

**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, 11 May 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**

**Councillor Workshop:**

**Council Submission**

# **COUNCIL MEETING**

# Council Meeting

## *(Te Huinga Tu)*

### A G E N D A

#### *(Rarangi Take)*

1. Welcome *(Haere mai)*
2. Apologies *(Nga Pa Pouri)*
3. Declarations of Interest
4. Public Forum, Petitions and Deputations *(He Huinga tuku korero)*
5. Confirmation of Minutes *(Whakau korero)*
  - Council Meeting 13 April 2021
6. Chairman's Report
7. Chief Executive's Report
8. **Reports**
  - Transfer of Building Act Functions for Large Dams to Environment Canterbury
  - Engineering Operations Report
  - Infrastructure Reference Group – Programme of Flood Plain Risk Management
  - Tender of Quarry Minerals Permits
  - Lakes Surveillance Report
  - Acting Corporate Services Manager's Monthly Report
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 13 APRIL 2021, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 10.38 A.M**

#### **PRESENT:**

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

#### **IN ATTENDANCE:**

V. Smith (Chief Executive), H. Mabin (Acting Corporate Services Manager), R. Beal (Operations Director), C. Helem (Acting Consents & Compliance Manager), H. Mills (Planning Science & Innovation Manager), J. Armstrong (Te Tai o Poutini Combined District Plan Project Manager), N. Costley (Strategy & Communications Manager), T. Jellyman (Minutes Clerk), The Media.

#### **Cr Birchfield read the prayer**

#### **1. WELCOME**

#### **2. APOLOGIES**

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

*Carried*

#### **3. DECLARATION OF INTEREST**

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

#### **4. PUBLIC FORUM**

There was no public forum.

#### **LEAVE OF ABSENCE FOR MAY MEETINGS**

Cr Challenger requested leave of absence for the May meetings as he may be unavailable due to a family health matter.

**Moved** (Cummings /Ewen) *That Council grants Cr Challenger a Leave of Absence for the 11 May Council and RMC meetings.*

*Carried*

#### **5.0 CONFIRMATION OF MINUTES**

The Chairman asked the meeting if there were any changes to the minutes of the previous meeting. There were no changes requested.

**Moved** (Ewen / Cummings) *that the minutes of the Council meeting dated 9 March 2021, be confirmed as correct.*

*Carried*

## **Matters arising**

The Chairman reiterated his comments made at last month's meeting regarding the amount of debris coming down creeks from previous cyclones. He advised that contractors are noticing that this debris from DoC land is now moving down hillsides and entering private land. He stated the contractors are removing this on behalf of landowners as this debris can block drainage. The Chairman stated that Council needs to be aware of this and to be helpful towards landowners who need to remove this debris from creeks.

### **5.1 CONFIRMATION OF AUDIT AND RISK MINUTES**

It was agreed that these minutes are for information only, and will be formally adopted by the Audit and Risk Committee at a later date.

**Moved** (Magner / Challenger) *that the Minutes of the Audit & Risk Committee meeting dated 1 April are received.*

*Carried*

## **REPORTS:**

### **6.0 CHAIRMANS REPORT**

The Chairman reported that he attended the meeting of the Greymouth Joint Floodwall Committee, and the Te Tai o Poutini Committee meeting on 30 March.

The Chairman advised that he visited the Stockton mining operation on 7 April. He stated that the three West Coast Mayors also attended this site visit. He stated he was very impressed with the restoration of this mining area. The Chairman said that he had worked at Stockton over 12 years ago and the area is now unrecognisable with a lot of planting done and other restoration work.

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

*Carried*

### **7.0 CHIEF EXECUTIVE'S REPORT**

V. Smith spoke to his report and took it as read. He stated that March was a very busy month with a variety of interesting meetings.

V. Smith advised that a key highlight was visiting Globe Mine, near Reefton. He advised that the mine site is being remediated and decommissioned with an extraordinary amount of work being done. V. Smith stated that with the replanting, revegetation and associated site remediation work the site will eventually become a community asset with mountain bike tracks and other facilities in place. He advised that DoC have advised that this is considered best practice from their perspective with regard to the decommissioning and remediation.

V. Smith offered to answer questions. Cr Challenger asked V. Smith if there has been any further information forthcoming regarding the Franz Josef flood plan management. V. Smith advised that the matter is still before the IRG Minister's for their final determination, and they are still looking at scope of proposals and a decision is still awaited. V. Smith advised that all the Ministers that have visited Franz Josef recently are seeking a long term solution for the management of this river system.

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

*Carried*

### **8.0 OPERATIONS REPORT**

R. Beal spoke to his report and took it as read. He offered to answer questions. Cr Challenger asked if the resource consent for the extension to the Hokitika Seawall has been applied for. R. Beal advised that Council is about to call for expressions of interests for a lead contractor, and the resource consent is about to be lodged. R. Beal confirmed that the work recently carried out in Vine Creek is part of the regular maintenance cycle for this creek.

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

## 8.1 COBDEN BEACH GRAVEL BUDGET AND COASTAL PROCESSES

R. Beal spoke to this report. He advised that this is a piece of work that engineering staff are regularly looking into, with the solution for the Jellyman Park erosion issue being investigated. R. Beal stated that this is not a simple issue and any increase in gravel take costs will be passed on to the end users, being the ratepayers. The Chairman drew attention to Page 11, second paragraph of the agenda which says there is no clear evidence to support the assertion that gravel extraction in the Grey River is starving the Cobden Beach of gravel. The Chairman stated that restricting gravel extraction from our rivers will make gravel more expensive for everybody with no real benefit.

Cr Coll McLaughlin requested that the accompanying NIWA Report be circulated to Mr Trounson as agreed at last month's meeting. V. Smith agreed that the report will be circulated now that Council has received it.

Cr Coll McLaughlin asked R. Beal what options are available for the erosion issue at Jellyman Park. R. Beal explained the three re-alignment options that are being presented to the Greymouth Joint Floodwall Committee. Cr Ewen commented that this is a very good report which encompasses the whole issue. Cr Challenger agreed and stated that the report looks into the history of this issue and provides short, medium and long term advice. Cr Challenger requested that these type of reports are looked at for other areas in particular Hokitika, as often only short term solutions are provided. He feels that the Hokitika River, in particular, requires an overall scheme. H. Mills advised that a report from Massey University is due within the next month or so, and this report is a lot broader and covers the whole region, not just the Grey River.

Extensive discussion took place on engineering practices used both during the late 60's and more recent times.

**Moved** (Ewen / Challenger) *That the report be received.*

*Carried*

## 8.2 DELEGATING POWERS TO THE TE TAI O POUTINI PLAN COMMITTEE

V. Smith spoke to this report and provided background information. He advised that now that the Joint Committee is progressing towards the development of the Plan, it is timely to ensure the appropriate delegations are transferred in accordance with the reorganisation scheme's requirements.

Cr Birchfield commented that he feels that the "Tai Poutini" name is getting over used and there could be confusion around this. J. Armstrong advised that in the logo, underneath "Te Tai o Poutini Plan" the words "Combined District Plan for West Coast" are in place. V. Smith advised that going forward, as staff, the Plan will be called the "Combined District Plan" after the words "Te Tai o Poutini Plan". All agreed that they are happy with this recommendation.

**Moved** (Magner / Cummings)

*It is recommended that as per clause 6(1) of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018, the Council resolve to delegate to Te Tai o Poutini Plan Committee its functions to:*

- a. prepare and notify a combined district plan;*
- b. hear and consider (including through subcommittees as necessary and appropriate) all submissions received on the draft combined district plan;*
- c. adopt a final combined district plan;*
- d. monitor implementation of the combined district plan and the need for any amendments; and*
- e. undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.*

*Carried*

**8.3 REQUEST TO VARY THE 2018 - 2021 WEST COAST REGIONAL LAND TRANSPORT PLAN FOR FRANZ JOSEF GLACIER ACCESS RESILIENCE SINGLE STAGE BUSINESS CASE**

N. Costley spoke to this report. She advised that this West Coast Regional Transport Committee endorsed this request from DoC on 22 March, and have now forwarded it to Council for approval. N. Costley offered to answer questions. Cr Cummings asked if road to Franz Josef Glacier is to be reinstated. N. Costley advised that a business case will be carried out to ascertain whether or not this is a feasible option, and what the feasible options are. N. Costley advised that there is no financial impact on Council as it is funded through DoC and NZTA.

**Moved** (Cummings / Magner)

**That Council resolve to:**

1. *Approves the variation to the Regional Land Transport Plan 2018-21 for the inclusion of the Franz Josef Access Road Resilience Single Stage Business Case.*
2. *Agrees to vary the Regional Land Transport Plan 2018-21 by adding the above proposed activity to Table 9 – “Activities included in the West Coast Regional Land Transport Plan” in the Plan;*
3. *Submits the variation to the West Coast Regional Land Transport plan 2018 – 21 to Waka Kotahi NZ Transport Agency.*

**GENERAL BUSINESS**

Cr Challenger advised that Otago University are holding some seminars in May for the AF8 (Alpine Fault Magnitude 8) resilience. The seminars are in the evenings in Karamea, Kokatahi Hall, Whataroa and the Coxon Hall in Greymouth. Cr Challenger stated that they will be worthwhile attending. He stated that he will send out the dates to those present.

The meeting closed at 11.05. a.m.

.....  
Chairman

.....  
Date

|   |                                  |
|---|----------------------------------|
| <b>Report to:</b> Council/Committee         | <b>Meeting Date:</b> 11 May 2021 |
| <b>Title of Item: Chairman's Report</b>     |                                  |
| <b>Report by:</b> Chairman Allan Birchfield |                                  |
| <b>Reviewed by:</b>                         |                                  |
| <b>Public excluded?</b> No                  |                                  |

### **Purpose**

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

### **Summary**

This is the Chairman's report for April 2021.

Meetings attended:

- I attended two meetings in Franz Josef in relation to the IRG projects.

### **Recommendation**

*That this report is received.*



|  |                                  |
|--|----------------------------------|
| <b>Report to:</b> Council/Committee  | <b>Meeting Date:</b> 11 May 2021 |
| <b>Title of Item:</b> Chief Executive's Report                             |                                  |
| <b>Report by:</b> Vin Smith, Chief Executive and Heather Mabin, Acting CEO |                                  |
| <b>Reviewed by:</b>  |                                  |
| <b>Public excluded?</b> No   |                                  |

## **Purpose**

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

## **Summary**

This is the Chief Executive's report for April 2021.

Meetings attended by Vin Smith:

- With Patrick Phelps from Minerals West Coast on 14 April.
- With Sharon Flood, Regional Lead for Regional Skills Leadership Group (MBIE) on 15 April.
- With Richard Tacon and Fiona Bartier from Bathurst Resources Ltd on 20 April.
- Attended the West Coast Chief Executive's forum on 27 April.

## **Annual Leave**

Vin Smith took annual leave on 23 April.

## **Recommendation**

*It is recommended that Council resolve to receive this report.*

|   |                                  |
|---|----------------------------------|
| <b>Report to:</b> Council   | <b>Meeting Date:</b> 11 May 2021 |
| <b>Title of Item: Transfer of Building Act Functions for Large Dams to Environment Canterbury</b> |                                  |
| <b>Report by:</b> Hadley Mills, Planning, Science and Innovation Manager                          |                                  |
| <b>Reviewed by:</b> Heather Mabin, Acting Chief Executive   |                                  |
| <b>Public excluded?</b> No  |                                  |

## Report Purpose

To approve the Agreement transferring Building Act Functions in relation to large dams to Environment Canterbury.

## Draft Recommendations

### It is recommended that Council resolve to:

1. *approve the Agreement transferring the Building Act Functions for large dams to Environment Canterbury;*
2. *approve the affixing of the common seal to the Agreement subject to Environment Canterbury executing the Agreement;*
3. *approve the variation to the existing Agreement with Otago Regional Council to ensure consistency with the transfer of functions to Environment Canterbury;*
4. *approve the affixing of the common seal to the variation to the existing Agreement.*

## Report

### Background

4. Under the Building Act 2004 (Building Act), regional authorities control work on large dams and are responsible for the issue of Project Information Memoranda (PIM), the compliance schedule regime, and issuing certificates of acceptance. This requires each regional authority to either:
  - (a) become a Building Consent Authority, or
  - (b) to transfer particular functions, duties or powers under the Building Act (Building Act Functions) to another regional authority that is a Building Consent Authority.
5. In 2008, West Coast Regional Council (WCRC) and Environment Southland (ES) formally transferred its Building Act Functions to Otago Regional Council (ORC). This arrangement was due to expire (end of 2019) and WCRC provided the Council with a report that it was reviewing the costs and benefits of this function.
6. At this time, direction was sought and given by Council to commence discussions (along with ES) with ECan about transferring WCRC's Building Act functions to them. On 28 October 2020, ORC formally decided to transfer its Building Act Functions to ECan. WCRC's current contract with ORC is due to expire on 30 June 2021.
7. WCRC does not currently have the capability to provide the required Building Act functions. Given the low number of instances where it would be necessary for WCRC to provide these functions (due to the low number of sites that this applies to), it would not be an efficient use of resources to obtain that expertise and retain it in-house. This is principally due to the high cost of obtaining and

maintaining Building Consent Authority accreditation. As a result, the transfer of ES's Building Act Functions to another regional authority remains the recommended option for Council.

### Current situation

9. Council staff have worked with ECan, ORC and ES to develop an Agreement which provides for the transfer of Building Act Functions. As part of these discussions, independent legal advice was sought by all parties from DLA Piper. Advice was also sought from Council's insurers. The proposed Agreement is appended.
10. The current Agreement with ORC provides for a number of non-Building Consent Authority functions, under the Building Act 2004. These are:
  - granting of exemptions under Schedule 1 of the Building Act 2004 for dams that are not large dams;
  - project information memorandum (PIM) functions;
  - the processing and issue of Certificate of Acceptance; and
  - functions related to the dam register, dangerous dams policy, classification of dams, dam safety assurance programme and dam compliance certificates.
11. ECan is not willing to accept the transfer of the above non-Building Consent Authority functions. Should WCRC require assistance with those functions in future, this would need to be provided for via a separate contractual agreement. Discussions with ECan on a contract to cover those functions are ongoing.
12. The proposed Agreement requires ORC to continue to process any applications that are currently in progress and received before the commencement date of the Agreement, being 1 June 2021. This is to ensure administrative efficiency in completing those processes and ensure that statutory timeframes are not impacted upon.
13. To enable ORC to continue to process current applications from outside of Otago, the current agreements with WCRC and ES must be varied to include a similar clause to ensure alignment. These transitional provisions are outlined in Schedule 1 of the variation to the existing Agreement (appended). There are two applications for large dams in the West Coast region in progress, which Otago Regional Council anticipate will be completed within the coming months.

### Implications/Risks

14. Failure to progress the transfer of Building Act functions could result in WCRC not meeting its requirements under the Building Act 2004.
15. Failure to identify and reach agreement with another regional council to undertake these functions on behalf of WCRC may require WCRC to take on the responsibility, incurring additional costs through the necessary recruitment and accreditation requirements.
16. Failure to enable Building Act Functions to be properly carried out could contribute to creation of unsafe works in relation to large dams.

### Options Analysis

17. **To accept** – the terms and conditions of the proposed Agreement with ECan and the variation to the existing Agreement with ORC.
18. **To propose alternative terms and conditions** – for the proposed Agreement. For this option, it should be noted that the same Agreement will be/has been considered by the three other councils and should changes be proposed to the terms and conditions, agreement will be required by all three councils.

## Next steps

19. Both the proposed Agreement and the variation to the existing Agreement are also being considered by each of the three other regional councils and are subject to the approval of the other participating councils.
20. WCRC Staff will report to Council if any other council does not approve the current versions of the agreements or there are any other changes in circumstances.

## Views of affected parties

21. ECan has confirmed that it will accept the transfer of Building Act Functions from ES, ORC and WCRC. The transferring councils have all agreed to the transfer of Building Act Functions to EC. ORC has confirmed acceptance of the proposed Agreement and the variation to the existing Agreement.

## Considerations

### 23. Financial implications

- (a) The Agreement with Environment Canterbury requires a service establishment fee and an annual fee to be paid.
- (b) The service establishment fee is based on the actual and reasonable costs incurred by Environment Canterbury in setting up the offer for service, negotiating the Agreement and accepting the transfer. This fee is \$8,333.33 plus GST which is based on an overall cost of \$25,000 plus GST split evenly between the three receiving Councils. This is a one-off cost that must be paid before the commencement of the Agreement.
- (c) The annual fee is to cover overhead costs associated with operating as a Building Consent Authority. For WCRC this cost will be \$13,000 plus GST per annum. This cost is reasonable and based on equitable cost sharing between the four Councils (WCRC, ORC, ECan, and ES). The figure has been based on the current overhead cost of operating as a Building Consent Authority and split into portions based on rateable base and demand for large dams. It should be noted that this cost is much less than the cost of obtaining and maintaining Building Consent Authority accreditation.

### 24. Future implications

- (a) The proposed Agreement has a duration of 10 years so Council will need to reconsider the arrangement before the expiry of the Agreement. It is also noted that Council may at any stage choose to terminate the Agreement, provided Building Consent Authority accreditation is obtained.
- (b) For WCRC to recruit the capability or expertise to provide Building Act functions, and then obtain and maintain Building Consent Authority accreditation, would involve significant financial and resource implications.

### 25. Legal implications

- (a) There is a degree of liability that the Council will accept by entering into the proposed Agreement. As outlined in Clauses 10.1 and 10.2 of the Agreement, West Coast Regional Council fully indemnifies Environment Canterbury in undertaking this work. This liability reflects what is existing under the current Agreement with Otago Regional Council. Advice has been sought from Council's insurers which is pending.

- (b) While there is a liability risk to West Coast Regional Council, this is an appropriate level of risk based on the role that Environment Canterbury will be providing.

#### **Attachments**

1. Deed of Transfer of Building Act Functions between West Coast Regional Council and Canterbury Regional Council
2. Deed of Variation of Transfer of Building Act Functions between West Coast Regional Council and Otago Regional Council

**Dated**

**2021**

**DEED OF TRANSFER OF BUILDING  
ACT FUNCTIONS**

**WEST COAST REGIONAL COUNCIL**

**CANTERBURY REGIONAL COUNCIL**

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## DEED OF TRANSFER OF BUILDING ACT FUNCTIONS

DATED

2021

### PARTIES

- A. **WEST COAST REGIONAL COUNCIL** (a regional council under the Local Government Act 2002) ("**WCRC**")
- B. **CANTERBURY REGIONAL COUNCIL** (a regional council under the Local Government Act 2002) ("**ECAN**")

### BACKGROUND

1. WCRC is the regional council for the West Coast region and is a regional authority under the Building Act.
2. ECAN is the regional council for the Canterbury region and is a regional authority under the Building Act.
3. The Building Act confers on regional authorities functions, duties and powers in relation to dams.
4. Section 244 of the Building Act enables a regional authority to transfer one or more of its functions, duties or powers under that Act to another regional authority.
5. WCRC wishes to transfer to ECAN certain functions, duties and powers of a regional authority under the Building Act in respect of dams in the West Coast region (being the "Scheduled Functions", as defined).
6. Before entering into this Deed, WCRC has used the special consultative procedure in section 83 of the Local Government Act 2002 and served notice on the Minister for Building and Construction of the proposal to transfer the Scheduled Functions.
7. WCRC has agreed to transfer to ECAN and ECAN has agreed to accept the transfer of the Scheduled Functions of WCRC as a regional authority under the Building Act.
8. WCRC and ECAN have agreed that the transfer of the Scheduled Functions is desirable on the grounds of efficiency, technical and special capability, and expertise.
9. WCRC and ECAN have agreed that the transfer should be on the terms and conditions set out in this Deed.

### TERMS OF THIS DEED

#### 1. DEFINITIONS

##### 1.1 In this Deed:

**"Building Act"** means the Building Act 2004, including any amendments or any enactment made in substitution for the Building Act 2004; and



“**Cancellation Date**” means the date the transfer comes to an end pursuant to clause 12.2, 12.3 or 12.4; and

“**Commencement Date**” means the date set out in clause 3.1; and

“**End Date**” means the date set out in clause 12.1; and

“**Scheduled Functions**” means the functions, duties and powers of a regional authority under the Building Act shown with the status "Transferred" in Part A of Schedule 1.

## **2. TRANSFER**

2.1 WCRC transfers to ECAN the Scheduled Functions.

2.2 ECAN accepts the transfer made by clause 2.1.

2.3 WCRC retains all functions, duties and powers of a regional authority under the Building Act in relation to dams that are marked with the status "Not Transferred" in Part A of Schedule 1 (or are otherwise not explicitly shown with the status "transferred" in that Part). ECAN may at its discretion provide assistance to WCRC in relation to WCRC's exercise of those functions, duties and powers which are not transferred to ECAN under this Deed. That assistance shall in each particular instance be undertaken pursuant to a separate contract for services only. The scope and terms of any assistance shall be strictly on the basis that the exercise of those functions, duties and powers shall remain with WCRC (and accordingly shall not, for the avoidance of doubt, be deemed to have transferred to ECAN), and that ECAN shall not under any circumstances be liable to WCRC in any way in respect of such assistance, except to the extent liability is caused by or contributed to by the negligence of ECAN.

2.4 The transfer made by clause 2.1 is on the terms and conditions set out this Deed and is subject to the provisions of the Building Act.

## **3. COMMENCEMENT OF TRANSFER**

3.1 The transfer of Scheduled Functions effected by this Deed commences on 1 June 2021, subject to the transitional provisions set out in Part C of Schedule 1.

## **4. SERVICE RESPONSIBILITIES**

4.1 Each party must diligently fully and promptly carry out its respective service responsibilities as set out in Part B of Schedule 1, and must otherwise do all things reasonably necessary for the proper and complete performance of the arrangements recorded in this Deed.

## **5. ACCREDITATION AND REGISTRATION**

5.1 ECAN must for the purposes of performing the Scheduled Functions use reasonable endeavours to maintain at all times its:

(a) accreditation under sub-part 4 of Part 3 of the Building Act; and

(b) registration as a building consent authority under Part 3 of the Building Act.

- 5.2 The transfer of functions, duties and powers which require accreditation under sub-part 4 of Part 3 of the Building Act made by this Deed will become void if ECAN fails to retain its accreditation under sub-part 4 of Part 2 of the Building Act.
- 5.3 The transfer of functions, duties and powers which require registration under Part 3 of the Building Act made by this Deed becomes void if ECAN fails to retain its registration as a building consent authority under Part 3 of the Building Act.
- 5.4 If under clauses 5.2 or 5.3 part of the transfer of the Scheduled Functions becomes void;
- (a) the transfer of all other Scheduled Functions will not be affected but remain in full force and effect; and
  - (b) ECAN shall repay to WCRC part of the Annual Fee paid in advance. Such payment to be calculated on a pro-rata basis.
- 5.5 Subject to clause 5.4(b), ECAN will not be liable in any way whatsoever to WCRC if it fails to retain accreditation or registration

## **6. FEES AND CHARGES**

- 6.1 ECAN may impose fees and charges and collect them under section 243 of the Building Act for carrying out the Scheduled Functions.
- 6.2 WCRC shall exercise its responsibilities under this Deed at its own cost. For the avoidance of doubt, ECAN shall not be liable for any costs incurred by WCRC in WCRC exercising its responsibilities under this Deed.

## **7. SERVICE ESTABLISHMENT FEE**

- 7.1 WCRC shall pay a service establishment fee to ECAN.
- 7.2 The service establishment fee shall be paid before the commencement date.
- 7.3 The service establishment fee shall be \$8,333.33 plus GST.

## **8. ANNUAL FEE**

- 8.1 WCRC shall pay an annual fee to ECAN.
- 8.2 The annual fee shall be paid yearly in advance i.e. before 1 June in each year.
- 8.3 The annual fee for each year to 31 May 2031 shall be \$13,000 plus GST.
- 8.4 For the three years subsequent to the year ending 31 May 2022, and for every three years thereafter, the annual fee will be adjusted by ECAN having regard to the actual and anticipated costs of system and procedure development, documentation and maintenance, the building consent authority accreditation and registration fees, insurance premiums and any costs arising from changes to legislation relating to the Scheduled Functions or ECAN's service responsibilities set out in Part B of Schedule 1.
- 8.5 ECAN shall advise WCRC of the adjusted annual fee by 1 January in respect of each three year period commencing the following 1 July. ECAN shall provide evidence in support of such

adjustment, but shall not, for the avoidance of doubt, be required to obtain WCRC's consent or approval to the adjusted annual fee.

## **9. SERVICE DISESTABLISHMENT FEE**

9.1 WCRC shall pay a service disestablishment fee to ECAN if the transfer effected by this Deed:

- (a) is revoked by WCRC under clause 12.2; or
  - (b) otherwise comes to an end on 31 May 2031,
- whichever is the sooner.

9.2 The service disestablishment fee due in clause 9.1(a) shall be paid by the 20th of the month following the date of written notice served by WCRC.

9.3 The service disestablishment fee shall be the amount specified in the written notice under clause 9.2, being the fair, reasonable and actual costs to ECAN of disestablishment plus GST.

## **10. INDEMNITY**

10.1 WCRC fully indemnifies ECAN for all liability including all damages, losses, costs and expenses of any kind in relation to any actions, claims, proceedings and demands of any kind made by any third party in respect of ECAN's performance and/or non-performance of the Scheduled Functions or any of ECAN's service responsibilities set out in Part B of Schedule 1, except to the extent liability is caused by or contributed to by the negligence of ECAN.

10.2 WCRC must not:

- (a) bring or make any actions, claims, proceedings and demands of any kind against ECAN in respect of the Scheduled Functions or any of ECAN's service responsibilities set out in Part B of Schedule 1; or
- (b) join ECAN as a party to any actions, claims or proceedings of any kind brought against WCRC in respect of the Scheduled Functions or any of ECAN's service responsibilities set out in Part B of Schedule 1.

## **11. INSURANCE**

11.1 WCRC must at its own cost take out and keep current at all material times appropriate insurance cover of a kind and level acceptable in all respects to ECAN from time to time (but being to a value of not less than [NZ\$100 million]) in the names of both WCRC and ECAN for claims by third persons against ECAN in carrying out the Scheduled Functions and ECAN's service responsibilities set out in Part B of Schedule 1. WCRC shall produce to ECAN on demand from time to time a copy of the policy and/or evidence that the same is current and the dates the same is paid up to. WCRC shall do nothing to render such insurance void or voidable.

## **12. DURATION**

12.1 The transfer effected by this Deed ends on 31 May 2031.

- 12.2 WCRC may at any time change or revoke the transfer effected by this Deed by twelve (12) months' written notice to ECAN.
- 12.3 If WCRC gives written notice to change the transfer effected by this Deed, ECAN may cancel the transfer by six (6) months' written notice to WCRC.
- 12.4 ECAN may at any other time cancel the transfer effected by this Deed by twelve (12) months' written notice to the WCRC.
- 12.5 The effect of this clause 12 is subject to the transitional provisions set out in Part C of Schedule 1.

### **13. REPORTING**

- 13.1 ECAN must report to WCRC at twelve (12) monthly intervals on the exercise of the Scheduled Functions.
- 13.2 WCRC may at any other time request from ECAN other information it may reasonably require concerning the exercise of the Scheduled Functions.

### **14. INTELLECTUAL PROPERTY**

- 14.1 Ownership of intellectual property rights relating to any systems and processes developed by ECAN and/or its consultants for the purpose of undertaking the functions, duties and powers relating to this Deed shall remain solely with ECAN (and/or its consultants as applicable) and shall not be passed to or shared with any other party unless expressly approved by ECAN in writing.

### **15. COSTS**

- 15.1 ECAN, WCRC, and all other Regional Councils who enter into a deed substantially similar to this Deed within six months of the date of this Deed, shall each pay an equal share of ECAN's costs of and incidental to the preparation and negotiation of this Deed. Each party shall otherwise pay their own costs in relation to this Deed and any variation or renewal.

### **16. DISPUTES**

- 16.1 If any dispute arises between WCRC and ECAN, the Chief Executives of WCRC and ECAN must meet and try to resolve the dispute.
- 16.2 Failing resolution, the dispute shall be submitted to a single arbitrator for determination under the Arbitration Act 1996.
- 16.3 The arbitrator shall be appointed jointly by WCRC and ECAN. If no appointment is made within fourteen (14) days of the Chief Executives failing to resolve the dispute, then either party may request the President of the New Zealand Law Society to appoint the arbitrator.
- 16.4 The arbitrator's decision shall be final and binding on the parties.

### **17. INVALIDITY**

- 17.1 If any part of this Deed is held by any Court to be contrary to the Building Act or any other law then that part, and that part only, shall be severed with the balance of the Deed remaining in full force and effect.

### **18. ENTIRE AGREEMENT**

- 18.1 This Deed embodies the entire understanding and the whole agreement between the parties.

**19. AMENDMENTS**

19.1 This Deed including any attached Schedules may be amended from time to time by agreement in writing signed for and on behalf of both parties.

**EXECUTION**

**THE COMMON SEAL of** )  
**WEST COAST REGIONAL COUNCIL** )  
was hereto affixed by in the )  
presence of: )

\_\_\_\_\_ Chairperson / Councillor

\_\_\_\_\_ Councillor

**THE COMMON SEAL of** )  
**CANTERBURY REGIONAL COUNCIL** )  
was hereto affixed by in the )  
presence of: )

\_\_\_\_\_ Chairperson / Councillor

\_\_\_\_\_ Councillor

## SCHEDULE 1

### Functions transferred and service responsibilities in the exercise of those functions

This schedule details:

- Part A - The Building Act functions transferred to ECAN from WCRC.
- Part B - Each parties' service responsibilities. These are the obligations each party has to the other, over and above the transfer of Building Act functions that enable efficient and effective exercise of the transferred functions.
- Part C - Transitional provisions. These detail when ECAN will take over responsibility for, and when WCRC will resume responsibility for, each of the Building Act functions transferred.

For the avoidance of doubt:

- For each section of the Building Act described in Part A as being transferred, the transfer shall be of all functions, duties and powers of WCRC under that section (including all subsections thereof) except where and to the extent such transfer is expressly limited.
- Only functions, duties and powers actually held by WCRC and capable of transfer are so transferred.
- In the event of any inconsistency between Part A and Part B, Part A prevails.

#### PART A – FUNCTIONS TRANSFERRED

| Description of function (and any limitation on transfer)   | Status      | Section of the Building Act |
|--|-------------|-----------------------------|
| <b>Issue of building consent</b>   |             |                             |
| Check content of application and vet plans   | Transferred | 45                          |
| Deal with minor variation to building consents   | Transferred | 45A                         |
| Provide copy of application to FENZ, if required   | Transferred | 46                          |
| Determine application without FENZ memorandum  | Transferred | 47                          |
| Process application for building consent   | Transferred | 48                          |
| Calculate amount of levy payable, advise applicant and received payment                            | Transferred | 53, 54                      |
| Grant or refuse building consent, notify applicant and requirement payment of levy/fees            | Transferred | 49, 50                      |
| Assess compliance of alterations to existing buildings and allowing alterations without compliance | Transferred | 112                         |
| Determine conditions for alterations to buildings with specified intended life                     | Transferred | 113                         |

| <b>Description of function (and any limitation on transfer)</b>   | <b>Status</b> | <b>Section of the Building Act</b> |
|---|---------------|------------------------------------|
| Receive, consider and grant/refuse request for extension of specified intended life   | Transferred   | 116                                |
| Issue building consent  | Transferred   | 51                                 |
| Receive, consider and grant/refuse request for extension of building consent lapse period   | Transferred   | 52                                 |
| Payment of levy to MBIE, with retention of 3%   | Transferred   | 59, 60                             |
| Recovery of unpaid levy from applicant  | Transferred   | 62                                 |
| Provision of information about estimated value of building work to MBIE, on demand  | Transferred   | 63                                 |
| Keep records of building consents granted within region   | Transferred   | 64                                 |
| <b>Grant of waiver/modification of building code</b>  |               |                                    |
| Receive, consider and grant conditions in relation to a request for waiver or modification  | Transferred   | 67                                 |
| Applications relating to energy works   | Transferred   | 70                                 |
| Notify DHB of any waiver or modification granted  | Transferred   | 68                                 |
| <b>Building on land subject to natural hazards</b>  |               |                                    |
| Refusing to grant building consents relating to natural hazards   | Transferred   | 71                                 |
| Granting building consents relating to natural hazards  | Transferred   | 72, 73                             |
| Determining that entry is no longer required and notifying accordingly  | Transferred   | 74                                 |
| <b>Buildings on 2 or more allotments</b>  |               |                                    |
| Issuing, signing and lodging a certificate imposing condition on transfer of specified allotments, and noting such condition on the consent                       | Transferred   | 75,77                              |
| <b>Inspection of building work</b>  |               |                                    |
| Plan and carry out system of inspections so that all reasonable steps are taken to ensure that building work is carried out in accordance with a building consent | Transferred   | 90, 222                            |
| <b>Grant of Schedule 1 exemption</b>  |               |                                    |

| Description of function (and any limitation on transfer)  | Status          | Section of the Building Act        |
|---|-----------------|------------------------------------|
| Receive, consider, grant or refuse request for Schedule 1 exemption relating to any dam which is a 'large dam'  | Transferred     | 12(2)(c), 41, Schedule 1 Clause 22 |
| Receive, consider, grant or refuse request for Schedule 1 exemption relating to any building work, except a dam which is not a 'large dam'  | Not Transferred | 12(2)(c), 41, Schedule 1           |
| <b>Issue of NTF (expressly limited to building work subject to a building consent granted by ECAN or an application for a Code Compliance Certificate lodged with ECAN or in relation to any dam warrant of fitness or any compliance schedule)</b> |                 |                                    |
| Consider whether a NTF may be issued, issue notice, and notify other responsible authority it appropriate   | Transferred     | 164, 165                           |
| Special provisions for NTF from a building consent authority  | Transferred     | 166                                |
| Inspect building work carried out in accordance with NTF, confirm/refuse NTF has been completed, issue further NTF is required  | Transferred     | 167                                |
| <b>Issue of CCC</b>   |                 |                                    |
| Require further information in respect of CCC application, and consider granting CCC on expiry of 2 years after date of granting building consent   | Transferred     | 93                                 |
| Consider whether building work complies with building consent, check development contributions have been addressed, issue or refuse CCC in prescribed form and receive fees   | Transferred     | 94, 95, 91                         |
| Give applicant written notice of reason for refusal   | Transferred     | 95A                                |
| Receive, consider and grant/refuse request for certificate of public use  | Transferred     | 363A                               |
| <b>Issue or amendment of compliance schedule</b>  |                 |                                    |
| Issue compliance schedule with CCC or CoA if building has any specified systems and calculate, charge and receive fee   | Transferred     | 102                                |
| Receive and consider application/recommendation for amendment to compliance schedule, agree to  | Transferred     | 106, 109                           |



| <b>Description of function (and any limitation on transfer)</b>  | <b>Status</b>   | <b>Section of the Building Act</b>                                 |
|--|-----------------|--|
| amend/not amend compliance schedule, advise applicant  |                 |  |
| Notify territorial authority of issue of compliance schedule and provide copy  | Transferred     | 104  |
| Amend the compliance schedule on its own initiative, advise the owner of such, consider submissions if any, give written notice to the owner | Transferred     | 107  |
| <b>Administration of building warrants of fitness</b>  |                 |  |
| Receive annual building warrants of fitness from building owner  | Transferred     | 108  |
| Inspect building for which compliance schedule has been issued   | Transferred     | 111  |
| <b>Miscellaneous</b>   |                 |  |
| Keep required information in respect of functions, powers and duties transferred in this Schedule  | Transferred     | 216  |
| Give required access to the information held   | Transferred     | 217  |
| Provide required information to the chief executive  | Transferred     | 218  |
| <b>Issue of Certification of Acceptance</b>  |                 |  |
| Receive, process and grant or refuse applications for CoA  | Not Transferred | 96, 97, 98, 99, 99A  |
| <b>PIM functions</b>   |                 |  |
| Receive, process and issue PIM applications  | Not Transferred | 31, 33, 34, 35, 36, 37, 38, 39                                     |
| <b>Miscellaneous functions</b>   |                 |  |
| Dam Register   | Not Transferred | 151, 152   |
| Dangerous Dams policy, earthquake-prone and flood-prone dams policy, enforcement and follow-up   | Not Transferred | 154, 156, 157, 158, 159, 160, 161, 162                             |
| Classification of Dams, Dam Safety Assurance Programme, Dam Compliance Certificate   | Not Transferred | 134, 134A, 134C, 135, 135A, 136, 138, 142, 143, 145, 146, 148, 150 |

## **PART B – SERVICE RESPONSIBILITIES**

### **Core processing of building consents, Code Compliance Certificates, exemptions, waivers, etc.**

|                                       |  |
|---------------------------------------|--|
| <p>ECAN service responsibilities:</p> | <ul style="list-style-type: none"> <li>• Provide information about building consent process (as applicable to dams) to potential applicants.</li> <li>• Maintain all master records of its Building Act activities.</li> <li>• Keep WCRC informed at the critical milestones as defined in ECAN processes (e.g. requesting additional information etc.).</li> <li>• Liaison where requested by WCRC in terms of condition setting linked to matters under control of WCRC e.g. development contributions, resource consent conditions.</li> </ul>  |
| <p>WCRC service responsibilities:</p> | <ul style="list-style-type: none"> <li>• Redirect any customer enquiries about existing building consents and Certificates (granted by ECAN) to ECAN.</li> <li>• Notify ECAN in a timely manner of any new information relevant to the processing of its BCA functions (e.g. such as may arise during the processing of a resource consent or PIM or monitoring activity or updating of WCRC's Register of Dams).</li> <li>• Maintain copies of all relevant information to a Building Consent in a systematic manner.</li> <li>• Process WCRC's PIM and forward a copy to ECAN.</li> <li>• Pass on the TA's PIM to ECAN.</li> <li>• Update WCRC's Register of Dams based on the processing milestones.</li> <li>• Carry out its own assessment against WCRC's policies on dangerous dams, earthquake-prone dams and flood-prone dams and advise all relevant parties of the outcome.</li> </ul> |

**Customer enquiries, public information, complaints**

|                                       |  |
|---------------------------------------|--|
| <p>ECAN service responsibilities:</p> | <ul style="list-style-type: none"> <li>• Maintaining good communication channels with WCRC. For example, ECAN will notify WCRC about customer enquiries that will probably lead to building consent applications.</li> <li>• Receive and manage inquiries and complaints about building control functions in respect of functions, powers and duties transferred.</li> </ul>                   |
| <p>WCRC service responsibilities:</p> | <ul style="list-style-type: none"> <li>• Maintaining good communication channels with ECAN. For example, WCRC will notify ECAN about customer enquiries that will possibly lead to applications or requests under the Building Act.</li> <li>• Lodging an application within their own customer systems.</li> <li>• Forwarding all applications to ECAN within 24 hours of receipt.</li> </ul> |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• Updating Register of Dams where applicable.</li> <li>• Notifying applicants and enquirers about PIM and RMA requirements.</li> <li>• Directing enquiries about building consent requirements and how to apply for a building consent to ECAN.</li> <li>• Investigating complaints and reports of unlawful building work in relation to dams and their appurtenant structures, and reporting the outcome to complainants and enquirers and ECAN.</li> <li>• Responding to enquiries regarding the building consent status and compliance of dams and their appurtenant structures.</li> </ul> |
|--|---|

**Inspection, monitoring and enforcement**

|                                |   |
|--------------------------------|---|
| ECAN service responsibilities: | <ul style="list-style-type: none"> <li>• Notifying WCRC and relevant Territorial Authority 2 working days prior to the issue of a Notice to Fix to any dam within the Region of the WCRC.</li> <li>• Liaising with WCRC on matters where joint co-ordination may be appropriate on inspections, non-conforming building work, illegal building work, etc.</li> <li>• Liaising with WCRC in regard to illegal building work as to determination of who will exercise enforcement powers.</li> <li>• Maintaining all appropriate records relating to ECAN's Building Act responsibilities.</li> </ul> |
| WCRC service responsibilities: | <ul style="list-style-type: none"> <li>• Providing warrants (if and where required) to ECAN and its agents to enable ECAN to carry out inspection, Notice to Fix and enforcement functions.</li> <li>• Carry out inspections on behalf of the BCA (where determined by ECAN as part of the inspection programme as being practical and feasible)</li> <li>• Accompanying ECAN on inspections where this is agreed as appropriate.</li> <li>• Notifying ECAN of unlawful building work known to WCRC.</li> </ul>   |

**Non BCA Functions Transferred**

|                                |  |
|--------------------------------|--|
| ECAN Service Responsibilities: | <ul style="list-style-type: none"> <li>• Maintain appropriate records relating to ECAN's Building Act responsibilities.</li> <li>• Annual report to WCRC about the performance of ECAN's BCA functions.</li> </ul> |
| WCRC service responsibilities: | <ul style="list-style-type: none"> <li>• Liaison on any Notice to Fix or enforcement action resulting from the above functions.</li> </ul>   |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Assist ECAN as required in the preparation of ECANs annual report to MBIE.</li> <li>• Ensure ECAN has an up to date and complete and accurate copy of WCRC's Register of Dams.</li> <li>• Advise ECAN upon each change made to WCRCs Register of Dams.</li> </ul> |
|--|--|

**Functions Not Transferred**

|                                |  |
|--------------------------------|--|
| ECAN Service responsibilities: | <ul style="list-style-type: none"> <li>• Taking into account PIM information provided by WCRC in the processing of Building Consents.</li> </ul>   |
| WCRC service responsibilities: | <ul style="list-style-type: none"> <li>• Timely and accurate preparation of PIM and forwarding this to ECAN to enable timely processing of building consent application.</li> <li>• Advice on the above functions to ECAN where they impact on current building consent applications.</li> </ul> |

**PART C – TRANSITIONAL PROVISIONS**

For the avoidance of doubt, the following provisions shall be interpreted on the basis that in no event is the same function intended to be held by more than one regional authority at the same time in respect of the same matter.

| <b>Description of function</b>   | <b>Transitional provisions</b>  |
|--|---|
| <b>Issue of building consents (including related grant of waiver/modification of building code, building on land subject to natural hazards, buildings on 2 or more allotments) and grant of Schedule 1 exemptions</b> | <b>Commencement:</b> WCRC has responsibility for any building consent and exemption application accepted by WCRC before the Commencement Date.  |
|  | <b>End/Cancellation:</b> ECAN has responsibility for any building consent and exemption applications accepted by ECAN before the Cancellation Date or End Date.   |
| <b>Issue of CCCs, CPUs and compliance schedules</b>  | <b>Commencement:</b> WCRC has responsibility for any CCC, CPU and compliance schedule application accepted by WCRC prior to the Commencement Date.  |
|  | <b>End/Cancellation:</b> ECAN's responsibility for the issue of CCCs and compliance schedules accepted by ECAN before the Cancellation Date or End Date, irrespective of when the application was received or whether the relevant building consent was issued by ECAN. |
|  | <b>Commencement:</b> WCRC has responsibility for inspection of building work required for processing an application for the issue   |

| Description of function  | Transitional provisions  |
|--|--|
| <b>Inspection of building work and issue of NTF</b>  | of any CCC, CPU or compliance schedule for which responsibility is retained by WCRC.   |
|  | <b>End/Cancellation:</b> ECAN's responsibility for the inspection of building work and the issue of NTFs ends on the End Date or Cancellation Date (as applicable), irrespective of whether the applicable building consent was issued by ECAN.  |
| <b>Amendment of compliance schedule and administration of building warrants of fitness</b> | <b>Commencement:</b> WCRC has responsibility for any application for amendment to a compliance schedule or annual building warrant of fitness accepted by WCRC prior to the Commencement Date set out in clause <b>Error! Reference source not found..</b>   |
|  | <b>End/Cancellation:</b> ECAN's responsibility for any application for amendment to a compliance schedule or annual building warrant of fitness ends on the Cancellation Date or the End Date, irrespective of when the application was received or whether the relevant building consent was issued by ECAN |
| <b>Keeping and giving access to information</b>  | <b>Commencement:</b> WCRC must keep and give access to information on all matters within its responsibility prior to the Commencement Date.  |
|  | <b>End/Cancellation:</b> ECAN must keep and give access to information on all matters within its responsibility prior to the End Date.   |

DATED

2021

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BETWEEN

WEST COAST REGIONAL COUNCIL

AND

OTAGO REGIONAL COUNCIL

---

**DEED OF VARIATION OF TRANSFER OF BUILDING ACT FUNCTIONS**

---

THIS DEED is made the

day of

2021

## **PARTIES**

1. **WEST COAST REGIONAL COUNCIL**, a Body Corporate under the Local Government Act 2002 (“WCRC”)
2. **OTAGO REGIONAL COUNCIL**, a Body Corporate under the Local Government Act 2002 (“ORC”)

## **BACKGROUND**

- A. WCRC is the regional council for the West Coast region and is a regional authority under the Building Act 2004 (“the Act”).
- B. ORC is the regional council for the Otago region and is a regional authority under the Act.
- C. The Act confers on regional authorities functions, duties and powers in relation to dams.
- D. Section 244 of the Act enables a regional authority to transfer one or more of its functions, duties and powers under the Act to another regional authority.
- E. In 2008, pursuant to a Deed of Transfer of Building Act Functions (the “Transfer Deed”) WCRC transferred to ORC and ORC accepted the transfer of scheduled functions of WCRC as a regional authority under the Act in respect of dams in the West Coast region.
- F. Under the Transfer Deed the transfer was to end on 30 June 2018.
- G. On 29 June 2018, WCRC and ORC entered into a “Deed of Extension of Transfer of Building Act Functions” and extended the end date of the Transfer Deed from 30 June 2018 to 30 November 2018.
- H. On 1 November 2018, WCRC and ORC entered into a “Deed of Extension of Transfer of Building Act Functions” and extended the end date of the Transfer Deed from 30 November 2018 to 30 June 2019.
- I. On 28 June 2019, WCRC and ORC entered into a “Deed of Extension of Transfer of Building Act Functions” and extended the end date of the Transfer Deed from 30 June 2019 to 30 June 2021.

- J. WCRC and ORC have agreed that the Transfer Deed should be varied on the terms and conditions set out in this Deed.

**THIS DEED THEREFORE RECORDS:**

**Variation**

1. WCRC and ORC vary the transfer to ORC of all the functions, duties and powers of a regional authority under the Act transferred under the Transfer Deed so that the transfer ends on the Cessation Date.
2. This variation is otherwise on the terms and conditions set out in the Transfer Deed and is subject to the provisions of the Act.

**Cessation Date**

3. The cessation date will be the later of:
  - 3.1. 31 May 2021; or
  - 3.2. The completion by ORC of all the functions, powers and duties listed in Schedule 1.

**EXECUTED** as a deed

THE COMMON SEAL of the **WEST COAST REGIONAL COUNCIL** was affixed in the presence of: \_\_\_\_\_

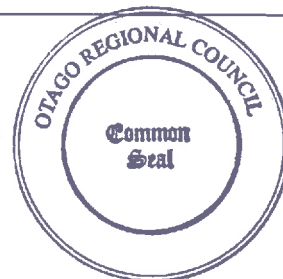
Councillor \_\_\_\_\_

Councillor \_\_\_\_\_

THE COMMON SEAL of the **OTAGO REGIONAL COUNCIL** was affixed in the presence of: \_\_\_\_\_

Councillor *[Signature]*

Councillor *[Signature]*





## **SCHEDULE 1**

For the purpose of clause 3.2 of the deed the functions, powers and duties under the Act are:

1. Applications for building consents accepted by ORC before 1 June 2021.
2. Applications for exemptions from building consents sought under Schedule 1 of the Act received by ORC before 1 June 2021.
3. Applications for code compliance certificates, certificates of public use and compliance schedules accepted by ORC before 1 June 2021.
4. Applications for amendments of compliance schedules accepted by ORC before 1 June 2021.
5. Applications to amend building warrants of fitness accepted by ORC before 1 June 2021.
6. All inspections for the purpose of carrying out 1 to 5 above.
7. All enforcement processes under the Act arising out of performance of the functions, powers and duties in 1 to 5 above.
8. All administrative functions, powers and duties including record keeping and providing access to information relating to 1 to 5 above.
9. All other functions, powers and duties necessary or expedient for the purposes of carrying out and completing 1 to 5 above.

|  |                                  |
|--|----------------------------------|
| <b>Report to: Council</b>  | <b>Meeting Date: 11 May 2021</b> |
| <b>Title of Item: Operations Monthly Works Report</b>  |                                  |
| <b>Report by:</b> James Bell – Engineering Officer, Paulette Birchfield - Engineer, Brendon Russ – Engineer, Sabrina Swensson – Business Support Officer |                                  |
| <b>Reviewed by:</b> Randal Beal – Director of Operations   |                                  |
| <b>Public excluded?</b> No   |                                  |

## Purpose

The purpose of this report is to provide Council with an overview of the works undertaken during the month of April 2021. Also presented in this report will be the production and sale of rock from the council owned quarries during the months of March 2021.

## Summary

### Punakaiki Seawall Rating District

Fulton Hogan have been contracted by NZTA to remove the concrete footpath through Punakaiki and as part of the contract are producing large concrete blocks/slabs (without rebar); the blocks have been offered to the Punakaiki Seawall Rating District. The removal and reformation of the footpath is likely to take several months to complete, and until the footpath is reformed through the township pedestrians will be directed to use the crest of the seawall.

The blocks will be stockpiled until the new footpath is completed, then be carefully placed where required around the rocks on the front face of the seawall revetment in areas that require additional armouring.



*Digger heaping up the stockpiled blocks.*



Crest of the seawall tidied up for pedestrians.

### **Inchbonnie Rating District**

Anderson Helicopters carried out spraying of stop banks and flood protection to the value of \$6,109.20.

### **Wanganui Rating District**

Anderson Helicopters are contracted to carry out spraying of stop banks and flood protection and this work is due for completion by 7<sup>th</sup> May.

There is approximately 800T of maintenance works required and a tender is being prepared for this work which will be released to Council's approved contractors for pricing.

### **Lake Stream Slip**

Staff have undertaken a further inspection of the slip on DOC estate and have observed that there is a newly exposed area of the slip. Staff note that although not a large failure of this landslide, it does indicate the continued instability of the material and the potential for the input of debris material to the stream to continue indefinitely.



Lake Stream Slip

**Quarry Rock Movements for the period of March 2021  
(excluding Royalty Arrangements)**

| Quarry        |       | Opening Stockpile Balance | Rock Sold  | Rock Produced | Closing Stockpile Balance |
|---------------|-------|---------------------------|------------|---------------|---------------------------|
| Camelback     | Large | 37,517                    | 483        | 0             | 37,034                    |
| Blackball     |       | 670                       | 0          | 0             | 670                       |
| Inchbonnie    |       | 10,000                    | 0          | 0             | 10,000                    |
| Kiwi          |       | 0                         | 0          | 0             | 0                         |
| Miedema       |       | 0                         | 0          | 0             | 0                         |
| Okuru         |       | 450                       | 0          | 0             | 450                       |
| Whitehorse    |       | 0                         | 0          | 0             | 0                         |
| <b>Totals</b> |       | <b>48,637</b>             | <b>483</b> | <b>0</b>      | <b>48,154</b>             |

**Other Sales:**

230T of rubble was sold to Henry Adams Contracting from Camelback Quarry. This rubble was sold at a rate of \$2/tonne for a total of \$460.00 GST exclusive.

**RECOMMENDATION**

*That the report is received.*

|   |                                  |
|---|----------------------------------|
| <b>Report to:</b> Council Meeting   | <b>Meeting Date:</b> 11 May 2021 |
| <b>Title of Item: Infrastructure Reference Group – Programme of Flood Plain Risk Management</b> |                                  |
| <b>Report by:</b> Neil Selman, Consultant   |                                  |
| <b>Reviewed by:</b> Randal Beal, Operations Manager   |                                  |
| <b>Public excluded?</b> No  |                                  |

## Report Purpose

To inform the Council of the status of the Infrastructure Reference Group funding applications and intended programmes of work and present a summary of the funding arrangements and Council’s commitments.

## Report Summary

This report provides a brief background of the status of Council’s Infrastructure Reference Group funding applications, updating Council on the changes to the Hokitika programme of work and providing an update on the Franz Josef application.

In addition, it provides a high-level summary of the government funding and co-funding arrangements, specifying Council’s financial commitments as well as setting out a brief overview of the procurement process and activity.

## Draft Recommendations

### It is recommended that Council resolve to:

Receive the update on the Infrastructure Reference Group funding, the co-funding arrangements and Council’s commitments.

## Issues and Discussion

### Background

In response to the economic impact of Covid-19, Central Government announced an economic stimulus package which included funding for infrastructure resilience projects.

Council submitted for a total of \$45,100,000 funding from the Ministry of Business, Innovation and Enterprise via the Crown Infrastructure “Shovel ready” fund. The Provincial Development Unit is managing the delivery of the approved projects and funding.

The government offered 75% funding for projects that can meet the infrastructure project funding application requirements. Council was required to co-fund the projects by contributing the remaining 25%.

Council successfully obtained funding, and late last year entered into a funding agreement, for the following three projects:

- Hokitika - Flood and Coast Erosion Protection

- Greymouth - Mawhera Quay Flood Protection Wall Upgrade (stage 2)
- Westport - Buller River Flood Warning Scheme

Council has recently obtained approval in principle, but has yet to receive the funding agreement, for the following project:

- Franz Josef

### **Hokitika Programme**

The final arrangements relating to the Hokitika programme of work differ from the arrangements presented to Council in the 8 September 2020 workshop.

In April 2020 Council applied for a \$3M flood protection scheme.

The Hokitika Joint Committee was briefed on the \$3M flood protection scheme application on 17 April 2020. The committee requested that staff also apply to the Crown Infrastructure fund for \$5M to build a sea wall. Staff made the application.

On 20 August 2020 staff were advised, approval in principle, of \$3.8M total funding relating to the Hokitika programme. The \$3.8M represented government's 75% contribution for a \$5M programme of work and not the combined \$8M as applied for. It was evident in the approval in principle that the Provincial Development Unit had combined both applications and approved a lesser amount. When the funding agreement was received in November 2020 the amount had been further adjusted to \$3.75M.

On 11 September 2020 Council consulted with the Community advising receipt of up to \$3.8M funding from the application and advising that in order for both the flood protection scheme and sea wall extension projects to proceed a total of \$7M was required. The additional \$3.2M co-funding would comprise a loan on behalf of the Rating District of \$2.7M and contributions of \$250,000 from both the Westland District Council and the West Coast Regional Council.

The loan will be serviced by the introduction of a new targeted rate on the Hokitika and Kaniere Rating Districts. The \$2.7M loan is to be added to the existing debt from both Hokitika and Kaniere Rating Districts.

Council believes that \$7M in funding will enable both projects to proceed. If, during the tender process, it appears that the \$7M is insufficient then Council will ask the Hokitika Joint Committee to review the programme of work and prioritise the work to fit within the envelop of funding.

### **Franz Josef Application**

The final arrangements relating to the Franz Josef application differs from those previously presented to Council.

Council initially scoped the project as a \$24M project and had applied for \$18M from the Infrastructure Project Fund. This would necessitate Council to co-fund \$6M and it was expected that NZTA would contribute \$3.6M of this \$6M.

Council has received approval in principle for funding stage one of this project, which largely comprises the building of the northern flood infrastructure. The approved government funding is \$9.8M of the total project cost of \$12.9M. Requiring Council to co-fund \$3.1M.

Council has agreements for \$2.4M of the \$3.1M co-funding requirement. There is presently a \$700,000 funding short fall which staff are working with NZTA to co-fund. Staff will provide a verbal update on this at the meeting.

### Funding Summary

The following tables provides a summary of the successful funding arrangements and the co-funding commitments made by Council and others. They also set out a high-level overview of the programmes of work, which largely involved the development of flood plain risk management infrastructure.

| <b>Funding</b>                 | <b>Westport</b> | <b>Hokitika</b>  | <b>Greymouth</b> | <b>Franz Josef</b> | <b>Total</b>      |
|--------------------------------|-----------------|------------------|------------------|--------------------|-------------------|
| Funding – Income               |                 |                  |                  |                    |                   |
| - Government                   | 375,000         | 3,750,000        | 1,950,000        | 9,800,000          | 15,875,000        |
| - Buller DC                    | 155,000         | 0                | 0                | 0                  | 155,000           |
| - Westland DC                  | 0               | 250,000          | 0                | 250,000            | 500,000           |
| - WCRC                         | 0               | 250,000          | 0                | 250,000            | 500,000           |
| - NZTA (to be confirmed)       | 0               | 0                | 0                | 700,000            | 700,000           |
| <b>Total Income</b>            | <b>530,000</b>  | <b>4,250,000</b> | <b>1,950,000</b> | <b>11,000,000</b>  | <b>17,730,000</b> |
| WCRC Funding – Loan            |                 |                  |                  |                    |                   |
| - LGFA                         | 0               | 2,700,000        | 650,000          | 1,900,000          | 5,250,000         |
| <b>Total Loan</b>              | <b>0</b>        | <b>2,700,000</b> | <b>650,000</b>   | <b>1,900,000</b>   | <b>5,250,000</b>  |
| <b>Total Funding available</b> | <b>530,000</b>  | <b>6,950,000</b> | <b>2,600,000</b> | <b>12,900,000</b>  | <b>22,980,000</b> |

| <b>Programme of Work</b> | <b>Westport</b> | <b>Hokitika</b>  | <b>Greymouth</b> | <b>Franz Josef</b> | <b>Total</b>      |
|--------------------------|-----------------|------------------|------------------|--------------------|-------------------|
| Works – Expensed         |                 |                  |                  |                    |                   |
| - Flood modelling        | 510,000         | 0                | 0                | 0                  | 510,000           |
| <b>Total Expensed</b>    | <b>510,000</b>  | <b>0</b>         | <b>0</b>         | <b>0</b>           | <b>510,000</b>    |
| Works – Capitalised      |                 |                  |                  |                    |                   |
| - Infrastructure         | 0               | 6,950,000        | 2,600,000        | 12,900,000         | 22,450,000        |
| - Telemetry hardware     | 20,000          | 0                | 0                | 0                  | 20,000            |
| <b>Total Capitalised</b> | <b>20,000</b>   | <b>6,950,000</b> | <b>2,600,000</b> | <b>12,900,000</b>  | <b>22,470,000</b> |
| <b>Total Works</b>       | <b>530,000</b>  | <b>6,950,000</b> | <b>2,600,000</b> | <b>12,900,000</b>  | <b>22,980,000</b> |

## **WCRC Loans**

As presented in the above Funding table, it has been agreed that a proportion of Council's co-funding be achieved via loans. The loan servicing – being interest payments and principal repayments, will be funded from the introduction of new targeted rates in each of the affected Rating Districts.

The rationale behind using the loans is that the future generations that obtain the benefit from the infrastructure assets, fund Council's share of that programme of work through the servicing and repayment of the loan.

## **Programme Procurement**

### **Procurement outcomes**

A requirement of the funding agreement is to achieve specific social procurement outcomes. These outcomes include:

- Employment of demographically targeted workers
- Support of local businesses
- Supplier diversity
- Develop worker skills and training
- Worker conditions
- Environmental responsibility

Staff are concerned about the programmes ability to achieve every criteria from the available worker and supplier pool.

### **Procurement Process**

While all procurement within the programme of work will be operated in accordance with Council's Procurement Policy and Financial Delegations, staff intend to incorporate the social procurement objectives in the Expression of Interest and Request for Tender documentation.

This will enable the procurement evaluation panel to evaluate the supplier with full consideration of their ability to achieve the objectives. It also provides Council with the information to report to the Infrastructure Reference Group, where the achievement of the objectives was not possible.

Procurement for the Hokitika Seawall – Expressions of Interest have been received from five contracting firms for this work. Staff are now preparing the Request for Tender documents for the project, and once completed will enter these into the Governments Electronic Tender System (GETS) for the five contracting firms to respond to. The project will be in two stages, with the first stage being an amendment to an existing consent and work on an existing wall.

The Resource Consent application is currently being peer reviewed prior to it being lodged.

In future, an Infrastructure Reference Group procurement status report will be presented to the Audit and Risk Committee.



## Considerations

### Implications/Risks

This is a large programme of work and carries a broad range of risks which are being identified, assessed, and treated by the Project team. The following risks are those identified that relate to the funding arrangements in this report.

#### **Funding:**

Government funding is conditional upon the terms of the agreement and the delivery of the outcomes.

#### **Funding – timing:**

The timing of Government funding is conditional on the completion and presentation of their reporting templates.

#### **Co-funding – District Councils:**

Government funding is conditional upon Council co-funding its 25%. Council is in turn reliant on the District Council's making their contributions to this 25% co-funding.

#### **Procurement – Social outcomes:**

The agreement requires all procurement to comply with agreed social outcomes including:

- Employment of demographically targeted workers
- Support of local businesses
- Supplier diversity
- Develop worker skills and training
- Worker conditions
- Environmental responsibility

Staff are concerned about the programmes ability to achieve every criteria from the available worker and supplier pool.

The ongoing management of all risks will be reported to the Audit and Risk Committee.

### Significance and Engagement Policy Assessment

There are matters of significance and staff have consulted with the community on these.

### Views of affected parties

There are affected parties that staff are working with.

### Financial implications

There are financial implications and obligations which have been accommodated within the 2020/21 Annual Plan and the 2021 – 31 Long-term Plan.

### Legal implications

This report and the associated recommendations comply with the appropriate statutory requirements placed upon the Council.

|  |                                  |
|--|----------------------------------|
| <b>Report to: Council</b>                              | <b>Meeting Date: 11 May 2021</b> |
| <b>Title of Item: Tender of Quarry Mineral Permits</b> |                                  |
| <b>Report by: Randal Beal – Director of Operations</b> |                                  |
| <b>Executive Approval:</b>                             |                                  |
| <b>Public excluded? No</b>                             |                                  |

## **Purpose**

Provide Councillors advice on the potential sale/transfer of;

- Inchbonnie Quarry (gazetted quarry)
- Camelback MP50370
- Okuru MP57484
- Kiwi
- Blackball
- Resource consents
- Council owned land (Camelback 8.5 Ha)
- DOC access agreements

Council has been providing a service of managing rock supply to some Rating Districts through quarries over a number of years.

Staff are seeking approval from Councillors to prepare a public tender for the sale of the Inchbonnie, Camelback, Okuru, Kiwi and Blackball quarries and mineral permits.

## **Summary**

Council has fixed costs associated with Quarries that include annual fees, compliance, management and audit costs regardless of the volume of production from the individual quarries. The issues that are raised by Audit NZ are time consuming to resolve and often require the peer review of an independent party.

The financial returns via a royalty rate on top of production costs have not consistently covered the fixed costs associated with operating the quarries due to the variability in sales.

The Quarries are not identified as a Council strategic asset in the 2018-2028 Long Term Plan Significance and Engagement policy.

The level of community interest in the quarries will be from the immediate Rating Districts that purchase rock, specifically Inchbonnie, Kowhitirangi and Okuru Rating Districts. Any deficits from the quarries are funded out of general rate, not by these Rating Districts.

Council will protect these community interests by securing a long term Armour Grade Protection Rock (AGPR) supply agreement as part of the tender process. This will include quantified mechanisms for price adjustments for the remaining life of the Mineral permits. Council will also protect the community's interests by ensuring access to an AGPR stockpile for Council and its agents.

## **RECOMMENDATION**

1. *That the report is received.*
2. *That Council directs staff to prepare a public tender for the sale of the quarries and mineral permits and include a supply agreement of Armour Grade Protection Rock as part of the sale process.*

|   |                                  |
|---|----------------------------------|
| <b>Report to:</b> Council                               | <b>Meeting Date:</b> 11 May 2021 |
| <b>Title of Item:</b> Lakes Surveillance 2021           |                                  |
| <b>Report by:</b> Taylor Blyth, Biosecurity Coordinator |                                  |
| <b>Reviewed by:</b> Randal Beal, Director of Operations |                                  |
| <b>Public excluded?</b> No                              |                                  |

### Report Purpose

To report the findings of the 2021 Lakes Surveillance project

### Report Summary

Providing Councillors an update on the Lake surveillance programme

### Draft Recommendations

**It is recommended that Council resolve to:**

Receive the Lakes Surveillance report.

### Issues and Discussion

#### Background

In 2004 NIWA undertook a study on invasive freshwater pest plants in the West Coast, and found that although natural waterbodies were largely free of aquatic pest plants, plants such as Lagarosiphon and Parrots feather were widespread in ornamental ponds. An annual surveillance programme was recommended but not implemented.

In 2010, Lagarosiphon was discovered by chance in Lake Paringa, and was well established by this point. Again an annual surveillance programme was recommended.

In 2013, another well-established Lagarosiphon infestation was discovered by chance at Lake Ianthe. Following this in 2015 WCRC contracted NIWA to survey 8 lakes under an Envirolink grant. No new incursions were found. In 2019, WCRC and DOC co-funded BOPRC dive team to survey eight lakes, and Lagarosiphon was detected in the Kapitea Reservoir.

#### Current situation

In late 2020 WCRC and DOC re-evaluated the priority status and frequency at which high risk West Coast lakes should be surveyed. 15 lakes were proposed to be due for surveillance. With cofunding from DOC and Trustpower, this year's budget allowed for nine lakes to be surveyed.

In February 2021 the BOPRC Dive team surveyed Lakes Brunner, Kaniere, Mapourika, Moeraki, Ianthe, Wahapo, Pratt, Matheson and Paringa. As well as the general search for Lagarosiphon, Hornwart, Egeria and Hydrilla, this year's surveillance also included video footage, single-transect LakeSPI analyses and environmental DNA samples (funded by DOC). eDNA plant results that were collected by the divers are still being evaluated.

The Lagarosiphon infestations at Lake Paringa and Lake Ianthe are now widespread, with the South Westland FMU citing it as a major freshwater issue in their area. DOC has undertaken some control in these lakes, however there has been no response to the Kapitea incursion.

Due to lagarosiphon already being present on the Coast there is greater risk of it being spread to new lakes. Ongoing surveillance provides us the ability to discover new infestations and allow us the opportunity for eradication before it is established.



Lake Ianthe Jetty survey area



Lagarosiphon @ Ianthe Jetty

Also known as oxygen weed, Lagarosiphon is a submerged perennial aquatic plant which grows to a depth of 6m. It has spiralled leaves on slender, brittle stems which grow to 5m long. Lagarosiphon is spread quickly by stem fragments, either moving in water or transported between waterways by people on boats, trailers, or fishing nets etc. Lagarosiphon displaces and smothers native aquatic vegetation, impacts recreational values, restricts water flows, and impedes fish accessibility to spawning grounds.

## Considerations

### Implications/Risks

The Biosecurity risks of not undertaking regular and planned surveillance surveys may allow an incursion of an aquatic pest plant to get established before discovery, preventing eradication as an option.

### Financial implications

*Current budget WCRC*

- \$10,000 in-kind
- \$10,000 financial contribution

*Cofunding:*

- \$5000 Trustpower Ltd
- \$15,000 Department of Conservation

### Attachments

Nil

|   |                                  |
|---|----------------------------------|
| <b>Report to:</b> Council/Committee                               | <b>Meeting Date:</b> 11 May 2021 |
| <b>Title of Item:</b> Corporate Services Report to 30 April 2021  |                                  |
| <b>Report by:</b> Heather Mabin, Acting Corporate Service Manager |                                  |
| <b>Reviewed by:</b>   |                                  |
| <b>Public excluded?</b> No  |                                  |

### Report Purpose

The purpose of this report is to inform Council about significant financial matters. Detailed quarterly reports will be tabled to the Audit & Risk Committee, the March 2021 Quarterly report due at the next meeting.

### Report Summary

This report provides an update on the significant activity within the Corporate Services directorate over the past period and advises that the Annual Report 2020 will be presented to Council for adoption on 8 June 2020 and delays to the Long-term Plan mean that its likely to be presented to Council for adoption early September.

### Draft Recommendations

**It is recommended that Council resolve to:**

That Council receive the report.

### Issues and Discussion

#### Background

In January 2021, Heather Mabin was appointed as Acting Corporate Services Manager. The key deliverables of her appointment being:

1. Transition of Payroll system from Civica's Authority system to Datacom.
2. Development and provision of regular Payroll reports for Managers.
3. Appointment of a new Management Accountant.
4. Review of the existing financial management information system (FMIS).
5. Development and provision of quarterly reports for Council.
6. Development and provision of monthly internal reports for Managers.
7. Management and development of the Finance team.

In parallel to these deliverables, Robert Mallinson has been retained as Project Manager of the Long-term Plan 2021-31 process and tasked with two key deliverables:

1. Completion of and then adoption of the audited WCRC Annual Report, 30 June 2020.
2. Management of the Long-term Plan process that includes the production of an audited Consultation document 2021-31, an audited Long-term Plan 2021-31 and all required supporting policies and strategies.

#### Current situation

##### Deliverables

Update on deliverables:

- 1. & 2. The Datacom system was successfully installed and has been processing Payroll since the beginning of April. The first reports have been circulated to Managers – these reports provide greater transparency around staff hours worked, leave entitlement and overall cost.
- 3. Jennifer Beeby began early April as the Management Accountant for WCRC.
- 4. A review of the FMIS identified three options for WCRC. To inform the final recommendation that will be made to the Audit & Risk Committee, members of the Executive Leadership Team (ELT) and other users of the FMIS are being involved in assessing and considering the following options:
  - o upgrade the system to a more current version; or
  - o replace the system with a new system from a different provider; or
  - o upgrade in the short-term and then replace at a designated time in the future.
- 5. & 6. A revised quarterly Council report will be presented at the next Audit & Risk Committee meeting. Given the recent secondment of the Corporate Services Manager to an Acting CEO role, assistance from external contractors will be secured to finish this task. In addition, it is envisaged that these contractors will develop the monthly Managers' reports.
- 7. The first round of the WCRC *Performance Development* process has been completed. It is intended that this process will be completed by end of May.

#### WCRC Annual Report 2020

Robert Mallinson has advised that there are still minor alterations to the document that need to be actioned, and it is intended that the audited Annual Report 2020 will be presented to Council on 8 June 2021 for adoption.

#### Long-term Plan 2021-31

Currently Audit NZ is completing its audit of the draft Consultation Document. The provisional timelines for this process are:

- May to early June draft Consultation Document (CD) audited
- 8 June Council adoption of CD and in principle adoption of supporting strategies and policies
- Four-week Statutory consultation obligations met (see separate paper on *Proposed Engagement Plan*)
- Any alterations/amendments to LTP, strategies and policies completed
- August 2021 audit of LTP, strategies and policies
- Adoption of LTP, strategies and policies early September.

#### **Costs and Benefits**

There will be an additional cost for the external contractors that are required to support the Corporate Services Manager in the short-term.

The benefit to be gained from the involvement of external contractors, far out ways the intangible cost of Council and Managers not having complete visibility and transparency around the financial performance of the organisation.

#### **Considerations**

#### **Implications/Risks**

The key risks to Council financial, reputation in the community and non-compliance with regulatory timeframes.

The financial risk is a result of the time it has taken to complete the Long-term Plan process given the requirement for external audit, and the need to strike the new rates instalment for invoicing Ratepayers in September.

Under the Local Government (Rating) Act 2002, Council would only be able to invoice for 25% of the rates set in the previous year – see extract below:

**50. Rates invoice based on previous year's rates**

*(1) A local authority may deliver a rates invoice for not more than 25% of the rates that are payable in the previous year if it is not able to deliver a rates assessment at least 14 days before—*

*(a) the date on which the first payment of rates for the current year is payable in a case where the rates have been set by resolution of the local authority under [section 23](#); or*

*(b) the date 1 calendar year after the date when the first payment of rates for the previous year was payable in a case where no resolution has been made under [section 23](#).*

*(2) A rates invoice delivered under subsection (1) must comply with [section 46\(2\)](#), except that, instead of the information required by paragraphs (d) and (e) of that section, the rates invoice must state that the invoice is based upon the rates payable in the previous year.*

The reputational risk to Council relates to both the above and the time it has taken to complete this process.

### **Significance and Engagement Policy Assessment**

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

### **Tangata whenua views**

Representatives of Poutini Ngai Tahu will receive this report.

### **Financial implications**

*Current budget*  
Estimated \$20,000

### **Legal implications**

Council will not meet its regulatory obligations under the Local Government Act 2002 however will work with Audit NZ to keep them fully informed.

In relation to the first rates instalment in the 2021/22 financial year, Council will comply with the Local Government (Rating) Act 2002.



## 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 13 April 2021
  - 8.1.2 Confirmation of Confidential Minutes of Special Council Meeting 20 April 2021
  - 8.2 Employer Contributions to Superannuation
  - 8.3 Draft Remissions and Postponement Policy
  - 8.4 Proposed Fees and Charges – LTP 2021 - 2031
  - 8.5 Proposed Engagement Plan – LTP 2021 - 2031
  - 8.6 Acting Chief Executive’s Contract (To be tabled)
  - 8.7 Response to Presentation (if any)
  - 8.8 In Committee Items to be Released to Media
- 

| <b>Item No.</b> | <b>General Subject of each matter to be considered</b>                        | <b>Reason for passing this resolution in relation to each matter</b> | <b>Ground(s) under section 7 of LGOIMA for the passing of this resolution.</b> |
|-----------------|---|--|--|
| 8.1             | Confirmation of Confidential Minutes 9 March 2021                             |  | Clause 7 subclause 2 (a)   |
| 8.1.2           | Confirmation of Confidential Minutes of Special Council Meeting 20 April 2021 |  | Clause 7 subclause 2 (a)   |
| 8.2             | Employer Contributions to Superannuation                                      |  | Clause 7 subclause 2 (a)   |
| 8.3             | Draft Remissions and Postponement Policy                                      |  | Clause 7 subclause 2 (a)   |
| 8.4             | Proposed Fees and Charges – LTP 2021 – 2031                                   |  | Clause 7 subclause 2 (a)   |
| 8.5             | Proposed Engagement Plan – LTP 2021 – 2031                                    |  | Clause 7 subclause 2 (a)   |
| 8.6             | Acting Chief Executive’s Contract (To be tabled)                              |  | Clause 7 subclause 2 (a)   |
| 8.7             | Response to Presentation (if any)   |  | Clause 7 subclause 2 (a)   |
| 8.8             | In Committee Items to be Released to Media                                    |  | Clause 7 subclause 2 (i)   |

I also move that:

- Robert Mallinson, Heather Mabin, 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.

# **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*) 13 April 2021
6. Chairman's Report
7. **Planning and Operations Group**
  - Planning and Resource Science Report
  - Te Tai o Poutini Plan Update
8. **Consents and Compliance Group**
  - Consents Report
  - Compliance Report
9. **General Business**

H Mabin  
Acting Chief Executive

## **THE WEST COAST REGIONAL COUNCIL**

### **MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 13 APRIL 2021, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11.11 A.M.**

#### **PRESENT:**

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

#### **IN ATTENDANCE:**

V. Smith (Chief Executive), H. Mabin (Acting Corporate Services Manager), H. Mills (Planning, Science & Innovation Manager), C. Helem (Acting Consents & Compliance Manager), J. Armstrong (TTPP Project Manager) via Zoom, R. Beal (Operations Director), N. Costley (Strategy & Communications Manager), T. Jellyman (Minutes Clerk), 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**

The Chairman advised that he has been working as a Consultant for people who have applied for resource consents during the past month.  
There were no further declarations of interest.

#### **PUBLIC FORUM, PETITIONS AND DEPUTATIONS**

There was no public forum.

#### **PRESENTATION**

There was no presentation.

#### **2. MINUTES**

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

**Moved** (Magner / Cummings) *that the minutes of the previous Resource Management Committee meeting dated 9 March 2021, be confirmed as correct.*

*Carried*

#### **Matters Arising**

There were no matters arising.

### 3. CHAIRMAN'S REPORT

There was no report.

### 5. REPORTS

#### 5.1 PLANNING AND OPERATIONS GROUP

##### 5.1.1 PLANNING REPORT & HYDROLOGY REPORT

H. Mills spoke to his report. He advised that Lake Kini wetland boundaries have been resolved based on an expert visiting this area. H. Mills advised that both parties have agreed to the boundary adjustments. He stated that a decision from the Environment Court is awaited and until the Environment Court makes a determination the matter is not resolved.

H. Mills provided updates on the activities of the Freshwater Management Groups. He stated that all recommendations from the FMU groups should be finalised within the next couple of months.

H. Mills reported that Option 4 is the preferred option for the proposed Regional Coastal Plan.

He advised that a few changes have been made to the anticipated documents to be notified for submissions, these are minor changes to dates and timelines and relate mainly to the RMA reform and climate change matters.

H. Mills advised that staff are unsure of what policies central government are going to use to enact the phasing out of coal boilers, but it could be the proposed NPS for Greenhouse Gas emissions and the NES for air quality. He stated that a careful eye is being kept on this.

H. Mills offered to answer question. Cr Challenger asked H. Mills if the negotiations process for Lake Kini was straight forward. H. Mills advised that caucusing was held with the Environment Court Judge and she directed the process to go through, two meetings were held with the appellant and interested parties, with one being DoC, who then decided to withdraw their interest. Council and the appellant then reported back with joint memo to the Environment Court.

Cr Ewen stated that given the Government's attention on bores, this could have implications on Council.

J. Douglas stated that the runanga are happy with the Environment Court process and stated that everyone can learn something from this process, as it does not have to be so protracted and complicated

**Moved** (Birchfield / Cummings)

1. *That the report is received.*
2. *That Council proceeds to Option 4 for the Coastal Plan review process, to realign timeframes for processing the pRCP.*
3. *That Council agrees with the updated staff advice in Appendix 1 about which national documents to submit on.*

*Carried*

##### 5.1.2 TE TAI O POUTINI PLAN UPDATE

J. Armstrong spoke to her report. She stated that it is a busy time with planners working overtime in order to keep up.

J. Armstrong reported options are being looked at for the delivery of the Te Tai o Poutini Plan (TTPP). She outlined the options and advised that the best option is the accelerated delivery options as it is hoped this will become notified under the new regime.

J. Armstrong offered to answer questions. Cr Cummings agreed with accelerated plan option. Cr Magner asked if the resources to fast track are available. J. Armstrong responded that a timeline is in place for delivery as well as the consultation process which is very important. She stated that the budget will need to be increased for one year, and then dropped back, research is also important and needs to be achieved as there is no point putting forward a plan if research not done.

Discussion took place on the name of the plan, Cr Ewen stated it is important to stick to one name going forward as it is going to get confusing. J. Armstrong advised that all information that has been

put out has been branded under the Te Tai o Poutini Plan, the combined district plan for the West Coast.

Cr Birchfield spoke of the media article from the Greymouth Star criticising the rental accommodation and renting of holiday homes on the West Coast. J. Armstrong advised that a questionnaire is on the TTPP website regarding this matter and is already receiving feedback on both sides of the argument. J. Armstrong advised that she will be reporting back to the TTPP committee on this matter.

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

*Carried*

### **5.2.1 CONSENTS MONTHLY REPORT**

C. Helem spoke to this report and highlighted various consenting matters. He drew attention to site visit undertaken on 26 March relating to the applicant wanting to bring contaminated waste from Ravensdown, Hornby, and to dispose of on his property at Reefton. C. Helem advised this site is already consented for similar activities but as the contaminants are different a new consent is required. C. Helem advised that NZ whitebait Ltd has had their resource consent granted to discharge water containing contaminants to the Buller River from a fish farm. C. Helem explained the treatment process and advised that the effects to the environment are considered to be minor.

Cr Ewen stated that he has received emails from concerned people regarding the dumping of material from Ravensdown at Reefton, he requested some guidelines are sent to him on the process that this consent application has gone through, which he can pass on should he receive further queries. C. Helem agreed to provide this. Cr Hill agreed with Cr Ewen and stated he has also had queries about this matter. He feels this matter is going to be controversial. Cr Coll McLaughlin stated that she has received queries and stated she sent constituents the flow chart that shows how Council can make decisions about notification levels.

**Moved** (Cummings / Magner) *That the March 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 activity during the reporting period. He advised that staff are busy with dairy shed inspections.

C. Helem reported that the complaint regarding the dumping of demolition material from the old Grey Base Hospital being investigated with numerous site visits having been made. He stated that the site is currently non-compliant but investigation work is continuing.

He expanded on various complaints and incidents and answered questions from Councillors.

C. Helem confirmed that work on the old hospital site is not being held up. C. Helem advised that staff are working with the contractor, as the issues are related to reinforcing steel being removed from the concrete which is breaking up when being dumped and exposing the steel. C. Helem advised that one of the consent conditions is that exposed metal is to be removed before dumping.

J. Douglas stated that she has also received the same complainant regarding the flood protection wall on the Haast River. She advised that the runanga don't have any issues with this matter.

**Moved** (Birchfield / Cummings)

1. *That the March 2021 report of the Compliance Group be received.*

2. *That the \$30,000 bond for RC12035 MS Moore Contracting Limited is released.*

*Carried*

### **GENERAL BUSINESS**

Cr Birchfield asked H. Mills if the new legislation regarding SNA's has been brought in yet. H. Mills advised that the NPS for Indigenous Biodiversity is expected to be released in the coming months. He

stated that this is not yet in force, Council has submitted on this, and are waiting with interest. H. Mills advised there are still areas under the RMA where SNA's have to be applied to. V. Smith asked if the requirement to identify SNA's is spelt out in the RPS. H. Mills responded that it is. Cr Birchfield asked where does this leave the landowners at the moment. H. Mills advised that landowners will need to speak with J. Armstrong and her team to ascertain how this will be applied. He advised that through the RPS, the criteria has been written, and how a SNA will be assessed with the more intricate rules for the Combined District Plan relating to SNA's are still being written. H. Mills stated some district plans, including the Grey District Plan, have operative rules within the District Plan. J. Armstrong advised that other district plans have vegetation clearance rules which require a resource consent before any native bush can be removed.

The meeting closed at 11. 43a.m.

.....  
Chairman

.....  
Date

|  |                                  |
|--|----------------------------------|
| <b>Report to:</b> Resource Management Committee                            | <b>Meeting Date:</b> 11 May 2021 |
| <b>Title of Item: Planning and Resource Science Report</b>                 |                                  |
| <b>Report by:</b> Lillie Sadler, Planning Team Leader                      |                                  |
| <b>Reviewed by:</b> Hadley Mills, Planning, Science and Innovation Manager |                                  |
| <b>Public excluded?</b> No   |                                  |

### Report Purpose

To update the Committee on planning developments over the last month, including a new government discussion document on phasing out fossil fuel in heat process (boilers).

### 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. *Resend the Alliance letter dated 7 December 2020 to the Minister of Agriculture and the Minister for the Environment.*
4. *Prepare an additional letter outlining further changes sought to the National Environmental Standard for Freshwater 2020 that have come to light since 7 December 2020.*

### Issues and Discussion

#### Makaawhio appeal on Lake Kini wetland boundaries

On 3 May, the Environment Court approved the Consent Order resolving the appeal by Te Rūnanga o Makaawhio on Plan Change 1 to the Land and Water Plan, which disputed the Lake Kini wetland boundaries. Staff will prepare to make operative the changes to the Lake Kini wetland boundaries in the Plan maps.

#### Freshwater Implementation

##### *Freshwater Management Unit (FMU) Groups' update*

Hokitika: At the tenth meeting on 20 April, the Group briefly discussed Outstanding Water Bodies (OWB), and were given a presentation on developing recommendations under the 2020 NPSFM, which has more compulsory and 'must consider' values than previous versions.

South Westland: The Group had its second all-day workshop on 22 April at Fox Glacier. They covered outstanding water bodies, aquatic weed control, community water quality monitoring, long term vision, and started developing their recommendations. The Group requested a third session to complete their recommendations.

##### *Outstanding Water Bodies*

A workshop with iwi partners and stakeholder parties was held on 16 April to develop criteria for identifying outstanding water bodies (OWB), as required under the NPSFM 2020. The workshop implemented a Method in the Regional Policy Statement, to develop criteria in consultation with stakeholders. While no criteria were formulated, a substantial range of values of freshwater bodies were identified, as a basis for developing the criteria.



### 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.

### Combined West Coast plan

The Government has made it clear that the new Natural and Built Environments Act (NBEA) which is aimed to come into force by December 2022 will require one resource management plan per region, combining a regional policy statement, and regional and district plans into one document in an integrated manner. The Council needs to be considering at an early stage a timeframe for these planning documents to be combined.

The draft diagram accompanying this report suggests timeframes for processing regional and district plan reviews and changes, as a precursor to eventually combining them. The proposal is to continue undertaking or progressing regional plan reviews and changes when the new NBEA comes into force in December 2022. Combining the RPS and plans would then realistically start in 2027, once the Air, Coastal, Land and Water Plans, and the Te Tai o Poutini Plan processes are completed (if no appeals are lodged). Merging the regional and district plans prior to completing their NBEA reviews will make the merge complicated and messy, especially with the changeover from the RMA to the NBEA. We also need to wait and see if the Government provides any statutory requirements or guidance on what the combined plan should look like, for example, whether it will be simply joining the plans into one document, or whether a more complex integration is required. The suggested timeframe of 2027 should be within the transitional period that the NBEA will provide for, which is estimated at nine years from December 2022.

The suggested timeframes are still draft, and need to be discussed further with Poutini Ngāi Tahu, the Te Tai o Poutini Plan Committee and District Council planning staff.

### Issues with implementing the Freshwater NES-F

Staff understand that there may be renewed interest within central government to discuss regional variations to the National Environmental Standard for Freshwater (NES-F) that was released in September 2020. Following the release of the Freshwater Package, the West Coast Regional Council coordinated a letter from Alliance parties<sup>1</sup> dated 7 December 2020 to the Ministers for Agriculture and the Environment. We have not received a reply to the letter, and therefore suggest that the letter be resent to the two Ministers. The letter accompanies this report.

As a follow up to the 7 December letter, we recommend writing another letter outlining further issues with the NES-F Regulations that have come to light since the first letter was written. These include matters such as protection of degraded wetlands adversely affecting infrastructure provision, disincentive for weed spraying in a natural wetland, and an unintended outcome of the Sphagnum moss harvesting Regulation. The second draft letter is attached to this report as Appendix 2.

### Resource Science

The following links show data visualisation for Reefton Winter air quality monitoring and hydrology flood alarm levels. If any exceptions in the monitoring results occur, a separate report will be provided to the Resource Management Committee.

<https://www.wcrc.govt.nz/environment/air>

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

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<sup>1</sup> Te Rūnanga o Ngati Waewae, Te Rūnanga o Makaawhio, West Coast Regional Council, Buller, Grey and Westland District Councils, Development West Coast.

## 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  |
|--|---|--|--|
| <u>Phasing out fossil fuel use in process heat – Discussion Document</u> | The Government seeks <u>feedback on whether to use a national environmental standard (NES) and national policy statement (NPS), or only a NES to set out nationally consistent rules to guide regional councils in their RMA decision making on industrial GHG discharges to air. A regulatory approach includes to phase out coal use in low-medium heat process.</u>  | <u>20 May</u>  | <u>Staff recommend making a brief, high-level submission on three points:</u><br><u>Concerned about the social and economic direct and flow-on impacts from prohibitions on using coal in low-medium heat processing activities in the West Coast;</u><br><u>Need to consider government support for social and economic impacts;</u><br><u>Any prohibitive regulation should have an extensive transition period.</u> |
| National Policy Statement on Greenhouse Gas Emissions (NPS-GHG)          | Will provide national direction on phasing out fossil fuel use in process heat in the industrial sector. Put in place regulation to ensure no new emissions-intensive process heat assets are built or installed.   | April-May 2021, subject to Cabinet approvals.                    | Staff to advise nearer the time whether to submit or not.  |
| Exposure Draft - Natural and Built Environments Bill                     | Purpose of the Bill is to enhance the quality of built and natural environments, for wellbeing of current and future generations, within environmental limits. Proposes outcomes, limits and targets, set in one plan for each region, prepared by local government and mana whenua. Exposure draft of the Bill will be developed for consideration by a select committee inquiry, except it will not be formally introduced into Parliament yet. | Exposure draft process expected to run from May/June – Sept 2021 | Likely to make a submission, WCRC will need reasonable transitional provisions in the Bill to be able to get maximum benefit from current and upcoming plan reviews and changes prepared under the RMA.  |

|  |   |   |   |
|--|---|---|---|
| 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 for <del>mid-in August-</del> <u>September</u> 2021  | Staff to advise nearer the time whether to submit or not. |
| <u>Future Local Government review</u>  | <u>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.</u>   | <u>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</u> | <u>To be advised in due course</u>                        |
| Natural and Built Environments Bill  |   | Late 2021, aiming for it to come into force late 2022   | Same as for the Exposure draft of the NBEA                |
| 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.<br><br>Requires central govt, local govt, and mana whenua to work together to prepare a strategy.  | Bill likely to be Introduced to Parliament in late 2021   | Same as above   |

|  |   |   |               |
|--|---|---|---------------|
| 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>  |               |

## Appendix 2

7 December 2020

Hon. David Parker  
Minister for the Environment  
Hon. Damien O'Connor  
Minister of Agriculture, Member of Parliament – West Coast / Tasman  
Parliament Buildings  
**Wellington 6160**

Tēnā korua Ministers,

### **FURTHER REGIONAL VARIATIONS SOUGHT FOR ESSENTIAL FRESHWATER PACKAGE**

Following our letter of 7 December 2020 seeking regional variations to the Essential Freshwater Package to make it workable in the West Coast, we have become aware of other issues with implementing the National Environmental Standard for Freshwater (NES-F). These are mainly to wetland Regulations, and the permitted Sphagnum moss harvesting Regulation. We seek additional changes to these Regulations so they can also be applied in the West Coast.

Note that there are also some issues with implementing the wetland definition, and we have provided feedback to the Ministry for the Environment on their exposure draft Guidance on the wetland definition. We can provide you with a copy of this feedback if you wish.

The additional regional variations sought for the West Coast region only are:

1. (a) Either remove Regulation 46(4)(b), or amend it so the reference to “not for the purpose of increasing the size” excludes culverts; and  
(b) Add a new permitted condition that if the infrastructure works affect a degraded wetland that is already beyond being restored, another less degraded wetland in the vicinity of the infrastructure or in the same ecological district shall be improved or restored.
2. Provide for temporary activities (including mining) in induced wetlands that have formed from human activity, where the wetland can be reinstated or restored when the activity is completed.
3. Either:
  - (a) make weed spraying permitted provided that the ecological values of the wetland, for example, the presence of indigenous terrestrial or aquatic bird, plant or invertebrate species are retained;
  - or
  - (b) In Regulation 38(5), include “...or weed spraying to restore the wetland vegetation.”
4. Permit drainage of a wetland where it will protect rare or threatened indigenous biodiversity from being harmed, and where the wetland can continue to function over the long term.
5. Remove the restriction in Regulation 48(1)(a) for harvesting in wetlands that have not been harvested since 2010.

The following explanations outline the issues with parts of the Regulations:

#### *1. Blanket protection of degraded wetlands adversely affects safe infrastructure provision*

One of our Senior Consent Officers has been working with KiwiRail on a ‘shovel ready’ project to upgrade and/or replace culverts under the railway line on the West Coast. Because some of the culverts are in

natural wetlands and the culverts are being increased in size to cope with future increased rainfall as per climate change predictions, they trigger the need for a consent under Regulation 46(4)(b) of the NES-F. Two of the wetlands identified are very degraded and over-run with weed species, and it is debatable whether they have any remaining wetland values left at all. It is a good thing that the culverts be upgraded to allow for adequate flows to protect regionally significant infrastructure from flood damage, and to provide for fish passage. However, these consents are not likely to be applied for as there is a time and money pressure and the consenting timeframes may take too long for the project to meet its 'shovel ready' funding requirements.

Because the wetland definition includes degraded wetlands as a blanket requirement and there is no flexibility with this to take into account particular circumstances, the section of the regionally significant railway network at issue cannot be adequately maintained, putting rail transport of West Coast products at risk of not being able to be safely or cost-effectively transported out of the Region.

Prior to the NES-F, increasing the size of the culvert to protect the railway line was a permitted activity, and the vegetation clearance and earthworks involved may have temporarily adversely affected the already degraded wetland. This may not have met the intent of the NPSFM for no further loss of wetlands. However, it also would not provide for fish passage and adequate flows, as also required by the NPSFM.

It would be helpful if some parameters around a scale of wetland degradation are developed whereby regionally significant infrastructure providers could undertake upgrading of infrastructure which may adversely affect a very degraded wetland as a permitted activity, provided that restoration work in a less degraded wetland in the area is undertaken, which is more likely to provide greater environmental gains. This could be a win-win situation to provide a cost-effective outcome for both the regionally significant infrastructure and restoration of another less degraded wetland in the vicinity of the original site or in the same ecological district. Given the already very degraded state of the wetland at the aforementioned site of the works, restoration of another wetland would still achieve the policy intent of no further loss of extent, and promotion of restoration.

**Relief sought: For the West Coast region only:**

**(a) Either remove Regulation 46(4)(b), or amend it so the reference to “not for the purpose of increasing the size” excludes culverts; and**

**(b) Add a new permitted condition that if the infrastructure works affect a degraded wetland that is already beyond being restored, another less degraded wetland in the vicinity of the infrastructure or in the same ecological district shall be improved or restored.**

## *2. Perverse outcomes of definition regarding post forestry new induced wetlands*

On the West Coast it is common practice to alluvial mine a site for gold after a plantation forest has been harvested. In some instances the years of forestry operations have compacted soils and induced wetlands have formed in hollows in the ground due to the high rainfall. These induced wetlands do not fall within the definition of a “constructed” wetland, however they cannot be described as being wholly natural. They have formed from both a human activity (forestry harvesting), and the natural process of rainfall.

The consequence of the wetland definition including induced wetlands is that mining of post forestry wetlands is now captured by the Regulations, and the mining cannot occur in the area and not within 100m as it would drain the 'natural' wetland. While these wetlands meet the current definition of a natural wetland, and go beyond the intent of the NPSFM by increasing the extent of natural wetlands, not being able to mine the site and then reinstate or restore the wetland (which would be straightforward with our rainfall) will have a significant negative economic and social impact on the Region. It could also have an unintended outcome of landowners ensuring that no hollows are left post-harvesting to be able to form as new induced wetlands.

**Relief sought: In the West Coast region only, provide for temporary activities (including mining) in induced wetlands that have formed from human activity, where the wetland can be reinstated or restored when the activity is completed.**

*3. Disincentive for restorative weed spraying in a natural wetland*

Spraying for invasive weed species under the restoration Regulation 38(4) now requires a resource consent if the vegetation clearance within the natural wetland is over 500m<sup>2</sup> or 10% of the wetland. Weed spraying comes under the definition of vegetation clearance which includes “application of chemicals”. Weed spraying to remove unwanted or pest plants in a natural wetland also meets the definition of restoration in the NPSFM subpart 3, 3.21. If an area of a wetland greater than 500m<sup>2</sup> or 10% of the wetland area needs weed spraying, the wetland may well be degraded. Weed spraying as a biosecurity measure to control the spread of unwanted pest plants in a natural wetland directly, or indirectly, contributes to restoring the natural wetland.

Both the Regional Council and DoC must now obtain numerous consents for their spraying that were not previously required. A recent example of this is the DoC spraying of willows on the eastern side of Lake Brunner which is within a natural wetland. Requiring consent increases the costs of weed spraying to maintain or improve indigenous biodiversity in wetlands, and could have the perverse outcome of reducing the amount of weed control in or near wetlands that can be done within budget constraints. It is likely to have the unintended outcome of reducing the condition of natural wetlands if less weed spraying can be undertaken.

**Relief sought: Either:**

- (a) Make weed spraying permitted provided that the ecological values of the wetland, for example, the presence of other indigenous terrestrial or aquatic bird, plant or invertebrate species are retained; or**
- (b) In Regulation 38(5), include “...or weed spraying to restore the wetland vegetation.”**

This would enable spraying to be undertaken over a larger area in stages without the cost burden of a consent.

*4. Unintended outcome of restricting drainage*

We were recently made aware of a situation in our Region where a creek mouth had blocked and the backup was threatening a colony of rare/threatened skinks. However, DoC could not artificially open the creek mouth as it would partially drain a nearby wetland, and this is prohibited under the NES-F. The situation partly resolved itself as the creek mouth opened itself as a result of a flood event, however the issue does not go away as the creek mouth could block again in the future. This situation was likely not foreseen when the NES-F rules for draining a wetland were drafted, but while there is a window of opportunity to amend the NES-F, we suggest that provision be made in the wetland drainage rules to allow for these types of situations.

Note that over time this particular wetland has continued to function regardless of the creek flowing continuously. In high rainfall areas, drainage of a wetland does not necessarily mean the wetland completely dries out and is lost. Depending on a case by case basis, a certain proportion of drainage may be able to occur while retaining the wetland.

**Relief sought: In the West Coast region only, permit drainage of a wetland where it will protect rare or threatened indigenous biodiversity from being harmed, and where the wetland can continue to function over the long term.**

*5. Unintended outcome of Sphagnum moss harvesting Regulation 48(1)(a)*

The Sphagnum moss harvesting (SMH) Regulation 48(1)(a) permits this activity to be undertaken in natural wetlands that have been harvested or managed for harvest since 2010. If a wetland has not been harvested since 2010, a resource consent is required. We do not know the rationale for this restriction, but the cost of obtaining resource consent is a disincentive to set up new SMH operations in wetlands that haven't been harvested in the last decade.

It could also potentially result in the loss of some wetlands. It is common for manuka to establish in wetlands with sphagnum moss, and harvesters clear the manuka to enable the wetland to remain as a wetland and the moss to keep growing. SMH helps to maintain a wetland. If the moss in a wetland is not harvested, manuka and other woody vegetation establishes over time and eventually they dry the wetland out and succession occurs, that is, the site becomes bush or forest. In restricting new SMH under Regulation 48(1)(a), the rule is inadvertently contributing to the loss of some natural wetlands on the West Coast, which is contrary to the intent of the NPSFM for "no further loss of extent of natural wetlands". We are aware of wetlands that have previously existed but the moss was not harvested, and the site has become native bush.

We have only recently been made aware of this issue, but while there is a window of opportunity to amend the NES-F, we suggest that the permitted SMH Regulation be amended to remove the restriction for harvesting in wetlands not harvested since 2010.

As far as we are aware, the West Coast is the only region where SMH is undertaken.

**Relief sought: In the West Coast region only, remove the restriction in Regulation 48(1)(a) for harvesting in wetlands that have not been harvested since 2010.**

Thank you for considering our additional proposed regional variations. We welcome the opportunity to discuss these issues with you directly.

Yours faithfully



7 December 2020

Hon. David Parker  
Minister for the Environment  
Hon. Damien O'Connor  
Minister of Agriculture, Member of Parliament – West Coast / Tasman  
Parliament Buildings  
Wellington

Tēnā korua Ministers,

## REGIONAL VARIATIONS REQUESTED FOR ESSENTIAL FRESHWATER PACKAGE

We write in our capacity as the Mayors of the Buller, Grey and Westland District Councils and the Chairs of the West Coast Regional Council, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, and Development West Coast.

As leaders of the West Coast, we believe that the success of New Zealand depends on the ability for regions to prosper. The environment we live, work and play within is blessed with an abundance of freshwater, and the responsibility for this is not taken lightly. However, the West Coast does not face with the same level of challenge or pressure experienced around the country. The broad-brush policy regime imposed under the Essential Freshwater Package (EFP) will hinder the ability for this region to reach its economic potential while achieving little environmental gain across many areas. This is further compounded by the financial impact this will have on ratepayers and landowners to implement and roll out.

The West Coast Regional Council is now working to implement the EFP within the region in line with the policy intent of the Government. However, there is significant challenge in funding the implementation of the EFP. In order to prioritise the best environmental gain with the funding available to it, the Regional Council has identified five key areas where the change proposed would reduce the cost of implementation, or the burden on the landowner, without compromising the environmental benefit sought by Government.

As the West Coast Mayors, Chairs and Iwi Group, we support the regional variations identified by the Council and seek that these provisions be either amended, or the West Coast be excused from their implementation. As leaders of the region, we want to address these with Ministers, recognising the importance of getting this right for our communities and businesses.

The regional variations sought include:

1. Refuelling of machinery in wetlands for sphagnum moss harvesting associated with the National Environmental Standards for Freshwater Regulations (NESFW-2020);
2. Earthworks in wetlands associated with the NESFW-2020 and the National Policy Statement for Freshwater Management 2020 (NPSFM-2020);
3. Temporary extension for replanting on farms after intensive winter grazing associated with the NESFW-2020;
4. Stock exclusion for river run farms associated with the Stock Exclusion Regulations; and
5. Measurement and Reporting of Water Takes Regulations.

### Background

The West Coast, in comparison to the majority of New Zealand, has a unique climate (significant rainfall) and much less pressure on natural resources (due to land use and population

numbers). These characteristics lend themselves to approaching policy implementation in a manner that can be substantially different to other regions.

The West Coast Regional Council (WCRC) engaged strongly in the consultation process, including hosting senior Ministry for the Environment (MfE) officials for two days on the West Coast outlining particular regional issues. The Council made an extensive submission on the package. We continue to have good dialogue with MfE staff on the topic.

#### 1. Refuelling of Sphagnum moss harvesting in wetlands

Sphagnum moss harvesting in natural wetlands is an activity that has been allowed for in the NESFW-2020 through a specific set of provisions. The provisions were generally modelled off the West Coast Regional Land and Water Plan, except in the NESFW-2020 the refuelling of machinery within natural wetlands is not allowed. This is problematic for two reasons:

- The environmental effects on a natural wetland's values caused by moving equipment/machinery (e.g. brush cutters, bulldozers and excavators) in and out of the wetland are likely to be greater than if the machinery can be refuelled within the wetland.
- West Coast natural wetlands can be huge, some (that are likely to meet the NESFW-2020 definition) are over 120ha on private land. Therefore, if machinery cannot be refuelled within a natural wetland there may be significant inefficiencies to harvesting operations.

Through Plan Change 1 to the West Coast Regional Land and Water Plan it was considered that by limiting refuelling associated with sphagnum moss harvesting to a 20L container, it would mitigate any potential impact of a fuel spill, should it occur. This condition went through a rigorous consultation process, including a First Schedule RMA process, which took into account all of the relevant matters. It was not appealed.

WCRC request that item 7, in Schedule 4 (Checklist of conditions for harvesting) of the NESFW-2020, be changed to: *Only containers of 20 litres or less were used to refuel machinery, vehicles, and equipment within the natural wetland.*

#### 2. Earthworks in wetlands

Regulations 52, 53 and 54 in the NESFW-2020 and Clause 3.22 in the NPSFM-2020 together, make earthworks and vegetation clearance within or adjacent to a natural wetlands either prohibited or non-complying, where they may drain all or part of the wetland, unless associated with a small number of activities. These activities include scientific research, restoration of natural wetlands and construction of specified infrastructure.

A considerable number of West Coast private properties are likely to have large areas of natural wetlands within their boundaries. The NPSFM-2020 and NESFW-2020 are likely to make activities like building a road access, building a house pad, mineral extraction or quarrying prohibited within a natural wetland (as such activities will likely lead to at least localised drainage). In some circumstances, the adverse effects of these types of activities can be managed appropriately through the effects management hierarchy in a consenting process. This would ensure a high environmental threshold is maintained.

We therefore request that Regulations 52, 53 and 54 in the NESFW-2020, for the West Coast region only, have an activity status of discretionary rather than prohibited and non-complying. This will ensure wetland values are protected while enabling appropriate use and development.

In order to allow for this the NPSFM-2020, Clause 3.22 (Natural inland wetlands), sub clause (1), (2) and (3) would also need to be modified to allow West Coast (only) to use an effects management hierarchy for all activities within natural wetlands on the West Coast.

### 3. Temporary extension for replanting on farms

Clause 26 subpart (4)(e) of the NESFM-2020 requires the replanting of land used for intensive winter grazing by 01 October. Clause 26 subpart (7) allows this date to be extended to 01 November for Otago and Southland only.

Due to the climatic conditions on the West Coast, pasture growing conditions in October are much slower and more comparable to Otago and Southland than Northern regions. Wet spring conditions generally experienced on the West Coast also make getting heavy machinery onto paddocks for resowing prior to October difficult and potentially damaging to soil structure.

We therefore request that the West Coast be added to *Clause 26 subpart (7) - Temporary extension for replanting on farms in Otago and Southland*.

### 4. Stock Exclusion for River Run Farms

The Stock Exclusion Regulations require that all cattle, deer and pigs are excluded from wide rivers (over one metre wide at any point in the land parcel) at varying dates between now and 01 July 2025. Stock must be excluded from the bed of the river, to a 3 metre setback.

There are a number of large river run type farms on the West Coast (primarily in South Westland) for which compliance with these exclusions will be very difficult, if not impossible. These farms operate at low stocking rates, on a mixture of private and often leased public land (DoC, LINZ) in river valleys where rivers have very wide beds (including grassy flats which are currently grazed) with highly variable flows.

Water quality in these areas is typically very high, and low stocking rate farming has been operating for generations with negligible impact.

We therefore request the exclusion of low impact river run properties from the stock exclusion regulations. This could readily be done through the removal of these properties from the slope maps associated with the regulations rather than amendments to the regulations themselves.

### 5. Measurement and Reporting of Water Takes Regulations

The West Coast has a very wet climate generally receiving between 2 and 10 meters of rain per year. There is minimal pressure on the overall water resource (compared with other regions). Because of this, there is likely to be very little environmental benefit from the requirement to have real time monitoring of consumptive water permits. However, increased costs on permit holders and Council will be significant. Council expect the internal system required to implement the data collection will cost at least \$200,000 to develop. This does not take into consideration the cost to the permit holders across the region who are required to install reporting systems.

We therefore request that the West Coast is only required to apply this regulation in areas that are assessed as over-allocated as referenced in the NPSFM-2020.

Enacting these variations on the West Coast will not contribute to adverse environmental effects in the region. The long-term enduring benefits sought by Government for fresh water will still be achieved. In addition to this, the Regional Council will be able to better fund those aspects of freshwater management that will make difference to the future of this resource recognising that, with such a limited rating base, every dollar counts.

Thank you for considering our proposed regional variations. We welcome the opportunity to discuss these issues with you directly.

Yours faithfully



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Renee Rooney  
Chair - Development West  
Coast



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Allan Birchfield  
Chair - West Coast Regional  
Council



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Jamie Cleine  
Mayor - Buller District



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Bruce Smith  
Mayor - Westland  
District



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Tania Gibson  
Mayor - Grey District



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Paul Madgwick  
Chair - Te Rūnanga o  
Makaawhio

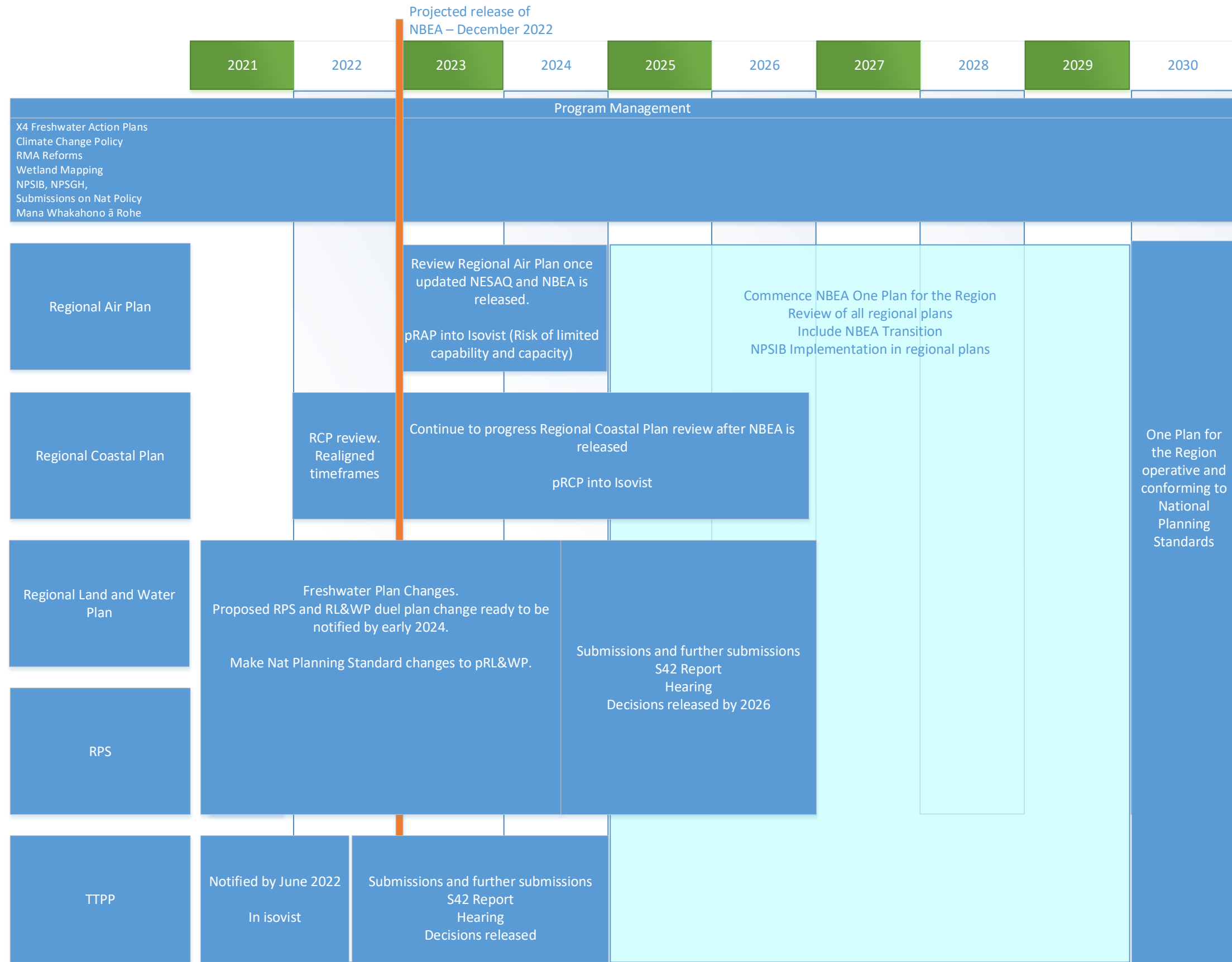


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Francois Tumahai  
Chair - Te Rūnanga o Ngāti  
Waewae

cc Martin Workman, Ministry for the Environment

Draft - Indicative Timeline for Combining all West Coast Resource Management Plans



|  |                                  |
|--|----------------------------------|
| <b>Report to:</b> Resource Management Committee    | <b>Meeting Date:</b> 11 May 2021 |
| <b>Title of Item:</b> Te Tai o Poutini Plan Update |                                  |
| <b>Report by:</b> Jo Armstrong, Project Manager    |                                  |
| <b>Reviewed by:</b> Vin Smith, Chief Executive     |                                  |
| <b>Public excluded?</b> No                         |                                  |

### Report Purpose

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

### Report Summary

Accelerating delivery of Te Tai o Poutini Plan is keeping the Planning team busy writing Plan content and updating communication and consultation strategies to meet the new timeline.

### Draft Recommendations

It is recommended that Resource Management Committee resolve to: Note the report.

### Issues and Discussion

The decision to accelerate the delivery of Te Tai o Poutini Plan (TTPP) has had the Planning team focused on updating the work programme to deliver the draft TTPP by the end of 2021. It is intended the draft go out for community consultation at the end of January 2022.

Once feedback is received and final research complete, the updated Proposed Plan will be notified by 31 July 2022, and we will go into the formal Schedule 1 submissions process.

There is a lot of work to be done between now and July 2022. We are working on writing additional Committee and Technical Advisory Team papers, and on our consultation and communications plans, to ensure partners, stakeholders and the community continue to be informed and involved in the planning process.

Information about the TTPP process can be found in the March monthly project report at: <https://tppp.nz/wp-content/uploads/2021/04/TTPP-Monthly-Report-31-March-2021.pdf>

The report updates planning team activities and includes an indicative timeline for plan development under fast tracked Plan delivery.

|  |                                  |
|--|----------------------------------|
| <b>Report to:</b> RMC Committee  | <b>Meeting Date:</b> 11 May 2021 |
| <b>Title of Item:</b> Consents Monthly Report                                    |                                  |
| <b>Report by:</b> Leah Templeman, Consents & Compliance Business Support Officer |                                  |
| <b>Reviewed by:</b> Colin Helem  |                                  |
| <b>Public excluded?</b> 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 April 2021 activities.

## RECOMMENDATION

That the May 2021 report of the Consents Group be received.

### Six Consents Sites Visit were undertaken 1 April 2021 to 30 April 2021

|            |   |  |
|------------|---|--|
| 06/04/2021 | Oceana Gold, Reefton                                      | Visited site with Colin Helem to observe the construction of the passive water treatment system and general review of site.  |
| 08/04/2021 | BT Mining, Westport                                       | Visited BT Mining offices with Colin Helem and Chris Barnes to discuss future consenting paths for a new sump associated with water treatment on the Stockton Plateau. |
| 08/04/2021 | Cadsal Farm Limited<br>Westport<br>RC-2021-0027           | Visited site with compliance officer to ascertain the discharge sampling points.   |
| 13/04/2021 | DK & Estate of RM Baird<br>Kokatahi<br>RCF-2021-0033      | Visited the site with consultant to ascertain the flow paths of the discharges from the standoff pad.  |
| 13/04/2021 | Waiomou Valley Farms<br>Limited, Kaniere<br>RCF-2021-0034 | Visited the site with consultant to ascertain the flow paths of the discharges from the standoff pads and to view the proposed increased dairy platform area.          |
| 14/04/2021 | Birchfield's Ross Mining<br>Limited, Ross<br>RC-2021-0037 | Visited the site with a compliance officer and consultant to undertake an assessment of the application.   |

### Seventeen Non-Notified Resource Consents were Granted 01 April 2021 to 30 April 2021

|  |   |
|--|---|
| RC-2021-0025<br>Rosco Contractors Limited<br>Jones Creek | To disturb the dry bed of Jones Creek for the purpose of extracting gravel. |
|--|---|

|  |  |
|--|--|
| <p>RC-2021-0024<br/>Okari Terrace Ltd<br/>Tanglefern, ROW, Okari</p>                                   | <p>To undertake earthworks and vegetation clearance within 10m of a natural wetland, Okari.</p>  |
| <p>RC-2021-0028<br/>Barrytown Farms Limited<br/>Little Granite Creek</p>                               | <p>To disturb the dry bed of Little Granite Creek for the purpose of removing gravel.</p>  |
| <p>RC-2021-0027<br/>Cadsal Farm Limited<br/>Powerhouse Road, Westport</p>                              | <p>To discharge dairy effluent to land where it may enter water, namely Deadmans Creek.</p>  |
| <p>RC-2020-0146<br/>Buller District Council<br/>Westport</p>   | <p>To undertake earthworks associated with the construction of the Westport Waterfront.<br/><br/>To discharge cleanfill associated with the construction of the Westport Waterfront.</p>   |
| <p>RC-2021-0035<br/>Buller District Council<br/>Westport Wastewater Treatment Plant, McPaddens Pit</p> | <p>To discharge contaminated material removed from the Westport Wastewater Treatment Plant to land, McPaddens Pit, Westport.<br/><br/>To discharge contaminants (partially treated effluent) to water during the maintenance of the Westport Wastewater Treatment Plant, Buller River.</p> |
| <p>RC-2020-0119<br/>MacKinlay Farms Limited<br/>Kokatahi</p>   | <p>To discharge dairy effluent to land where it may enter water, namely Duck Creek.<br/><br/>To discharge dairy effluent to land where it may enter water from a stockholding area.<br/><br/>To discharge dairy effluent to land where it may enter water from a stockholding area.</p>    |
| <p>RC-2021-0040<br/>Gold Stone Mining Group Limited<br/>MacDonalds Creek</p>                           | <p>To disturb the bed of MacDonalds Creek associated with gold mining.<br/><br/>To divert the flow of MacDonalds Creek.</p>  |
| <p>RC-2021-0029<br/>Southern Screenworks Ltd<br/>Grey River</p>  | <p>To disturb the dry bed of the Grey River for the purpose of removing gravel.</p>  |



|   |   |
|---|---|
| <p>RC-2021-0030<br/>Paul Smith Earthmoving<br/>Oparara Loop Road, Karamea</p> | <p>To discharge demolition waste/clean fill to land. Karamea.</p>   |
| <p>RC-2021-0038<br/>Sam Coleman<br/>Greymouth</p>                             | <p>To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, at Lot 10 DP 533279, Greymouth.</p>   |
| <p>RC-2020-0075<br/>Glen Lewis Terraces Limited<br/>Inangahua River</p>       | <p>To discharge dairy effluent to land where it may enter water, namely the Inangahua River.</p>  |
| <p>RC-2021-0016<br/>Stephen and Linda Elcock<br/>Kowhitirangi</p>             | <p>To discharge dairy effluent to land where it may enter water, namely an unnamed tributary of Harris Creek.</p>   |
| <p>RC-2021-0046<br/>Reefton Distilling Co.<br/>Reefton</p>                    | <p>To discharge contaminants to air from a diesel fired boiler, Reefton.</p>  |
| <p>RC-2021-0020<br/>Westland Milk Products<br/>Hokitika</p>                   | <p>To discharge contaminants to air from a dairy processing factory, Hokitika.</p>  |
| <p>RCF-2021-0043<br/>Ardgowan Farms Ltd<br/>Kowhitirangi</p>                  | <p>To discharge dairy effluent to land where it may enter surface and groundwater for stockholding areas, DS 245 Kowhitirangi.</p>  |
| <p>RC-2021-0041<br/>MBD Contracting Limited<br/>Various locations</p>         | <p>To disturb the dry bed of the big Grey River at Ikamatua for the purpose of extracting gravel.</p> <p>To disturb the dry bed of the Grey River at Stillwater for the purpose of extracting gravel.</p> <p>To disturb the dry bed of the Taramakau River at Inchbonnie for the purpose of extracting gravel.</p> <p>To disturb the dry bed of the Waitangitaona River at Whataroa for the purpose of extracting gravel.</p> <p>To disturb the dry bed of the Waiho River at Franz Josef for the purpose of extracting gravel.</p> |

To disturb the dry bed of the Bullock Creek South of the Fox Glacier for the purpose of extracting gravel.

To disturb the dry bed of the Mahitahi River at Bruce Bay for the purpose of extracting gravel.

To disturb the dry bed of the Haast River at SH bridge for the purpose of extracting gravel.

To disturb the dry bed of the Haast River at Snapshot for the purpose of extracting gravel.

Three Changes to and No Reviews of Consent Conditions were granted in the period 01 April 2021 to 30 April 2021

RC11009-V1  
Waitaha Livestock Ltd  
Waitaha Valley

A variation to increase cow numbers.

RC12186-V1  
Richard Fatafehi  
Marsden, Maori Creek Road

Change of Mineral Permit.

RC03068-V1  
Westland District Council  
Whataroa

A variation to relocate the bore for community groundwater take.

No Limited Notified and no Notified Resource Consent were Granted 01 March 2021 to 31 March 2021

|   |                                  |
|---|----------------------------------|
| <b>Report to:</b> RMC Committee                                     | <b>Meeting Date:</b> 11 May 2021 |
| <b>Title of Item: Compliance and Enforcement Monthly Report</b>     |                                  |
| <b>Report by:</b> Colin Helem, Acting Consents & Compliance Manager |                                  |
| <b>Reviewed by:</b>   |                                  |
| <b>Public excluded?</b> 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 April 2021 activities.

## RECOMMENDATIONS

1. That the May 2021 report of the Compliance Group be received.
2. That the \$4,000 bond for RC07120 West Sand Limited is released.

## Site Visits

A total of 99 site visits were undertaken during the reporting period, which consisted of:

| Activity                         | Number of Visits |
|----------------------------------|------------------|
| Resource consent monitoring      | 44               |
| Mining compliance & bond release | 10               |
| Complaints                       | 0                |
| Dairy farm                       | 45               |

This report covers the period of 1<sup>st</sup> April to 30<sup>th</sup> of April 2021.

- A total of 8 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 3 non-compliances occurred during the reporting period.

| Activity                       | Description   | Location | Action/Outcome  | INC/Comp |
|--------------------------------|---|----------|---|----------|
| Dumping of demolition material | A compliance inspection established that the demolition materials removed from the Kings Hotel site in Greymouth was being disposed of at a property in Reefton. The property owner did not have a resource consent for the activity. | Reefton  | The property owner did not realise that a resource consent currently held for disposal of a certain type of waste on the site did not also authorise disposal of demolition materials. Once informed of this the property owner agreed to not receive any further demolition material. Enquiries are ongoing. | Incident |

| Activity      | Description  | Location    | Action/Outcome  | INC/Comp |
|---------------|--|-------------|---|----------|
| Gold Mining   | A site inspection was undertaken on an area previously mined and not fully rehabilitated.  | Dunganville | The miner is intending to return to the area to continue mining, however the consent conditions require that the site be fully rehabilitated if no mining occurs for 6 months. The council is working with the miner to establish a timeframe for completion of rehabilitation. | Incident |
| Dairy Farming | A standard site inspection was undertaken at a dairy farm property. Samples of the discharge from the farm's dairy effluent treatment pond system were obtained at the time. Lab analysis of the samples show that the discharge breaches the compliance limits outlined in the consent. | Hauptiri    | Enquiries are ongoing   | Incident |

#### Other Complaints/Incidents

Note: These are the other complaints/incidents assessed during the reporting period whereby the activity was not found to be non-compliant, or compliance is not yet established at the time of reporting.

| Activity             | Description  | Location                 | Action/Outcome   | INC/Comp  |
|----------------------|--|--------------------------|--|-----------|
| Earth Works - Quarry | Complaint received that a quarry is a scar on the landscape and the operator should be prevented from excavating further up the hillside, so the scar is not so visible to the public. | Snapshot Creek<br>Haast  | The complainant was informed that the quarry has had a recent inspection and was compliant with consent conditions. No further action was required to be undertaken.   | Complaint |
| Stormwater complaint | Complainant was concerned that a subdivision development may increase storm water runoff that could erode the creek bank that goes through their property.                             | Hans Bay Lake<br>Kaniere | A site visit was undertaken with the contractor in conjunction with a District Council compliance officer. It was suggested that the engineered storm water plan for the subdivision is reviewed just to make sure that the plan has addressed any potential for issues. | Complaint |
| Discharge to water   | Complaint received that Houhou Creek was discoloured with sediment.  | Houhou Creek             | The site was investigated and established that the lower reach of the creek was discoloured but as the upstream of the creek was running clean staff were  | Complaint |

|                       |  |          |  |           |
|-----------------------|--|----------|--|-----------|
|                       |  |          | unable to locate the source of the discharge.  |           |
| Earthworks            | Complaint received that a person had undertaken earthworks by excavating a drain which was causing issues such as diverting a river and scouring out land. | Whataroa | The site was investigated and established that a drain had been excavated which did not link into the nearby river and was not causing any issues. | Complaint |
| Stock access to water | Complaint received that cows have access to a river bed and are damaging the river bank  | Karamea  | Enquiries are ongoing.   | Complaint |

#### Update on Previously Reported Ongoing Complaints/Incidents

| Activity                       | Description   | Location   | Action/Outcome  | INC/Comp  |
|--------------------------------|---|------------|---|-----------|
| Dumping of demolition material | Complaint received that the demolition material removed from the old Grey base hospital contained materials not authorised by the resource consent when it was dumped at the disposal site. | Coal Creek | <p>The site has been inspected and established that the site is non-compliant. Enquiries are ongoing.</p> <p><u>Update</u></p> <p>The contractor has changed their method of disposal of concrete with exposed steel reinforcing. The concrete is now crushed at the disposal site and all steel removed. The contractor has agreed to remove all non-compliant materials and have the site inspected for approval prior to capping the tip face.</p> <p>Enquiries are continuing, and no decision has been made on enforcement action.</p> | Complaint |

#### Formal Enforcement Action

No formal enforcement action has been undertaken during the reporting period.

#### Mining Work Programmes and Bonds

The Council received the following six work programmes during the reporting period. All work programmes have been approved.

| Date       | Mining Authorisation | Holder             | Location     | Approved |
|------------|----------------------|--------------------|--------------|----------|
| 01/04/2021 | RC10055              | Rockies Mining Ltd | Granity      | Yes      |
| 11/04/2021 | RC-2019-0007         | David Russ         | Goldsborough | Yes      |

|            |           |                       |              |     |
|------------|-----------|-----------------------|--------------|-----|
| 16/04/2021 | RC10217   | Moore Mining Ltd      | Reddale      | Yes |
| 16/04/2021 | RC01285   | Moore Mining Ltd      | Burkes Creek | Yes |
| 16/04/2021 | 2014-0129 | Moore Mining Ltd      | Burkes Creek | Yes |
| 22/04/2021 | RC12089   | Fahey Contracting Ltd | Ngahere      | Yes |

**No Bonds were received during the reporting period**

**The following bond is recommended for release**

| <b>Mining Authorisation</b> | <b>Holder</b>     | <b>Location</b> | <b>Amount</b> | <b>Reason For Release</b>   |
|-----------------------------|-------------------|-----------------|---------------|---|
| RC07120                     | West Sand Limited | Cobden Beach    | \$4,000       | The consent was never actioned, and the consent holder has requested the release of the bond. |