there is flexibility in making appointments (the co-ordinators are Graeme Campbell (GWRC), Greg Ryan (WRC) and Gavin Palmer (ORC)).
2. Updating of the provisions to do with Health and Safety to reflect current legislation.
3. Removal of content that is unnecessary or repetitive.



Gavin Palmer

General Manager Operations

Agreement

for

Assistance during major flood emergencies

March 2016

Agreement for Assistance During Major Flood Emergencies

Dated 30 June 2016

1. Parties to the Agreement

Northland Regional Council

Auckland Council

Waikato Regional Council

Bay of Plenty Regional Council

Gisborne District Council

Hawkes Bay Regional Council

Taranaki Regional Council

Manawatu-Wanganui Regional Council

Wellington Regional Council

Marlborough District Council

Nelson City Council

Tasman District Council

Canterbury Regional Council (Environment Canterbury)

West Coast Regional Council

Otago Regional Council

Southland Regional Council (Environment Southland)

(the parties)

2. Interpretation

- 2.1 Each party includes any successor of that party.
- 2.2 "River Managers Forum" (RMF) is a group of staff representatives from the Regional Councils and Unitary Authorities (RUCs) that reports to the Regional Chief Executive Officers Group.

3. Purpose

- 3.1 This agreement is to set out an agreed process by which RUCs can assist each other during **major** flood emergencies.
- 3.2 While Regional Councils and Unitary Authorities will use their best efforts to assist each other and provide aid in an emergency, none shall be obliged to do so, nor, having commenced assistance, to continue giving it beyond defined periods of notice.

4. Term of the Agreement & Review

This agreement has no fixed term. It shall remain in force while the participating parties consider the emergency assistance mechanism beneficial.

Any party may withdraw from the agreement by giving 12 months' written notice to all other parties.

This agreement shall be reviewed on a 5-yearly frequency. The next review date shall be 5 years from the date shown on the title page.

5. Background to the Agreement

At the River Managers Forum meeting on 25 June 2004 river managers spent some time discussing the Manawatu floods. A number of useful points emerged from the discussion, including the benefits of RUCs supplying qualified staff to assist the affected RUC in an emergency.

During the February 2004 flood emergency Manawatu-Wanganui RC staff, while not reluctant to accept help, were unsure whether people who have no local knowledge (even though they are skilled river engineering staff) would be of great assistance. Following the event Manawatu-Wanganui RC had nothing but praise for the help they received from other Councils, and considered the assistance invaluable. For that reason river managers feel it would be appropriate to create a more formal and proactive process for sharing staff during a flood emergency.

The Agreement has now been in existence for over 10 years now and has in that time been very beneficial to other RUCs who have experienced severe flood events (e.g. Bay of Plenty Regional Council flood event during July 2004).

The proposed process set out in this agreement is based on three principles:

- Firstly, the assistance provided for in this agreement is only for a major emergency where the resources of the affected Councils are stretched beyond its capacity to reasonably cope.
- Second, obtaining assistance should be as easy as possible for the Council experiencing the emergency. The Manawatu River experience shows that during the emergency obtaining assistance from other Councils is not amongst the very highest priorities; hence those providing assistance need to be proactive.
- Finally, it is important to send staff with the right skills and that those staff need to be supported by both the Council experiencing the emergency and their "home" Council.

6. How the assistance scheme works

The River Managers Forum (RMF) selects three co-ordinators from their group. These people are identified in Schedule 1, National Assistance Coordinators. Reconfirmation of the National Assistance Coordinators shall occur at each RMF meeting to keep the Agreement up to date.

At any time, the RMF may appoint additional or replacement co-ordinators. Any co-ordinator may resign from the office of coordinator by notice in writing to the RMF. It shall not be necessary to amend this agreement to make or record the appointment or retirement of any co-ordinator. It shall be sufficient if the RMF minutes the appointment or resignation and notifies in writing all RUCs who are parties to this agreement at the time of appointment or resignation.

In a significant emergency one of these co-ordinators (generally from the closest Council) will make contact with the river manager in the region experiencing the emergency to determine what help may be required. The co-ordinator will then work with RUCs not affected by the emergency and arrange for the appropriate staff and back-up to be provided. Normally the co-ordinator will work through the RMF, but can look to CDEM staff for assistance when appropriate.

This agreement defines the obligations of both the contributing and receiving RUCs in terms of support, costs and other matters.

7. Responsibilities under this Agreement

7.1 Intention of the Parties

All RUCs agree to act openly in good faith and on a fair and reasonable basis.

7.2 Terms

The Regional Council or Unitary Authority providing the assistance is termed the *Provider* and the Regional Council or Unitary Authority receiving the assistance is called the *Receiver*.

At all times there will be three named *National Assistance Co-ordinators*, two based in the North Island (north and central) and one in the South Island. The *National Assistance Co-ordinators* will be responsible for working with potential *Provider* Regional Council or Unitary Authority to ensure that the *Receiver* obtains the assistance that they require.

7.3 Process for providing assistance

The process for providing assistance is shown on Schedule 2.

It may be triggered either by a direct request from the *Receiver* or by a *National Assistance Co-ordinator* proactively contacting the *Receiver* and offering assistance.

Should the event last over an extended period the *National Assistance Co-ordinator* will be responsible for returning crews to the providers and if necessary, arranging relief crews.

7.4 Personnel

RUCs will make available such employees or contractors as are willing to participate.

The *Provider* shall ensure that only appropriately qualified, trained and experienced staff are provided, unless specific agreement has been reached between the *Receiver* and *Provider* for other staff to be provided.

The *Provider* shall, as far as possible and practical, equip the staff provided with appropriate equipment to enable them to undertake tasks independent of any significant *Receiver* support or input. Equipment shall include a suitable vehicle, survey or other engineering equipment, communications equipment, laptop computer, and other basic tools - all as appropriate.

The welfare of any crews supplied to provide assistance is the responsibility of the *Receiver*, unless they advise their inability to make appropriate welfare arrangements and alternative arrangements are agreed between the *Provider* (through the *National Assistance Co-ordinator*) and *Receiver*. Welfare includes suitable accommodation and meals which will generally be arranged and paid for by the *Receiver*.

Provider Council's will maintain contact with their crews while they are in the Flooding Zone to ensure their welfare. Any issues are to be referred through

the *National Assistance Co-ordinator* or through management staff of the *Provider*.

7.5 **Plant and equipment**

Plant and equipment (e.g. mobile pumps) may be made available on terms agreed between the provider and receiver. Plant and equipment (e.g. mobile pumps) may be made available on terms agreed between the *Provider* and the *Receiver*.

7.6 **Costs**

The costs incurred in implementing this agreement shall lie as follows:

- Staff related costs including their personal equipment shall be paid by the *Provider* (#). Staff related costs means all salary, wages, allowances, bonuses and all other remuneration payable by the *Provider* to any employee or contractor under his or her contract.
- Welfare costs including meals and accommodation shall be paid by the *Receiver*.
- Transport costs including costs to transport staff to and from the *Receiver* Council shall be paid by the *Receiver*.
- All other costs will lie where they fall.

Except as provided above neither party shall incur debts for the other party unless expressly agreed otherwise in writing.

Staff related costs will be met by the Provider for the immediate emergency period or up to two weeks. If ongoing support is provided over a longer period the Receiver will be responsible for ongoing staff costs beyond the immediate emergency phase - for example survey crews once the flood event has subsided.

Where costs are, under this agreement, payable by the *Receiver*, the *Provider* may pay costs in the first instance. In such case, the *Receiver* must reimburse the *Provider* by paying the *Receiver* by the 20th of the month following the date of the tax invoice issued by the *Provider* for the costs.

7.7 **Liability & Indemnity**

All staff provided by the *Provider* must be either self-managing (e.g. professional/engineer) or accompanied by appropriate supervision. The supervisors will also be responsible for ensuring that the work carried out by their crews is to the appropriate standards, that appropriate Health & Safety procedures are in place, and that all necessary documentation is completed including timesheets for the basis of charges.

The *Receiver* shall indemnify the *Provider*, its directors/councillors, officers and employees from all claims for loss, damage, injury and liability.

Overall responsibility for ensuring health and safety of personnel supplied by the *Provider* and control of their places of work lies with the *Receiver*.

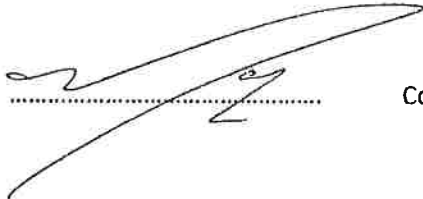
7.8 Media relations

Media relations remain the sole responsibility of the *Receiver* organisation.

8. Counterparts

This agreement may be executed in two or more counterparts, all of which will together be deemed to constitute one and the same agreement. A party may enter this agreement by signing a counterpart copy and sending it to the other parties, including by facsimile or email.

..... 30 June 2016 Date Adopted

.....

.....

Convenor Regional Council CEO Group

Attachments:

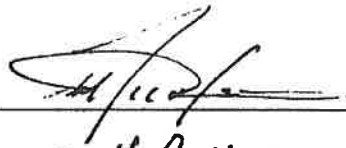
Individual signatory pages for each of the parties

Schedule 1 - National Assistance Co-ordinators

Schedule 2 - Process for assisting RUCs during flood emergencies


Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Malcolm Nicolson
on behalf of Northland Regional Council


Date: 30th April 2016.

Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Stephen Town
on behalf of Auckland Council


Date: 18 May 2016


Inter Council Agreement for Assistance During Major Flood Emergencies


SIGNED by Vaughan Payne
on behalf of Waikato Regional Council

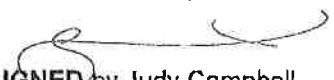
24/05/2016
Date:

Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Mary-Anne Macleod
on behalf of Bay of Plenty Regional Council


Date: 11/ May/ 2016.

Inter Council Agreement for Assistance During Major Flood Emergencies


SIGNED by Judy Campbell
on behalf of Gisborne District Council

30 April 16
Date:

Inter Council Agreement for Assistance During Major Flood Emergencies


SIGNED by Liz Lambert
on behalf of **Hawkes Bay Regional Council**



Date:

Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Basil Chamberlain
on behalf of **Taranaki Regional Council**



Date:

4/5/16

Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Michael McCartney
on behalf of **Horizons Regional Council**



Date: 19 May 2016

Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Greg Campbell
on behalf of **Greater Wellington Regional Council**



Date: 10/5/16

Inter Council Agreement for Assistance During Major Flood Emergencies

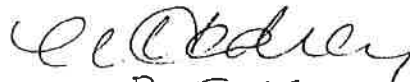
SIGNED by Mark Wheeler
on behalf of **Marlborough District Council**



Date: 23 May 2016

Inter Council Agreement for Assistance During Major Flood Emergencies

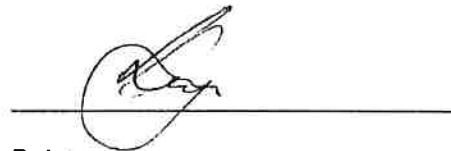
SIGNED by Clare Hadley
on behalf of **Nelson City Council**


3-5-16

Date:

Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Lindsay McKenzie
on behalf of **Tasman District Council**



Date:

3/5/16

Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Bill Bayfield
on behalf of **Environment Canterbury**



Date:

5/5/16

Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Chris Ingle
on behalf of **West Coast Regional Council**



Date:

Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Peter Bodeker
on behalf of **Otago Regional Council**



Date:

Inter Council Agreement for Assistance During Major Flood Emergencies

SIGNED by Rob Phillips
on behalf of **Environment Southland**



16/5/16

Date:

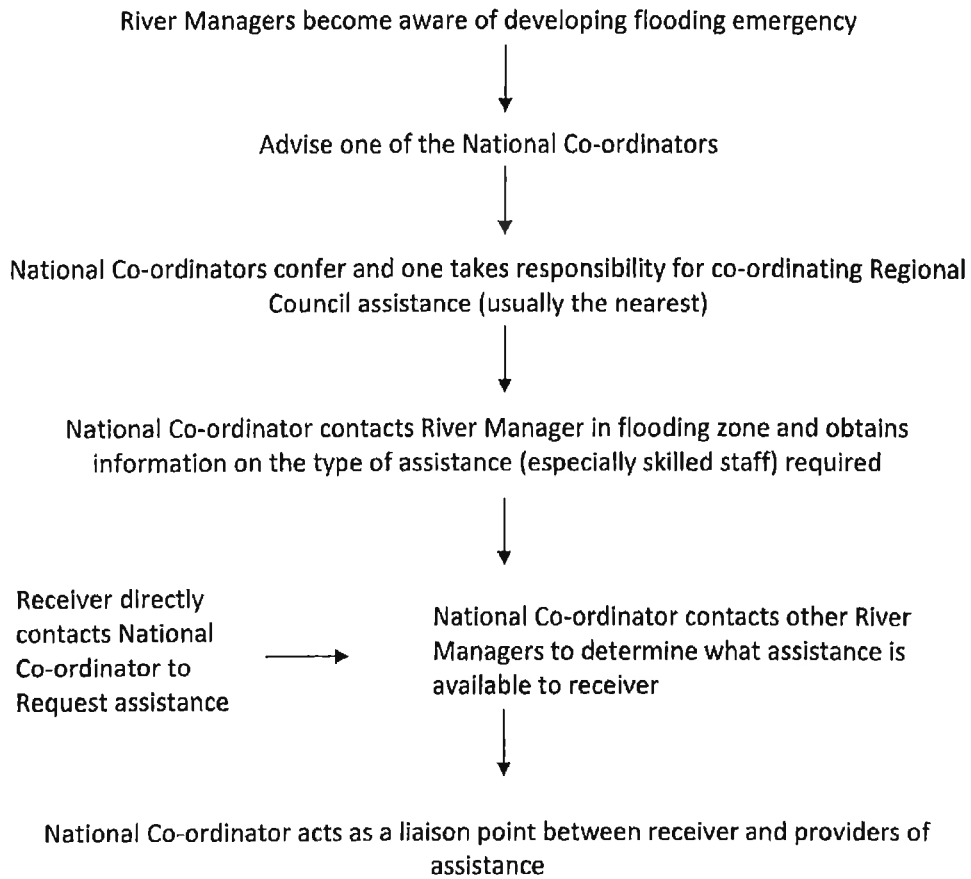
Schedule 1

National Assistance Co-ordinators

- North Bruce Crabbe, Bay of Plenty Regional Council
- Central Graeme Campbell, Greater Wellington Regional Council
- South Gavin Palmer, Otago Regional Council

Schedule 2

Process for assisting Regional Councils and Unitary Authorities during flood emergencies:



Report to: Council	Meeting Date: 14 September 2021
Title of Item: Draft Agreement – Westport Rating District Joint Committee	
Report by: Toni Morrison, Policy and Planning Consultant	
Reviewed by: Heather Mabin, Acting Chief Executive Officer	
Public excluded? No	

Report Purpose

To table the draft Westport Rating District Joint Committee Agreement for Council discussion.

Report Summary

The Council has been working with Buller District Council (BDC) on the formation of a Joint Committee in relation to flood management for Westport. A draft Agreement including Terms of Reference for the Joint Committee was provided to BDC, who have provided feedback on the draft. Council is now asked to consider the comments provided by BDC.

Draft Recommendations

It is recommended that Council resolve to:

Note the feedback from Buller District Council on the draft Westport Rating District Joint Committee Agreement and provide further comment for a response to Buller District Council.

Issues and Discussion

Background

Clause 30A of Schedule 7 of the Local Government Act 2002 requires Councils, where they wish to form a joint committee, to first have an agreement with every other local authority or public body who will have members on the committee. Attached is the draft Agreement which fulfills this requirement, for Council's consideration.

Current situation

The draft Agreement and Terms of Reference for the joint committee were initially circulated to Councillors for review and comment. They were then amended as a result of that review, and provided to Buller District Council who have responded with the attached comments.

Matters raised by BDC for consideration include:

- The addition of background information/description and map of rating district boundary
- Proposed meeting frequency – how often will the joint committee meet?
- BDC does not support the suggestion of an independent chair
- BDC does not support the suggestion for alternating secretariats to support alternating Chairs from each Council – prefers that WCRC acts as secretariat for all meetings, for continuity
- BDC suggests that the Joint Committee make recommendations to each parent Council at least twice a year, leading in to the Annual Plan/LTP process
- BDC seeks clarification / information regarding use of floodwalls by landowners eg for landscaping; clarification of clause regarding CDEM arrangements; and clarification of clause regarding ownership of land under floodwalls.

We have been advised that BDC intends to adopt the Agreement and Terms of Reference at their meeting on 29 September. Council is asked to consider the feedback they have provided, so any suggested changes can be finalised and forwarded to BDC.

Consultation will also need to occur with Te Runanga O Ngati Waewae and Waka Kotahi, as intended parties to the agreement. Staff will arrange for this consultation following any feedback received from Council on the draft.

Attachments

Attachment 1: Westport Rating District Joint Committee Agreement draft –Version 1



Westport- Rating District Joint Committee Agreement

Revision-Version 1

DRAFT

DOCUMENT CONTROL

Reason for Submission	Revision Number	Revision Date	Approved By
New Document	1	01/7/2022	West Coast Regional Council Buller District Council
Version 1 - draft	2	September 1, 2021 September 1, 2021	

This Deed is made this ____ day of _____ 2021

PARTIES

THE BULLER DISTRICT COUNCIL (“BDC”)

THE WEST COAST REGIONAL COUNCIL (“WCRC”)

TE RUNANGA O NGATI WAEWAE (“NGATI WAEWAE”)

NEW ZEALAND TRANSPORT AGENCY (“WAKA KOTAHI”)

COMMUNITY MEMBERS

Commented [TM1]: Suggest this is deleted – the community members do not have to be parties to the joint agreement to be appointed to/act as members on the Committee itself. They are not a ‘public body’.

BACKGROUND

- A. The BDC 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 ~~(also clause 30 and 30A of schedule 7)~~ to enter into joint agreements and form a joint committee to co-ordinate the management of overlapping functions; and
- E. Any Westport flood protection structure built as a result of this agreement will be owned by the WCRC. The land the floodwalls are on are-is under various ownership; and
- F. Both Councils wish to record their agreement to jointly manage the maintenance of the Westport Floodwalls, via the-a Joint Committee of the two Councils, Ngati Waewae, Waka Kotahi and community members.
- F-G. Special Rating District geographic area – (please provide description here and attach map)

Commented [SR2]: Suggest a note regarding the background of setting up the special rating district

STRUCTURE AND ROLE OF COMMITTEE

- A. The Joint Committee shall be formed initially, with its membership reappointed following-at or after the first meeting of WCRC and BDC following each triennial general election~~the Triennial meeting after the Local Government election by each Council.~~
- B. WCRC shall appoint three elected Councillors to the Joint Committee, being, of which two ~~shall be the Buller Region~~ Councillors from the Buller constituency plus-and the Chair of WCRC. If the Chair of WCRC is from the-a Buller ~~Councilor~~councilor constituency, then the third Councillor will be appointed from another constituency.

- C. BDC shall appoint ~~the Mayor for Buller, plus two~~^{three} elected Councillors to the Joint Committee, ~~including the Mayor for Buller.~~
- D. Ngati Waewae shall be represented on the Joint Committee by their Chairman ~~of Te Runanga O Ngati Waewae~~ or a representative delegated by ~~its~~^{the} Chairman.
- E. Waka Kotahi will appoint a member to the Joint Committee.
- F. Two community members will be appointed to the Joint Committee ~~by the WCRC and BDC, following a call for nominations.~~ The initial community members shall be from the Westport 2100 group. 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 BDC.~~
- G. The ~~C~~committee shall not have any funding or rate setting authority. ~~Such decisions shall be the responsibility of the two Councils.~~
- H. WCRC as the Rating Body for the Westport Rating District is the final decision maker on the annual work plan and setting the appropriate rate to fund the agreed works.
- I. The Joint Committee role is to review the annual work plan ~~provided to it by the WCRC~~, receive ~~and consider any~~ independent expert advice, ~~and to~~ make informed recommendations to WCRC for the final decision. ~~The Committee may also make recommendations to the WCRC regarding Joint Committee can request:~~
- ~~Commissioning Independent-independent~~ expert reports; and
 - ~~Undertaking Public-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.~~
- ~~J. Where Committee recommendations relate to the functions of the BDC, BDC shall consider and make decisions on any recommendations accordingly. Where recommendations involve the responsibilities of and/or co-funding by both authorities, the joint agreement of both Councils is required.~~
- ~~K. 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 BDC).~~
- ~~L. Minutes of all Joint Committee meetings shall be provided to the next meeting of the respective Councils.~~
- ~~M. Meetings shall be held every month (or state desired meeting frequency)~~

DEED/AGREEMENT

NEITHER:

1. The Chair shall alternate one year to the next being a BDC elected representative one year and a WCRC elected representative the next, with the term of the chairpersonmanship 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.

2. ~~WCRC shall act as secretariat. Each Council shall act as secretariat for the Committee during the period of that Council's Chairmanship.~~

3. The Council not exercising the role of Chair in any year shall appoint a Deputy Chair. The term of the deputy chairpersonmanship 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.

[OR:]

~~An independent Chair shall be appointed by agreement between BDC and WCRC immediately following the triennial election, for a period of three years. The Chair must have relevant expertise, technical knowledge, or experience, and an ability to lead the work of the Committee in a collaborative and consensus seeking manner. The appointment process shall be administered by the WCRC, in consultation with BDC. Who would fund the independent chair – jointly funded?~~

~~WCRC shall act as secretariat until 8 October 2022, with each Council acting alternately thereafter for a 12-month period as secretariat for the Committee, from the date of each triennial election.~~

1. —

2.4. Unless otherwise specified in this Agreement, ~~T~~the Committee shall use the current standing orders of the WCRC, noting that the committee wishes to achieve consensus decisions wherever possible.

3.5. This agreement may be amended at any time, at the request of either ~~council~~Council, but such amendment will only take effect once both parent ~~councils~~Councils have formally received and adopted those changes sought.

4.6. 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.

5.7. Without limiting the ability of the Joint Committee to recommend the most appropriate arrangements for works and funding, in relation to the Westport floodwalls the BDC shall be responsible for all works and funding relating to:

5.17.1 Amenity management, including grass mowing, gardening, beautification, and public access management;

5.27.2 Stormwater management, including any pump station operation and maintenance and floodgates on drainpipes and their operation and maintenance; and

5.37.3 Flood emergency management, including the maintenance and operation of concrete flood barriers over road and rail, any sandbagging requirements, and all and any Civil Defence evacuation planning and execution.

6.8. Without limiting the ability of the Joint Committee to recommend the most

Commented [SR3]: Having WCRC act as secretariat provides continuity.

Commented [SR4]: Recommend that the Joint Committee at least twice a year leading into the AP or LTP process

Commented [KM5]: BDC - In terms of the maintainence of any constructed flood walls/bunds would it be possible to allow for some use of them by landowners whose property directly borders them? That is to say if a bund was formed right on my boundary would it be permissible to plant/landscape the area to improve the aesthetics of the property?

Commented [KM6]: BDC - not sure that is entirely accurate under the current CDEM model? Also not entirely sure exactly what maintenance and operation of flood barriers over road and rail entails.

appropriate arrangements for works and funding, in relation to the Westport floodwalls the WCRC shall be responsible for all works and funding relating to:

- ~~6.18.1~~ The maintenance and repair of the structural integrity of the floodwalls;
 - ~~6.28.2~~ The provision of flood warning advice to BDC for the Buller River; and
 - ~~6.38.3~~ Ownership of the floodwalls and the land occupied by them, including ownership of all infrastructural assets comprised by the floodwalls and their associated structures.
- ~~7.9.~~ The WCRC has constituted a "Westport Rating District" and reserves the right to raise such funds as it may need to carry out its functions under clause ~~6-8~~ above from this source.
- ~~8.10.~~ The BDC will fund the performance of its functions under clause ~~5-7~~ above from such sources that are available that it may determine.

Commented [SR7]: The land the floodwalls are on is under various ownership, as stated in Background E

SIGNATURES

SIGNED by

THE BULLER DISTRICT COUNCIL

In the presence of:

by its authorised signatory

Witness signature

Witness name

Witness Occupation

Witness Town of Residence

SIGNED by

THE 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 RUNANGA O NGATI WAE WAE

by its authorised signatory

In the presence of:

Witness signature

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

Report to: Council	Meeting Date: 14 September 2021
Title of Item: National Land Transport Programme Funding decisions	
Report by: Nichola Costley, Manager Strategy & Comms	
Reviewed by: Heather Mabin, Acting Chief Executive	
Public excluded? No	

Report Purpose

The purpose of this paper is to table to Council the funding decisions made by Waka Kotahi for 2021-24.

Report Summary

The Waka Kotahi NZ Transport Agency Board has now adopted the 2021-24 National Land Transport Programme (NLTP).

The Agency Board acknowledges the huge amount of time and effort that went into developing and prioritising activities for inclusion in the West Coast's 2021-24 Regional Land Transport Plan (RLTP). In email correspondence to Council, they stated that they are committed to a safe and accessible land transport system now and into the future.

The Agency Board has issued a table that explains which activities in West Coast's RLTP have been included in 2021-24 NLTP. The table sets out if they have been given a different priority level to that identified in the West Coast's RLTP and the activities that have not been included and why.

Draft Recommendations

It is recommended that Council resolve to:

Note the Waka Kotahi NZ Transport Agency Board funding decisions for 2021-24 for the West Coast

Implications/Risks

There are no perceived risks at this point in time, as the projects listed that were declined were not included for funding in the next three years but are planned to be undertaken at a later date.

Significance and Engagement Policy Assessment

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

Financial implications

Future implications

No financial implications for 2021-24 period.

Legal implications

By considering these matters, Council is meeting its obligations under the Land Transport Management Act 2003 and the Local Government Act 2002.

Attachments

Attachment 1: 2121-24 National and Transport Programme (NLTP) Funding decisions – West Coast

Attachment: 2021-24 National Land Transport Programme (NLTP) Funding decisions – West Coast

This document shows activities that have not been included in the 2021-24 NLTP and the rationale for this exclusion, as required under the Land Transport Management Act. It also shows activities that have been included in the 2021-24 NLTP but with a different priority order to that in the Regional Land Transport Plan.

Activities were not included because they either:

- have no cash-flow shown in the 2021-24 period so are not proposed to form part of this NLTP
- are not eligible for funding from the NLTP
- do not have sufficient priority to include in the NLTP based on our assessment under the Investment Prioritisation Method (IPM).

New activities included in the NLTP have been categorised as:

- Probable – new improvement activities that are likely to be funded in the 2021-24 NLTP and there is available NLTP funding.
- Possible – new improvement activities that could be funded in the 2021-24 NLTP if more funding becomes available.

While all care has been taken to ensure all the figures are correct, with the tight timeframes there may be some errors or omissions in the detail provided here.

To see the complete list of activities included in the 2021-24 NLTP go to www.nzta.govt.nz/nltp. Please note that activities from the Investment Management Activity Class are not included in this list.

Activity ID	Phase ID	Organisation	Activity	Project phase	Activity class	RTC priority	Waka Kotahi priority	NLTP funding status	Rationale for inclusion/exclusion
148988	277369	NZTA (West Coast)	SH6 SH69 to Charleston	Implementation	Road to Zero	0	5	Probable	Waka Kotahi funding priority aligns with the RTC
149118	277534	NZTA (West Coast)	SH6 Haast to Hawea	Detailed Business Case	State highway improvements		5	Probable	Waka Kotahi funding priority aligns with the RTC
149964	277702	NZTA (West Coast)	SH6 Dallows Bluff & others rockfall prvnt	Detailed Business Case	State highway improvements		5	Probable	Waka Kotahi funding priority aligns with the RTC
105051	231889	NZTA (West Coast)	SH7 Stoney Creek Bridge	Implementation	State highway improvements		6	Not included in 2021-24 NLTP	Waka Kotahi view represents a national view versus a regional view by RTC

149035	277446	NZTA (West Coast)	SH6 Coal Creek Overbridge	Implementation	State highway improvements		0	Start year outside 2021-24 NLTP	Not included in the NLTP as no cash-flow shown in the 2021-24 period
149036	277447	NZTA (West Coast)	SH6 Cook River (Weheka) Bridge	Implementation	State highway improvements		0	Start year outside 2021-24 NLTP	Not included in the NLTP as no cash-flow shown in the 2021-24 period
149048	277479	NZTA (West Coast)	SH6 Fox River Bridge	Implementation	State highway improvements		0	Start year outside 2021-24 NLTP	Not included in the NLTP as no cash-flow shown in the 2021-24 period
149049	277480	NZTA (West Coast)	SH6 Iron Bridge (Buller River)	Implementation	State highway improvements		0	Start year outside 2021-24 NLTP	Not included in the NLTP as no cash-flow shown in the 2021-24 period
149050	277481	NZTA (West Coast)	SH67 Orowaiti River Bridge	Implementation	State highway improvements		0	Start year outside 2021-24 NLTP	Not included in the NLTP as no cash-flow shown in the 2021-24 period
149037	277449	NZTA (West Coast)	SH7 Inangahua River Bridge	Implementation	State highway improvements		0	Start year outside 2021-24 NLTP	Not included in the NLTP as no cash-flow shown in the 2021-24 period

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 Confidential Minutes 10 August 2021
- 8.2 Confidential Minutes of Risk & Assurance Meeting 30 August 2021
- 8.3 Cybersecurity
- 8.4 Regional Strategy
- 8.5 Response to Presentation (if any)
- 8.6 In Committee Items to be Released to Media

Item No.	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 7 of LGOIMA for the passing of this resolution.
8.1	Confirmation of Confidential Minutes 10 August 2021		Clause 7 subclause 2 (a)
8.2	Confidential Minutes of Risk & Assurance Meeting 30 August 2021		Clause 7 subclause 2 (a)
8.3	Cybersecurity		Clause 7 subclause 2 (a)
8.4	Regional Strategy		Clause 7 subclause 2 (i)
8.5	Response to Presentation (if any)		Clause 7 subclause 2 (a)
8.6	In Committee Items to be Released Media		Clause 7 subclause 2 (i)

I also move that:

- Heather Mabin
- Neil Selman
- Randal Beal
- Hadley Mills
- Colin Helem
- Nichola 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.

Acting Chief Executive

RESOURCE MANAGEMENT COMMITTEE

Resource Management Committee 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*)
5. Confirmation of Minutes (*Whakau korero*) 10 August 2021
6. Chairman's Report
7. **Planning and Operations Group**
 - Planning and Resource Science Report
 - Submissions on Freshwater Discussion Documents
8. **Consents and Compliance Group**
 - Approved Accredited Hearing Commissioners + List of Commissioners
 - Consents Report
 - Compliance Report
9. **General Business**

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 10 AUGUST 2021, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11.41 A.M.

PRESENT:

S. Challenger (Chairman), A. Birchfield, 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), N. Costley (Strategy & Communications Manager), H. Mills (Planning Science & Innovation Manager), R. Beal (Operations Director), J. Armstrong (Te Tai o Poutini Project Manager) via Zoom, N. Selman (Financial Consultant) via Zoom, T. Jellyman (Minutes Clerk), C. Brown (WCCDEM), The Media.

WELCOME

Cr Challenger opened the meeting with a Karakia.

1. APOLOGIES

Moved (Birchfield / Douglas) *That the apology from F. Tumahai be accepted.*

Carried

DECLARATION OF INTEREST

There were no declarations of interest. Cr Birchfield advised that his company's name is mentioned in the Consents Report.

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 (Ewen / Coll McLaughlin) *that the minutes of the previous Resource Management Committee meeting dated 13 July 2021, be confirmed as correct.*

Carried

Matters Arising

Cr Birchfield advised that there is now a fully consented dump site at Sewell Peak farm. C. Helem advised that the resource consent for this has only just been granted, and therefore does not appear in this month's Consents Report. He stated that a full range of demolition waste excluding asbestos and hazardous waste can now be dumped at Sewell Peak. C. Helem agreed to send Councillors further information regarding how much acreage is involved.

Cr Hill advised that Buller District Council has received government funding for a fully consented dump site.

3. CHAIRMAN'S REPORT

Chair Challenger reported that he attended the LGNZ conference in Blenheim recently. He stated this was very worthwhile and stated that consideration should be given to sending at least two representatives to this each year. Chair Challenger stated that one of the key things he noted was that every Council has the same issues with what is coming from central government. He stated that Council's need to decide on direction and keep the community involved in a positive way.

Chair Challenger advised that he has received phone calls from constituents in Franz Josef regarding last week's announcement.

Moved (Birchfield / Cummings) *that the verbal report is received.*

Carried

5. REPORTS

5.1 PLANNING AND OPERATIONS GROUP

5.1.1 PLANNING AND RESOURCE SCIENCE REPORT

Chair Challenger noted that this is H. Mills' last meeting, he wished him well. H. Mills spoke to his report and highlighted various matters. He offered to answer questions.

Moved (Coll McLaughlin / Birchfield)

It is recommended that the Resource Management Committee resolve to:

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 SUBMISSION ON EXPOSURE DRAFT OF NATURAL AND BUILT ENVIRONMENTS BILL

H. Mills spoke to this report and advised that the submission was lodged on 4 August. Cr Coll McLaughlin thanked H. Mills and his staff for getting the submission through in such a tight timeframe. Cr Hill asked if all three district councils have signed up to the submission. H. Mills advised that Grey and Westland have signed the submission. H. Mabin advised that Buller District Council were very busy with the recent flood event, but have also endorsed the submission via email and are in support of it.

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

Carried

5.1.3 TE TAI O POUTINI PLAN UPDATE

J. Armstrong spoke to her report and stated that procurement for legal services and scientific research work has been carried out recently.

J. Armstrong work is progressing well with Short Term Residential Visitor Accommodation and Significant Natural Areas. She offered to answer questions.

Moved (Coll McLaughlin / Cummings) *That the report is noted.*

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.

Cr Birchfield stated that the opening of the mouth of Fagan’s Creek is already a permitted activity. C. Helem agreed but advised that the company did not comply with the rule at the time, as the rule requires that the mouth is re-opened at its existing location. He advised that a resource consent is required if the mouth is to be re-opened at a different location.

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

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Helem spoke to this report and outlined compliance matters.

Cr Coll McLaughlin asked if the Westport dump site could be another consented site for the future. C. Helem stated that the site is not suitable due to the proximity of a creek.

Moved (Ewen / Cummings)

1. *That the July report of the Compliance Group be received.*

2. *That the \$6,000 bond for RC-10273 Blacktopp Mining Ltd is released.*

Carried

5.2.3 INTENSIVE WINTER GRAZING REPORT

C. Helem spoke to this report and took it as read. He advised that today and next week, depending on weather conditions, compliance staff will be taking helicopter flights to survey winter grazing areas. C. Helem advised that staff are aware of the problem areas around the region.

Moved (Coll McLaughlin / Magner) *That the Intensive Winter Grazing report dated 1 August 2021 be received.*

Carried

GENERAL BUSINESS

There was no general business.

H. Mabin stated that she would like to seek guidance from the committee as to the amount of information they want regarding the Three Waters Reform. She stated that there is a lot of email correspondence coming through each week on this. Cr Challenger stated that it is very important to know what is going on but he feels that the Three Waters matter does not have a large impact on this Council. Discussion took place and it was agreed that this information would be managed via Microsoft Teams. Cr Magner requested that should either H. Mabin or staff identify anything of particular relevance to the region, that it is passed onto to the committee as soon as possible.

The meeting closed at 12.04 p.m.

.....
Chairman

.....
Date

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

Report Purpose

To update the Committee on planning developments over the last month, seek both their agreement on the updated staff advice in Appendix 1 and whether Council would like to be involved in a Workshop on Council's response to the Intensive Winter Grazing discussion document.

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.*
3. *Direct staff as to whether they would like to attend a workshop on Intensive Winter Grazing, prior to staff finalising the submission on this topic.*

Issues and Discussion

Freshwater Implementation

Freshwater Management Unit (FMU) Groups' update:

Hokitika: At the meeting on 17 August the Group continued editing the draft Recommendations Report. If the Report is completed in time, and the Covid situation allows, it can be presented to the Resource Management Committee's (RMC's) October meeting.

South Westland: The Group was to meet on 20 August but this was postponed due to Level 4 lockdown. A new date is yet to be confirmed for the third workshop, and whether it will be in person or by zoom.

Grey and Kawatiri: Feedback on the respective revised Long Term Visions was received from some Group members. Staff are working with the Groups to finalise the Long-term Visions.

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 Exposure Draft of Natural and Built Environments Bill

The Council's submission on the Exposure Draft of the Natural and Built Environments Bill was lodged on 4 August. The Westland and Grey District Councils supported the submission, and the Buller District Council later advised the Ministry for the Environment of their support for our submission as they were dealing with the flooding State of Emergency when the submission was lodged.

Draft submissions on national freshwater farm plan and low slope map regulations

Draft Submissions were prepared by resource management consultant Heather McKay and circulated to Councillors, Poutini Ngāi Tahu, farmers, farm industry representatives and other stakeholders. A zoom workshop was held on 1 September to canvas feedback on the government proposals and the draft submissions.

Final drafts of the submission will be lodged by 26 September.

Submission on Intensive Winter Grazing

This most recent freshwater discussion document is now out for submission. Resource management consultant Heather McKay will be contracted to write a response on behalf of the Council.

Direction on whether Council would like to attend a workshop on this topic is sought. Submissions are due to be lodged by 7 October.

Resource Science

The following links show data visualisation for Reefton Winter air quality monitoring and hydrology flood alarm levels. There were no air quality exceedances in August. These can be viewed in the link below.

<https://www.wcrc.govt.nz/environment/air>

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

Attachments

Appendix 1: Anticipated documents to be notified for submissions in 2021

Appendix 1: Anticipated documents to be notified for submissions in 2021

Document	Main points	Approximate period of notification for submissions	Recommendation to submit or not
<p>Stock Exclusion Regulations: proposed changes to low slope map – Discussion Document; and</p> <p>Freshwater farm plan regulations - Discussion Document</p>	<p>Changes are proposed to the map showing low slope land, which is linked to the stock exclusion requirements. The current map includes areas of land that were not intended to be captured by the regulations.</p> <p>A regulatory framework for farm plans is also outlined, with the intent that farm plans will eventually be used in place of NESs, rules and consents to manage farm activities that can affect freshwater. It is proposed to include outcomes that describe what each freshwater farm plan must demonstrate it will achieve, as well as requirements for content, certified assessment, audit, enforcement and reporting and review.</p> <p>The Government is combining consultation on these two Discussion Documents.</p>	<p>12 Sept 2021 Extended to 26 September for both Discussion Documents</p>	<p>To be advised, but likely to recommend making a submission <u>Submissions drafted</u></p>
<p><u>Changes to the freshwater Intensive Winter Grazing regulations</u></p>	<p><u>Includes amendments to manage the effects of pugging, to require paddocks to be resown as soon as possible rather than by a set date, and to protect critical source areas.</u></p>	<p><u>7 October 2021</u></p>	<p><u>Proposals are being assessed, and staff will advise in due course if Council needs to make a submission.</u></p>
<p>Resource Management (Regional Responsibility for Certain Agricultural Matters) Amendment Bill</p>	<p>MP Mark Cameron's bill was drawn from the Parliamentary Member's bill ballot on 1 July 2021. The Bill seeks that regional councils do not have to prescribe some farming rules, including for intensive winter grazing, the application of synthetic nitrogen fertiliser to pastoral land, and sediment control</p>	<p>Not yet known</p>	<p>To be further advised in due course. This Bill was only recently introduced to Parliament for their consideration. It is yet to have its First Reading, where it will be debated and voted on. If successful, it is usually sent to a Select Committee to then go through a public submission process.</p>

	measures. It also seeks to revoke the freshwater Stock Exclusion Regulations.		
Proposed amendments to the National Environmental Standard for Sources of Human Drinking Water	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.	Public consultation is anticipated in August-September 2021	Staff to advise nearer the time whether to submit or not.
Future Local Government review	An independent review of local government will explore how councils can maintain and improve the well-being of New Zealanders in the communities they serve, long into the future.	No document to be released for submissions at this stage but by 30 September 2021, a report will go to the Minister signalling the probable direction of the review and key next steps	To be advised in due course
Natural and Built Environments Bill		Late 2021, aiming for it to come into force late 2022	Same as for the Exposure draft of the NBE Bill
Strategic Planning Bill	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.	Bill likely to be Introduced to Parliament in late 2021	Same as above

	Requires central govt, local govt, and mana whenua to work together to prepare a strategy.		
Managed Retreat & Climate Change Adaptation Bill	<p>Will focus on the necessary steps to address effects of climate change and natural hazards.</p> <p>Will deal with complex legal and technical issues (e.g. liability and compensation) around managed retreat.</p>	<p>Consultation will likely occur in June and July 2021. Bill likely to be introduced to Parliament in late 2021.</p>	Same as above
Emissions Reduction Plan	<p>Once the Commission has provided their final advice to the Government by 31 May 2021, Government will need to develop an emissions reduction plan by 31 December 2021 which sets out policies and strategies for meeting emissions budgets.</p>	<p>Likely to be the third quarter of 2021</p>	
National Adaptation Plan	<p>Work on the National Adaptation Plan (NAP) is underway, and will need to be completed by August 2022.</p> <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>To be confirmed</p>	

Report to: Council Meeting	Meeting Date: 14 September 2021
Title of Item: WCRC Submissions on Freshwater Discussion Documents	
Report by: Jo Armstrong, acting Planning and Science Manager	
Reviewed by: Heather Mabin, Acting Chief Executive	
Public excluded: No	

Report Purpose

The purpose of this report is to seek Council approval for two submissions WCRC are making to The Ministry for the Environment and The Ministry for Primary Industries as part of the consultation on proposed Freshwater legislation.

Report Summary

West Coast Regional Council is responding to two calls for submissions from The Ministry for the Environment and Ministry for Primary Industries on the *Freshwater farm plan regulations: Discussion document (2021,)* and the *Stock exclusion regulations: Proposed changes to the low slope map (2021)*.

Council staff have worked with a contractor to develop our responses to proposals in these two discussion documents, and have incorporated feedback from councillors, Poutini Ngāi Tahu and identified stakeholders.

In summary, the Council's main submission points on the two Discussion Documents are:

Stock Exclusion Regulations: Proposed changes to the low slope map

While the Council does not oppose the changes proposed in the Discussion Document, we have concerns that they do not address the issue on the West Coast of low slope but low intensity grazing land (large 'run of river' blocks) being captured by the Stock Exclusion Regulations. To ensure the Regulations provide the desired flexibility, we provide two constructive and practical solutions to address the issue.

Freshwater farm plan regulations

The Council supports the use of Fresh Water Farm Plans (FWFPs) as a way of managing freshwater-related impacts of farming activity, particularly where they can reduce or remove the requirements for resource consents and are practical, achievable, and not cost prohibitive to the farmer or for councils to regulate. We have supported options suggested by the Ministries including the involvement of tangata whenua at a regional level without having to engage on every farm plan unless individual situations necessitate this, as well as farm plan certifiers having discretion to identify actions needed to address environmental risks and impacts of farm activities on fresh water.

Council disagreed with only a small number of the proposals, namely, the requirement for mandatory FWFPs without having a certification system in place, and the option of a hybrid system of both prescribed regulations for higher adverse environmental risk areas or areas the government seeks more direct control over, and certifier discretion to manage lower environmental risks and impacts on fresh water. Our reasons on these matters are outlined in the submission.

Draft Recommendations

It is recommended that Council resolve to:

Approve the final submissions.

Attachments

Attachment 1: West Coast Regional Council draft submission *on Stock Exclusion Regulations Discussion Document: Proposed changes to the low slope map*

Attachment 2: West Coast Regional Council draft submission *on Freshwater Farm Plans Discussion Document*

Draft West Coast Regional Council comments on “Stock exclusion regulations: Proposed changes to the low slope map: Discussion Document”

Introduction

This submission provides feedback from the West Coast Regional Council (WCRC or the Council) in response to the Ministry for the Environment and Ministry for Primary Industries *Stock exclusion regulations: Proposed changes to the low slope map (2021)*. As part of the Resource Management (Stock Exclusion) Regulations 2020, a map was introduced that identifies low slope land across New Zealand and designates areas where the associated requirements for stock exclusion apply. However, the map has captured areas where the Stock Exclusion Regulations were not intended to apply. The Ministries, through the current Discussion Document, are seeking feedback on proposed changes to the low slope map.

The Council has concerns about the inclusion of parts of the West Coast that are subject to low intensity extensive grazing within the low slope maps. The Council has submitted and otherwise engaged with central government on this matter throughout the Essential Freshwater consultation and submission process and post the enactment of the Resource Management (Stock Exclusion) Regulations 2020 (Stock Exclusion Regulations).

This submission does not address every question raised in the discussion document. Rather, we provide general comments on the changes to the low slope maps as proposed, as well as our specific concerns and feedback in relation to one key aspect of the discussion document that is relevant for the West Coast Region.

Summary of Feedback

Feedback includes the following suggestion:

- **Request** that alternatives are provided to allow the Stock Exclusion Regulations to have more flexibility and exempt low intensity land use. Two possible options have been provided as starting points for consideration.

Feedback

Discussion Document Section 3: Proposed Changes – introduction of a new map

It is noted that the proposed changes reduce the amount of land captured by the proposed low slope maps overall, although there are individual circumstances where land that was not previously captured may now be. The methodology used to identify the areas removed as ‘depleted grassland and tall tussock areas’, and the accuracy of the changed low slope methodology is not clear, however reducing any marginal areas previously captured and moving them to consideration through Freshwater farm plans is considered positive.

Discussion Document Section 5: Options we are not considering

Question 11. Do you agree our proposed changes to the low slope map address the need for stock exclusion requirements to have some flexibility? If not, why not?

The proposed changes do not address the concerns held by WCRC and some landowners about the inclusion of low slope but low intensity (and often remote) grazing areas within the maps (including low intensity river-run operations within the West Coast). The discussion document (Section 5) specifically

states that no exemptions from the low slope maps are recommended and that Section 360 Regulations cannot be written to provide regional councils with the ability to exercise discretion over the requirements (i.e., provide for exemptions). The discussion document also suggests that the proposed changes to the low slope maps provide response to stakeholders' desire for discretion around stock exclusion requirements.

WCRC **does not agree** that the proposed changes to the low slope maps address the need for stock exclusion requirements to have some flexibility. While the Council does not oppose the changes that are suggested in the discussion document, it considers they need to go further to address concerns around low slope but low intensity grazing land being captured by the Stock Exclusion Regulations. Two potential solutions to this issue are proposed below:

- 1) The proposed amendment of the low slope map is intended to remove areas of low value (for pastoral purposes) rough grazing land. This is considered appropriate in line with the reasoning for 'depleted grassland and tall tussock areas'; that is, it is unlikely to be intensified and would be more appropriately managed through Freshwater farm plans. Input from regional councils in the identification process of areas for exclusion will be required. As dairy, dairy support and pigs require stock exclusion under the Regulations regardless of slope (the low slope maps do not apply to these farmed livestock), any additional areas excluded from the maps would automatically not apply to these more intensive land uses.
- 2) Alternatively, rather than addressing the issue via the low slope map, amendments to the Stock Exclusion Regulations could be made which would essentially exclude stock (beef and deer) grazing at extremely low intensities from the Regulations, noting that the issue is largely in relation to beef on the West Coast. This would allow for national consistency rather than a specific landholding identification process as per our point 1 above, and still meet the objectives around water quality that the Stock Exclusion Regulations are intended to support. The areas exempted would only be those of very low stock intensities and would be managed via the Freshwater Farm Plan process.
- 3) An example of how section 14 of the Stock Exclusion Regulations could be amended is shown below (additions underlined). Section 15 of the Stock Exclusion Regulations in relation to deer could be amended in a similar fashion. The example below uses six stock units as a measure (noting that stock units are a consistent measure across different stock classes, six stock units = approximately (will depend on weight/size/type) one fully grown beef animal). The measure suggested is based on the *Land Use Capability Survey Handbook* (2009, p. 114) which outlines stocking rate as low at 6 – 10 stock units/ha and very low at 1 – 5 stock units/ha. It is suggested however, that the stocking rate for exemptions (i.e., stock units/ha) should be refined with farming stakeholders should this option be advanced.

15 Beef cattle on low slope land

Beef cattle on low slope land, except where the stocking rate within a single pastoral system is six stock units per ha or less –

- (a) must be excluded from lakes and wide rivers (except when crossing); and
- (b) must cross a lake or wide river by using a dedicated bridge or culvert unless they –
 - (i) are supervised and actively driven across the lake or wide river; and
 - (ii) do not cross the same lake or wide river more than twice in any month.

Further, a new associated definition would need to be included in Section 4 (Interpretation), for example:

“**Single pastoral system** means an area utilised for the purposes of livestock grazing as a single operation regardless of land title or tenure, including all areas where livestock have access for grazing purposes but excluding any areas that are not subject to livestock grazing.”


The definition must be written in such a way that it is not possible for a higher intensity operation to include non-grazing areas (i.e., bush blocks) to artificially average a lower stocking rate across a property. Working through the definitions with stakeholders will help refine them.

WCRC considers that it is appropriate to provide for exemptions for low intensity land use from the requirements for stock exclusion, and that there are pathways to provide for this as outlined above.

Suggestion

- We **Request** that alternatives are provided to allow the Stock Exclusion Regulations to have more flexibility and exempt low intensity land use. Two possible options have been provided as starting points for consideration.

End of submission



Draft West Coast Regional Council comments on “Freshwater farm plan regulations: Discussion Document”

Introduction

This submission provides feedback from the West Coast Regional Council (WCRC or the Council) in response to the Ministry for the Environment and Ministry for Primary Industries *Freshwater farm plan regulations: Discussion document (2021)*. The Ministries, through the discussion document are seeking thoughts on proposals for developing freshwater farm plan Regulations under Part 9A of the Resource Management Act 1991 (RMA). Part 9A of the RMA legislates the requirement for Freshwater farm plans (FWFPs) and the current consultation is about giving effect to Part 9A, rather than seeking feedback on matters already set out in the RMA.

The consultation seeks our view on proposals and options for:

- How Freshwater farm plans (FWFPs) integrate and fit with other systems and approaches;
- Involvement of tangata whenua;
- Content - Key elements of FWFPs (regulated outcomes, farm planning, certification and audit);
- Quality assurance;
- Enforcement mechanisms;
- Implementing options; and
- Reporting and review methods.

With respect to the questions asked, our submission focuses on the key issues of relevance to the West Coast Region rather than commenting on every section of the discussion document.

The Council supports the use of FWFPs as a way of managing freshwater-related impacts of farming activity, particularly where they can reduce or remove the requirements for resource consents and are practical, achievable, and not cost prohibitive to the farmer or for councils to regulate. Further, we support the inclusion of regional planning and policy frameworks in regional plans to provide the catchment context for FWFPs as this is pivotal to ensuring that local conditions are met and provided for.

Many of the preferred options as set out in the discussion document are supported by the Council. However, we have concerns and request changes to some aspects.

Summary of Feedback

Feedback includes the following comments and suggestions:

- We **support** the involvement of tangata whenua at a regional level without the mandatory requirement for engagement on every FWFP.
- We **suggest** developing the FWFP system in a way that aligns with other systems and requirements and ensures there is clear delineation between regulated and aspirational components of FWFPs.
- We **oppose** the requirement for mandatory FWFPs without a certification system in place.
- We **support** Option 1, the general setting of outcomes, with separate guidance material as the preferred option in relation to regulated outcomes.
- We **suggest** the inclusion of “taonga of significance to mana whenua”, in the ‘base information’ of freshwater farm plan and guidance – Farm information and maps.
- We **support** Option 1, specifying the minimum general requirements for risk/impact assessment.

- We **oppose** a hybrid Option 3 and instead **support** Option 1 with discretion remaining with the certifier, in relation to identifying actions to address risks/impacts.
- We **support** the management of a certification system at a national level, with the regional appointment of certifiers by regional councils.
- We **agree** that the preparation, certification and audit of FWFPs being paid for by the farm operator is a simple and straightforward system, however we **encourage** the consideration of central government funding for some stages of the process.
- We **support** five yearly re-certification of FWFPs.
- We **support** the implementation of Option 1 – roll out of FWFPs catchment-by-catchment, however, **suggest** that Councils retain discretion over timeframes for implementation by farm type/intensity within a catchment.
- We **support** farm operators being able to opt-in to having a certified FWFP prior to it being mandatory for their farm.

Feedback

For ease of reference, our comments are ordered by the relevant discussion document section(s) and the relevant discussion document questions (although these are sometimes broadly, not specifically, answered). As mentioned, comments are not provided on every section of the discussion document, or on every aspect in those sections which are responded to. Rather, our submission focuses on key matters for WCRC and the West Coast Region.

Discussion Document Section 2.5 Role of Tangata Whenua in the freshwater farm plan system.

Question 2. What information should we consider regarding the role of tangata whenua in the freshwater farm plan system?

WCRC **supports** the involvement of tangata whenua at a regional level. The Council, Te Rūnanga o Ngāi Tahu and Poutini Ngāi Tahu have developed a Mana Whakahono ā Rohe Participation Arrangement. The Council will be working in partnership with Poutini Ngāi Tahu, including drawing on Mātauranga Māori (cultural knowledge) in managing the effects of farm activities on freshwater bodies. The Council has discussed the implementation of the farm plan system proposals with Poutini Ngāi Tahu, and we expect that tangata whenua would not be consulted at an individual FWFP level as this would be particularly onerous for both tangata whenua and farmers. This does not preclude the ability to engage with tangata whenua at an individual farm level if there are specific circumstances when doing so would be appropriate. Additionally, Council supports in principle Poutini Ngāi Tahu aspirations with taking up roles as certifiers and auditors.

Feedback: We **support** the involvement of tangata whenua at a regional level without the mandatory requirement for engagement on every FWFP.

Discussion Document Sections 2.6 A role for industry assurance programmes and other farm plan initiatives in delivering freshwater farm plans, & 2.7 How freshwater farm plans fit with Integrated Farm Planning

Question 3. What other information should we consider regarding the role for industry assurance programmes and other farm plan initiatives in the freshwater farm plan system?

Question 4. What are the likely impacts and cost implications of the proposed approach?

WCRC **supports** the development of FWFPs in a way that aligns with other requirements on farm operators such as greenhouse gas reporting and integrated farm planning, and is built off existing industry led approaches. A system where one farm plan can be developed to meet a range of regulatory purposes

and be a valuable document to the farm operator is preferred, and the development of central systems where the farm operator only needs to enter information once is strongly encouraged. It needs to be ensured that to be of best use to the farmer, the components of the FWFP that are to be regulated (must be complied with and subject to audit) are clearly delineated, allowing for more aspirational goals and plans to be included but not subject to compliance requirements.

Feedback: We **suggest** developing the FWFP system in a way that aligns with other systems and requirements and ensures there is clear delineation between regulated and aspirational components of FWFPs.

Discussion Document Section 2.8 Transition to a fully implemented freshwater farm plan system

Question 5. Do you agree with our proposed approach for transitioning to a fully implemented system? If not, why not?

WCRC considers that it would be preferable to implement the FWFP system once regional freshwater plans are operative, however accepts that there are benefits to getting a FWFP system underway prior to this. In implementing a FWFP system it is important that it is clear to farm operators when their FWFP is required and that it can be of benefit to them. Key is ensuring the FWFP certification system is in place prior to requiring FWFPs and WCRC **opposes** the requirement for FWFPs without a certification system in place. This is particularly important to allow the utilisation of alternative pathways as set out in the National Environmental Standards for Freshwater (NESFW), in relation to intensive winter grazing and stockholding areas. Requiring mandatory FWFPs without these alternative pathways in place will create a non-efficient system of duplication. We estimate there would be up to 600 resource consents needed on West Coast farms under the NESFW if the alternative FWFP pathway is not available.

Feedback: We **oppose** the requirement for mandatory FWFPs without a certification system in place.

Discussion Document Section 3.1 Regulated Outcomes

Question 6. Do you agree with the preferred option for how regulated outcomes could be described in the regulations? If not, what is your preference?

Question 7. What are the likely impacts and cost implications of the preferred approach?

The Discussion Document outlines two options for how regulated outcomes (which cover catchment values and context, ecosystem health and farm practices that respond to environmental needs) are set in the Regulations. Under Option 1 outcomes would be stated at reasonably general levels, and separate guidance on achieving these outcomes would be developed. Under Option 2, more detail on how to achieve the outcomes would be included in the Regulations. In the discussion document Option 1 is outlined as the preferred approach, because the more detailed approach in Option 2 would reduce practicality and make it harder for FWFPs to mesh with other regional council freshwater policies and objectives.

WCRC agrees that flexibility and allowing for regional context are important and as such agrees that Option 1, the general setting of outcomes, with separate guidance material as the preferred option in relation to regulated outcomes.

Feedback: We **support** Option 1, the general setting of outcomes, with separate guidance material as the preferred option in relation to regulated outcomes.

Discussion Document Section 3.2 Farm Planning

Regulated Base Information

Question 8. Does the material in Appendix 1 cover all the base information that should be mandatory for inclusion in freshwater farm plans? If no, what else should be considered and why?

The Discussion Document references in several places waterways in relation to protection and enhancement of mahinga kai, but it would be good to also emphasise the need for pristine water quality for the collection and extraction of pounamu and aotea. Poutini Ngāi Tahu requires high water quality for collection of their taonga, as it would be culturally inappropriate to collect and gift pounamu touchstones or commercially supply pounamu products collected from polluted waterways. The Discussion Document does reference identification of significant sites to tangata whenua, however, 'sites' is too limiting as the above situation involves larger areas/catchments. The regulated base information could be extended to include taonga of significance to mana whenua, to provide for this matter.

Feedback: We **suggest** the inclusion of "taonga of significance to mana whenua", in the 'base information' of freshwater farm plan and guidance – Farm information and maps.

Risk/Impact Assessment

Question 10. Do you agree with our preferred option? If not, what is your preference?

RMA Part 9A section 217F requires a FWFP to "identify any adverse effects of activities carried out on the farm on freshwater and freshwater ecosystems". The Discussion Document proposes this is achieved via a risk/impact assessment of a farm and proposes two options for how the minimum requirements for such assessment would be set out in the regulations.

Option 1 would be to specify the minimum general requirements for a risk/impact assessment, while Option 2 would prescribe the methodology for risk/impact assessment. Option 1 is described as a more flexible approach allowing for tailoring to farms and catchments, while Option 2 is more prescribed. Option 1 is outlined as the preferred approach due to its flexibility, which would allow for adopting the most effective methodologies and adaptation as new technologies and research become available.

WCRC agrees that flexible approaches will best allow for the most appropriate risk/impact assessments to be carried out that can be farm and catchment relevant. Therefore Option 1, specifying the minimum general requirements for risk/impact assessment is supported.

Feedback: We **support** Option 1, specifying the minimum general requirements for risk/impact assessment.

Identifying actions to avoid, remedy or mitigate risks/impacts

Question 13. Do you agree with our preferred option? If not, what is your preference?

Question 14. What are the likely impacts and cost implications of the preferred approach?

The Discussion Document outlines three options in relation to the identification of actions needed to address risks/impacts. Under Option 1, the regulations would include high-level factors for consideration, but would largely rely on the certifier's professional judgement and discretion in determining appropriate actions. Under Option 2 a more detailed approach (likely through prescribed practice standards incorporated by reference) would be included in the regulations. Option 1 is described as more flexible and will deliver tailored farm and catchment specific approaches, while Option 2 will provide better consistency across the system. The Discussion Document provides a third option, which is outlined as the preferred option, and this is a hybrid between Options 1 and 2, whereby the determination of actions would largely be left to the certifier's discretion, but more prescribed actions could be included for higher risk areas or areas the government seeks more direct control over.

WCRC **does not agree** that Option 3 (the hybrid option) is the best option and considers Option 1 (discussion document pages 26/27), where actions required are determined through the professional judgement of the certifier, to be the better option. This option better allows for a farm and catchment specific response (which may differ between catchments and regions). Provided that there is a robust certification system in place, there should be confidence that certified farm planners determining on-farm options required will deliver on the outcomes sought.

Feedback: We **oppose** a hybrid Option 3 and instead **support** Option 1 with discretion remaining with the certifier, in relation to identifying actions to address risks/impacts.

Discussion Document Section 3.3 Certification & Section 3.4 Audit

Process for accrediting and appointing certifiers in the freshwater farm plan system

Question 16. Do you agree with our preferred option? If not, what is your preference?

Question 17. What are the likely impacts and cost implications of the preferred approach?

Two options for how certifiers are appointed and certified are set out in the Discussion Document. Under Option 1, certifiers would be accredited by a national body and then appointed by regional councils to operate within a region. Under Option 2 each regional council would develop their own regional accreditation and appointment process.

WCRC **agrees** that certification should be managed at a national level to provide consistency and ensure that the costs of set up and management of these systems is not borne by the ratepayer at regional level. Therefore Option 1 is supported.

Feedback: We **support** the management of a certification system at a national level, with the regional appointment of certifiers by regional councils.

Engaging and paying for certifiers & auditors

Question 22/38. Do you agree with our preferred approach? If not, what is your preference?

Question 23/39. What are the likely impacts and cost implications of the preferred approach?

While WCRC is cognisant of the additional cost that the requirement for FWFPs will have on farmers, we **agree** that a simple and straightforward system is for the cost of preparation, certification, and audit of FWFP to be paid by the farm operator. An alternative approach which would decrease the burden on farm operators requiring FWFPs would be for some central funding of the FWFP process, such as funding the preparation and certification of the first FWFP per farm operator. This would help decrease any cost driven reluctance for farm operators to commence the FWFP process. Therefore, WCRC encourages the consideration of central government funding for some stages of the FWFP process.

Feedback: We **agree** that the preparation, certification and audit of FWFPs being paid for by the farm operator is a simple and straightforward system, however we **encourage** the consideration of central government funding for some stages of the process.

Regular review and re-certification

Question 24. Do you agree with our preferred option? If not, what is your preference?

Question 25. What are the likely impacts and costs implications of the preferred approach?

The Discussion Document sets out two proposed timeframes for requiring re-certification of FWFPs and outlines the preferred option as three yearly re-certification.

While WCRC recognises there may be some benefits of three yearly re-certification such as keeping the FWFP a living and up to date document, we consider that these objectives can be met through amendments made to FWFPs as required between certification timeframes (significant change for example). Therefore, WCRC **supports** re-certification on a five yearly basis as it is considered this would be more cost effective, as well as allowing for a longer timeframe for planning and implementation of actions. More frequent audit and amendments for significant changes would ensure that FWFPs stayed relevant during the longer time period.

Feedback: We **support** five yearly re-certification of FWFPs.

Discussion Document Section 6.1 Phasing and Staging

Question 44. Do you agree with our preferred option? If not, what is your preference and why?

Question 45. Should we explore whether it should be possible for farmers and growers to opt into the freshwater farm plan system?

Question 46. What are the likely impacts and cost implications of the preferred approach?

The Discussion Document sets out two options for the roll-out of FWFPs; Option 1 Catchment-by-Catchment, and Option 2 Prioritisation by farm characteristics and risks, with the preference for Option 1 expressed. WCRC **agrees** with the preference for Option 1 as expressed in the Discussion Document. This system will be easier to administer and fits well with the catchment and FMU group model. In a region such as the West Coast that is geographically vast, working through FWFPs by catchment may also lead to efficiencies for certifiers rather than having farms requiring FWFPs scattered across a wide area. It is also noted that by including an opt-in approach (see below), it is possible for a farm operator outside a required catchment to seek a FWFP if desired.

It is noted that this system will capture low risk operations, including small lifestyle block-type farms that are just over the 20ha size requirement (for pastoral farms). WCRC **suggests** that regional councils retain some discretion to allow lower risk properties within a catchment a longer timeframe before a FWFP is mandatory. Retaining discretion for councils around the identification of priority catchments and timeframes for farms within the catchment is important, and discretion in relation to enforcement must remain with the Council.

Feedback: We **support** the implementation of Option 1 – roll out of FWFPs catchment-by-catchment, however, **suggest** that Councils retain discretion over timeframes for implementation by farm type/intensity within a catchment.

Opt-in System

WCRC **supports** an opt-in system of FWFPs that allows farmers to opt-in to having a certified FWFP prior to it being mandatory for their farm. This is critical to efficiencies under the NESFW as discussed earlier, as without the ability to obtain a certified FWFP the alternative to consenting pathway under the NESFW pathway cannot be utilised.

Feedback: We **support** farm operators being able to opt-in to having a certified FWFP prior to it being mandatory for their farm.

End of submission

Report to: RMC Committee	Meeting Date: 14 September 2021
Title of Item: Consents Monthly Report	
Report by: Leah Templeman, Consents & Compliance Business Support Officer	
Reviewed by: Colin Helem, Acting Consents & Compliance Manager	
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 August 2021 activities.

RECOMMENDATION

That the September 2021 report of the Consents Group be received.

Site Visits

Three Consents Sites Visit were undertaken 1 August 2021 to 31 August 2021

03/08/2021	RC-2021-0094 Mossy Creek Mining Ltd Mossy Creek, Ikamatua	Site visited by Consents Officer Rachel Clark and Compliance Officer Chris Barnes. Observed areas of exploration/mining that has occurred to date and observed areas where miners wished to progress to in the future. Discussed keeping a sufficient buffer to the creek.
04/08/2021	RC-2021-0099 Troy Cashin Contracting Maori Creek Road, Dunganville	Visited site with Compliance Officer, applicant and landowner to view application area.
09/08/2021	RC-2021-0105 Russell Wheal Coast Road, Barrytown	Site visit of application area and to ascertain soil types and discharge area.

Non-notified Resource Consents Granted

Ten non-notified resource consent applications were granted 01 August 2021 to 31 August 2021

RC-2021-0094 Mossy Creek Mining (2020) Ltd Mossy Creek Ikamatua	<p>To undertake alluvial gold mining activities including earthworks, Mossy Creek, Ikamatua.</p> <p>To undertake works on the bed of unnamed creeks associated with their diversion Mossy Creek, Ikamatua.</p> <p>To divert water into diversion channels associated with alluvial gold mining, Mossy Creek, Ikamatua.</p>
RC-2021-0098 Department of Conservation Heaphy Track	<p>To undertake earthworks and vegetation clearance within the Greymouth Earthworks Control Area at Cobden associated with tracking for the purpose of providing water network infrastructure services.</p>
RC-2020-0125 Birchfield Coal Mines Ltd Haupiri Road	<p>To undertake earthworks associated with alluvial gold mining at Haupiri.</p> <p>To take and use surface and ground water for alluvial gold mining activities within MP 53412 at Haupiri.</p> <p>To discharge sediment-laden water to land associated with alluvial gold mining within MP 53412 in circumstances where it may enter water.</p>
RC-2021-0097 Infrastructure Consultants Taylorville	<p>To undertake earthworks, including land based gravel extraction to construct, operate and rehabilitate a demolition fill site, Taylorville.</p> <p>To discharge demolition waste to land, Taylorville.</p>
RC-2021-0103 Department of Conservation Lake Gault, Fox Glacier	<p>To disturb the bed of Lake Gault for the purpose of constructing a jetty.</p>
RC-2021-0099 Troy Cashin Contracting Limited Maori Creek Road, Dunganville	<p>To undertake earthworks associated with the discharge of demolition waste and cleanfill to land, Dunganville.</p> <p>To discharge demolition waste and cleanfill to land, Dunganville.</p>
RC-2021-0080 AR Cresswell Limited Orowaiti River, Westport	<p>To discharge treated dairy effluent to land where it may enter water and to water being a farm drain discharging into Orowaiti River.</p>

RC-2021-0105 Russell Wheal 1914 Coast Road, Barrytown	To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, at Lot 2 DP 356863, 9 Mile Barrytown.
RC-2021-0111 Darrel and Shella Haworth 3 Aorangi Estate, Greymouth	To discharge treated onsite sewage wastewater from a domestic dwelling to land at Lot 4 Aorangi Drive, Greymouth.
RC-2021-0106 Johnson Bros (2006) Ltd Buller River	To disturb the dry bed of the Buller River at Organ's Island for the purpose of removing gravel.

Changes to Consent Conditions

Two applications to change consent conditions were granted in the period 01 August 2021 to 31 August 2021

RC12137-V1 Michael Gerard & Marion Edith Fitzgerald	To increase the area in which gravel removal for river protection purposes can be undertaken, Grey River.
RC-2021-0005-V1 KiwiRail Holdings Ltd	To vary resource consent to include an adjoining area of rock protection works, Omoto.

One Limited Notified and no Notified Resource Consent were Granted 01 August 2021 to 31 August 2021

One application for Limited Notified were granted in the period 01 August 2021 to 31 August 2021

RC12111 Birchfield Ross Mining Ltd Ross	<p>To undertake earthworks associated with alluvial gold mining within Minerals Permit (MP) 41702 at Donoghues, Ross.</p> <p>To take and use water for alluvial gold mining activities within MP 41702 at Donoghues, Ross.</p> <p>To discharge contaminants namely sediment-laden water to water, namely Clear Creek and the Mikonui Lagoon, associated with alluvial gold mining within MP 41702.</p> <p>To discharge contaminants namely sediment-laden water to land associated with alluvial gold mining within MP 41702 in circumstances where it may enter water, namely Clear Creek and the Mikonui Lagoon.</p>
---	--

Report to: Resource Management Committee	Meeting Date: 14 September 2021
Title of Item: List of Approved Accredited Hearing Commissioners	
Report by: Colin Helem Acting Consents and Compliance Manager	
Reviewed by: Heather Mabin, Acting Chief Executive	
Public excluded? No	

Report Purpose

To provide a list of accredited Hearing Commissioners to the Resource Management Committee for approval and adoption.

Report Summary

The West Coast Regional Council's Delegations Manual that is proposed for adoption on 14 September 2021 provides delegated authority to the Chief Executive, the Manager Planning, Science and Innovation and the Manager Consents and Compliance to appoint accredited Hearing Commissioners to hear and/or decide resource consent applications, reviews or changes to consents from a list approved by the Resource Management Committee.

In line with this change, Staff have tabled a list of potential Hearing Commissioners for Council to consider. This list has been reviewed by both Iwi representatives, in line with Council's *Manawhaka Hono a Rohe Agreement*.

Recommendations

It is recommended that Resource Management Committee resolve to:

Approve the proposed list of approved Hearing Commissioners.

Background

The West Coast Regional Council Delegations Manual has recently undergone a review and has been updated. Following the adoption of the previous Manual in 2018, there have been subsequent amendments to the Resource Management Act (RMA) including some changes in resource consent processes. This meant some of the prior delegations were incomplete and out of date. There was also a desire to increase efficiencies in consent processing for applicants, while ensuring governance oversight was maintained.

The revised Delegations Manual (2021) addresses these gaps and introduces a new delegation from Council to the Resource Management Committee, in relation to approving a list of Commissioners for the Council's resource consent processing function. The Committee is now asked to approve the attached list.

Current situation

As described above, the revised 2021 Delegations Manual includes a comprehensive and up to date suite of delegations in relation to RMA matters. This ensures that Council's legal obligations are met and its processes are compliant. The Manual also provides for efficiencies in processing by putting in place a system whereby decisions on advancing individual consents through the process are enabled at appropriate officer/manager level, while enabling governance input and oversight by the Resource Management Committee.

For resource consent processes it provides for the Resource Management Committee to approve a list of Commissioners from which senior managers can make appointments, should this be needed or should the applicant request it. Previously the delegated authority for appointing accredited Hearing Commissioners sat directly with the Chairperson of the Resource Management Committee and the Chairperson of Council,

and this was done each time a Commissioner appointment was needed.

The Committee is asked to exercise its delegated authority to approve the attached list of accredited Hearing Commissioners from which appointments to hear and/or decide resource consent applications, reviews or changes to consents can be made. The list will be updated over time, as Commissioner accreditations change. The Committee will be asked to approve any changes or additions to the list, on at least an annual basis or as otherwise necessary.

The delegated authority for the appointment of accredited Hearing Commissioners not on the approved list of Commissioners still sits with the Chairperson of the Resource Management Committee and the Chairperson of Council.

Implications/Risks

The use of Commissioners is common practice in resource consent processing. The Committee is asked to exercise its delegation to approve a list of accredited Commissioners from which senior managers can make appointments. This provides for efficiencies while maintaining oversight, and the Committee can amend or update the list as required. It also provides the option for the use of independent Commissioners where this is appropriate, which mitigates the risk of challenges to Council that their decisions in this area lack independence.

Significance and Engagement Policy Assessment

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

Tangata whenua views

In providing the list of accredited Hearing Commissioners, regard must be given to the implementation of Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol in the Manawhaka Hono ā Rohe Resource Management Act Iwi Participation Arrangement.

Poutini Ngāi Tahu have been consulted and have provided names of commissioners for inclusion into the list.

Financial implications

Future implications

There are no costs to Council in relation to the exercise of the delegation to the Committee.

Legal implications

There are no legal risks that arise in relation to this decision, as the Committee is asked to exercise lawfully delegated authority in approving a list of Commissioners. All prospective appointees on the list have appropriate accreditation as required by the Resource Management Act. The processes that flow from the approval of the list are provided for in the updated Delegations Manual, which has also been approved by Council.

Attachments

Attachment 1: Proposed List of Approved Hearing Commissioners



PROPOSED APPROVED HEARING COMMISSIONERS LIST



wcr.govt.nz



**THE WEST COAST
REGIONAL COUNCIL**

Introduction

The West Coast Regional Council's Delegation Manual provides delegated authority to the Chief Executive, the Manager Planning, Science and Innovation and the Manager Consents and Compliance to appoint Hearing Commissioners to sit on Resource Consent Hearings from a list approved by the Resource Management Committee.

The list has been prepared giving regard to the Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol Mana Whakahono ā Rohe Resource Management Act Iwi Participation Arrangement.

Proposed Approved Hearing Commissioners List

Name	Organisation and contact details	Field of expertise	Cert expiry	Chair
Allan Birchfield	allan.birchfield@wrc.govt.nz	Earthworks-Mining	31/12/23	
Brett Cummings	brett.cummings@wrc.govt.nz	Earthworks - Mining	31/12/23	
Stuart Challenger	stuart.challenger@wrcv.govt.nz	Civil/Environmental Engineering	31/12/23	
Debra Magner	debra.magner@wrc.govt.nz	Farming	31/12/23	
Laura Coll Mclaughlin	Laura.collmclaughlin@wrc.govt.nz	General matters	31/12/23	
Martin Kennedy	West Coast Planning Ltd MartinK@xtra.co.nz	Resource Management background, involved in joint hearings between Regional & District Councils	30/06/23	
John Iseli	Specialist Environmental Services Ltd (Wanaka) 027 437 9044 john@sesconsulting.co.nz	Air quality, consent processing experience, can cover general matters, discharges etc..	30/06/24	Yes
Sharon McGarry	Independent hearing commissioner sharonmcgarry13@gmail.com	Planning, Coastal, Water Quality, ecology	30/06/23	Yes
Rob Loeffering	SLR Consulting Ltd loeffering@slingshot.co.nz	RMA/Planning, enviro science, discharge of contaminants to land and water, water takes.	30/06/23	
Shane Roberts	WSP (Opus) Dunedin - 027 2371168 shane.l.roberts@wsp.com	5 yrs hearing commissioner experience, insight into Council functions, processing resource consents, preparing plan changes. RMA experience 19 years	31/12/23	

Name	Organisation and contact details	Field of expertise	Cert expiry	Chair
Reginald Proffitt	WSP (Opus) Gisborne 027 6252800 Reginald.Proffitt@wsp.com	10 years' experience as a commissioner sought after nationally - strong background in RMA and Planning. Extensive experience with Iwi cultural framework.	30/06/25	Yes
Luke McSoriley	WSP (Opus) Southland luke.mcsoriley@wsp.com	Skills in consenting land developments and Infrastructure	30/06/22	Yes
Justine Bray	WSP (Opus) Auckland justine.bray@wsp.com	20 years experience as a hearing commissioner Is a trainer for making good decisions. Sat on variety of hearings both small and large complex cases.	31/12/23	Yes
Suzanne Bernsdorf Solly	WSP (Opus) Nelson Susi.b.solly@wsp.com	14 yrs RMA experience RMA Planner, regional resource consents, waste water treatment, bylaw reviews and plan changes	30/06/24	Yes
David McMahon	Resource Management Group (Wellington) david@rmgroup.co.nz 027 2331917	Experienced commissioner, consent applications, plan changes and review's.	31/12/23	
Andrew Curtis	Pattle Delamore Partners Andrew.Curtis@pdp.co.nz 029 355 1390	Air quality, discharges to land, air and water		
Selva Selvarajah	Enviro Knowledge (Dunedin) selvarajah@enviroknowledge.co.nz 0274329810	Consent process, technical knowledge in: water/wastewater/soil quality.	30/06/23	Yes

Poutini Ngai Tahu Approved Hearing Commissioners as of 1st September 2021

Name	Position	Company	Cert expiry	Ngai Tahu Whakapapa
Craig Pauling	Strategic Advisor & Elected Councillor	Boffa Miskell Ltd & Environment Canterbury	31Dec 2022	Yes
Tim Vial	Senior Planner	Aukaha	30 Jun 2022	Yes
Edward Ellison	Independent Commissioner	Independent Commissioner	31 Dec 2021	Yes

Name	Position	Company	Cert expiry	Ngai Tahu Whakapapa
Gabrielle Huria	General Manager	Te Kura Taka Pini	30 Jun 2022	Yes
Jane Kitson (Dr)	Company Director	Kitson Consultancy Ltd	31 Dec 2022	Yes
David Perenara-O'Connell	Programme Manager	Environment Canterbury	31 Dec 2022	Yes
Aaron Leith	Programme Leader	Te Rūnanga o Ngāi Tahu	31 Dec 2022	Yes
Tanya Stevens	Senior Planner	Te Rūnanga o Ngāi Tahu	31 Dec 2025	Yes
Maria Bartlett	Senior Advisor	Te Ao Marama	31 Dec 202	No
Philippa Lynch	General Manager	Poutini Environmental	30 Jun 2026	No

Report to: RMC Committee	Meeting Date: 14 September 2021
Title of Item: Compliance and Enforcement Monthly Report	
Report by: Colin Helem Acting Consents and Compliance Manager	
Reviewed by:	
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 August 2021 activities.

RECOMMENDATIONS

1. *That the September 2021 report of the Compliance Group be received.*

Site Visits

A total of 58 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	16
Mining compliance & bond release	35
Complaints	7
Dairy farm	0

This report covers the period of 30 July 2021 to 1 September 2021.

- A total of 13 complaints and incidents were recorded.

Non-Compliances

Note: These are the activities that have been assessed as non-compliant during the reporting period.

A total of 9 non-compliances occurred during the reporting period.

Activity	Description	Location	Action/Outcome	INC/Comp
Black sand mining	Complaint received that a person was carrying out a black sand mining operation on the beach. The person was leaving piles and disturbing the vegetation within the coastal dunes.	Bold Head	The site has been investigated and established that the person was using machinery on the beach for the purposes of black sand mining. The site was left with processing piles and had caused damage to vegetation. The operator holds a mining permit but does not hold a resource consent for the activity. An abatement notice has been issued. Enquiries are ongoing.	Complaint
Gold mining	During an aerial flight a compliance officer observed that the lower reach of Kapitea Creek was discoloured with sediment.	Kapitea	A follow up ground inspection was undertaken and established that a mining pond had released sediment laden water into the creek earlier in the day. The miner had since discovered the problem and was doing remedial work to rectify the issue. An abatement notice has been issued.	Incident

Activity	Description	Location	Action/Outcome	INC/Comp
Coal mining	Complaint received that Ten Mile Creek was discoloured with sediment.	Coast Road	Ten Mile Creek was visited upstream of the Coast Road and established that the river was discoloured with what appeared to be coal contamination. As the Ten Mile Creek catchment is extensive and not that accessible by foot a helicopter flight was undertaken which tracked the source of the discharge back to the Roa open cast coal mining operation. On site it was established that a sediment retention pond was leaking through the pond wall allowing untreated sediment laden water to discharge into the receiving creek significantly discolouring it. An abatement notice and infringement notice have been issued.	Complaint
Gold mining	During an aerial flight a compliance officer observed a small goldmining operation in the Milltown area. The site was not known to the council officer.	Milltown	A follow up inspection established that the operator did not hold a resource consent to authorise their activities. They were required to stop mining and were issued with a formal warning.	Incident
Dairy effluent discharge	During an aerial flight a compliance officer observed what appeared to be a discharge of dairy effluent from a storage pond into a stormwater drain.	Harihari	A follow up inspection established that a storage pond that captures effluent from a herd home was full and overflowing into a stormwater drain. An infringement and abatement notice has been issued.	Incident

Activity	Description	Location	Action/Outcome	INC/Comp
Dairy effluent discharge	Complaint received that during rain events dairy effluent from a stand-off pad was discharging down a gravel road and had caused scouring of the road.	Kowhitirangi	The site has been inspected and established that the standoff pad was non-compliant. An abatement notice has been issued to cease the discharge. Enquiries are still ongoing.	Complaint
Gold mining	A compliance officer discovered a creek that was significantly discoloured with sediment.	Duffers Creek	An inspection established that the discharge was from a mining operation. An infringement notice and an abatement notice have been issued.	Incident
Gold Mining	Complaint received that Waimea Creek was discoloured with sediment.	Stafford	The site was investigated and found that the discharge of sediment laden water was from a gold mining operation. An abatement and infringement notice have been issued.	Complaint
Gold Mining	Complaint received that Waimea Creek was discoloured with sediment.	Stafford	The site was investigated and found that the discharge of sediment laden water was from a gold mining operation. An abatement and infringement notice have been issued.	Complaint

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 land	Complaint received that a transport yard has a truck washdown which discharges to a drain.	Hokitika	The site was investigated, and the complaint was not substantiated.	Complaint
Dead Cows within the CMA	Complaint received that there were dead cows on North Beach.	Westport	A contractor was engaged to remove the cows.	Complaint
Stormwater discharge	Complaint received that earthworks and the backfilling of a pond may cause issues to the neighbouring property.	Hokitika	The site was investigated and although no breach of the rules was established at the time, the person doing the works was provided with advice over the stormwater rules.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Dead Cows within the CMA	Complaint received that there were 5 dead cows on North Beach.	Westport	A contractor was engaged to remove the cows.	Complaint

Update on Previously Reported Ongoing Complaints/Incidents

Activity	Description	Location	Action/Outcome	INC/Comp
Wastewater treatment plant (June report)	Self-notification regarding the discharge of partially treated waste water. An electrical fault occurred with the electronic control systems which affected the two high flow pumps that pump partially treated waste water from the Preston Road site to the Johnston Street site. Wastewater overflowed and discharged into the lagoon adjacent to Sawyers Creek.		The incident is still under investigation, awaiting a report on how and why the electrical fault occurred and what mitigation steps will be put in place. Update: No further action will be undertaken as the electrical fault and resulting fire was not foreseeable. Action was taken immediately to address the situation. Likely to have a defence under section 341(2)(b) of the RMA.	Complaint
Gold Mining (August report)	Complaint received that a mining operation is discharging sediment laden water which has significantly discoloured the receiving creek.	Goldsborough	The site was investigated and established that the discharge from the operation had significantly discoloured the creek in breach of consent conditions. Samples have been obtained and awaiting analysis before considering further action. Update: Analysis of the sample obtained shows that the consent limits were breached. An abatement notice and an infringement notice have now been issued.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Gold mining (August report)	Complaint received that a mining operation has caused a discharge of sediment that has impacted the public road. The miner also self-reported the incident.	Greenstone	The complaint was investigated and established that a clean water pipe had broken causing the discharge of sediment. The incident was not foreseeable by the operator and remedial work was undertaken. Update: No further action will be undertaken after considering the circumstances and the resource consent discharge conditions. Although the sediment laden water had discharged across the road it was then captured in the mine pond below the road and still within the footprint of the mine. As the discharge was retained in the lower pond it was unlikely to breach the discharge conditions in the consent particularly considering that there was no discernible adverse effect on the receiving environment.	Complaint
Earthworks in or within the vicinity of a wetland (July report)	Complaint received that a person has cleaned out an existing drain in the vicinity of a schedule 2 wetland.	Haast Beach	The site has been investigated and enquiries are ongoing. Update: An infringement notice and an abatement notice have now been issued for the unlawful earthworks.	Complaint

Formal Enforcement Action

Formal Warning: There was one formal warning issued during the reporting period.

Activity	Location
Gold Mining: Unauthorised gold mining:	Milltown

Infringement Notice: There were 7 infringement notices issued during the reporting period.

Activity	Location
Gold Mining: discharge of sediment laden water	Stafford
Gold Mining: discharge of sediment laden water	Stafford

Gold Mining: discharge of sediment laden water	Goldsborough
Coal Mining: discharge of sediment laden water	Roa
Dairy farm: discharge of dairy effluent	Harihari
Wetland excavation: unlawful earthworks	Haast Beach
Gold Mining: discharge of sediment laden water	Duffers Creek

Abatement Notice: There were 8 abatement notice issued during the reporting period.

Activity	Location
Dairy Farming: cease the discharge to land of untreated dairy effluent.	Harihari
Gold Mining: cease the discharge of sediment laden water	Stafford
Gold Mining: cease the discharge of sediment laden water	Goldsborough
Coal Mining: cease the discharge of sediment laden water	Roa
Gold Mining: cease the discharge of sediment laden water	Kapitea
Wetland excavation: cease the unlawful earthworks within a wetland	Haast Beach
Gold Mining: cease the discharge of sediment laden water	Duffers Creek
Black sand mining: cease the unauthorised mining within the CMA	Bold Head

No work programmes were received during the reporting period.

The following bonds were received during the reporting period

Date	Mining Authorisation	Holder	Location	Amount
20/08/2021	RC13042	Oceana Gold (NZ) Ltd	Snowy River	\$110,000
26/08/2021	RC-2021-0094	Mossy Creek Mining Ltd	Ikamatua	\$15,000

There are no bonds recommended for release