

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 (Ngāti Waewae)
Jackie Douglas (Makaawhio)



PUBLIC COPY

**Meeting of Council
(Te Huinga Tu)**

Tuesday, 8 March 2022

**West Coast Regional Council Chambers, 388 Main South Road, Greymouth
and**

Live Streamed via Council's Facebook Page:

<https://www.facebook.com/WestCoastRegionalCouncil>

10.30 am:

Council Meeting

On completion of Council Meeting: Resource Management Committee Meeting

COUNCIL MEETING

Council Meeting

(Te Huinga Tu)

A G E N D A

(Rarangī Take)

1. Welcome (*Haere mai*)
2. Apologies (*Ngā Pa Pouri*)
3. Declarations of Interest
4. Public Forum, Petitions and Deputations (*He Huinga tuku korero*)
5. Confirmation of Minutes (*Whakau korero*)
 - 5.1 Council Meeting 8 February 2022
Matters Arising
 - 5.2 Extraordinary Council Meeting 23 February 2022
Matters Arising
6. Chairman's Report
7. Chief Executive's Reports
 - 7.1 Monthly Report
 - 7.2 Risk Register
 - 7.3 Risk & Assurance Committee -minutes
 - 7.4 Westport Flood Recovery Steering Committee minutes
 - 7.5 Electoral Officer Appointment
 - 7.6 Development West Coast (DWC) Trustee Nominations
 - 7.7 Annual Plan 2022/23 process
8. Reports
 - 8.1 Operations Group Report
 - 8.2 Westport Joint Committee meeting and recommendations
 - 8.3 Civil Defence Emergency Management Partnership Agreement
9. General Business
10. Public Excluded Items
 - 10.1 Confirmation of Confidential Minutes – Council meeting 14 December 2021
 - 10.2 Confirmation of Confidential Minutes – Council Extraordinary meeting 23 February 2022
 - 10.3 Confidential Minutes for Tabling – Risk and Assurance Committee meeting 10 February 2022
 - 10.4 Tender Process
 - 10.5 Report on Cybersecurity
 - 10.6 Report on Commercial Client (verbal update)

H. Mabin

Chief Executive

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.

Please note that due to Covid restrictions there are limits to the number of people permitted within the Council Chambers.

THE WEST COAST REGIONAL COUNCIL

**MINUTES OF THE MEETING OF THE COUNCIL HELD ON 8 FEBRUARY 2022,
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH,
COMMENCING AT 10:30 A.M**

PRESENT:

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

IN ATTENDANCE:

H. Mabin (Chief Executive) via zoom, R. Beal (Operations Director), L McLeod (IT Support Officer).

1. WELCOME

Cr Birchfield read the prayer.

2. APOLOGIES

The Chairman called for apologies. There were no apologies.

3. DECLARATION OF INTEREST

The Chairman called for declarations of interest. Cr Coll McLaughlin noted she was an employee of Chris J Coll Surveying Limited, which is mentioned on page 22 of the agenda.

4. PUBLIC FORUM

The Chairman called for any speakers for Public Forum. There were no speakers.

PRESENTATION

There was no presentation.

5. CONFIRMATION OF MINUTES

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

Moved (Challenger/Magner) *that the minutes of the Council meeting dated 14th December 2021 be confirmed as correct.*

Carried

Matters arising

There were no matters arising from the minutes.

REPORTS

6.0 CHAIRMAN'S REPORT

The Chairman took his report as read.

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

Carried

7.0 CHIEF EXECUTIVE'S REPORT

H. Mabin spoke to her report and took it as read. In response to a question from Cr Ewen, H Mabin clarified that Civica are the firm that provides Council's financial software. Cr Cummings asked how many Health & Safety Staff members were at Council? H Mabin confirmed there is only one, who was responsible to the Manager People & Capability.

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

8.0 REPORTS

OPERATIONS GROUP REPORT

R Beal spoke to this report and took it as read. R Beal stated that Stage 1 of the Greymouth IRG project was completed. Geotech was yet to happen, however Davis Ogilvie had advised that the entire wall needed to be upgraded. The design of the Hokitika floodwall works had been received from BECA and the consent was not yet lodged.

R Beal stated that Expressions of Interest had been received for Franz Josef. The Stage 1 focus had been on rock production and Stage 2 will focus on proposals and prices.

R Beal thanked ECAN and ORC who had provided support engineers during the recent weather event and praised WCRC who had stepped up. Significant flooding had happened on the southside of the Wanganui River and cost of damage was estimated to be \$250,000. The Rating District will pay 50% of surveying the Wanganui.

Cr Ewen enquired what flood damage had been sustained at Franz Josef. R Beal advised he had received no reports of damage to existing river walls and post-event inspections would be carried out. Franz Dairies had approached Council about flooding on their land and R Beal advised they are outside the Rating District.

Cr Challenger asked about who pays for the Wanganui Rating District flood modelling and cross sections. R Beal advised that this is paid for 50% by the Rating District, with the remainder coming from the general survey budget.

Cr Coll McLaughlin asked if all the telemetry was in place on the Buller River? R Beal confirmed it was.

Cr Coll McLaughlin noted she understood from previous minutes there was to be an update on flood protection for Westport later in February, and asked if there was any dates for that. R Beal advised that NEMA had appointed Rob Rouse to oversee Emergency Works at Westport, including the repairs to the river wall near O'Connor Home. The funding split would be 60:40 NEMA:Council and NEMA would only fund like for like, not betterment of infrastructure.

R Beal advised that the Joint Committee will be meeting in early March and Land River Sea Consulting would be presenting at the inaugural meeting. An Independent Chair would be appointed after a selection process. Council will write to the 2100 Working Group members to source two possible community members for nomination to the Joint Committee. In response to a further question from Cr Coll McLaughlin, H Mabin provided clarification of the roles of the Steering Group and the Joint Committee, and advised that John Hutchings had been allocated to WCRC to assist with preparing the business case. Cr Coll McLaughlin thanked R Beal and his team, and WCRC staff, for their work in the event and noted she had received positive feedback about the efforts put in by staff.

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

Carried

Council discussed the selection criteria that should be applied to the Westport Rating District Joint Committee Independent Chair role and it was agreed that it needed to be someone that understands the Buller River. Cr Coll McLaughlin asked if the position would be advertised and Management confirmed it would be in the Westport paper.

GENERAL BUSINESS

H Mabin enquired whether Council wanted to hold their March Council meeting at the marae in Bruce Bay. It was agreed to delay the visit until the COVID pandemic had passed.

The meeting closed at 11:15 a.m.

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

MINUTES OF AN EXTRAORDINARY MEETING OF THE COUNCIL HELD ON 23 FEBRUARY 2022 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 1.00PM.

PRESENT:

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

IN ATTENDANCE:

H. Mabin (Chief Executive) via zoom, N. Costley (Strategy & Communications Manager), Francois Tumahai (via zoom), R. Beal (Director of Operations,

1. WELCOME

The Chair opened the meeting and read the prayer.

2. APOLOGIES

There were no apologies.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

REPORTS

5. WESTPORT RECOVERY STEERING GROUP TERMS OF REFERENCE

H.Mabin spoke to the report and took it as read.

Cr Coll McLaughlin asked whether one of the changes was that WCRC now had a member of the executive team on the Steering Group? H. Mabin confirmed that she could include one other appropriate person which could be a senior manager or any person who might be involved on the Council's behalf, such as John Hutchings of Henley Hutchings.

Cr Coll McLaughlin noted that she had made her concerns clear about this Group, but she would not vote against receiving the report.

Moved: (Challenger/Cummings) *that the Council receive the Buller Recovery Steering Group's amended Terms of Reference, agreed 17 February 2022.*

4. WESTPORT RATING DISTRICT JOINT COMMITTEE - APPOINTMENT OF INDEPENDENT CHAIR AND COMMUNITY MEMBERS

Moved: (Birchfield/Coll McLaughlin) *that the public be excluded from the following parts of the proceedings of the meeting, namely, -*

Item 4 Westport Rating District Joint Committee - Appointment of Independent Chair and Community Members.

Item No.	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 7 of LGOIMA for the passing of this resolution.
Item 4	Westport Rating District Joint Committee - Appointment of Independent Chair and Community Members	The item contains personal and private information relating to individuals	To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).

and that Heather Mabin, Francois Tumahai, Randal Beal and Nichola Costley be permitted to remain at this meeting after the public has been excluded, because of their knowledge on these subjects. This knowledge will be of assistance in relation to the matter to be discussed; and

that the Minutes Clerk also be permitted to remain at the meeting.

Carried

The meeting then moved in to public-excluded.

The meeting closed at 4:40 p.m.

.....
Chairman

.....
Date

Report to: Council	Meeting Date: 8 March 2022
Title of Item: Chairman's Report	
Report by: Chairman Allan Birchfield	
Reviewed by:	
Public excluded? No	

Purpose

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

Summary

This is the Chairman's Report for the period 8 February 2022 – 3 March 2022.

As Chair, I attended the following meetings:

- Te Tai o Poutini Plan committee meeting on 17 February 2022
- Te Tai o Poutini Plan drop-in session, Greymouth, 24 February 2022
- Coal Creek and Nelson Creek Rating District meetings
- Meetings to consider and recommend appointments to Westport Joint Committee, 22nd and 23rd February 2022
- Mayors, Chairs and Iwi Forum, 2 March 2022
- West Coast CDEM Joint Committee meeting, 2 March 2022
- Westport Rating District Joint Committee meeting, 3 March 2022
- Westport Flood Recovery Steering Group meeting, 3 March 2022

I would like to thank Cr Challenger for attending the LGNZ Regional Sector meeting on Friday 25th February, which he attended on my behalf.

I also signed the attached letter of support for Development West Coast for their RFP to the Ministry of Business, Innovation and Employment for the Regional Business Partnership programme.

I attended the Mayors, Chairs and Iwi Forum on 2 March, at which Heath Milne of Development West Coast gave a presentation updating the Forum on DWC activities including the economic strategy and 2021 economic data. Attached is a copy of that presentation for Council's information.

Recommendation

It is recommended that Council resolve to:

Receive this report.

Attachment

Attachment 1: Letter of Support for Development West Coast – Regional Business Partner

Attachment 2: Presentation by Heath Milne, Development West Coast to Mayors, Chairs and Iwi Forum (2 March 2022)



16 February 2022

Ministry of Business, Innovation and Employment

15 Stout Street

WELLINGTON



LETTER OF SUPPORT REGIONAL BUSINESS PARTNER NETWORK

GETS Request for Proposal PRO0000181

Development West Coast (DWC) has held the contract to manage the Regional Business Partner (RBP) delivery for the West Coast since 2010 and, prior to that, the Enterprise Training Programme.

Since the COVID-19 pandemic, demand for RBP services has increased significantly. In addition to normal RBP capability funding, \$710,000 of COVID-19 business advisory funding was also distributed in the 2020-2021 financial year. DWC is currently delivering the Support, Reset and Recovery Funding to the Westland district, along with other government initiatives to support the economy and grow business on the coast.

The need to support West Coast businesses to be resilient, productive, sustainable and innovative is more important now than ever. The West Coast has been impacted by storm events, COVID-19 border restrictions, flood events and change in Government policy, particularly in the latter years. The impacts of these have been enduring and having locally based advisors who understand the unique challenges and business needs of the region has been crucial over this time.

In uncertain and challenging times for business, consistency of service and the strength of relationships across business, providers and key stakeholders is essential. DWC holds these relationships and is well placed to respond quickly to changing situations and be proactive in leading businesses and the region forward.

As a key leadership group of the West Coast region, we strongly endorse DWC and recommend DWC continue to deliver the Regional Business Partner Network programme for the West Coast to ensure our local businesses are heard, understood and supported within the region.

Yours faithfully



Renee Rooney
Chair - Development West Coast

Allan Birchfield
Chair - West Coast Regional Council



Jamie Cleine
Mayor - Buller District

Bruce Smith
Mayor - Westland District

Tania Gibson
Mayor - Grey District

Paul Madgwick
Chair - Te Rūnanga o Makaawhio

Francois Tumahai
Chair - Te Rūnanga o Ngāti Waewae

C/- P O Box 66
Greymouth 7840
E. wcmci@dwc.org.nz



DEVELOPMENT WEST COAST UPDATE

MARCH 2022



Te Ohu Whakawhanake o Te Tai Poutini



TE WHANAKETANGA: ECONOMIC STRATEGY

DWC UPDATE



Te Ohu Whakawhanake o Te Tai Poutini

- Te Whanaketanga: Tai Poutini West Coast Economic Strategy 2050:



Collective commitment:

To unlock the potential of Te Tai Poutini (the West Coast) by carving our own path, front footing the change required and working in partnership with open minds and a solution-based approach to the wero (challenges) we face.

- **Launched 17 February 2022**
www.tewhanaketanga.nz



Economic development
workshop

Shantytown, Greymouth

TE WHANAKETANGA: ECONOMIC STRATEGY

DWC UPDATE



Steering group to meet: 22 March 2022

- Johny O'Donnell - Independent Chair
- Simon Bastion – Westland District Council
- Paul Morris – Grey District Council
- Sharon Mason – Buller District Council
- Heather Mabin – West Coast Regional Council
- Craig Churchill – Regional Commissioner for Social Development
- Heath Milne – Development West Coast
- Paul Madgwick – Te Rūnanga o Makaawhio
- Francois Tumahai - Te Rūnanga o Ngāti Waewae
- Mike Meehan – NZIMMR (mining)
- Dave McMillian – Dispatch & Garlick (Engineering)
- Richard Wyeth – Westland Milk Products (Agriculture)
- Ben Dellaca - CerebralFix (Technology)
- Phillip Barnett – West Coast Travel Centre (Tourism)
- Will Burrett – Ngai Tahu Forestry (Forestry)
- Roger Griffiths – Electronet Services (Energy)
- Paul Maunder – West Coast Unions
- Jo Birnie – Regional Economic Development Manager

RECENT ACTIVITY

DWC UPDATE

- Regional Business Partner (RBP)
 - Now through MBIE (formerly NZTE)
 - DWC application supported by MCI group
- Māori Business Development
- Sustainable Business Council (SBC)
 - Collaboration for sustainability – over 100 members
 - DWC only West Coast member
- UpSkill
 - 276 work placements
 - Project extension granted to Dec 2023

Regional Business
Partner Network

**Sustainable
Business Council**
Member



Helping businesses be the best for New Zealand since 1999



COVID-19 BUSINESS SUPPORT

DWC UPDATE

- Businesses directly engaged with: **500+**
- COVID-19 Advisory Services: **\$770,000**
 - Accessed by **250** businesses
- MBIE's SRR Fund: **\$458,008** distributed
 - Accessed by **92** Westland businesses
- COVID-19 emergency funding loans: **\$682,000**



“Access to COVID-19 business advisory support through DWC has been essential in helping us navigate through some very choppy and uncharted waters.”

*Richard Benton, West Coast Wildlife
Centre*

GLACIER COUNTRY BUSINESS SUPPORT

DWC UPDATE

Trustees approved	\$5,000,000
Investment to date	\$2,600,000

Recent Glacier Country Workshop

Top rated initiatives:

1. Cycleway/walkway feasibility study
2. Additional support for Jobs for Nature
3. Glacier access
4. Bums in beds
5. Rates relief



“Assistance through the GCBS has been vital in helping keep businesses, and therefore communities, viable in South Westland.”

Barry Hughes, Okarito Kayaks 13

WESTPORT FLOOD RECOVERY FUND

DWC UPDATE

Trustees approved	\$3,570,000
Aged care housing	\$2,000,000
Business support fund	\$1,000,000
Relocation of Kāinga Ora houses	\$350,000
Warmer Buller homes	\$200,000
Temporary housing analysis	\$20,000



DWC has committed \$2 million for aged care housing and is working with O’Conor Home to expedite the building of residential units to specifically target local flood-affected elderly residents. 14

DWC TERTIARY SCHOLARSHIPS

DWC UPDATE



Te Ohu Whakawhanake o Te Tai Poutini

- Inaugural Development West Coast Tertiary Scholarships
- Valued up to **\$32,500** per student
- 2021 recipients:
 - Rachel Morris (Bachelor of Nursing)
 - Scarlett Hamilton (Law and Arts)
 - Clark Fountain (Mechanical Engineering and Humanitarian Science)
 - Jack Stead-Wilson (Electrical and Electronic Engineering)
 - Ella Rae-Wood (Veterinary Science)



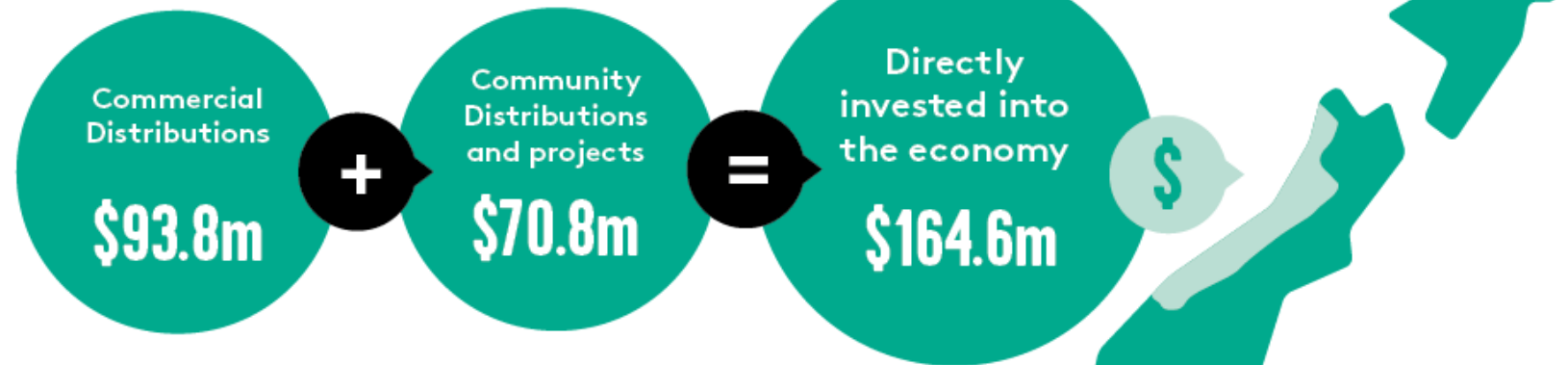
“I love the Coast and want to make a positive difference here.”

Scarlett Hamilton, Buller High School

INVESTING IN THE COAST FOR 20 YEARS

DWC UPDATE

Original Equity
of the Fund 2001 **\$92m**



Current
Equity 2021 **\$146.4m**

**2021 financial year*

RECENT DISTRIBUTIONS AND PROJECTS

DWC UPDATE

- Abbeyfield aged-care housing project
 - **\$500,000** committed
- Kaiata Park housing project enablement
 - **200-section** residential development
- West Coast Community Trust
 - Increase from **\$120,000** to **\$200,000** annually
- Commercial distributions:
 - Homebuilders, Westport
 - Mokihinui-Lyell Backcountry Trust



“It will mean more Coasters can live out their lives in their local community, rather than being forced to leave the region.”

Susan Jenkins, Abbeyfield NZ 17

INFOMETRICS 2021 ECONOMIC DATA

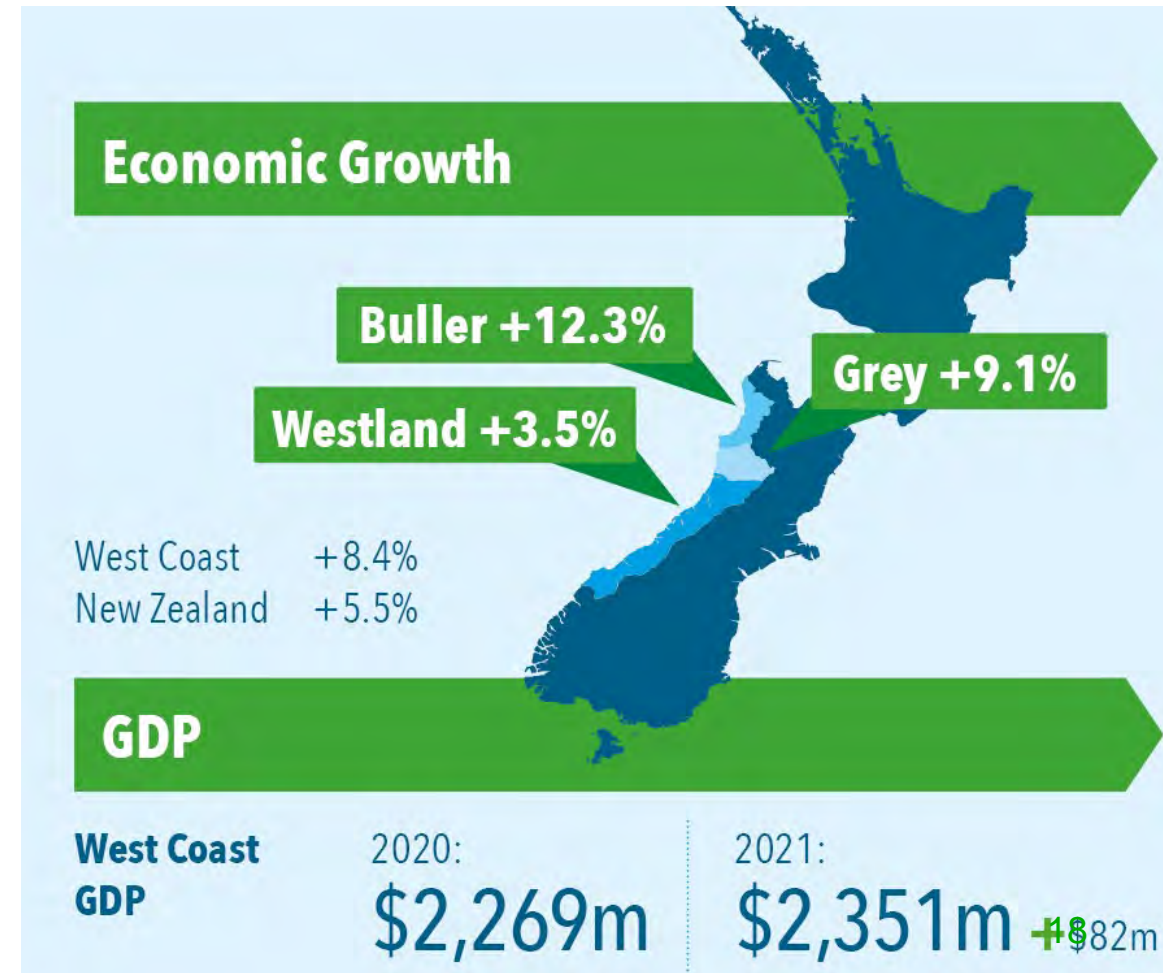
DWC UPDATE

Employment

2020 - 16,713

2021 - 17,398 (+685 jobs)

- West Coast: +4.1%
- New Zealand: +1.7%
- Buller: +1.2%
- Grey: N/C
- Westland: +9.7%



INFOMETRICS 2021 ECONOMIC DATA

DWC UPDATE

Residential consents

- West Coast: **+89.6%**
- New Zealand: **+24.0%**

Non-residential consents

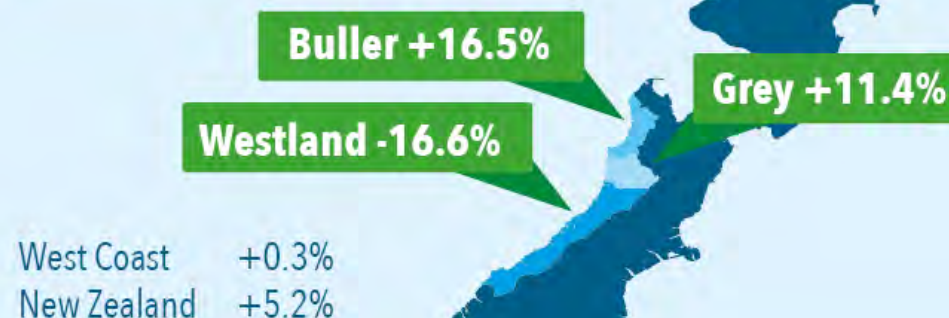
- West Coast: **+68.8%**
- New Zealand: **+16.2%**

Projected dairy payout: **\$103m**

2021/22 Milk Price range raised to NZ\$9.30 - \$9.90 per kgMS

Visitor spending

Year End January 2022 (source MarketView)



Impact of COVID

Total West Coast visitor spending	2020:	2021:	2022:
	\$175.9m	\$137.1m	\$137.5m
Domestic visitor spending	2020:	2021:	2022:
	\$91.6m	\$112.4m	\$132.2m

Report to: Council	Meeting Date: 8 March 2022
Title of Item: CEO's report	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to provide Council with a summary of activities undertaken by the Chief Executive.

Report Summary

This paper details the interactions, appointments, significant contracts executed, and meetings attended by the Chief Executive for the month of February 2022.

Draft Recommendations

It is recommended that Council resolve to:

Receive this report.

Activities Undertaken

Activities undertaken during February 2022 by Heather Mabin were:

- February 1
 - Signed contract variation for Brown NZ Ltd, for the Te Tai o Poutini Plan West Coast Outstanding Natural Landscape Project.
- February 3
 - Signed contract with MBC Environment for services to be provided on the DOC Whitebait Fisheries Project
- February 9
 - Attended via Zoom the debrief of the Westport weather event before Waitangi weekend.
- February 14
 - Met with PWC to contract financial modelling services
- February 15
 - Attend via Zoom CDEM Fuel Storage Capability workshop
- February 16
 - Attended via Zoom the Regional and Unitary CEOs (RCEO) Group meeting
- February 17
 - Attended via Zoom the TTPP Committee meeting
 - Attended via Zoom the Buller Flood Recovery Steering Group meeting
- February 18
 - Met with Wayne Merriman to trigger the review of the Quarries
- February 22
 - Attended via Zoom the West Coast CEO's Forum
 - Attended via Zoom the West Coast CEG meeting

- Participated via Zoom in the Panel interviews of the nominees for the Independent Chair and Community Representatives that will be on the Westport Rating District Joint Committee.
- February 24
 - Appointed Serena Sun as a Resource Science technician in the Science team.
 - Attended via Zoom the RSHL Board meeting
 - Attended via Zoom the West Coast CPF – Regional Leadership Group meeting.
 - Manned the door at the Greymouth Drop-in session on the TTPP.
- February 25
 - Signed contract with Henley Hutchings for services to be provided to the Westport project.
- February 28
 - Appointed Colin Helem to the role of Consents & Compliance Manager

Considerations

Implications/Risks

Transparency around the activities undertaken by the Chief Executive is intended to mitigate risks associated with Council's reputation.

Significance and Engagement Policy Assessment

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

Report to: Council	Meeting Date: 8 March 2022
Title of Item: Risk Register	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to table the recommendation from the Risk & Assurance Committee (RAC) meeting held on 10 February 2022 for Council endorsement.

Report Summary

At the February RAC meeting Philip Jones presented Council's Objectives and initial Strategic risks that form the foundations of Council's Risk register that is currently being developed.

After discussion by the Committee and a minor change to the strategic risks, the Committee recommended that Council adopt the Objectives and agree the initial Strategic risks.

Recommendations

It is recommended that Council resolve to:

- *Adopt Council Objectives of:*
 1. *Value our People*
 2. *Strong Governance and representation*
 3. *Good relationships & partnerships (community, iwi & central government)*
 4. *Resilience & sustainability for the region.*
 5. *Financial sustainability.*
 6. *Deliver effective & efficient services to our community*
 7. *Fulfilling statutory obligations; and*
- *Agree Council's initial strategic risks are:*
 1. *Failure to keep people safe*
 2. *Failure to deliver the agreed levels of service to our community*
 3. *Inability to retain knowledge to undertake Council's functions*
 4. *Failure to adequately plan for a natural disaster*
 5. *Failure to deliver robust planning policies*
 6. *Failure to implement adopted planning policies*
 7. *Financial mis-management*
 8. *Loss of Council's assets*
 9. *Loss or inaccurate corporate data*
 10. *Council's information used for other than intended purposes*
 11. *Failure to fulfil statutory obligations*
 12. *Failure of Council's relationships and partnerships.*

Report to: Council	Meeting Date: 8 March 2022
Title of Item: Risk & Assurance Committee - Minutes	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

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

Report Summary

On 10 February 2022 the Audit & Risk Committee meeting was held at Council.

Draft Recommendations

It is recommended that Council resolve to:

Receive for noting the Minutes of the meeting of the Risk & Assurance Committee, held on 10 February 2022.

Attachment

Attachment 1: Unconfirmed Minutes of the meeting of the Risk & Assurance Committee, held on 10 February 2022.

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RISK & ASSURANCE COMMITTEE, HELD ON 10 FEBRUARY 2022 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING 10.34 AM

PRESENT:

D. Magner (Chairperson), A. Birchfield, S. Challenger (via zoom), B. Cummings, L. Coll-McLaughlin (via zoom), J. Hill (via zoom), P. Ewen

IN ATTENDANCE:

H. Mabin (Chief Executive) via zoom, R Beal (Director Operations), K. Hibbs (People and Capability Manager) via zoom, L McLeod (Information Technology support), P. Jones (Risk Advisor) (via zoom - left meeting at 10.46).

1. WELCOME

Cr Magner welcomed everyone to the meeting and read the prayer.

2. APOLOGIES

There were no apologies.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

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

Moved (Birchfield /Cummings)

That the minutes of the meeting held on 1 November 2021 be confirmed as correct.

Carried

5. MATTERS ARISING

Cr Coll McLaughlin noted that a Workshop on Council's Borrowing Policy was to be run. H Mabin confirmed that this would happen.

6. NOTIFICATION OF EXTRAORDINARY AND URGENT BUSINESS

R Beal noted that a State of Emergency had been declared in Buller and that the site at Te Kuha is down so Council staff were on their way to repair this.

7. QUESTIONS

There were no questions.

8. CHAIRPERSON'S REPORT

Chair Magner stated that she had met with Andrew O'Regan, Crescent Consulting, regarding the recruitment and appointment process for the Chief Executive.

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

Carried

REPORTS

9. RISK REGISTER

P Jones spoke to his report and took it as read. P Jones outlined the need for the Committee to confirm the Objectives and agree the key Strategic risks.

Cr Coll McLaughlin noted there were items discussed at their workshop that were not linked to strategic risks in the report, and she felt that they should be included in the list. She felt that the list should be amended to include the failure to fulfil statutory obligations, and damage or loss to Council's relationships.

Chair Magner felt that the report was a good summary of their meetings and workshops held previously, and agreed with Cr Coll McLaughlin's comments.

Moved (Cummings / Ewen)

That the committee:

- 1. Receive the risk update report; and*
- 2. Confirms the objectives as listed in section 4 of the report; and*
- 3. Confirms the strategic risks as listed in section 5 of the report, subject to the two amendments outlined by Cr Coll McLaughlin.*

Carried

10. LOCAL GOVERNMENT OFFICIAL INFORMATION (LGOIMA) REQUESTS REPORT

H Mabin spoke to her report and took it as read. Cr Ewen enquired whether the report depicted the normal volume of LGOIMA requests which H Mabin confirmed it did.

Moved (Cummings / Birchfield)

That the committee note the requests received under the Local Government Official Information and Meetings Act 1987.

Carried

11. QUARTERLY FINANCIAL REPORT

H. Mabin spoke to her report and took it as read. H Mabin explained that due to the late adoption of the Long-term Plan and then equal spread of expenditure across months there was little relevance in the variances between Actual to Budget to date.

Chair Magner asked whether the CEO expected any cashflow issues. H Mabin responded that she would like to see a robust cashflow projection model put in place and is advancing this with PWC, and she would outline this in a later agenda item.

Cr Birchfield asked about progress with rates collection. H. Mabin confirmed there were rates outstanding and confirmed she would be updating the Committee in the public-excluded session.

Cr Coll McLaughlin noted that she was aware ELT was working to improve the phasing, and asked about the IRG project. H.Mabin responded that she reviewed the whole project and advised that Council had claimed funding and there was some unspent money which R Beal, the Operations Director, was across.

Cr Cummings asked who pays for emergency events and H. Mabin responded that NEMA funds some activities, and the Councils are funded to a certain extent, it depends on the event. Cr Ewen asked if it matters who declares an emergency. H Mabin and R Beal advised that it was the Councils (Mayors and Chair). R Beal advised that Controllers directed works during a declared event, and some matters were financially recoverable. Chair Magner sought that further information on this was provided to the Committee at a later meeting. H.Mabin agreed to provide clarification on this.

Moved (Ewen / Cummings)

That the Committee:

1. Receive the six-monthly financial operating results to 31 December 2021; and
2. Note the JBWere Investment Portfolio report to 31 December 2021.

Carried

12. REPORT ON IT PROGRESS AND BUDGET

H. Mabin spoke to this report and took it as read. H. Mabin stated that the purpose of the report was to show the Committee the progress to date in upgrading Council's IT systems. Cr Ewen commented he was pleased to see the progress.

Moved (Ewen / Coll McLaughlin)

That the Committee receive the report.

Carried

13. CHANGE OF AUDITOR

H. Mabin spoke to this report and took it as read. H Mabin explained that the style of audit carried out would vary to that at Audit NZ. There would be a difference in the future to the charge rates but for 2022 Ernst Young were bound by the agreed fees already put in place by Audit NZ for 2022.

The Committee enquired as to how long had Audit NZ acted as Council's financial auditors and H Mabin understood that they had always been the external auditor.

Moved (Hill / Ewen)

That the Committee note the proposed change in External Auditor.

Carried

14. COVID VACCINATION POLICY

H. Mabin spoke to this report and took it as read. Cr Coll McLaughlin asked to the definition of fully vaccinated and H Mabin responded that this was having two vaccinations. Cr Birchfield advised he had a few concerns including about vaccination injuries, and was against mandating vaccinations. Cr Hill raised

the issue of adverse reactions to the vaccinations and commented that the situation was very dynamic. Cr Cummings commented that he was not for mandating people to have vaccinations.

Moved (Challenger / Ewen)

That the Committee receive and note the report.

Carried by majority

Councillors Birchfield, Cummings and Hill voted against the motion.

15. GENERAL BUSINESS

R Beal stated that he would present a full Event report at the March Council meeting which will include Staff recommendations for hydro sites.

R Beal stated that due to the damage at the Wanganui River during the event prior to Waitangi weekend there would be a claim made to NEMA for funding. Work to protect the infrastructure at the Wanganui river was classed as maintenance and part of the costs the Rating District would incur. R Beal commented that there would also be work required at Karamea.

R Beal advised that the current event taking place now was due to peak later that day and that there were problems with the gauge at Te Kuha where both NIWA and Council had monitoring equipment. Cr Coll McLaughlin commented that many in the community were dependent on the information from these sites for monitoring events.

H Mabin described to the Committee the differences in purpose of the Buller Recovery Steering Group to the purpose of the Westport Rating District Joint Committee. The Committee discussed the appointment of the Independent Chair for the Joint Committee and agreed that the person should be supportive of Council's Long-term Plan 2021-31 decision.

H Mabin noted to the Committee that the Westland District Council Mayor, Bruce Smith, had written a Letter to the Editor that focused on our Council. H Mabin had drafted a response that would be published in the newspaper.

16. ITEMS TO BE CONSIDERED IN PUBLIC EXCLUDED SESSION

Moved (Magner / Birchfield)

1. *that the public be excluded from the following parts of the proceedings of this meeting, namely: -*
 - Item 1 Confirmation of Confidential Minutes - 1 November 2021*
 - Item 2 Health & Safety Report – January 2022*
 - Item 3 RSHL Annual Report*
 - Item 4 Legal Matters*
 - Item 5 Insurance*
 - Item 6 Whistle-blower Policy arrangements*
 - Item 7 Contractual Matters (verbal update from the Chief Executive)*
 - Item 8 Commercial property (verbal update from the Chief Executive)*

<i>Item No.</i>	<i>General Subject of each matter to be considered</i>	<i>Reason for passing this resolution in relation to each matter</i>	<i>Ground(s) under section 7 of LGOIMA for the passing of this resolution.</i>
<i>Item 1</i>	<i>Confirmation of Confidential Minutes 1 November 2021</i>		<i>Clause 7 subclause 2 (a)</i>
<i>Item 2</i>	<i>Health & Safety Report – January 2022</i>		<i>Clause 7 subclause 2 (a)</i>
<i>Item 3</i>	<i>RSHL Annual Report</i>		<i>Clause 7 subclause 2 (b)</i>
<i>Item 4</i>	<i>Legal Matters</i>		<i>Clause 7 subclause 2 (g)</i>
<i>Item 5</i>	<i>Insurance</i>		<i>Clause 7 subclause 2 (b)</i>
<i>Item 6</i>	<i>Whistle-blower Policy arrangements</i>		<i>Clause 7 subclause 2 (b)</i>
<i>Item 7</i>	<i>Contractual Matters (verbal update from the Chief Executive)</i>		<i>Clause 7 subclause 2 (b)</i>
<i>Item 8</i>	<i>Commercial property (verbal update from the Chief Executive)</i>		<i>Clause 7 subclause 2 (b)</i>

2. *That Heather Mabin and Kim Hibbs be permitted to remain at this meeting after the public has been excluded, because of their knowledge on these subjects. This knowledge will be of assistance in relation to the matters to be discussed.*

Carried

The meeting closed at 11.37 a.m.

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Chair

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Date

Report to: Council	Meeting Date: 8 March 2022
Title of Item: Westport Flood Recovery Steering Group	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this report is to table the minutes from the Westport Flood Recovery Steering Committee (the Steering Group) meetings held during November and December 2021.

Report Summary

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

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

Recommendations

It is recommended that Council resolve to:

Receive and note the attachments to the report.

Current situation

With the transition of the Steering Group to include the purpose of making an Application to government for funding, John Hutchings of Henley Hutchings has been contracted by Council to compile the section of the Business Case that relates to WCRC's proposed flood protection scheme. The business case supports the application to Minister Mahuta in June 2022 for co-investment funding.

If available, John Hutchings will be invited to present an overview of his contracted work to the Council meeting on 8 March 2022.

Attachments

- Attachment 1: Minutes Westport Flood Recovery Steering Committee 4 November 2021
- Attachment 2: Minutes Westport Flood Recovery Steering Committee 18 November 2021
- Attachment 3: Minutes Westport Flood Recovery Steering Committee 2 December 2021
- Attachment 4: Minutes Westport Flood Recovery Steering Committee 15 December 2021

Attachment 1

Westport Flood Recovery Steering Committee

DRAFT Minutes

Thursday 4th November 2021

10.30 am – 12.00 pm, Clocktower Chambers and via Zoom

Present (in person):

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

Present (via Zoom):

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

Apologies:

- Ngati Waewae Francois Tumahai (FT)

1. Welcome and introduction:

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

2. Declarations of Interest:

- None

3. Confirmation of previous minutes:

- Moved by JC; seconded by SR

4. Flood Recovery Programme

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

- Council wishes to clarify for the community that red zoning is not targeted. Central government policies are not available to support red zoning. This discussion ties into TPP. Broader comms strategy needed around this. FRAC meeting in 2 weeks will address. Strategic comms in advance of agenda becoming public.
- Policy on managed retreat is currently under development as part of the Climate Adaptation Act. The broad scope of this Act will be publicly consulted along with the draft National Adaptation Plan in Feb / March 2022.
- BDC Fact Sheet – addresses BDC messaging, via local media.
- Reporting requirements framework needs to meet various requirements and meets everyone’s needs. It needs to be straight forward to produce and could append the dashboard to the report. Would keep to monthly updates.
- Financials – The revised financial report was complimented highly. The report does not include accruals and is a few weeks behind expenditure. Criteria being defined to improve flow. NEMA cash advance agreement being worked on currently.
- **Resolution:**
 - Moved by SR; seconded by JC.
 - **Approves a provision of \$50,000 for social recovery programme and communications work over the coming four months.**
 - That the monthly update and financial report is received.
- Flood Recovery Action Programme (taken as read)
 - Milestones – do not have specific timeframes. Need to align these Milestones in reporting.
 - Include Yellow stickered houses in Milestone table.
 - Target for all actions (to be people centred) to be closed out by February 2022.
 - NEMA - to consider including an aspiration timeframe column. Milestone dates that are being targeted is important. It is understood that restrictions as a result of Covid can bring about changes. If timeframes are included, these will be subject to Covid restrictions. May be percentage complete or timeframe and summary sentence describing status. Include target date.
 - DIA – secretariat resourcing to be considered within the context of the draw down of the Vote: Internal Affairs funding.
- Resolution; Moved BC; seconded SR.
That the Flood Recovery Action Programme be received

5. Infrastructure – forecast priorities and financial need

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

6. Reporting Requirements

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

7. Joint Committee versus Steering Group

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

8. Other matters

Nil

The meeting closed at 12.12pm.

Westport Flood Recovery Steering Committee

Minutes

Thursday 18th November 2021

10.30 am – 12.00 pm, Clocktower Chambers and via Zoom

Present (in person):

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

Present (via Zoom):

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

Apologies: NEMA Jenna Rogers

1. Welcome and introduction:

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

2. Declarations of Interest:

- None

3. Confirmation of previous minutes:

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

4. Request for Steering Group approval

- Claim from NEMA appropriation
- Claim from DIA appropriation

Resolution: That the Westport Flood Recovery Steering Group:

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

Moved by JC, seconded by BC

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

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

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

The meeting closed at 11.40pm.

Buller Flood Recovery Steering Committee

Minutes

Thursday 2nd December 2021

10.30 am – 12.00 pm, Clocktower Chambers and via Zoom

Present (in person):

- Independent Chair Richard Kempthorne (RK); BDC Deputy Mayor Sharon Roche (SR); BDC CEO Sharon Mason (SM); WCRC Cr Brett Cummings (BC); BDC Cr Phil Rutherford (for Mayor Jamie Cleine); BDC Deputy CEO Recovery Team Rachel Townrow (RT); DIA Partnership Director Paul Barker (PB); minute taker Annikka Pugh (AP)

Present (via Zoom):

- WCRC CEO Heather Mabin (HM); WCRC Randal Beale (RB); DIA Pam Johnston (PJ); Ngati Waewae Francois Tumahai (FT); NEMA Jenna Rogers (JR); Laura Harding (LH); WCRC Nichola Costley (NC); WCRC Chair Allan Birchfield

Apologies: BDC Mayor Jamie Cleine

1. Welcome and introduction:

- Meeting started at 10.34am
- The meeting opened with a karakia from FT
- RK welcomed all meeting attendees

2. Declarations of Interest:

- None

3. Confirmation of previous minutes:

- *Accepted by the group*

4. Monthly Recovery Update

- **Project Status Report**
 - RT spoke to the Project Status Report, including the updated dashboard which Pip at MartinJenkins has been working on to sit alongside the PSR. Starting to see increase in family harm callouts from police, children at school with behavioural issues and high levels of anxiety in the community. Community want to understand what will be coming in terms of a solution for flood protection to give some certainty for the future. Needing better data from partner agencies to paint the picture. The Flood Recovery team has been trying to work with Health to determine who is accessing services and who is struggling, but this has been challenging.
 - JR acknowledged the emergence of the psychosocial issues coming through in report and queried whether the navigators are in contact with these people.
 - RT spoke of the small section of community who are stoic and reluctant to connect to navigators. Some of these people have been identified and the team is working hard to get them registered and able to access help available to them. Need to de-stigmatise seeking help.
 - JR wanted to know if the community public forum will be happening.
 - RT needs further discussion with the different agencies involved. Community feedback and emerging trends show that there is a need for this work.

- Discussed having a community meeting with all agencies represented and reporting to the community, then opportunity for affected people to speak one on one with agencies.
- There was an explanation of the operation of the Mayoral Relief Fund and the intention to leave this open at this time for applications as people have confidence to apply.
- PJ highlighted that, from a risk management perspective, it would be useful to know if there are specific properties where insurance is no longer available to the property owner following the flood.
- RT confirmed this is information that we are actively trying to source.
- HM explained that, as part of the LTP, the WCRC revisited their rates remission and postponement policy. As a result of this review, a category for Natural Calamities to address the rating challenges from events such as the July event in Westport had been adopted. WCRC are about to send out letters to all red and yellow stickered properties with details on how property owners can apply for rates remission. These property owners may also be able to apply for a second instalment remission in 2022. Effective communication of the rates remission was discussed.

Resolution:

That the Buller Flood Recovery Steering Group receive this report.

Moved SR, seconded BC.

- **Dashboard**
 - RT acknowledged there is not a lot of data yet, still trying to get numbers from agencies. The suggested format from Pip at MartinJenkins takes into account the key high level governance information that may be required by various parties. SM suggested that notation is included with the chart regarding timing of payments affecting actual numbers.
 - PB agreed that the key information that the DIA would like to be able to share with ministers is in the dashboard report. A nice snapshot of where things are at.
 - RT confirmed it is straight forward to produce. Open to suggestions from the group as to any changes they may require. It was agreed this report will be produced monthly.
 - Discussion initiated by SR regarding consistency required for the name of the flood recovery steering group. Currently been referred to as the Buller Flood Recovery Steering Group and the Westport Flood Recovery Steering Group. It was agreed by the group that, from hereon, the steering group will be referred to as the Buller Flood Recovery Steering Group.
 - Noted that the group appreciates the dashboard.

5. Request for Steering Group approval

- Claim from NEMA appropriation
- Claim from DIA appropriation

Resolution:

That the Westport Flood Recovery Steering Group:

- **Receives and endorses Claim 4 to NEMA for \$100,625.91.**
- **Receives and endorses Claim 2 for salary and personnel costs to DIA for \$642,037.91.**
- **Receives and acknowledges the financial update on expenditure against the criteria for the appropriations.**

Moved by SR, seconded by BC, carried

- Since the report, a further invoice related to solid waste disposal has been received. RT seeking agreement to amend the claim to NEMA to include this invoice.

- RT advised that all flood affected waste has been removed from the district, with final invoices expected in January. A final report will be prepared for the SG once completed. Current and forecast expenditure sitting at around \$1.2m mark so well within in the \$1.5m allocated.
- DIA appropriation: Recommendation that claim 2 cover core recovery staffing from August through to November 2021.
- PB said that the DIA is expecting to receive another tranche for the core recovery staffing and surge support for the period December 2021 through until March 2022. This invoice is expected to be processed before Christmas.

6. Potential flood risk management options

- RB thanked PJ and LH for attending workshop. There are some easier parts of the project to deliver and three more complicated areas that need more work – these being the Snodgrass, Orowaiti Bridge and dump areas.
- Land River Sea's Matt Gardner is undertaking flood modelling to develop possible alignments. These will need to be peer reviewed before being adopted.
- RB will be producing a paper to be presented at the WCRC's meeting on 14 December. This will be able to be circulated if confirmed as a public paper.

7. Terms of Reference for Steering Group

- RK thought it would be valuable to have a discussion regarding the TOR for the SG. Before discussing the TOR there was a discussion of the DIA Draft Flood Resilience paper.
- PB discussed his Draft Flood Resilience paper. Purpose of the paper was to provide more detail to complement the last meeting's high-level overview of the oversight role of the Steering Group. There have been further discussions around this since the last meeting, including with the LGNZ River Managers group which has been very helpful.
- It was explained that Government prefers an approach that looks at all options (multi-tool approach) for flood risk mitigation, particularly when looking at funding. This will become a multi-agency collaborative exercise.
- PB acknowledged that further periods of heavy rain continue to create anxiety in the community.
- BC told the SG that following the recent workshop he attended, the sticking point seems to be the Orowaiti Bridge. The data available for this area is old and/or obsolete and there will need to be a lot of work done to update this. Further information required from Waka Kotahi (NZTA) to progress the Snodgrass area.
- HM thanked PB for report and the clarification of DIA's perspective. And discussed clarifying the roles of the Joint Committee and the Steering Group. Will discuss these options with WCRC councillors at their December meeting in order to receive their direction.
- PB to speak to WCRC regarding expectations around funding from central government. DIA understands that a high level of support is sought from government for flood protection works.
- Westport is the first cab off the rank with regards to this process for joint funding with Government and DIA are wanting to look at all of the possible options.
- Discussion around funding and the roles that the SG and JC will play. RK summarised: that for government money to be available for the longer-term solution there needs to be SG oversight. Needs to be packaged up including short and long-term benefits. To include issues with the Orowaiti Bridge and information from Waka Kotahi. Wider group of issues that all need to be worked through including defining what the SG does and what the JC does.
- WCRC is looking at what can be done quickly to reduce the impact of an event like the July flood.

- SM said that we have a unique opportunity (in relation to the resilience group that has been stood up in government) to be a blueprint. This is in terms of a multi-pronged approach and how this is managed through the LTP process and the Auditor's Office. Our experience could help other districts set up around the country following such an event.
- HM endorsed with SM's comments.
- RK thanked PB for the paper.

8. General Business

- The next SG meeting on Wednesday 15th December will go ahead, following the WCRC meeting the day prior.
- DIA is expecting one more tranche of funding before the end of the year. JR, PB and RT to have an offline discussion to progress this drawdown.

The meeting closed at 12.04pm.

Attachment 4

Westport Flood Recovery Steering Committee

DRAFT Minutes

Wednesday 15th December 2021

10.30 am – 12.00 pm, Clocktower Chambers and via Zoom

Present (in person):

- Independent Chair Richard Kempthorne (RK); BDC Deputy Mayor Sharon Roche (SR); BDC CEO Sharon Mason (SM); Buller Mayor Jamie Cleine; BDC Deputy CEO Recovery Team Rachel Townrow (RT); minute taker Annikka Pugh (AP)

Present (via Zoom):

- NEMA Jenna Rogers (JR); Laura Harding (LH); DIA Partnership Director Paul Barker (PB); DIA Pam Johnston (PJ); WCRC Cr Brett Cummings (BC); WCRC CEO Heather Mabin (HM)

Apologies: Ngati Waewae Francois Tumahai (FT); moved BC, seconded SR. Carried.

1. Welcome and introduction:

- Meeting started at 10.40am
- RK welcomed all meeting attendees

2. Declarations of Interest:

- None

3. Confirmation of previous minutes:

- Suzy Paisley to be removed from attendees, was not present by zoom, and date to be corrected.

Moved SR, Seconded BC

**That the minutes of the meeting held on 2nd December be accepted as amended
Carried.**

- The Westport News has requested that the minutes be released publicly as soon as they have been confirmed. PB and JR to have discussion offline and report back to RT who will arrange release once Government agencies have considered the timing implications of minute release.

4. Year End Recovery Update

- **Milestone dashboard**
 - Discussed stats around the Community Hub, which is continuing to be well utilised and providing a number of services to the community. Issues around anxiety. Pause on portacabins until new year. Work on the 8 MBIE/KO houses in Westport is well underway.
 - RAS continue to have an active presence. Good news around lotteries funding through DIA for the community kitchen.
 - Have agreed to fund a counsellor attached to the Hub – early intervention counselling.
 - Expecting to have at least 21 households back into their own homes before Christmas.
 - Amazing donations and gifts from volunteers and community groups

- Final weight of flood affected waste: 1654 tonnes.
- Good use of TXT burst service and a good Facebook following.
- The milestone dashboard will be produced monthly.
- The funding for the Community Kitchen will be directed to No. 37 Potikohua Trust, who hope to have the kitchen up and running early in the new year.
- The Mayoral Relief Fund committee, endorsed by Mayor JC, have decided to distribute \$200 to every red and yellow stickered property as a gift for Christmas. A media release will be organised once the logistics of this are sorted out.
- Following the minister's announcement regarding the temporary village, JC has been receiving a lot of queries from the public. RT advised that the build is being project managed by MBIE, who have set up a governance group which RT and BD are part of. This governance group will be run alongside the Council project team for infrastructure.
- SR queried progress on the resource consent application for the TAS houses. RT said that it is due to come through. Steve from MBIE has been working with BDC planning team on the consent. JC queried what the endgame for these houses will be post-Recovery and RT advised that this will be considered in the New Year including discussions with Councillors and Iwi.
- There is a possibility of being able to speed up the subdivision process on elevated sites. PB will be joining the Temporary Accommodation Village Steering Committee that RT discussed. RT clarified the consent is likely to be for limited notification and consenting for a 5-year period. The TTTP is not far away and is looking at altering the zoning of Alma Road. Under the current district plan it is possible to have 5 years consent under rural zoning but this is expected to change following the TTTP roll-out.

Resolution: That the Buller Flood Recovery Steering Group receive this report.

Moved SR, seconded BC.

5. Potential flood risk management options

- LH is in the process of writing the whiteboard exercise into a report. Has been working with PJ and team to synthesise options from this group and others in the past. Aiming to have paper ready for the SG in time for the first meeting of the new year. Paper to set the framework for the business case that will be required from a central govt perspective. Input from each agency involved will be sought.
- PB and RK met with the WCRC during their meeting yesterday (Tuesday 14 December) and discussed how the WCRC could progress the planning for a stop bank and associated work to protect Westport, the establishment of the Westport Rating District Joint Committee and how the WCRC can receive input from the Buller Recovery Steering Group to maximise external funding to assist Buller ratepayers. They thanked HM and BC for the opportunity to come to WCRC to discuss these matters.
- HM reflection/summary: Thanked PB and RK for joining WCRC yesterday. WCRC's understanding and intention is for the JC to be stood up because that is how the council originally adopted LTP decisions and it is within the governance framework. Concern with SG oversight duplicating effort and people, and potential slowing down of decision-making. RB is progressing with modelling various options and Matt Gardner will have some options in the new year. Looking at taking on additional resource to take this forward. River Managers' group has been talking to RB. Looking forward to seeing LH's paper and the framework.
- The TOR for the SG, roles of the JC and the SG, and the makeup of the SG to be discussed further in the new year.
- PB appreciated the opportunity to talk to the WCRC. The SG was set up through the Cabinet process with the \$8M for the flood recovery effort. Intended to be the conduit to oversee the distribution of the government funding but also as the vehicle for reporting back to

ministers. Still a lot of work to be undertaken with the work LH and PJ and team have been working on. The timeline to get to ministers is quite tight, with a lot of work being done over the Christmas period. DIA will be back in touch with both councils early in the new year.

- JR said she is aware of the need for remedial action for the riverbank alongside O’Conor Home and has some questions she will forward to BDC and WCRC to further understand flood protection work for this area.

6. Public Communication and Community Engagement Planning

- RT is seeking approval in principle from the SG to employ a comms specialist with risk reduction/resilience experience to facilitate a community discussion regarding the flood, planned works and what the future looks like for Westport following the July event. Funding could come from the \$8M from the DIA. Would like to get the wheels in motion so we are able to start getting messaging out regarding the community discussion possibly as early as mid-January 2022.
- Both SR and JC are fielding a lot of queries from the public as the communication isn’t out there yet.
- JC shared with HM that people are of the opinion that nothing is happening with regards to the flood walls. The community is currently unaware that work is underway from a WCRC point of view.
- SM highlighted that it is important to inform the community that dredging has definitely been looked at as an option but has been discounted.
- JR queried if the media are looking for the minutes from the SG meetings because there is a lack of communication with the community. Suggested to increase dialog in a coordinated way with the media agencies instead of just releasing the minutes. RT agreed that this would be the best approach, enabling the team to be a step ahead of the narrative, as this is crucial for community discussions.
- JR asked RT if she has a timeframe for when this information could be shared with the public. RT said this is an urgent piece of work as it is driving the anxiety in the community. We need to share the programme of work and timeframes. We are working to a cabinet deadline and will ensure the communication is from BDC, WCRC and SG.
- Next meeting date: Thursday 20th January 2022.
- All parties need to have a clear understanding of the functions of the SG and JC.

RT to discuss with PB and JR about the development of the tranche 2 funding application. This will be discussed at the 20 January meeting.

7. General Business

- SM thanked everyone for their work so far and admitted that it has been challenging and a steep learning curve, but we’ll get there.

The meeting closed at 11.35pm.

Report to: Council	Meeting Date: 8 March 2022
Title of Item: Electoral Officer appointment	
Report by: Toni Morrison, Consultant	
Reviewed by: Heather Mabin, Chief Executive	
Public excluded? No	

Purpose

The Council is asked to consider appointing a new Electoral Officer. The Council's previous Electoral Officer was Kathryn Ruddle, who has resigned from this role.

Recommendation

It is recommended that Council resolve to:

1. *Appoint Anthony Morton of Electionz as the Electoral Officer for the West Coast Regional Council.*

Issues and Discussion

Background

Section 12 of the Local Electoral Act 2001 (the Act) requires all councils to have an Electoral Officer at all times. Under the Act, only the Council can make this appointment. The Electoral Officer, unless he or she dies, resigns, is dismissed from office, or becomes incapable of acting, remains in office until his or her successor comes into office.

Kathryn Ruddle from Grey District Council, who was previously engaged by Council to undertake the role, is no longer at the District Council and she resigned from the electoral officer position in late 2021.

Under Section 13 the Electoral Officer appoints a Deputy Electoral Officer.

Current situation

The next local body elections are being held on Saturday 8 October 2022. It is prudent to appoint a new Electoral Officer now in order to ensure the Council can carry out its responsibilities under the Act and initiate the steps required to run the electoral process.

Staff propose to engage the services of Electionz and to appoint Mr Morton as Electoral Officer, as Electionz and Mr Morton have the relevant expertise to efficiently run the process.

As Council is aware, there is currently no Corporate Services Manager on staff to oversee the process. An in-house staff member will be appointed as Council's Deputy Electoral Officer. Nichola Costley, Manager Strategy & Communications, has agreed to undertake this role.

Key dates for the 2022 elections are:

- Candidate nominations open 15 July 2022
- Candidate nominations close 12 August 2022
- Candidates announced 17 August 2022
- Final electoral roll certified by Electoral Officer 12 September 2022
- Voting papers sent to enrolled voters 16 September - 21 September 2022
- Voting opens 16 September - 8 October 2022
- Voting closes at 12 noon 8 October 2022
- Final results announced 13 October - 19 October 2022

Mr Morton is engaged as the electoral officer for a number of local authorities, including Westland District Council and Grey District Council.

Implications/Risks

If no electoral officer is appointed, then the Council would be non-compliant with legislative requirements. Further, the engagement of Electionz will ensure that the election process is run in accordance with all statutory and process requirements.

Significance and Engagement Policy Assessment

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

Financial implications

The election process and the cost of engaging Electionz can be met within existing budgets. The contract will be within the financial delegation limits delegated to the Chief Executive.

Legal implications

The content of this paper relates to the requirements of the Local Electoral Act 2001.

Report to: Council	Meeting Date: 8 March 2022
Title of Item: Development West Coast Selection Panel	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of the paper is for Council to appoint a person to the Appointments Panel of Development West Coast (DWC).

Report Summary

With the recent resignation of the current Appointed Trustee, Dame Julie Christie, the DWC Appointments Panel needs to convene to consider the appointment of a new Trustee.

Heath Milne, Chief Executive Officer of DWC has written to each Council requesting that they resolve to appoint a person to the Appointments Panel, see Attachment 1.

Recommendations

It is recommended that Council resolve to:

1. *Receive this report; and*
2. *Resolve to appoint a person to the Appointments Panel of Development West Coast.*

Issues and Discussion

Background

With the recent resignation of the current Appointed Trustee, Dame Julie Christie, the Appointments Panel needs to convene to consider this appointment. The first step in achieving this is for each West Coast council to resolve to confirm their respective appointee on the Appointments Panel.

Current situation

Council must now select and appoint a person to the Appointments Panel. Each member of the Panel must act independently and is not responsible to the appointing body, DWC.

Considerations

Implications/Risks

Minor.

Significance and Engagement Policy Assessment

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

Attachments

Attachment 1: Letter from Heath Milne, CEO DWC re: *Appointments Panel Member*, dated 28 February 2022



DEVELOPMENT WEST COAST

GO.ELE.01/Council

Te Ohu Whakawhanake o Te Tai Poutini

28 February 2022

Chief Executive
Westland District Council
Private Bag 704
HOKITIKA

Chief Executive
Grey District Council
P O Box 382
GREYMOUTH 7840

Chief Executive
Buller District Council
P O Box 21
WESTPORT

Chief Executive
West Coast Regional Council
P O Box 66
GREYMOUTH 7840

Dear Sharon, Heather, Simon and Paul

APPOINTMENTS PANEL MEMBER

As you are aware, the composition of Development West Coast's (DWC) board includes an "Appointed Trustee" who is selected by an Appointments Panel comprised of members determined by resolution from each of the four West Coast councils. Included on the following pages are extracts from DWC's Deed of Trust in relation to the Appointed Trustee and the Appointments Panel.

Following the recent resignation of the current Appointed Trustee, Dame Julie Christie, the Appointments Panel will need to convene to consider this appointment. To commence this, each council requires a resolution confirming their appointee on the Appointments Panel. We note each Panel member must act independently and is not responsible to the appointing body.

Following advice of your respective Panel appointments, DWC would be happy to work with the Appointments Panel and facilitate the appointment process for the Appointed Trustee should this be of assistance.

We look forward to receiving advice from your councils.

Kind regards



Heath Milne
Chief Executive

Phone: 03 769 7000
Freephone: 0800 768 0140
Email: info@dwc.org.nz
Web: www.dwc.org.nz

1st Floor, Brunner House
54 Tainui St, Greymouth - *Mawhera* 7805
PO Box 451, Greymouth - *Mawhera* 7840

WEST COAST NEW ZEALAND
UNTAMED NATURAL WILDERNESS 45

Extract: of Schedule 3: Rules Governing the Number and Appointment and Cessation of Office of the Trustees

3. Appointed Trustee

- 3.1 The Appointed Trustee shall be appointed by a majority vote of an appointments panel (the **Panel**).
- 3.2 The term of the Appointed Trustee is up to three years from the date of appointment. An Appointed Trustee may serve more than one term as a Trustee.
- 3.3 The Panel shall consult with the Trust prior to the commencement of the appointment process.
- 3.4 The Panel shall appoint the Appointed Trustee in accordance with this clause 3 and with clause 8.1 of this schedule.
- 3.5 The Panel is to consist of natural persons as follows:
- (a) 1 person appointed by resolution of the Buller District Council or its successors;
 - (b) 1 person appointed by resolution of the Grey District Council or its successors;
 - (c) 1 person appointed by resolution of the Westland District Council or its successors; and
 - (d) 1 person appointed by resolution of the West Coast Regional Council or its successors.
- 3.6 Each member of the Panel has a single vote.
- 3.7 A member of the Panel:
- (a) must act independently; and
 - (b) is not responsible to the person who appointed the member or whom the member represents.
- 3.8 A member of the Panel will cease to hold office where:
- (a) he or she resigns; or
 - (b) the Council that appointed the person removes that person from the Panel.
- 3.9 Other than as set out in this Deed, the Panel may regulate its procedures as it sees fit.
- 3.10 The Panel may, by majority vote and in consultation with the Trust, remove the Appointed Trustee and appoint a replacement Appointed Trustee at any time.
- 3.11 If the Appointed Trustee ceases to be a Trustee pursuant to clause 10 of this schedule, a new Trustee will be appointed by the Panel pursuant to clause 3.1 of this schedule.

- 3.12 In the event that the position of Appointed Trustee is vacant and the Panel is unable to decide on the appointment of an Appointed Trustee, the position of Appointed Trustee will remain vacant until such time as an Appointed Trustee is appointed by the Panel pursuant to clause 3.1 of this schedule.
- 3.13 Where the Panel considers it is necessary, the Panel may appoint an independent facilitator to assist it in appointing the Appointed Trustee. The Trust will pay the reasonable professional fees of any facilitator appointed under this clause.

8. Trustee Appointment Criteria

- 8.1 The Appointed Trustee, Tangata Whenua Trustees, Independent Trustee and Independent Finance, Audit and Risk Trustee may only be appointed as Trustees if they have two or more of the following or such other attributes as Trustees determine and notify to the relevant appointors from time to time:
- (a) specialist financial skills;
 - (b) specialist commercial skills;
 - (c) specialist entrepreneurial skills;
 - (d) local connection with, knowledge of or experience with the West Coast;
 - (e) private sector governance knowledge and experience;
 - (f) local government sector knowledge and experience;
 - (g) experience with economic development agencies and organisations;
 - (h) knowledge and experience in sectors or industries key to the West Coast; and
 - (i) ability to deliver on the Trust's Objects and Strategic Plan;

11. Trustee Eligibility

- 11.1 A person is not permitted to be a Trustee if he or she is a person to whom one of clauses 10.1(d) to 10.1(k) applies or is:
- (a) an elected member of any of the West Coast Councils;
 - (b) a Member of Parliament;
 - (c) a full time permanent employee of any of the West Coast Councils.

Report to: Council	Meeting Date: 8 March 2022
Title of Item: Annual Plan 2022/23	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to present to Council the current process being undertaken for the Annual Plan 2022/23.

Report Summary

The Local Government Act 2002 requires that Councils produce an annual plan for each financial year, except in years that the Long Term Plan (LTP) is produced. The Annual Plan must be adopted before the financial year commences, ie by 30 June. In preparing the Annual Plan, Councils are not required to consult with their communities where the proposed plan does not include significant or material differences from the LTP for the 2022/23 financial year. Managers are presently undertaking background work for their areas. Information on the process to develop the proposed plan is set out below.

Draft Recommendations

It is recommended that Council resolve to:

1. *Note the report.*

Issues and Discussion

Background

In October Council adopted the LTP 2021-2031. Embedded in that LTP was a budget adopted for the 2022/23 financial year with the overarching principle stated in the Financial Strategy to be:

The West Coast Regional Council aims for prudent and sustainable financing of its operations and activities and to maintain a strong and resilient balance sheet.

This was to be achieved by Council:

1. Aiming for an operating surplus in most years
2. Spreading over time the cost of significant capital expenditure so that beneficiaries of the asset contribute towards the cost
3. Aiming to maintain the real value of managed funds over the LTP period
4. Taking only moderate risk with its investment assets and consider risk exposure in the context of the balance sheet as a whole
5. Promoting effective and efficient use of resources to achieve value for money
6. Seeking to maximise the recovery of costs for services provided to specific individuals or businesses
7. Setting rates that are affordable, fair and equitable
8. Seeking external funding, where available

The compilation of the Annual Plan 2022/23 (LTP year 2) presents an opportunity to review the budgets set in the LTP and allows Management to recommend to Council:

- Status quo as budgeted in LTP; or

- LTP budget Year 2 with the inclusion of additional activities but within budget; or
- LTP budget Year 2 with the inclusion of additional activities requiring approval of additional budget.

The key revenue stream for consideration is the rates increases included in the adopted 2022/23 budget as shown in the below table and extracted from the LTP:

Over the Long-Term Plan period Council has budgeted for revenue from general rates (excluding UAGC) to grow by the Local Government Cost Index (LGCI) plus additional percentages as shown in Figure 4.

Figure 4: General Rates (excluding UAGC) increases above LGCI cost adjusters, 2022 - 2031

	2022	2023	2024	2025 - 31
General Rates (excl UAGC) increases (above the LGCI)	30%	10%	10%	5% p.a.

In order to ensure financial sustainability the Council has found it necessary to increase general rates (excluding UAGC) by 30% above the LGCI in the first year of the Long-Term Plan period and by 10% above the LGCI in the subsequent two years. The Council will not be looking to increase general rates (excluding UAGC) by more than 5% per annum above LGCI cost adjustments from 2025 to 2031 per rate payer.

Current situation

Consultation

Given the recent adoption of the LTP, Council should be able to follow a streamlined process of preparation and adoption of the Annual Plan 2022/23. Unless there is a significant matter that triggers Council's *Significance and Engagement policy*, no further public consultation is required.

A separate special consultative process may be held for the adoption of fees and charges once the review of the current charges has been completed, see Appendix One below.

Changes since October 2021

To meet the principles listed above Management is undertaking the following process:

- Operating surplus most years: Management is currently undertaking a review of current 2021/22 activity and expenditure compared to budget to then inform their review of the adopted 2022/23 budget in the LTP. See Timeline table below.
- Significant Capital expenditure spread: Management will table to Council for adoption the Capital expenditure carried forward from 2021/22 and planned for 2022/23. This is planned for 10 May when there will be better clarity around the proposed Westport flood protection scheme.
- Real value of managed funds: PWC has been employed to review the Investment and Financing policies of Council. This will include scrutinising the long-term debt currently held and the Investment portfolio, Mining bonds held and other potential calls on Council monies.
- Investment assets and External funding: As above
- Value for money: this is a fundamental question that needs to be embedded in all decision-making by Management and will be applied during their reviews of proposed capital and operating expenditures as well as any contracted resources.
- Effective and efficient use of resources: As above
- Recovery of costs for services: Fees & Charges will be reviewed annually and when adjustments are recommended, presented to Council for discussion and adoption

- Rates: As part of the review process, Management is charged with reviewing their proposed 2022/23 budget to establish whether the proposed 10% rates increase in 2022/23 is appropriate.

The proposed milestones for Council decisions are:

Week ending	ELT Review Process of 2023 Budget				Council	Date
	Capital Expenditure	Resourcing (Staff costs)	Operating Expenditure & Revenue	Activities, LoS & KPIs		
04-Feb-22						
11-Feb-22						
18-Feb-22						
25-Feb-22						
04-Mar-22						
11-Mar-22					Process Overview	08-Mar-22
18-Mar-22						
25-Mar-22						
01-Apr-22						
08-Apr-22	Initial review of Rates model				ELT presentation to Council on; - Areas of responsibility - Fees & Charges	12-Apr-22
15-Apr-22	Initial Draft AP2023 Statements produced					
22-Apr-22						
29-Apr-22	PWC presentation to ELT: - Cash projection model - VCS Business Plan reviewed - Financing & Borrowing policy review					
06-May-22					Presented to R&A Com: - VCS Business Plan - Findings from review of Quarries - Cash projection model - Financing & Borrowing policy review	03-May-22
13-May-22					Council workshop on: - Rates model - Proposed Capital Spend 2023 - Options of other Activities	10-May-22
20-May-22	Second Draft AP2023 Statements produced					
27-May-22						
03-Jun-22						
10-Jun-22					Adopt: - Amended Financing & Borrowing Policy - Rates for 2023 - Fees & Charges for 2023 - Capital Spend 2023 - Annual Plan	14-Jun-22
17-Jun-22						
24-Jun-22						

Options Analysis

Options to include additional activities will be presented by Management during the course of this process.

Considerations

Implications/Risks

The risks associated with not undertaking a thorough review are of a financial nature and would impact Council's ability to deliver its levels of service.

Significance and Engagement Policy Assessment

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

Financial implications

Current budget – Annual planning is a core function of Council and is included in current budgets.

Future implications - Unknown

Legal implications

The compilation of an Annual Plan is a requirement of the Local Government Act 2002.

Report to: Council	Meeting Date: 8 March 2022
Title of Item: Operations Monthly Works Report	
Report by: James Bell – Engineering Officer, Paulette Birchfield - Engineer, Brendon Russ – Engineer, Lillian Crozier - BSO	
Reviewed by: Randal Beal – Director of Operations	
Public excluded? No	

Purpose

The purpose of this report is to provide Council with an overview of the works undertaken during the month of February 2022, as well as an update on the IRG projects and the Westport Flood Protection Project. Also presented in this report will be the production and sale of rock from the council owned quarries during the month of January 2022.

Report Summary

Council Engineers have undertaken River Protection works on behalf of the Taramakau, Wanganui, Karamea and Franz Josef Rating District.

Rating District Annual Meetings for Wanganui, Kongahu, Karamea, Mokihinui, Coal Creek, Nelson Creek and Punakaiki were held over January and February. An overview of the action points from these meetings will be supplied in this report.

Recommendations

It is recommended that council resolve to:

1. *Receive this report.*

Issues and Discussion

Rating Districts

Current Situation:

Karamea Rating District

Little Wanganui River erosion – December 2021

Flooding in the Little Wanganui River in December 2021 overtopped the bank on a meander bend 420m below the main road bridge and caused slumping and erosion upstream of a rock revetment repair that was completed in August 2021.

Emergency repair works were required to prevent further erosion and migration of the meander. SM Lowe Contracting were engaged to undertake the emergency works. The repair method was reformation of the batter slope with 100m³ of river gravels and lining the bank with 300 tonnes of rock riprap. The cost of the works was \$9,900.

As the erosion repair works are to prevent the channel migrating and therefore affecting scheme assets. The works were not strictly maintenance of existing protection works but were recommended to be carried out as prevention of potential future repair costs to the Rating District assets.



Photo 1: Location of erosion



Photo 2: Looking down stream along slumped riverbank

Taramakau Rating District

The Taramakau Rating District had numerous sites damaged by the February 2022 flood events. Henry Adams Contracting the incumbent maintenance contractor for the rating district has been instructed to supply and place 2,500 tonnes of rock at multiple locations on the Taramakau River, at a rate of \$27.50 per tonne and a total cost of \$68,750+GST.



Locations of works

Wanganui Rating District

The Wanganui Rating District had numerous sites damaged by the February 2022 flood events. During the event and days that immediately followed, Arnold Contracting with help from South Westland Earthworks placed approximately 2,000 tonnes of rock at numerous locations to help prevent further damage to flood protection assets.

Severe damage has occurred on the true right of the Wanganui River at the boundary of McGraths & Tuinier properties. A D10 bulldozer was utilised to train the floodwaters away from the eroded / damaged area to prevent further damage and to allow for remedial works. Tenders have now been called for the construction of a low height stop bank as shown below in the drone aerial photograph. Construction volumes are 6,000m³ of bulk fill and 3000 tonnes of imported rock. The contractor will also try to salvage rock from the existing damaged rock structures to utilise in the stopbank.

Estimate of Costs

Emergency works carried out during flood event – 2,000 tonnes of rock -	\$54,000.00
McGraths & Tuinier Boundary Stopbank Construction -	\$250,000.00
Rock required at other locations on the Wanganui River - 2,000 tonnes of rock -	\$54,000.00
TOTAL -	\$358,000.00 + GST



Downstream view of erosion damage



Upstream view of erosion damage



Location of Damage at McGraths/Tuinier Boundary



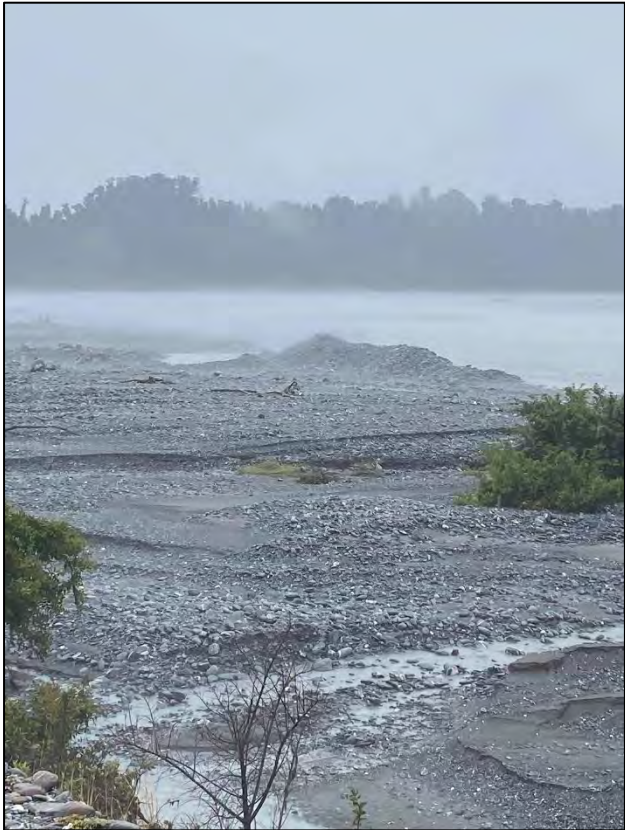
Drone view of Damage and Alignment of proposed low height stop bank

Franz Josef Rating District

Glacier Concrete & Contracting were engaged during the February 2022 weather event to carry out river training / diversion works in the Waiho River where the river was cutting into a section of stop bank between Canavans Knob and the Rata Knoll.



Damage to Stop bank



River Training/Diversion work



Rock work at toe of stop bank

Summary of action points from Rating District Annual Meetings

KARAMEA 28th January 2022

- Talk to Neil Hately (BDC) about Little Wanganui Bridge Erosion
- Stop bank School area two years ago was mowed. Westreef to do an annual mow of stop bank when mower is available.
- Work with landowners on working through assets for asset register
- Look into Reclassification of Rating District.

KONGAHU 28TH January 2022

- Cr Coll-McLaughlin to find what funding is available through district council BDC is aware of parrot's feather but not sure of priority (jobs for nature).
- Make access for drains that are unable to be sprayed from the air, cleanout with digger where Helicopter can't get.
- Cleanout 300m of parrot's feathers with digger and make access.
- Check current stock of spray (Taylor)
- Little Wanganui for next meeting.

MOKIHINUI 28TH January 2022

- Cr Coll-McLaughlin to talk to BDC about removal of broom, bamboo etc that are on our assets plus talk to BDC about safety during the bush holiday period.
- Brian Murphy to discuss the culvert at 1 Louis Street 25 with the BDC.
- Paulette Birchfield Quote for submersible pump.
- Potential of rock protection of culvert.

COAL CREEK 25TH February 2022

- Committee members and Chair requested Randal Beal to enquire why a peer report for hydraulic modelling for Omoto did not go ahead.
- Paulette Birchfield to make hard copies of hydraulic model for committee members who would like one.

NELSON CREEK 25th February 2022

- Make a request to review boundary classification

PUNAKAIKI 25th February 2022

- WCRC staff or engineers to meet with Deputy Spokesman Peter Haddock to look at a small area of erosion on seawall.

Quarries

Quarry Rock Movements for the period of January 2022 (excluding Royalty Arrangements)

Quarry		Opening Stockpile Balance	Rock Sold	Rock Produced	Closing Stockpile Balance
Camelback	Large	18970	0	0	18970
Blackball		0	0	0	0
Inchbonnie		0	0	0	0
Kiwi		0	0	0	0
Miedema		0	0	0	0
Okuru		450	0	0	450
Whitehorse		0	0	0	0
Totals		19,420	0	0	19,420

Other Sales

72T of Rubble was sold to Henry Adams Contracting from Camelback Quarry at a price of \$2.00/T, for a total of \$144.00 GST Exclusive.

IRG Project updates

Westport Flood Protection

The peer review of the hydrological model has been completed and a report will be provided to Council in April 2022.

The additional rain gauge site for the advance warning of evacuation project has been installed. This IRG project is now complete.

Hokitika Flood & Coastal Erosion Protection

The Westland District Council CEO and Mayor fully support this project and would like to see both projects commence as soon as possible.

Hokitika Seawall

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

Design and Construction Plans for Seawall Extension:

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

Resource Consent Process:

- Continue drafting AEE up to a point when preliminary design is available and finalise AEE when design available and WCRC confirms design (expected 16.12.21) – **COMPLETED**
- Lodge resource consent in week beginning 20.12.21 – **NOT COMPLETED**
- Assume limited notification/ public notification March 2022 not on track
- Hearing (if required) and decision April/May 2022. Not on track

Hokitika River – Raising of stop banks

Draft construction drawings have been completed for the section of stop bank from the State Highway Bridge up to Westland Milk Products. Davis Ogilvie and Partners Ltd have completed a geophysical survey on the existing stop banks to ensure they are structurally sound to raise. This work was delayed due to the February weather event and field work was only completed late in February 2022. The resource consent application is expected to be submitted in March 2022. This consent is now being prepared by WCRC staff as the external contractor that was engaged to do this work has pulled out. Physical works are expected to commence in April 2022.

Franz Josef (Stage One)

A resource consent has been submitted for the new gravel stop bank from behind the sewage ponds down to the Waiho Loop. Physical works are expected to commence in March 2022.

Land River Sea Consulting Limited has completed design and construction drawings for the main stop bank from the State Highway bridge down to the sewage ponds. A resource consent application has been submitted for this work.

Tenders have been received for the two projects of the works (northside stop banks):

- Project One is the supply of rock and cartage to site
- Project Two is for the construction of the new stop bank and raising of the existing stopbanks

Negotiations are currently being carried out with the preferred tenderer for both projects. Physical works are expected to commence in March 2022.

Report to: Council	Meeting Date: 8 March 2022
Title of Item: Westport Rating District Joint Committee meeting and recommendations	
Report by: Randal Beal, Director of Operations	
Reviewed by: Heather Mabin, Chief Executive	
Public excluded? No	

Report Purpose

The purpose of this paper is to present to Council the Director of Operations', Randal Beal, recommendations presented to the Westport Joint Committee on 3 March.

Report Summary

WCRC and the Buller District Council recently set up the Joint Committee to receive information and consider recommendations to put forward to the Regional Council, regarding protection works in Westport.

Council is asked to receive the report for consideration, and a verbal update by the Director of Operations, Randal Beal, will be provided at the meeting.

Recommendations

It is recommended that Council resolve to:

1. *Receive the report for consideration.*

Issues and Discussion

The Director of Operations, Randal Beal, presented a range of recommendations to the Westport Rating District Joint Committee on 3 March 2022, that related to Council.

Further detail and explanations regarding these recommendations will be presented to Council so that they can determine future actions for the Operations team.

Attachments

Attachment 1: Report to Westport Rating District Joint Committee

Report to: Westport Joint Committee	Meeting Date: 3 March 2022
Title of Item: Westport Rating District Works and Recommendations	
Report by: Randal Beal, WCRC Director of Operations	
Reviewed by: Heather Mabin, WCRC Chief Executive	
Public excluded? No	

Report Purpose

To provide the Joint Committee with a briefing on the progress of the Westport Flood Protection Scheme adopted by Council in September 2021, and ask the Committee to make recommendations to the West Coast Regional Council (WCRC) on emergency works, stage one of the flood protection scheme, and retrospective maintenance works.

Report Summary

WCRC consulted on two proposals for flood protection in Westport through its 2021 Long-term Plan, as outlined in the previous agenda report. Staff are now providing recommendations to the Joint Committee on progressing the project to advance the timeline as consulted on. This includes additional expenditure as per the staff recommendations that are endorsed by the Technical Advisory Group (TAG).

Recommendations

It is recommended that the Joint Committee resolve to:

1. Receive this report and the attachments, and receive the presentation from Matt Gardner of Land River Sea Consulting Limited; and
2. Recommend to WCRC that they consider the following:
 - 2.1 *5.3 Attachment 2 – Report on State of Emergency Works:* that with the exception of Snodgrass area, the state of emergency works are, where required, brought up to design height and standard;
 - 2.2 *5.4 Attachment 3 – Report on Floodwall Protection Scheme:* that the works identified for Stage One of the flood protection scheme are approved to commence; and
 - 2.3 *5.5 Attachment 4: Report on Retrospective Maintenance Works:* that additional budget is approved to complete the retrospective maintenance works, as outlined in that report.

Issues and Discussion

Background

The West Coast Regional Council adopted option two of its Long-term Plan Consultation Document in September 2021. Prior to the July 2021 weather event, Council had planned a 12 month period to allow for flood modelling review, survey and design work to be undertaken prior to construction beginning.

Current situation

Since adopting option two in September Council staff have compressed the timeline as much as is practical in order to progress recommendations for the Joint Committee.

Progress has been made with completing the peer review of the modelling and independent verification that the modelling is fit for purpose to inform recommendations and decisions made to both the Joint Committee and Council.

The Westport TAG have met and endorsed the recommendations in this report.

Since the July 2021 weather event there have been two subsequent weather events that have required CDEM recommending voluntary, followed by mandatory, evacuations of residential properties. The community are experiencing extremely high stress and anxiety with the situation and want the flood protection project advanced immediately.

The preparatory work to lodging a consent for the bank from the “Toki Bridge” to the Buller Bridge has commenced.

Considerations

Implications/Risks

There is still the same level of risk from flood events and further property damage until the flood protection scheme is completed.

If the project is to be advanced before the full design and recommendations are completed, then the project needs to be staged appropriately so as to not adversely affect other properties.

Financial implications

The original flood protection scheme recommended by the “Buller working group” in 2014, which included staff and Councillors of BDC and WCRC, deliberately excluded the effects of sea level rise and climate change from the flood protection scheme in order to keep the proposed scheme as affordable as possible for the current community and property owners but recognising that future upgrades of the scheme would be required as the forecast science began to take effect.

Staff recommend that the works identified in items 5.3 (emergency works - Attachment 2) and 5.4 (stage one flood protection works - Attachment 3) are constructed to the design heights that incorporate the effects of sea level rise and climate change. This will align with the direction of the investigations and likely recommendations from the Westport Steering Group in order to secure central government funding but will increase the cost of flood protection scheme.

Staff recommend that the retrospective maintenance works in item 5.5 are undertaken immediately to lower the risk of the Buller River breaching the banks further. This requires additional budget to be approved as this was not included in the 2021 LTP consultation budget.

Legal implications

Staff have to follow the notification process for any emergency works under the Resource Management Act and lodge a retrospective consent within 20 working days.

Attachments

- Attachment 1: Report on Technical Advisory Group Workshops
- Attachment 2: Report on State of Emergency Works
- Attachment 3: Report on Floodwall Protection Scheme
- Attachment 4: Report on Retrospective Maintenance Works

Agenda Item 5.1

Report on Technical Advisory Group Workshops

The first Technical Advisory Group (TAG) meeting was held on 30th November and 1st December 2021. The workshop was attended by both West Coast Regional Council (WCRC) and Buller District Council (BDC) staff with support from independent experts Chris Coll, Matt Gardner and Gary Williams. Staff from Department of Internal Affairs also attended.

The workshop brought together a range of experts in engineering, asset and infrastructure management, hydrological modelling and construction, to ground truth the 2014 concept stopbank location and alignment and look at potential refinements, risks, issues and opportunities. The group also reviewed the common themes received from the 2021-31 Long Term Plan consultation.

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

Prior to the initiation of further hydrological modelling, the Land River Sea Consulting Ltd hydrological model of the 1% AEP flood will be peer reviewed.

The model will also be updated and re-calibrated to include the 2021 LiDar data, 2021 cross-section data and the July 2021 Flood event data.

The 2nd TAG workshop was held on 22nd February 2022. At that workshop the TAG agreed to make the following recommendations to the Joint Committee meeting:

- Bring “state of emergency” works up to design specification where required, but excluding the “Snodgrass” gravel bank (Agenda item 5.3)
- 1st stage of flood protection works (Agenda item 5.4)
 - “Toki” Bridge to railway embankment stop bank upgrade
- Retrospective maintenance works (Agenda item 5.5)
 - Re-align the “organ’s island” rock wall to the escarpment
 - Erosion scour remedial work
- Engage Land River Sea Consulting to collate data and information relating to 2021 and 2022 flood events.

Stopbank Location Site Inspection Maps
Land River Sea Consulting Ltd Stopbank Design Maps
Westport Flood Protection Workshop Agenda

Tuesday 30th November – *Stopbank location site maps*



Overview of site visit locations

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



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



Site #3. 10.20am-10.45am Excelsior Road



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



Site #5 11.45am – 12.30pm Orowaiti - above bridge.



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



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



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



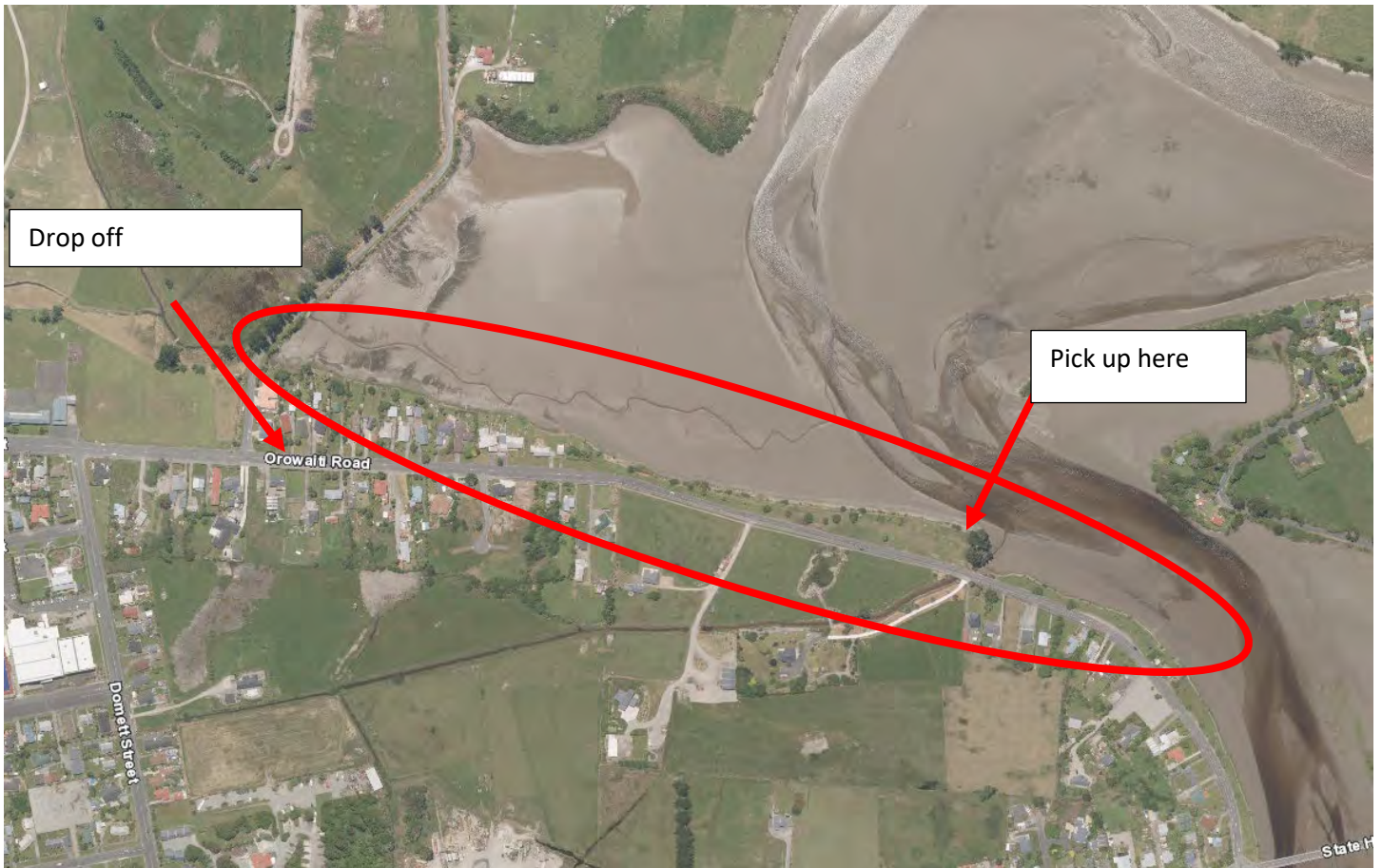
Site #9 2.15pm – 2.30pm Craddock Drive. Assess potential for locating stopbank along road alignment.



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



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



Site #12 Carters Beach



Agenda Item 5.3

Report on State of Emergency Flood Protection Works

February 2022

The Buller Area was subject to periods of heavy rainfall and rising rivers resulting in a state of emergency being declared on 10 February 2022.

Concerns were raised about areas within Westport that had been subjected to inundation from the Buller and Orowaiti Rivers in the July 2021 weather event.

Prior to the peak of the February 2022 weather events, low lying areas were identified and were authorized by Buller Emergency Operations Centre personnel for remedial flood repairs in anticipation of being under pressure from another flood event.

These areas were as follows:

O'Connor Home at Stopbank by Pylons

During the July 2021 flood, floodwaters flowed through the low lying area onto Nine Mile Road, and into Stafford Street. Trustees for the O'Connor Home requested that emergency works were completed at this low area to prevent this from reoccurring. An excavator using material from the surrounding paddocks completed reshaping over the low area to bring it up to the surrounding stopbank heights.

The materials used from the surrounding paddocks (being silt and sandy loam), although fit for purpose for the flood event, would not be suitable for a permanent stopbank and will require rework to ensure that the stopbank is constructed to the recommended design heights etc.



O'Connor Home at Stafford Street adjacent to Buller River

This area was also subject to flooding in the July 2021 flood event as floodwaters from the Buller River flowed up the open drain and into Menzies Street. Emergency works were completed by installing a temporary pipe complete with sluice valve, which allowed stormwater from the open drain to flow into the Buller River until floodwater from the Buller river started to backflow up the drain. At this point the valve was shut to prevent floodwaters backflowing up the drain. The low area on the access track was reshaped using materials from the surrounding area to provide a temporary stopbank.

The materials used from the surrounding area (being silt and sandy loam), although fit for purpose for the flood event, would not be suitable for a permanent stopbank. A permanent pipe complete with floodgate is required at this location to prevent backflow of Buller River floodwaters from backflowing up the drain.



Roebuck Street by the Buller Bridge

This area was also subject to flooding in the July 2021 flood event as floodwaters from the Buller River overtopped the high point on Roebuck Street at this location and flowed down Roebuck street to cause extensive flooding in the Roebuck / Menzies Street area. Emergency works were completed by installing a temporary pipe complete with sluice valve which allowed stormwater from the open drain to flow into the Buller River until floodwater from the Buller River started to backflow up the pipe. At this point the valve was shut to prevent floodwaters backflowing up the drain. However stormwater accumulating behind the stopbank required pumping to prevent further flooding of houses adjacent to the Menzies / Roebuck Street intersection. This stormwater was also subject to floodwater backflowing up the existing stormwater pipe from a sump on the Buller River side of the newly constructed stop bank which was constructed from crushed metal and compaction was completed using a vibrating roller.

The materials used being compacted crushed metal are suitable for permanent works at this location but will require further work such as suitable access ramps to provide access to the Domain area and the Buller river. The stopbank will require facing with river run material on the Buller river side to reduce erosion in this area. A permanent pipe complete with floodgate is required at this location to prevent backflow of Buller River floodwaters from backflowing up the drain with an additional backflow preventer installed upstream of the existing sump.



Orowaiti Road at Avery's

Floodwaters from the Orowaiti River overflowed the road at this culvert location during Cyclone Fehi and the July 2021 flood event. As such this area was also identified as a possible flood site and sandbags and crushed metal were installed at this location to prevent further flooding. These works were subject to minor flooding during this event but did not overtop Orowaiti Road. As such, floodwaters did not impact this location during this flood event.

These emergency temporary works are not suitable for the proposed permanent works and will require removal and replacement with proposed concrete wall around the existing culverts (these culverts have stopgates to prevent backflow from the Orowaiti River) and stopbank construction along the Orowaiti foreshore to prevent floodwaters from overtopping Orowaiti Road.



Stopbank on Old Railway Embankment at northern end of Derby St

Floodwaters from the July 2021 flood event overtopped the existing old Railway embankment / Kawatiri trail at this location and this area was identified as a possible flood location.

Sandbags were installed over the low area where previous overtopping had occurred. The February 2022 flood event did not overtop at this location and the sandbags were not required.

Permanent works raising the stopbank height through this area are proposed to prevent overtopping in this area from future events.



Stopbank at Snodgrass

The existing stopbank at Snodgrass has been subject to overtopping from the Orowaiti River during Cyclone Fehi and July 21 flood events and has caused extensive flooding in this area.

As such this area was also identified as a flood low point and remedial works were undertaken to raise this stopbank. Works were undertaken by trucks unloading river run gravel onto Snodgrass Road and a loader scooping up and tipping the material over the existing stopbank. The Orowaiti River floodwaters did not overtop this area but it was subject to floodwaters impacting at this location. Seepage through the uncompacted material did occur, however major flooding was prevented by additional sandbagging.

The river run material is suitable for this location but is not considered a permanent fix as the material has just been tipped over the existing stopbank without keying into the existing stopbank and no compaction has been completed. Permanent works are required to prevent further flooding in this area.



Agenda Item 5.4

Report on Westport Flood Protection Scheme – Recommended Stage 1 works

Toki Bridge Stopbank, and O’Conor Home Stopbank

The Toki Bridge Stopbank links the Toki Bridge to the Buller Bridge and is a combination of earthen stopbanks and concrete floodwalls. The earthen embankments have a 3m wide crest width and 2:1 batter slope. The O’Conor Home stopbank is solely an earthen bank and has both 3m and 6m wide crest widths with a 2:1 batter slope on either side. Both sections will also include additional appurtenances (such as culverts) where required.

It is recommended that the stopbanks be built to a 1% AEP crest height, with 0.6m freeboard and to include additional allowance for climate change and sea level rise.

The final design heights are yet to be confirmed but allowing for an increase in crest height to account for climate change and sea level rise is likely to increase the volume of material required for the construction of the earthen banks by approximately 4000m³ (to 11,000m³) for the Toki Bridge Stopbank and by 10,000m³ (to 35,000m³) for the O’Conor Home Stopbank.

Note these volumes are only approximate until design heights are confirmed and detailed design drawings are completed.

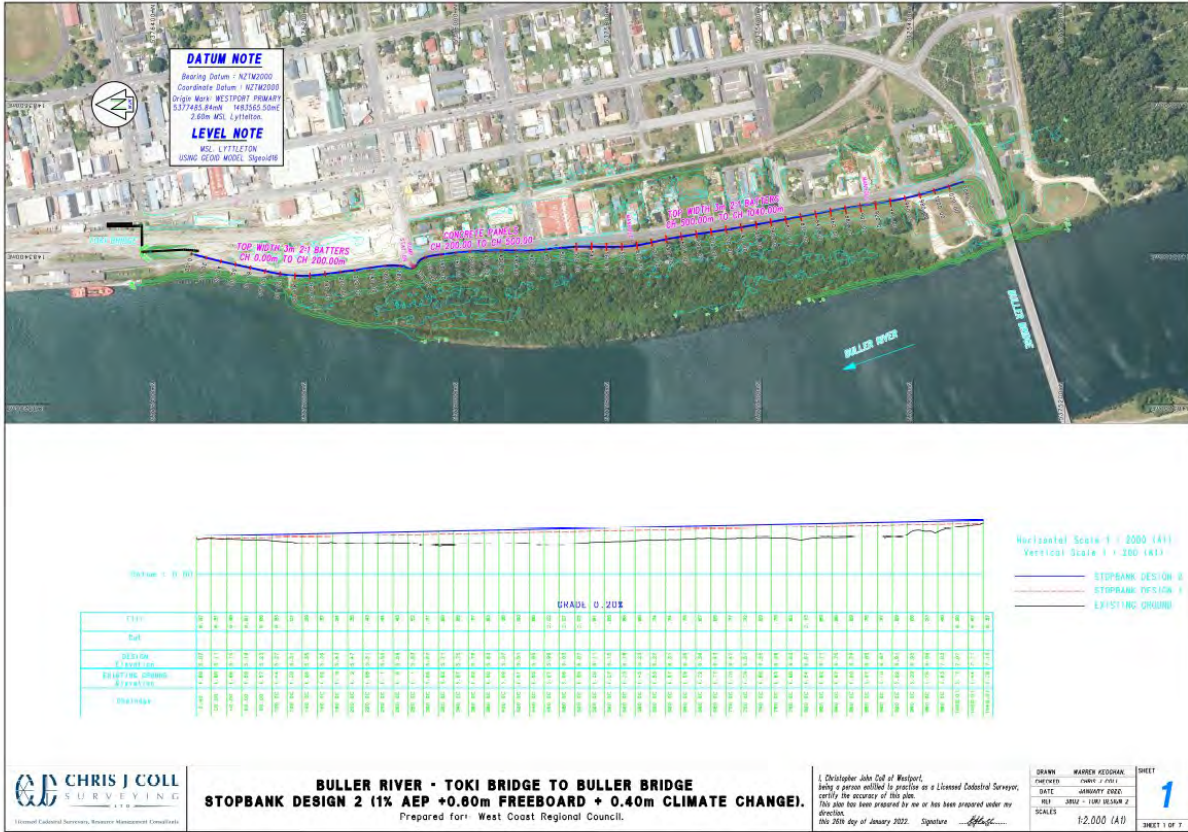


Figure 1: Toki Bridge Stopbank plan view and longitudinal survey

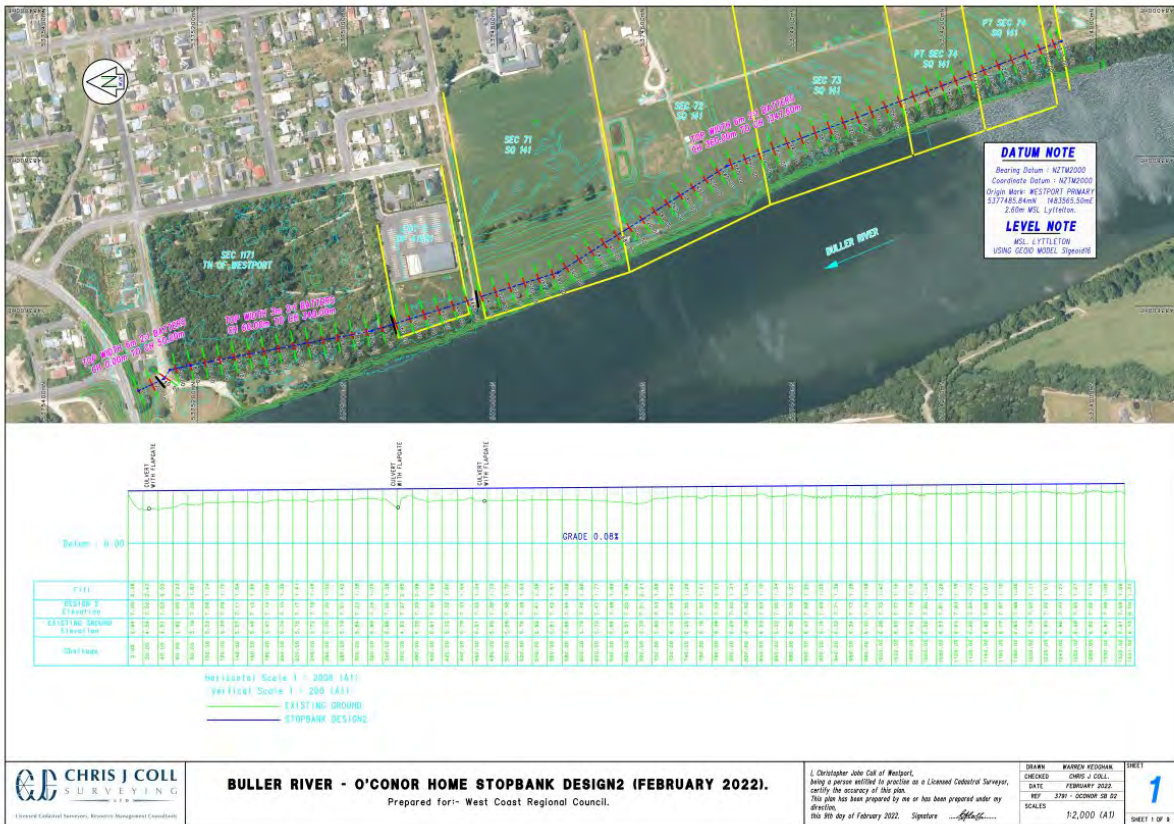


Figure 2: O'Conor Home Stopbank plan view and longitudinal survey



Figure 3: Alternate alignment being investigated by TAG

Agenda Item 5.5

Report on Retrospective Maintenance Works

Erosion Scour Repair

During the July 2021 flood event an erosion scour formed on the true right bank of the Buller River upstream of the O'Conor Home (a rest home and residential care facility).

LiDAR imagery shows that the 260 metre long scour is located on a relict river channel (see Figure 3). The existence of this historic flood flow path makes the area particularly vulnerable during flood events. The susceptibility of this area to erosion and inundation in the past is evident by the historic construction of low earth stopbanks, as well as a patchwork of riverbank rock protection (see Figure 4). The scour area may previously have had some river protection from rock spurs but little to no evidence now remains.

A relict channel of a high velocity river like the Buller River, in close proximity to O'Conor Home containing vulnerable and at-risk residents, means that protection of this area is crucial, in particular as during significant flood events access is cut off to emergency management personnel to aid evacuations.

To provide bank protection to this area will require armouring of the scour to prevent further erosion of the riverbank. To armour the bank with continuous rock riprap along the 260 metre length to the full height would require approximately 13,000 tonnes of armour rock, at an estimated cost of \$891,600.

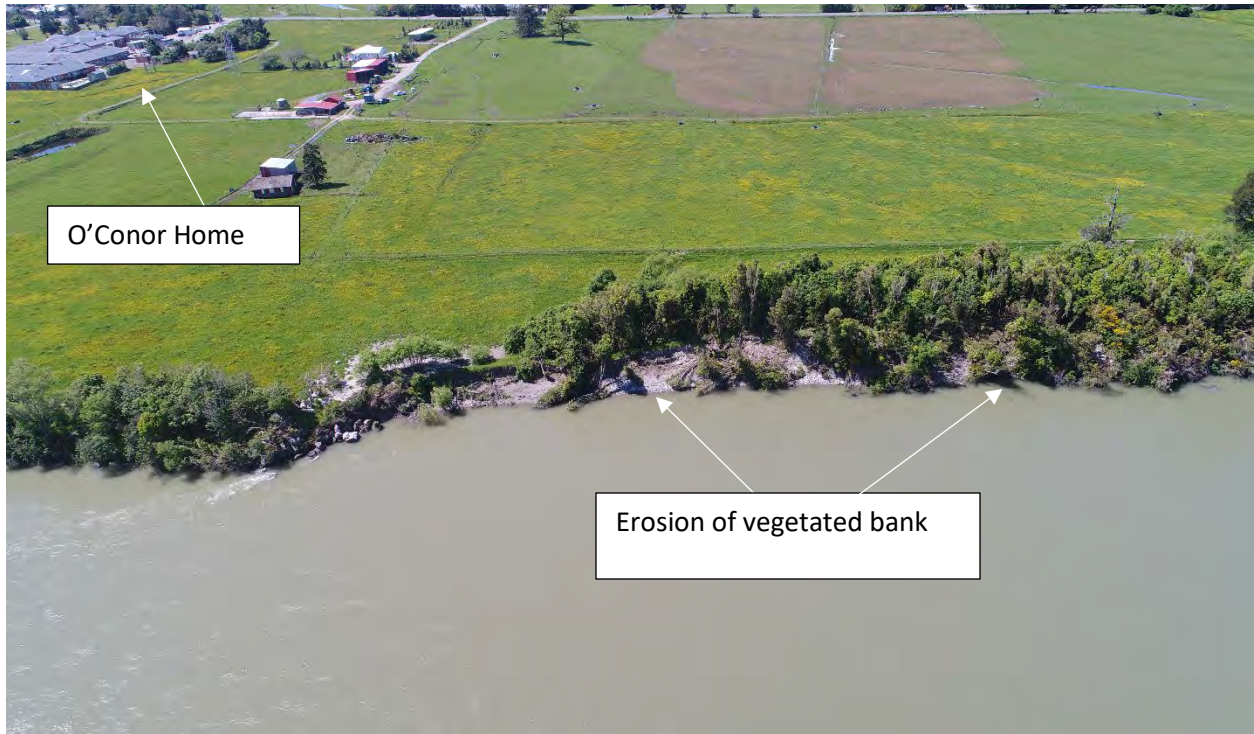


Figure 1: Aerial view, showing proximity of O'Conor Home, and erosion of willows and native vegetation from the riverbank.

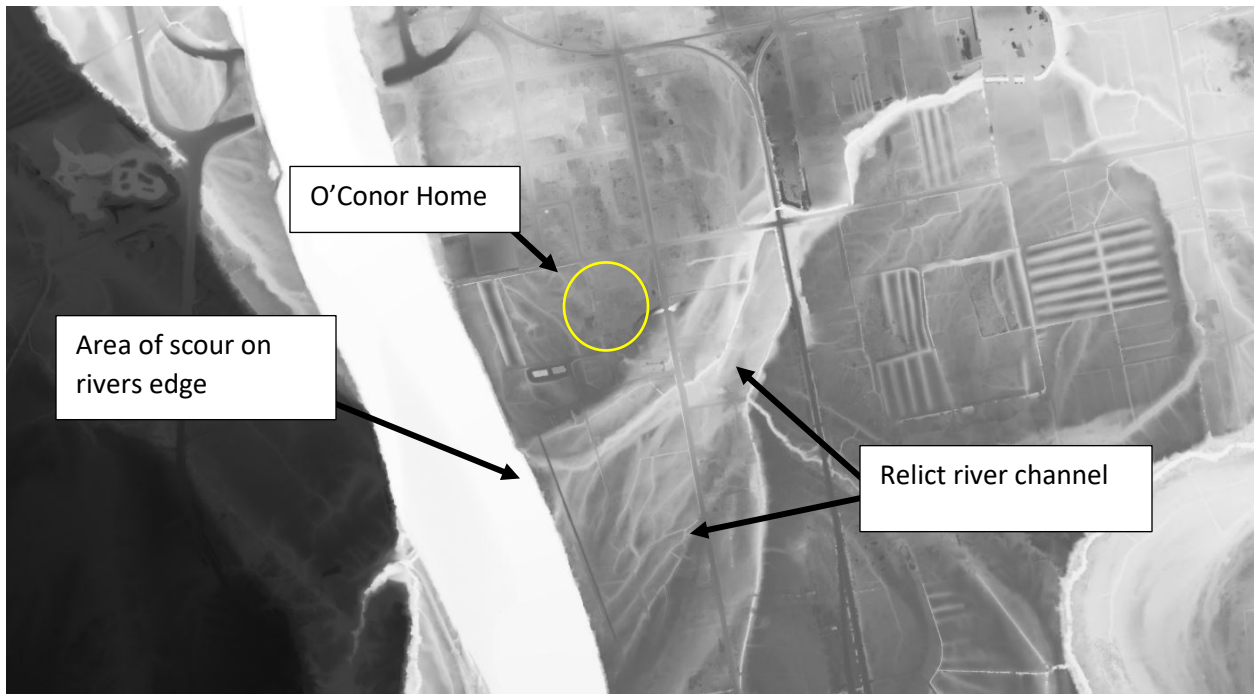


Figure 2: 2021 LiDAR image showing relict river channel and location of O'Conor Home

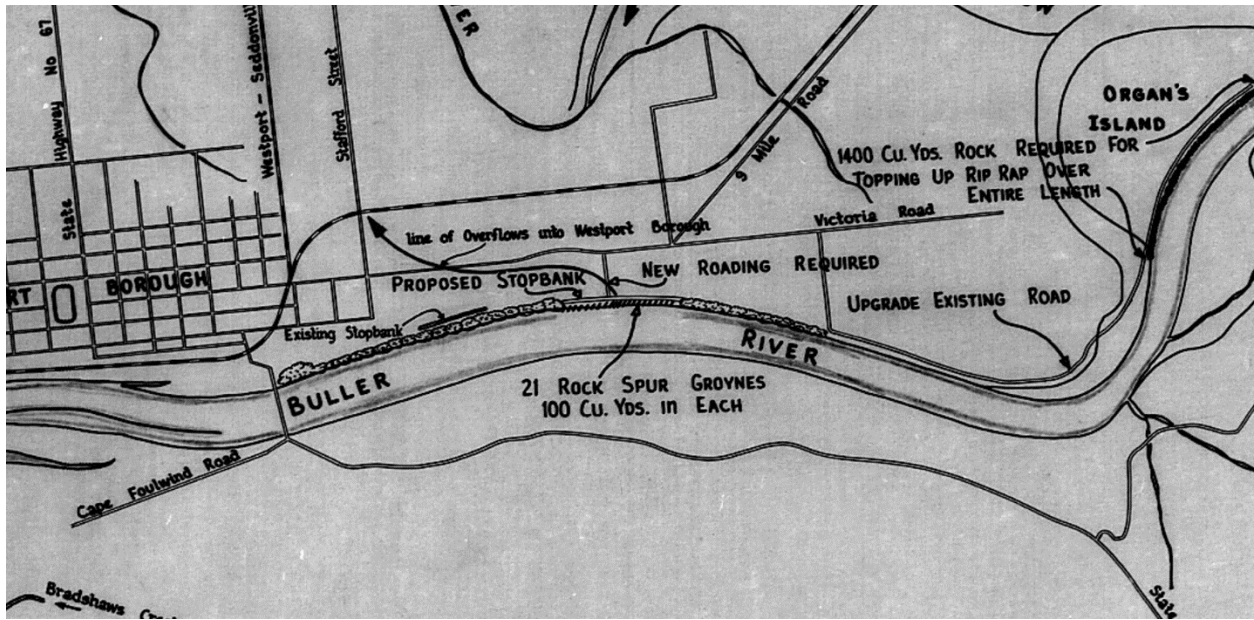
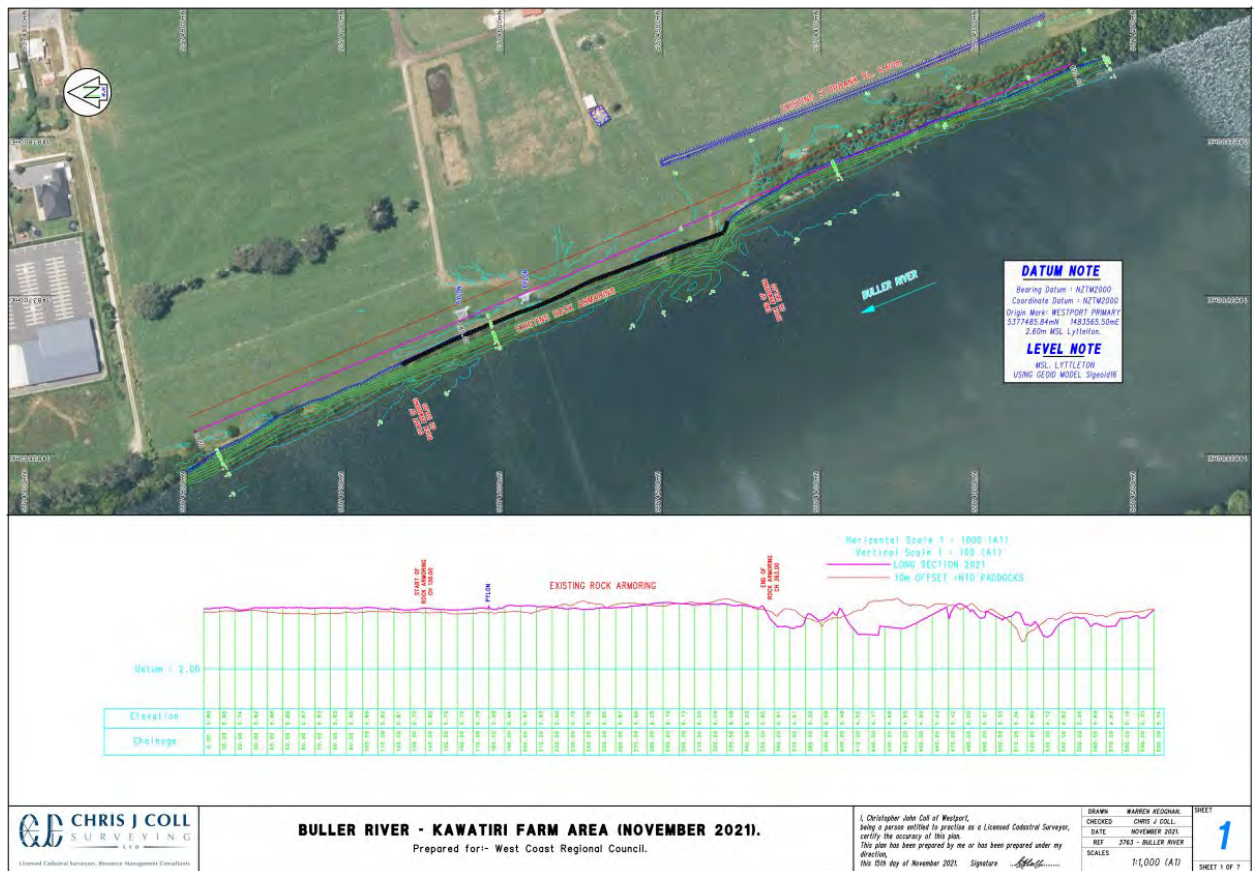


Figure 3: Example of Westland Catchment Board river protection works constructed in 1970 to protect the township of Westport.



Organ's Island Rockwall realignment

The TAG reviewed drone and aerial footage taken during an onsite inspection undertaken prior to the TAG meeting and agreed to recommend that the existing Organ's Island Rockwall is moved back to a new alignment.

A section of the historic rock training wall has deteriorated and allowed flood flows to erode over 50m of riverbank and potentially divert more flow into the Orowaiti Overflow.



Figure 5: 2016 aerial view of riverbank at Organs Island.

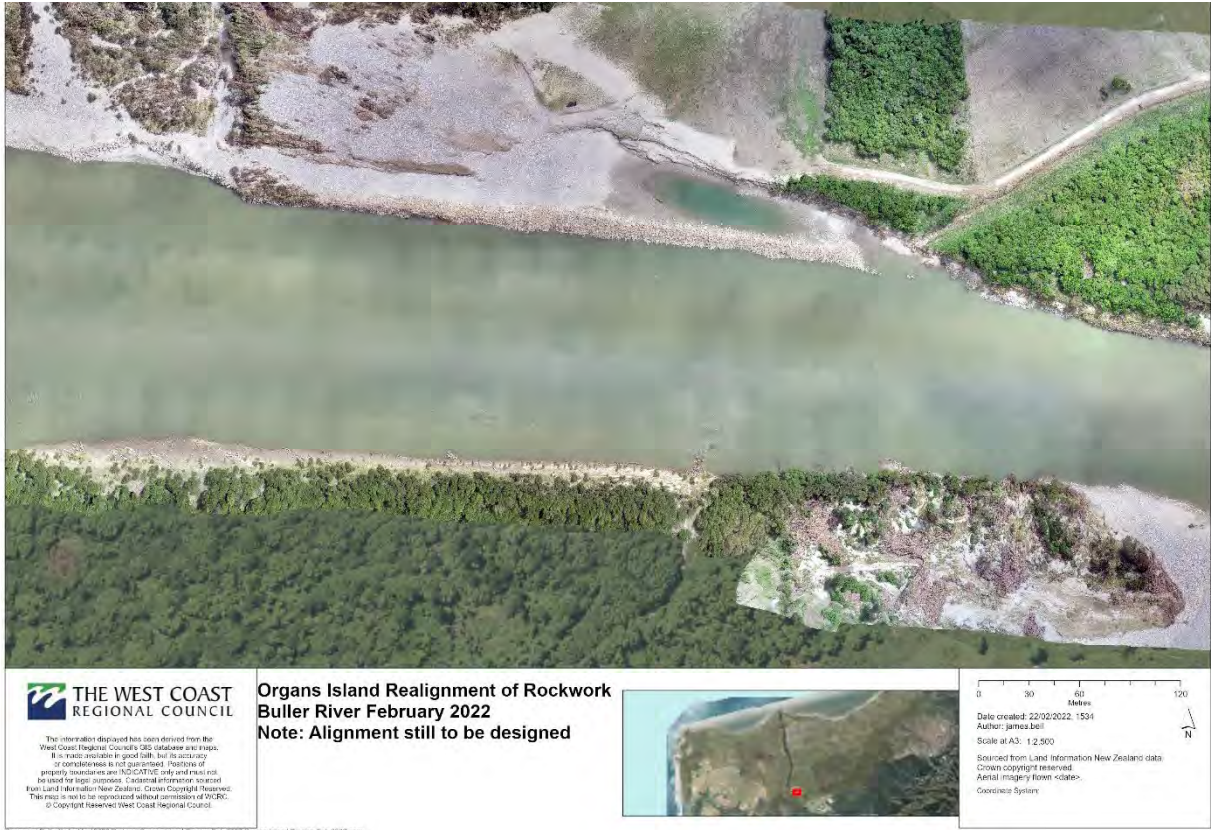


Figure 6: February 2022 aerial view showing deterioration of rock training wall and erosion of riverbank.



Figure 7: Looking downstream showing erosion of bank and scour behind rock training wall

Report to: Council	Meeting Date: 8 March 2022
Title of Item: Civil Defence Emergency Management Partnership Agreement	
Report by: Claire Brown, Regional Director Emergency Management & Chris Hawker, CDEM Principal Consultant	
Reviewed by: Heather Mabin, Chief Executive	
Public excluded? No	

Purpose

To provide the Council with the West Coast Civil Defence and Emergency Management Group Partnership Agreement and seek Council endorsement of the agreement.

Recommendation

It is recommended that Council resolve to:

1. *Receive and endorse the West Coast Civil Defence and Emergency Management Group Partnership Agreement.*

Issues and Discussion

Background

In October 2021, following a comprehensive review of the West Coast Civil Defence and Emergency Management West Coast Civil Defence Emergency Management Group structure and operational capability, forty recommendations were made to the CDEM Group.

Recommendation 5 of the report was, *“That the Group Plan (current version approved in 2016) be reviewed and updated and that it is underpinned by the agreed review and renewal of the Heads of Agreement between all councils.”*

The original Group Heads of Agreement was signed in 2014. Following the review it was agreed that this did need updating to ensure roles and responsibilities of each contributing partner were clear, and that the Vision and Goals contained in the Group Plan, and the philosophy of “we are Coasters and all in this together”, are embedded in the agreement.

Current situation

A new Partnership Agreement has now been completed and was presented to the WC CDEM Coordinating Executive Group on 22 February where it was received and endorsed for progression to the CDEM Joint Committee. On 2 March the Joint Committee considered the agreement and resolved to adopt the agreement “in principle” subject to review by each partner council.

Following each council’s consideration, the Joint Committee will formally adopt the agreement at their next meeting on 11 May, at which point the agreement will become the foundation for all future activities of the CDEM Group.

Attachments

Attachment 1: West Coast Civil Defence and Emergency Management Group Partnership Agreement



WEST COAST CIVIL DEFENCE AND EMERGENCY MANAGEMENT GROUP

PARTNERSHIP AGREEMENT

AGREEMENT dated this @@ day of @@@@



West Coast Regional Council ("WCRC")



Buller District Council ("BDC")



Grey District Council ("GDC")



Westland District Council ("WDC")

1. Definitions

Terms used in this Agreement (including Schedules) which are defined in the CDEM Act have the same meaning.

- 1.2. Administering Authority means the West Coast Regional Council¹.
- 1.3. Agreement means this West Coast CDEM Agreement signed by all Parties; and includes Schedules A and B which may be amended from time to time.
- 1.4. CDEM means Civil Defence Emergency Management
- 1.5. CDEM Act means the Civil Defence Emergency Management Act 2002.
- 1.6. West Coast Civil Defence Emergency Management Group region means the area covered by West Coast CDEM Group. This is based on the boundaries of the territorial authority members of the West Coast CDEM Group.
- 1.7. West Coast Civil Defence Emergency Management Group ('Group') means the joint standing committee² of representatives of local authorities within the West Coast CDEM Group.
- 1.8. CEG means the Civil Defence Coordinating Executive Group established in accordance with the CDEM Act.³
- 1.9. EMWC or Emergency Management West Coast are CDEM career professionals employed by the WCRC, responsible for delivering a range of services on behalf of the Group that enables the Group to fulfil its role and commitment to the wider West Coast Community.
- 1.10. Local Authority means both regional council and territorial authorities that are members of the Group, hereafter also referred to as Parties.
- 1.11. WCRC means the West Coast Regional Council
- 1.12. WCRC Chief Executive means the direct employment supervisor to the Manager and staff of Emergency Management West Coast.
- 1.13. TLA or Territorial Local Authority means a city council or a district council.
- 1.14. Lead means to be either accountable for, organise, direct, deliver or fund CDEM activity.
- 1.15. Support means to give direct or indirect assistance in the development and delivery of CDEM activity.
- 1.16. Coordinate means to bring different elements (resources, activities, or organisation) together for development of efficient and effective delivery of CDEM activity.

¹ Civil Defence Emergency Management Act, Section 23

² Local Government Act 2002, Schedule 7, Clause 30 (1) (b) ³ CDEM Act, Section 20 (1)

2. Background

- 2.1. In 2002, each the West Coast's Local Authorities signed a Constituting Agreement following the establishment of the West Coast Civil Defence Emergency Management Group ('Group') being the joint standing committee of the Local Authorities, as required by the CDEM Act'.³ This was replaced in May 2014 with a new Heads of Agreement.
- 2.2. The Local Authorities individually and the Group collectively have functions, powers, and responsibilities under the CDEM Act.
- 2.3. Following a comprehensive review of CDEM in the West Coast region in 2014, the Group resolved that it's operational responsibilities for CDEM under the CDEM Act be combined and delivered through one body to be known as West Coast Emergency Management, with the intention that each Council is to be an active equal participant in the establishment, development, and control of West Coast Emergency Management.
- 2.4. A subsequent review of the West Coast CDEM Group (October 2021) further informed the Group around issues, challenges, and opportunities, and this agreement is intended to address key recommendations of the review, as endorsed by the Group on 10 November 2021.
- 2.5. This new Agreement, once signed by all Parties, supersedes all previous agreements associated with CDEM Group arrangements for the delivery of joint CDEM services.

3. Purpose of Civil Defence Emergency Management

The purpose of CDEM is to:

- 3.1. Improve and promote the sustainable management of hazards in a way that contributes to the social, economic, cultural, and environmental well-being and safety of the public and also to the protection of property
- 3.2. Encourage and enable communities to achieve acceptable levels of risk including, without limitation, identifying, assessing, and managing risks; consulting and communicating about risks; identifying and implementing cost effective risk reduction; and monitoring and reviewing the process.
- 3.3. Provide for planning and preparation for emergencies and for response and recovery in the event of an emergency.
- 3.4. Coordinate through regional groups, planning, programmes, and activities related to CDEM across the areas of reduction, readiness, response, and recovery and encourage co-operation and joint action within those regional groups
- 3.5. Provide a basis for the integration of national and local CDEM planning and activity through the alignment of local planning, with a national strategy and national plan.
- 3.6. Encourage the coordination of emergency management, planning, and activities related to CDEM across the wide range of agencies and organisations preventing or managing emergencies.

³ CDEM Act 2002, Section 12

4. Legislation

- 4.1 The Civil Defence Emergency Management Act 2002 provides the legislative framework and details the responsibilities of CDEM Groups and their member councils for the delivery of emergency management in their region. Section 17 (1 & 2) details the functions required of the Group and its members and this agreement is intended to deliver on those responsibilities.

5. Agreement Purpose

- 5.1 The purpose of this Agreement is to define the roles and responsibilities between the Group, CEG, the WCRC, and TLA's to deliver CDEM responsibilities for the Group's area under the CDEM Act.
- 5.2 WCRC is the Administering Authority for the Civil Defence Emergency Management Group and employs WCEM personnel. This agreement sets out the lines of command and control for WCEM in respect of the relationship between Group, CEG, and WCRC.

6. Vision, Goals, and Philosophy

- 6.1 This Agreement is intended to reflect and give effect to WCEM's Vision and goals as detailed in the Group Plan. WCEM's Vision is:

'To build a resilient and safer West Coast with communities understanding and managing their hazards and risk.'

- 6.2 WCEM's Goals are to:

- Increase community awareness, understanding, preparedness, and participation in civil defence emergency management.
- Reduce the risks from hazards in the region.
- Enhance the region's ability to respond to emergencies.
- Enhance the region's ability to recover from emergencies.

- 6.3 Further, the Group adopts the philosophy of *"We are Coasters and all in this together"*. We will work jointly to support each district and the communities that make up that district equally and equitably, and that when one is at risk, all possible support will be provided pro-actively.

7. Governance

- 7.1 The Group oversees the delivery of the functions, duties, and powers of the Group, under the CDEM Act.
- 7.2 The CEG is established under the CDEM Act to provide operational management oversight to West Coast CDEM.
- 7.3 The CEG is statutorily responsible for providing advice to the Group and implementing as appropriate, the decisions of the Group.

- 7.4 The CEG is statutorily responsible for overseeing the development, implementation, maintenance, monitoring, and evaluation of the West Coast CDEM Groups work programme in delivering the required outcomes of the CDEM Group Plan.
- 7.5 The Group agrees to maintain an Operational Subcommittee with a membership approved by the CEG and with an approved Terms of Reference which will, on completion, be appended to this agreement.
- 7.6 That once re-established, the Operational Subcommittee are directed to develop a recruitment policy which is submitted to the CEG and Group for adoption. On completion the recruitment policy will also be appended to this agreement.

8. West Coast Regional Council's Role In relation to CDEM

- 8.1 WCRC has three responsibilities in respect to CDEM. The first is the statutory role as the administering authority for the Group as required by the CDEM Act⁴. The second is the role as employer of the Emergency Management West Coast staff. The third is an equal member of the Group and CEG (The role of WCRC on the CEG and Group is as for all members).
- 8.2 In its role as the Adminstrating Authority, the WCRC is responsible for the provision of administrative and related services that may from time to time be required by the Group.
- 8.3 In its role as the employer and facilitator of Emergency Management West Coast, the WCRC shall provide the following services in support of the entire Group.
 - a) The administration of Group finances and budgets, entering budgeted contracts with service providers, and procurements on behalf of the Group.
 - b) Staff management of WCEM staff, including oversight of Emergency Management West Coast's work programme, performance management, health and safety policy and systems, equipment, and fleet vehicles.
 - c) Provision of a Group Office facility where EMWC will operate from as an identifiable base.
 - d) For the avoidance of any doubt, all WCRC policies including but not limited to staff conduct, performance, health and safety, procurement, financial management and WCRC delegations always apply to all WCEM staff.
- 8.4 In its role as a member of the Group and CEG, the WCRC shall provide the following services in support of the entire Group.
 - a) A Group Emergency Coordination Centre for major regional level responses. This facility must have capacity, workspace, and adequately trained staffing to support 24-hour extended operations when required.
 - b) Expertise in hazard knowledge in the region.

9. Recruitment

- 9.1. Recruitment of all WCEM staff will be managed considering the requirements of the Group's Recruitment Policy.

⁴ CDEM Act (2002) Sections 23 & 24

10. Parties Specific Obligations

- 10.1 The functions, roles and responsibilities for Parties and West coast Emergency Management are set out in full in Schedule A to this Agreement. The mandate for these roles and responsibilities are in line with the CDEM Act, or as agreed by all Parties.
- 10.2 Schedule B to this Agreement sets out the roles and responsibilities with reference to CDEM revenue and finances.
- 10.3 In partnership with the WCRC (as budget holders), the Group commits to the prudent management of the CDEM annual operating budget (i.e., within a variance of no more than 105% at year-end unless through mutual agreement as a one-off requirement). This commitment is subject to resource demands from civil defence emergencies⁵.

11. General Obligations

- 11.1 Each Party must act in accordance with the purpose and principles of this Agreement.
- 11.2 Each Party must do all things necessary to give effect to this Agreement.
- 11.3 Each Party must make all necessary delegations to enable this Agreement to be implemented in full.

12. Indemnity

- 12.1 Each party must, on demand, fully indemnify the other parties for any liability or loss whatsoever which they incur because of any act or omission of the first party.

13. CDEM Staff Management

- 13.1 West Coast Emergency Management staff are CDEM career staff. All WCEM staff are employees of WCRC on behalf of the Group. West Coast TLA's, under this agreement, will not employ any career CDEM staff outside of this Agreement.
- 13.2 The WCRC Chief Executive will liaise with the CEG chair when conducting performance reviews of the Manager of West Coast Emergency Management so that the operational performance can be fairly assessed and reported on.

14. Finance

- 14.1 From the date of signing of this Agreement, the methodology for funding for the West Coast CDEM service to deliver CDEM functions outlined in this Agreement, **specifically Schedule A**, will be through:
- Group CDEM service delivery: CDEM Regional Targeted Rate⁶.
 - TLA CDEM service delivery: Respective Territorial Authority budget.

⁵ Best practice promotes separate financial tracking of individual events should be undertaken

⁶ CDEM Regional Targeted Rate means the annual rate set by West Coast Regional Council under the Local Government (Rating) Act 2002 to fund the budget approved by the Group for CDEM services.

14.2 A revenue and financial statement as detailed in Schedule B of this Agreement.

14.3 A review of the financial methodology for funding CDEM services for the West Coast will be undertaken consistent with the duration and review under section 9 and schedules A of this Agreement.

15. Duration and Review of this Agreement

15.1 The duration of this Partnership Agreement is 10 years from the date of signing, provided that the provisions of this Agreement shall continue to apply if the Parties agree that it shall continue for a specified period. This Agreement shall bind successors.

15.3 An operational review of this Agreement shall be undertaken at the commencement of each Triennium, or as agreed otherwise by the Parties; the Group shall meet in good faith to negotiate the renewal or extension with or without amendments.

15.4 Review and amendments to the Schedules in this Agreement are to occur on changes to legislation impacting CDEM, or further policy guidance and procedures stemming from the National Emergency Management Systems Reform, CDEM Reviews, emergency event reviews or because of all Parties agreeing amendments for enhanced CDEM service delivery.

15.5 The Parties acknowledge review and amendment to the Schedules in this Agreement will be instigated, considered, and recommended by CEG. Amendments to the Agreement can only be authorised by the Parties in writing.

16. DISPUTES

The primary object of this section is to ensure that any dispute between Parties will be resolved as quickly and as informally as possible. Particular regard is to be had to that primary object in the interpretation or implementation of this section.

16.1 The purpose and principles of this Agreement must be applied by all Parties to try and resolve disputes.

16.2 Parties to any dispute must try in good faith to resolve that dispute by direct negotiation.

16.3 One Party must give written notice of a dispute on the other Parties(s).

16.4. If the dispute is not resolved within 10 working days of receipt of the notice of dispute, or such longer time as the Parties may agree, then the dispute must be referred to the Chairperson of CEG.

16.5 The Chairperson of the Group will attempt to facilitate agreement. If no agreement is reached within a further 10 working days, then the dispute must be referred to mediation.

16.6 If referred to mediation, then such mediation will be conducted by a mediator jointly appointed by the Parties. If the Parties fail to agree on a mediator within 10 working days of the expiry of the date in clause 10.7, then the mediator shall be appointed by the President of the New Zealand Law Society, or his or her nominee.

- 16.7. The costs of mediation must be paid equally by the Parties to the mediation.
- 16.8 Nothing in this section precludes any party seeking interim relief from any Court or initiating legal proceedings. However, Parties must utilise the dispute procedures in clauses 10.1 to 10.9 before taking legal action(s).

17. NOTICES

- 17.1 Any notice under this Agreement is to be in writing and may be made by email, personal delivery, or post to the address of each Local Authority.
- 17.2 No communication shall be effective until received. A communication shall be deemed to be received by the addressee, unless the contrary is proved:
- 17.3 In the case of a transmission by email on receipt of confirmation of receipt by the sender of the email,
- 17.4 In the case of personal delivery, when delivered, and
- 17.5 In the case of post, on the third working day following posting.

18. COUNTERPARTS

This Agreement may be signed in any number of identical counterpart copies and transmitted in hard copy or electronically, all of which taken together shall make up one agreement.

SIGNED by WESTLAND DISTRICT COUNCIL

By affixing its common seal in the presence of:

Mayor Bruce Smith

Westland District Council

(Name of authorised signatory)

(Signature of authorised signatory)

SIGNED by GREY DISTRICT COUNCIL

By affixing its common seal in the presence of:

Mayor Tania Gibson

Grey District Council

(Name of authorised signatory)

(Signature of authorised signatory)

SIGNED by BULLER DISTRICT COUNCIL

By affixing its common seal in the presence of:

Mayor Jamie Cleine

Buller District Council

(Name of authorised signatory)

(Signature of authorised signatory)

SIGNED by West Coast Regional Council

By affixing its common seal in the presence of:

Alan Birchfield (Chairman)

West Coast Regional Council

(Signature of authorised signatory)

Schedule A West Coast CDEM Roles and Responsibilities

The functions, roles and responsibilities by function for West Coast CDEM Group member Councils and Emergency Management West Coast (WCEM) are set out in full in this Schedule. The mandate for these roles and responsibilities are in line with the CDEM Act and supporting statutory requirements or as agreed by all Parties (Councils and WCEM).

This Schedule details the following functions and respective roles and responsibilities for each of these functions:

Governance and Management		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<p>Joint Committee</p> <ul style="list-style-type: none"> Implements the CDEM Group Plan on behalf of the Joint Committee. Coordination, management and preparation of all agendas, reports, supporting papers and presentations on Group matters to the Joint Committee. <p>Coordinating Executive Group (CEG)</p> <ul style="list-style-type: none"> Supports the CEG in carrying out its directions from the Joint Committee and its obligations under the CDEM Act. Coordination, management and preparation of all agendas, reports, supporting papers and presentations to CEG. <p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Coordinates those activities arising from the CEG Sub-Committees and reports to them on a regular basis. Coordination, management and preparation of all agendas, reports, supporting papers and presentations to CEG Operations Sub-committee. 	<p>Joint Committee</p> <ul style="list-style-type: none"> Active participation through appointed designates. As Administrating Authority provide governance and secretarial support to the Joint Committee. Provide reports and recommendations on Regional Council matters to the Joint Committee. Provide reports, decisions, and recommendations back to Regional Council on CDEM Group matters <p>Coordinating Executive Group (CEG)</p> <ul style="list-style-type: none"> Active participation through appointed designates and provide support as agreed to lead delivery of the regional CDEM work programme. Develop and implement specific Regional Council Annual Plan tasking in a Regional Council CDEM work programme with alignment to CDEM Group Annual Plan. <p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Active participation through appointed designates and support the CEG Sub-committees. Ensure the alignment of CDEM Group Annual Plan and Regional CDEM work programmes. 	<p>Joint Committee</p> <ul style="list-style-type: none"> Active participation through appointed designates. Provide reports and recommendations on Territorial Authority matters to the Joint Committee. Provide reports, decisions, and recommendations back to Territorial Authorities on CDEM Group matters. <p>Coordinating Executive Group (CEG)</p> <ul style="list-style-type: none"> Active participation through appointed designates and provide support as agreed to lead delivery of local CDEM work programme. Develop and implement specific Territorial Authority Annual Plan tasking in a local level CDEM work programme with alignment to CDEM Group Annual Plan. <p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Active participation appointed designates and support the CEG Subcommittees. Ensure the alignment of CDEM Group Annual Plan and local CDEM work programmes.

Finance (Business as Usual)

The CDEM Group is responsible for the development and approval of an annual CDEM budget sufficient to deliver on the agreed priorities identified in the Group Plan, and Annual Work Plan. The budget is to be developed in accordance with each member council's annual plan requirements and, as the Council responsible for rating and managing the regional CDEM funding, WCRC must take a lead in this process to ensure achievability and sustainability.

Emergency Management West Coast (with support from the Operational Sub-Committee)	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> • Develop and submit draft budgets (OPEX and CAPEX) to the Group and CEG in accordance with Council planning requirements • Administer and report financial activity to CEG at each scheduled meeting • Manage costs in line with budget delivery • Identify, develop, and deliver training programmes for EOC/ECC Staff and Controllers with support from the NEMA National Training Fund • Develop and deliver functional exercises for EOC/ECC staff in accordance with the annual training programme • Deliver community training and exercises in accordance with budget allocation • Provide WCEM staff time, travel, and accommodation costs for training and education in accordance with budget allocation 	<ul style="list-style-type: none"> • Oversee the development of the CDEM budget in line with WCRC requirements, as detailed in Schedule B. • Fund CDEM activities through a regionally targeted rate in accordance with the approved Group budget • Develop and agree WCRC administrative charges to the Group • Provide WCEM support services through agreed Group administrative charges • Provide in kind support services to WCEM, i.e., GIS, technical advice, ICTS etc • Fund all costs associated with training and exercises for WCRC staff involved in CDEM support activities • Provide, resource and fund operational costs of the Group ECC • Engage and fund contractors / consultants from approved budget as necessary to support Group activities • Provide funding for appointment, training, and retention of volunteer Group Controllers and Recovery Manager (as necessary) • Fund all Recovery Manager and recovery costs associated with an event that are not claimable through government support 	<ul style="list-style-type: none"> • Fund the provision, resourcing, and operating costs of the District EOC • Fund direct staff costs associated with the provision of training of local controllers, staff, and volunteers not otherwise covered by the National Training Programme • Provide staff time and travel and accommodation costs of out of district training and education in accordance with local budget allocation • Provide facility and locally required resources to support locally focused EMO • Provide funding for appointment and retention of volunteer Local Controllers and Recovery Manager (as necessary) • Fund all Recovery Manager and recovery costs associated with an event that are not claimable through government support

WC CDEM Group Budget Development Process

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Finance (During Emergency Events)

During emergency events as a general statement, costs fall where they lay with the exception that some response and recovery cost may be met by NEMA, or other relevant agencies, as appropriate. Details of eligible costs are available from [NEMA](#). The following provides an overview of financial responsibilities as it relates to each partner council.

Emergency Management West Coast pay;	West Coast Regional Council pay;	Territorial Authorities pay;
<ul style="list-style-type: none"> All WCEM staff costs in relation to an event Travel, accommodation, meals, and incidentals for WCEM staff supporting any district within the Region Operational costs associated with the active ECC 	<ul style="list-style-type: none"> All WCRC staff costs in relation to an event for core regional council responsibilities (i.e., hydrology, river monitoring etc) Travel, accommodation, meals, and incidentals for WCRC staff deployed within the Region Costs for staff working within the ECC All costs in relation to regional council support staff requested from out of region Establish a new event charge code for each new response event and report implications to the Group 	<ul style="list-style-type: none"> All local staff costs in relation to an event Travel, Accommodation, meals, and incidentals for staff requested from out of District for the event Operational costs for the District EOC Immediate direct costs for community welfare response (prior to reimbursement claim) All other response costs not claimable though Government support Establish a new event charge code for each new response event and report implications to the Group <p>Note: in the event of staff from one council being sent in support to another district, staff wages would normally be met by the home council.</p>

Business Continuity Management

Disruptions are an expected part of business, so it's important to be prepared for when they occur. Disruptions can be internal events that impact on organisation alone (e.g.: IT system failure), or external events that could impact across several organisations and locations (e.g., earthquake).

Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> Undertake business continuity planning for Emergency Management West Coast to be capable of delivering essential services and a functioning GECC during a crisis / emergency event and through the recovery. 	<ul style="list-style-type: none"> Undertake business continuity planning for West Coast Regional Council to be capable of delivering essential services and a functioning GECC during a crisis / emergency event and through the recovery 	<ul style="list-style-type: none"> Undertake business continuity planning for the territorial authority to be capable of delivering essential services and a functioning EOC during a crisis / emergency event and through the recovery

Capability Development, Training and Exercises

Training and exercising progressively enhances individuals, local authorities, and the West Coast CDEM Group’s capability to prepare for and manage emergencies and resources, using lessons learnt. The CDEM Group and each member of the Group are to take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management.

Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> Develop, deliver, and report on training and exercise programmes for all local authority staff with a CDEM role. Coordinate professional development of all CDEM career staff. 	<ul style="list-style-type: none"> Make all staff identified in CDEM roles available for, attend and complete all competencies associated with training and exercises in accordance with the agreed training schedule. 	<ul style="list-style-type: none"> Make all staff identified in CDEM roles available for, attend and complete all competencies associated with training and exercises in accordance with the agreed training schedule. Support community training and exercises

Hazard and Risk Management

In relation to relevant hazards and risks: identify, assess, and manage those hazards and risks; consult and communicate about risks; identify and implement cost-effective risk reduction. Identification of the hazards and risks in a Group area that may result in an emergency that requires national-level support and co-ordination.

Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> Ensure effective planning and response to all hazards and risks in line with legislated responsibilities. Develop and monitor the hazard profile for the West Coast CDEM Group as per the hazardscape detailed in the West Coast CDEM Group Plan. Lead effective planning for response through collaboration on hazard risk management for hazards with cross regional and national impacts. 	<ul style="list-style-type: none"> Lead identification of hazards (as required) in accordance with the hazard scape outlined in the CDEM Group Plan at the regional level. Own and manage the hazards (as required) and risk within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the West Coast CDEM Group Plan. Fund and manage hazard research within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the West Coast CDEM Group Plan Support effective planning for response through collaboration on hazard risk management for hazards with cross regional and national impacts. 	<ul style="list-style-type: none"> Own and manage the hazards and risk (as required) within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the West Coast CDEM Group Plan. Fund and manage hazard research within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the West Coast CDEM Group Plan Support communicating hazards and risks to respective communities.

Facilities		
Includes any facility to support readiness, response, and recovery activities.		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> • Serve as custodians of the GECC to ensure operational readiness. • Provide guidance on functionality and safety of EOC and GECC facilities. • Activation of GECC facility as required for response. 	<ul style="list-style-type: none"> • Provide and maintain GECC facilities (and alternate facilities) for operational response. • Provide WCEM with fit for purpose office space. • Support the activation of the GECC facility if required for response if requested by the Group Controller. 	<ul style="list-style-type: none"> • Provide council based WCEM staff with fit for purpose office space. • Provide and maintain EOC (and alternate) facilities for operational response. • Provide facilities or enter into agreements for the provision of facilities to serve as Civil Defence Centres (CDCs). • Activation of EOC facility as required for response.

Community Resilience and Partnership		
Community resilience in the Civil Defence and Emergency Management context, can best be described as the community's ability to cope with, bounce back and learn from adversity encountered during and after disasters. There are activities to support in building community resilience. These activities are community engagement, community planning, public education, monitoring and evaluation to measure community resilience. The integration and inclusion of iwi in community resilience activities cements the West Coast CDEM principles of Iwi / Māori partnership.		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> • Development and implementation of community planning guidance documents and templates to support local CDEM Community Resilience activities and planning processes. • Support regional and local level Community Resilience activities and planning. • Support the development of Community Response Plans for local communities with relevant Territorial Authority as required. • Ensure that the CDEM component of iwi and hapū management plans are coordinated at Group and local level (as required). 	<ul style="list-style-type: none"> • Support WCEM and local level Community Resilience activities by commitment of staff resources and technical information to assist in local Community Resilience activities (hazard specific) as required. • Ensure whole-of-council approach to Regional Council Community Resilience activities. 	<ul style="list-style-type: none"> • Partner with WCEM planning for all Community Resilience activities at the local level. • Commitment of staff resources to conduct Community Resilience activities. • Support CDEM engagement with local communities. • Support the development of Community Response Plans. • Ensure whole-of-council approach to local level Community Resilience activities. • Consider the CDEM component of iwi and hapū management plans and coordination at local level (as required).

Lifeline Utilities
 Lifeline’s failures can disrupt and endanger the wellbeing of local and regional communities. Effective relationships, priority of response protocols and lead agency role definition can reduce the risk such failures may pose. Lifeline utility means an entity named or described in the CDEM Act 2002 in Part A of Schedule 1, or that carries on a business described in the CDEM Act, Part B of Schedule 1

Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> • Support Lifelines Utilities in the hazard risk assessment and planning for hazard risk reduction activities on lifelines utilities infrastructure in alignment with the hazardscape detailed in the West Coast CDEM Group Plan. • Provide administrative and project management support, networking, development opportunities and exercising for to the West Coast Lifelines Group. • Represent the West Coast Lifelines Group and West Coast CDEM Group at National forums. 	<ul style="list-style-type: none"> • Lead hazard risk assessment and planning for hazard risk reduction and response activities on key Regional Council services and infrastructure. • Support lifelines projects and activities. 	<ul style="list-style-type: none"> • Lead hazard risk assessment and planning for hazard risk reduction and response activities on key Territorial Authority services and infrastructure defined as Lifeline Utilities under Schedule 1 of the CDEM Act. • Support lifelines projects and activities through appointing a lifelines representative to the West Coast Lifelines Group and active participation of its key lifelines managers. • Provide LUCs for services defined under the CDEM Act. • Activate staff to lead, coordinate and support the delivery of Lifeline Utilities (Territorial Authority) functions in response and recovery at the local level.

Equipment
 All equipment to support readiness, response, and recovery activities.

Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> • Provide and implement guidance and set policy on minimum specifications and standards, and functionality of CDEM equipment required for EOCs/ GECC across the region. • Ensure procurement and maintenance of equipment, software and Information Communications and Technology (ICT) systems owned by West Coast Regional Council in accordance with West Coast Regional Council policies. • Coordinate all CDEM Group responsibilities for effective interoperability with National CDEM systems 	<ul style="list-style-type: none"> • Fit out and provide associated Information Technology (IT) equipment and infrastructure for WCEM staff and GECC facilities (and alternate sites). • Implement minimum equipment standards required for GECC in line with CDEM Group policy. • Own equipment and associated infrastructure, to cover costs to maintain it to an operational standard and to manage and conduct maintenance programme. • Provide WCEM with furniture and equipment for staff located at West Coast Regional Council offices. • Undertake fleet management of all Emergency Management West Coast vehicles. • Procure any priority equipment required by the activated GECC to ensure effective operational capability of the GECC 	<ul style="list-style-type: none"> • Fit out and provide associated Information Technology (IT) equipment and infrastructure for EOC facilities (and alternate sites). • Implement minimum equipment standards required for EOC, ICPs and CDCs as required in line with CDEM Group policy. • Own equipment and associated infrastructure, to cover costs to maintain it to an operational standard and to manage and conduct maintenance programme. • Provide WCEM with furniture and equipment for Emergency Management Officer staff embedded within districts. • Provide ICT and property support, procure any priority equipment required to the EOC or Recovery Office in activation to ensure effective operational capability of the EOC equipment.

Planning

Fundamental to any successful undertaking is attention to planning and preparation. Whilst we pay attention to the plans that are produced, the process of planning is important to ensure that the plans developed meet the needs of the people affected.

Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
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CDEM Groups and agencies are expected to routinely incorporate CDEM arrangements into their business planning and risk management processes, and to regularly monitor and report on their progress as appropriate. This is an important role to play in making progress towards the vision of a 'Resilient New Zealand'.

<p>West Coast CDEM Group Plan</p> <ul style="list-style-type: none"> Lead the development, implementation, maintenance, monitoring and evaluation of the West Coast CDEM Group Plan using approved processes. <p>West Coast CDEM Business Plan</p> <ul style="list-style-type: none"> Lead the development, implementation, maintenance, monitoring and evaluation of the West Coast CDEM Business Plan. Provide advice and guidance on the development of regional and local level CDEM work programmes in alignment to the West Coast CDEM Business Plan. <p>Pre-event response action planning</p> <ul style="list-style-type: none"> Lead CDEM Group response planning. Support the development, implementation, maintenance of consistent regional and local level response plans. <p>Standard Operating Procedures</p> <ul style="list-style-type: none"> Lead the development, implementation, maintenance of CDEM Group Standard Operating Procedures as required. <p>Recovery planning</p> <ul style="list-style-type: none"> Lead the development, implementation, maintenance of the West Coast CDEM Group Recovery Plan. Provide advice and guidance on the development of the Local Recovery Plan. <p>Financial planning</p> <ul style="list-style-type: none"> Lead the development, implementation, maintenance of a CDEM Group policy on the management of response and recovery claims. 	<p>West Coast CDEM Group Plan</p> <ul style="list-style-type: none"> Support, the development, implementation, maintenance, monitoring and evaluation of the West Coast CDEM Group Plan. Ensure alignment between the West Coast CDEM Group Plan and Regional Council Long Term Plans. <p>Pre-event response action planning</p> <ul style="list-style-type: none"> Support development, implementation, maintenance of CDEM response planning for Regional Council. <p>Standard Operating Procedures</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of CDEM consistent Standard Operating Procedures as required <p>Recovery planning</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of Regional Council Recovery Plan for key council infrastructure and assets. <p>Financial planning</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of CDEM Group policy on the management of response and recovery claims. 	<p>West Coast CDEM Group Plan</p> <ul style="list-style-type: none"> Support, the development, implementation, maintenance, monitoring and evaluation of the West Coast CDEM Group Plan. Ensure alignment between the West Coast CDEM Group Plan and Territorial Authority Long Term Plans. <p>Pre-event response action planning</p> <ul style="list-style-type: none"> Support development, implementation, maintenance of CDEM response planning for Territorial Authorities. <p>Standard Operating Procedures</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of consistent CDEM Standard Operating Procedures as required. <p>Recovery planning</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of Local Recovery Plan with alignment to Group Recovery Plan. <p>Financial planning</p> <ul style="list-style-type: none"> Support the development, implementation, maintenance of CDEM Group policy on the management of response and recovery claims.
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Public Education

Engaging with communities is a critical component to building resilience. An effective public education programme needs to be targeted, evidence based and provide clear information and recommendations for the community prior to, during, and after adverse events. A Coast wide, consistent, and pro-active engagement programme must be developed to achieve this.

Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> • Lead the planning for and coordination of Public Education activities at the Group level. • Support local level Public Education activities. • Fund and maintain Group resources for Public Education. • Develop and maintain a West Coast CDEM Group website and social media presence. 	<ul style="list-style-type: none"> • Support the infrastructure provision of public education channels • Ensure WCRC’s messaging around natural hazards and risks are joined up and consistent with WCEM’s programme 	<ul style="list-style-type: none"> • Support Public Education activities at the local level. • Ensure messaging is consistent with WCEM’s programme. • Fund and maintain local resources for Public Education.

Public Information Management

Public information management (PIM) enables people affected by an emergency to understand what is happening and take the appropriate actions to protect themselves. This is achieved by making sure that timely, accurate, and clear information is shared with the public in an emergency. Strategic communications are a core component of Public Information Management activities.

Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> • Work with the Territorial authorities to develop a cadre of public information managers • Coordinate the provision of a 24/7 duty Group PIM function. <p>Public Information Management planning</p> <ul style="list-style-type: none"> • Lead and manage all Group level PIM activities. • Develop and implement consistent messages in line with national messaging and where required develop SOPs for the Group and provide coordination and advice for Group and Local PIMs. • Administer and maintain Group level PIM forums and meetings. • Conduct PIM for CDEM Group and support local PIMs (if established) during response and recovery. 	<ul style="list-style-type: none"> • Alternate Group Public Information Managers provided by Regional Council. • Provide staff to support a 24/7 duty Group PIM function. • Provide communications/ media staff to receive training and support the Group and local PIM functions, including strategic communications. <p>Public Information Management planning</p> <ul style="list-style-type: none"> • Support all CDEM Communications and Social Media activities at the Group and local level as required. • Support consistent CDEM messaging across all Regional Council social media platforms and websites. • Provide communications/ media staff to support the Group and Local PIM function during response and recovery if required. 	<ul style="list-style-type: none"> • Local Public Information Manager and alternates provided by Territorial Authorities. • Contribute to the creation of a cadre of PIM staff for Group level responses • Provide the agreed number of PIM staff to receive training and assist with the dissemination of CDEM information via any platform as required. <p>Public Information Management planning</p> <ul style="list-style-type: none"> • Lead and manage all local level PIM activities. • Support all CDEM Communications and Social Media activities at the Group and local level as required. • Support consistent CDEM messaging across all Territorial Authority social media platforms and websites. • Ensure effective delivery of PIM in response and recovery at the local level.

Reporting, Monitoring and Evaluation		
All members of the CDEM Group must provide reports that may be required by the Group. Monitoring and evaluation provide a method for learning from experience, analysing capability, planning and allocating resources, and demonstrating results as part of accountability to stakeholders.		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<p>Reporting</p> <ul style="list-style-type: none"> Facilitate agreed reporting to Joint Committee, CEG and CEG Operations Subcommittee. Coordinate and publish annual report against the West Coast CDEM Group Annual Plan and the West Coast CDEM Group Plan. Provide reporting to Territorial Authorities and Regional Council on staff training registration, attendance and completion of competencies associated with training. <p>Monitoring and Evaluation</p> <ul style="list-style-type: none"> Lead and implement Monitoring and Evaluation process for CDEM Group. Monitor progress against the goals, objectives and outcomes of the CDEM Group Plan on behalf of the Joint Committee. Develop and implement a framework for conducting post-event reviews and corrective action plans for the CDEM Group. 	<p>Reporting</p> <ul style="list-style-type: none"> Ensure Elected Officials and Leadership Team are informed of Joint Committee and CEG resolutions, directions, and decisions. Provide reporting to Joint Committee, CEG and CEG Subcommittee on specific Regional Council Annual Plan tasks related to CDEM. <p>Monitoring and Evaluation</p> <ul style="list-style-type: none"> Support, contribute and implement a lessons learned/ knowledge management process for CDEM Group. Support Monitoring and Evaluation process for CDEM Group. 	<p>Reporting</p> <ul style="list-style-type: none"> Ensure Elected Officials and Leadership Team are informed of Joint Committee and CEG resolutions, directions and decisions. Provide reporting to Joint Committee, CEG and CEG Sub-Committee on specific territorial authority Annual Plan tasks related to CDEM. <p>Monitoring and Evaluation</p> <ul style="list-style-type: none"> Support, contribute and implement a lessons learned/ knowledge management process for CDEM Group. Support Monitoring and Evaluation process for CDEM Group.

Warning Systems		
When there is an imminent threat to life, health, or property from hazard events the issue of official warnings is the responsibility of CDEM agencies.		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> Develop, implement, and maintain CDEM Group warning systems and protocols. Procure, maintain, promote, test, and activate CDEM Group public alerting systems. Ensure the functioning of an effective GECC/ EOC staff activation system. Monitor and respond to emergencies 24/7 on behalf of the CDEM Group including the dissemination of warnings and coordinating response in accordance with CDEM Group warning systems and protocols. 	<ul style="list-style-type: none"> Ensure an effective flood event monitoring and information system. <p>Promote the flood warning system to partners, emergency services and communities.</p> <ul style="list-style-type: none"> Support the dissemination of warnings from the CDEM Group to communities. 	<ul style="list-style-type: none"> Support West Coast CDEM Group in promoting the public alerting systems. Maintain, test, and activate local public alerting systems. Support the dissemination of warnings from the CDEM Group to communities.

Welfare Management

Management of welfare across all welfare services and clusters: Registration, Needs Assessment, Inquiry, Care and protection services for children and young people, Psychosocial support, Household goods and services, Shelter and accommodation, Financial Assistance and Animal welfare.

The objective of the welfare services function is to carry out activities across the 4Rs to provide for the needs of people affected by an emergency and to minimise the consequences of the emergency for individuals, families and whānau, and communities.

Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> • Lead planning for the delivery of welfare services for the West Coast CDEM Group. in accordance with Director's Guidelines. • Appoint Group Welfare Manager to deliver and coordinate Group welfare functions across the '4Rs'. • Lead the development, implementation, maintenance of the West Coast CDEM Group Welfare Plan. • Support local welfare planning. • Provide relevant reporting and recommendations at Group level on Welfare to CEG and Joint Committee. 	<ul style="list-style-type: none"> • Support Group (GECC) and local (EOC) welfare activities in response. 	<ul style="list-style-type: none"> • Lead planning and delivery of local welfare arrangements in accordance with Director's Guidelines. • Appoint Local Welfare Managers (Primary and Alternates) to deliver and coordinate welfare functions to local communities across the '4Rs'. • Support, contribute and implement the West Coast CDEM Group Welfare Plan. • Ensure coordination for the delivery of welfare at the local level in accordance with the National CDEM Plan Order and Group Welfare Plan. • Ensure coordination and delivery of welfare at the local level in response and recovery.

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Staff		
<p>The CDEM Group and each member of the Group are to take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management.</p> <ul style="list-style-type: none"> “Staff” means, all staff with CDEM responsibilities including CDEM career staff, CDEM appointed staff, Regional Council and Territorial Authority staff fulfilling CIMS functions as part of an Emergency Coordination Centre (ECC) or Emergency Operations Centre (EOC), and any CDEM volunteers providing support to any CDEM function. 		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<p>CDEM career staff</p> <ul style="list-style-type: none"> Manager WCEM to appoint CDEM career staff to deliver CDEM outlined in the CDEM Group Plan and this Agreement in accordance with Group and WCRC Policies. <p>24/7 Duty staff</p> <ul style="list-style-type: none"> Provide adequate 24/7 staff cover for duty roster for the West Coast CDEM Group. Ensure support to 24/7 Local Duty Controller capability. <p>Business Planning</p> <ul style="list-style-type: none"> With the support of relevant committees, develop the annual business plan and supporting work programme and submit for approval by CEG by 30 May annually for commencement on 1 July. <p>CDEM Forums</p> <ul style="list-style-type: none"> Appoint staff to represent the West Coast CDEM Group at national, regional and local CDEM forums as required. <p>Staff for CIMS functions</p> <ul style="list-style-type: none"> Lead the development and implementation of the competency, capability and capacity criteria for EOC/GECC staff in CIMS functions. Make recommendations on staff to fulfil GECC CIMS functions. Provide CDEM career staff to support Group and Local Controllers. Management and coordination of a database of all CDEM personnel at the Group and local level. <p>Activation in response / recovery</p> <ul style="list-style-type: none"> Activate CDEM career staff to support delivery of response. Ensure a surge plan is in place with NEMA for when local resources are exhausted. 	<p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Appoint a Senior Manager as CDEM designate to represent Regional Council. <p>CDEM career staff</p> <ul style="list-style-type: none"> The West Coast Regional Council is the employer of CDEM career staff (WCEM) to deliver CDEM outlined in the CDEM Group Plan and this Agreement. <p>24/7 Duty staff</p> <ul style="list-style-type: none"> Provide staff to support a 24/7 duty Group Controller capability. <p>Staff for CIMS functions</p> <ul style="list-style-type: none"> Group Emergency Coordination Centre Incident Management Team and alternates provided by Regional Council. Provide staff to CIMS functions within the GECC. Consult with WCEM on appointments of staff to CIMS functions for the GECC. Ensure all CDEM GECC staff have respective CDEM role included in Job Description, KPI in annual performance plan, required training and exercising in annual professional development plan and be allocated the time for active participation. <p>Activation in response / recovery</p> <ul style="list-style-type: none"> Ensure availability and prioritisation of staff to conduct GECC operations and deliver 24/7 response. Support the provision and deployments of surge regional council CDEM staffing to support Group and Local level response and recovery within the West Coast or across New Zealand. 	<p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Appoint a Senior Manager as CDEM designate to represent Territorial Authority. <p>24/7 Duty staff</p> <ul style="list-style-type: none"> Provide a 24/7 Duty Local Controller capability. <p>Staff for CIMS functions</p> <ul style="list-style-type: none"> Local Incident Management Team and alternates provided by Territorial Authorities. Provide staff to all CIMS functions within the EOC. Consult with WCEM on key appointments to their EOCs. Ensure all CDEM EOC staff have respective CDEM role included in Job Description, KPI in annual performance plan, required training and exercising in annual professional development plan and be allocated the time for active participation. <p>Activation in response / recovery</p> <ul style="list-style-type: none"> Ensure availability and prioritisation of staff to conduct local EOC operations and deliver 24/7 response. Support the provision and deployment of surge territorial authority CDEM staff to support Group and/or Local level response and recovery within the West Coast, or across New Zealand, as capability allows. <p>Note: If local capability has reached its limits, support is coordinated and provided through the Group Emergency Coordination Centre (ECC) in conjunction with NEMA. Local authorities are not required or encouraged to seek support outside that structure.</p>



Schedule B – Operational Sub-Committee Terms of Reference

West Coast Civil Defence Emergency Operational Sub-Committee

Terms of Reference 2022



Approved by CEG 22/02/2022

1. Name

The Operational Sub-Committee (OSC) of the West Coast Civil Defence Emergency Management Group's Coordinating Executive Group (CEG).

2. Purpose and Objective of the Operational Sub-Committee (OSC)

Civil Defence Emergency Management involves everyone contributing where they can, from individuals creating their household preparedness plans, communities uniting to build their community response plan, businesses practicing their business continuity plans, through to local authorities, emergency services, and partner agencies, doing their part.

The Purpose of the Operations Subcommittee is to provide operational support and advice to the Group Manager – West Coast Emergency Management (WC CDEM), and to the Coordinating Executive Group to help achieve positive and effective outcomes for the West Coast's communities.

The Objective of the Committee is to ensure an effective and operationally focused Coast-wide inter-agency/organisation support structure to deliver on the legislative requirements of the New Zealand Civil Defence Emergency Management Act (2002) and the intent and priorities of the Group, as detailed in the Group Plan.

3. Membership

Membership of the OSC consists of:

- Senior Manager – Buller District Council (with EM oversight responsibilities)
- Senior Manager – Grey District Council (with EM oversight responsibilities)
- Senior Manager – Westland District Council (with EM oversight responsibilities)
- Senior Manager – West Coast Regional Council (with EM oversight responsibilities)
- A senior officer of the New Zealand Police
- A senior officer of Fire and Emergency New Zealand
- A senior manager of St John
- A senior manager of the Department of Conservation
- The Emergency Management Officer from the West Coast District Health Board
- The Group Manager – West Cost Emergency Management

In addition, representation from Te Rūnanga o Ngāti Waewae and/or Te Runanga o Makaawhio is welcomed on an open invitation basis.

Chair of the OSC will be appointed from a Partner Agency and voted on by the full Committee.
The term of the Chair will be determined by the Committee.

4. Functions

The OSC is constituted as a composite committee where, due to resource constraints, it will provide the following delegated functions across all aspects and focus areas⁷ of Civil Defence Emergency Management:

- Providing operational support and advice to,
 - the CDEM Group Manager and staff
 - the CEG, and
 - any additional subgroups or subcommittees of the Group
- Supporting the implementation, as appropriate, the decisions of the CDEM Group

5. Deliverables

Key deliverables of the Sub-Committee include,

- Overseeing development, implementation, maintenance, monitoring, and evaluation of the WC CDEM Group Plan
- Overseeing development, implementation, maintenance, monitoring, and evaluation of the Annual Work Plan
- Promotion and integration of CDEM objectives and initiatives into each members agency/organisation, as appropriate
- Reporting quarterly to the CEG

6. Resources and Budget

All projects recommended in the Annual Work Programme must be supported by the Operational Sub-Committee and approved by the CEG. Where the insertion of an additional project or re-prioritisation of a project is requested outside of the approved Annual Work Programme, the project must first pass through CEG for approval within the West Coast Civil Defence Emergency Management Group Plan and approved budget.

⁷ Areas of focus include Reduction, Readiness and Response, Recovery, Lifelines, and Welfare,

Group projects delivered through the Group Emergency Management Office will be funded directly from the Group budget.

Locally or agency focused activities and initiatives promoted by the OSC must be taken to the relevant agency/organisation for consideration and funding, if approved.

The costs of completing any specific agency/organisation actions as outlined in the annual work plan will be met by the local authority or agency concerned, subject to available resources and funding, unless agree otherwise.

7. Terms of Reference

The OSC terms of reference will be approved by the West Coast Civil Defence Emergency Management Group Co-ordinating Executive Group.

These OSC terms of reference will be valid for a period of 3 years and will be reviewed at the first meeting of each new Triennium, or earlier if required.

8. Definitions

For these Terms of Reference:

- "Act" means the Civil Defence Emergency Management Act 2002.
- "CDEM Group" means the West Coast Region CDEM Group.
- "Co-ordinating Executive Group" (the CEG) means the Co-ordinating Executive Group to be established under section 20 of the Civil Defence and Emergency Management Act 2002 and clause 10.7 of this Terms of Reference.
- "West Coast Region" means the West Coast Region as defined by the Local Government Act 2002.

THE WEST COAST REGIONAL COUNCIL

To: Chair, West Coast Regional Council

I move that the public be excluded from the following parts of the proceedings of this meeting, namely, -

- Items 10.1 – 10.6 (inclusive)

Item No.	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 7 of LGOIMA for the passing of this resolution
Item 10.1	Confirmation of Confidential Minutes – Council meeting 14 December 2021	The item contains information relating to funding opportunities	To allow the Council to carry on, without prejudice or disadvantage, negotiations (s 7(2)(i)).
Item 10.2	Confirmation of Confidential Minutes – Council Extraordinary meeting, 23 February 2022	The item contains personal information relating to individuals	To protect the privacy of natural persons, including that of deceased natural persons (s 7(2)(a)).
Item 10.3	Confidential Minutes for tabling - Risk and Assurance Committee meeting 10 February 2022	The item contains information relating to legal and commercial matters	To maintain legal professional privilege and to protect commercial information (s 7(2)(b) and s7(2)(g)).
Item 10.4	Tender Process	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).
Item 10.5	Report on Cybersecurity	This item contains important information relating to Council IT and security of Council information and records	To prevent the disclosure or use of information for improper gain or improper advantage (s7(2)(j)).
Item 10.6	Report on Commercial Client (verbal update)	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).

I also move that:

- Heather Mabin, Randal Beal, Mikhael Schumacher and Daniel Jackson be permitted to remain at this meeting after the public has been excluded, because of their knowledge on these subjects. This knowledge will be of assistance in relation to the matter to be discussed; and
- 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 (*Ngā Pa Pouri*)
3. Declarations of Interest
4. Public Forum, Petitions and Deputations (*He Huinga tuku korero*)
5. Confirmation of Minutes (*Whakau korero*)
 - o Committee Meeting 8 February 2022
 - o **Matters Arising**
6. Chairman's Report
7. **Planning and Science Group**
 - 7.1 Planning and Resource Science Group Report
 - 7.2 Te Tai o Poutini Plan Update
 - 7.3 South Westland Freshwater Management Unit (SWFMU) Recommendations Report
8. **Consents and Compliance Group**
 - 8.1 Consents Report
 - 8.2 Compliance Report
10. **General Business**

H Mabin
Chief Executive

THE WEST COAST REGIONAL COUNCIL

**MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE
HELD ON 8 FEBRUARY 2022 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 11:15 AM.**

PRESENT:

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

IN ATTENDANCE:

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

1. WELCOME

Cr Challenger opened the meeting.

2. APOLOGIES

Moved (Birchfield/Magner)

That the apology from F Tumahai is received.

Carried

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. PUBLIC FORUM, PETITIONS AND DEPUTATIONS

There was no public forum.

PRESENTATION

There was no presentation.

J Douglas joined the meeting.

5. MINUTES

The Chairman asked the meeting if there were any changes to the minutes of the previous meeting. Cr Coll McLaughlin sought a number of corrections to the previous minutes.

Moved: (Magner/Ewen) *that the minutes of the previous Resource Management Committee meeting dated 14th December 2021 be confirmed as correct subject to the following amendments:*

1. *F Tumahai is recorded as being IN ATTENDANCE rather than PRESENT.*
2. *Item 6 Chairman’s Report: “Cr Challenger reported that Environment Canterbury want two Ngāi Tahu representatives on Council, noting WCRC would like local Iwi instead” be amended by removing the phrase ‘, noting WCRC would like local Iwi instead’.*
3. *Item 7.1.2 Update on Freshwater Implementation: – Add the words ‘about Outstanding Waterbodies’ as follows: “They are waiting on consultation with the community to see what locals value most about Outstanding Waterbodies.”*
4. *Item 7.1.3 Te Tai o Poutini Plan Update: Replace the last sentence of this section with the following: “Cr Challenger said rules in the new district plan regarding coastal hazards are unlikely to prohibit new development that can happen at the moment. However, coastal hazards rules do add cost”.*
5. *Item 7.1.5 Review of Stewardship Land: correct “WCTC” to “WCRC”. Add “Panel” after “Mana Whenua”.*
6. *Item 7.1.6 Tai Poutini West Coast 2050 Strategy: Amend “Destination West Coast” to “Development West Coast”.*

Carried

Matters Arising

Cr Ewen requested that all submissions and external reports include the map overlay previously requested.

6. CHAIRMAN’S REPORT

Cr Challenger reported that he had attended the South Westland FMU field trip which was very worthwhile for all that attended.

REPORTS

7. PLANNING AND RESOURCE SCIENCE GROUP

7.1 PLANNING AND RESOURCE SCIENCE GROUP REPORT

R. Vaughan spoke to this report and took it as read. R. Vaughan highlighted the Lake Brunner Water Quality report in Appendix 2. R. Vaughan stated that new rainwater and river monitoring sites had been established by the Hydrology team and that the low river levels during the Christmas period had raised awareness of water allocation.

Cr Ewen congratulated Staff on the amount of work they had undertaken. Cr Hill stated that technology could be updated to assist, assuming there was cellphone coverage. R Vaughan said that staff may explore the option of satellite contact as staff were reliant on remote readings and the stations are powered by solar.

Cr Coll McLaughlin complimented R Vaughan on the graphics and stated that she had had positive feedback on the webpage and its accessibility.

R Vaughan talked to the draft Submission on National Environmental Standards on Sources for Drinking Water (NES) and the new Water Services Act that had been circulated to Council, and expressed concern about the proposed one methodology being applied across the entire region.

The Water Services Act covered water tanks and single source supplies that supplied more than one dwelling. The Act and the NES required all other sources to be mapped and monitored, protection mechanisms to be put in place, and the methodology did not take into account the varying geology and geography across the region.

Cr Coll McLaughlin asked what a protection mechanism would be and R Vaughan used the example of ECAN having mapped groundwater and activity exclusion areas. This could potentially limit land use.

Cr Coll McLaughlin requested that management connect with other regional councils facing the same issues. Cr Magner supported this initiative.

Moved (Douglas/ Magner):

1. *That the report is received; and*
2. *That the Committee agrees with the updated staff advice in Appendix 1 to the report about which national documents to submit on.*

Carried

7.2 TE TAI O POUTINI PLAN UPDATE

J Armstrong spoke to this report, with a brief update on the release of the 800 page Exposure Draft through Council's website, 18 hardcopies in venues across the region and the various planned face-to-face drop-in sessions with stakeholders.

Chair Birchfield commented that the long document was not easy to read and that a simplified version should be investigated. J Armstrong said that the document had to comply with National Planning Standards as to how it was written and reminded Council that this step of the process was purely for feedback.

Cr Ewen enquired whether the TTPP Committee has made a submission to central Government about the National Planning Standard?

Cr Coll McLaughlin stated that she had abstained from the vote to release the Natural Hazards draft as there were no pathways for recognising Council's future installation of flood protection infrastructure.

Moved (Birchfield / Coll McLaughlin) *That this report is noted.*

Carried

8. CONSENTS & COMPLIANCE GROUP

8.1 CONSENTS REPORT

C. Helem spoke to this report and took it as read. C Helem highlighted the release of the ruling from the Hearing on the Barrytown JV application, which the CEO had circulated to Council prior to the meeting.

Cr Ewen enquired about the pushback wall referred to on page 35 and C Helem responded that this was an increase in the extraction pit.

Moved (Birchfield / Magner) *That the February 2022 report of the Consents Group is received.*

Carried

8.2 COMPLIANCE REPORT

C. Helem spoke to this report and took it as read highlighting the Punakaiki River Infringement Notice. Cr Ewen enquired as to whether this was a dry bed or wet bed? C Helem responded that the Notice related to the diversion of the river and work within the wet bed. Applicants really need to align their applications with their intended work methods.

Cr Coll McLaughlin asked about potential flood mitigation for Granite Creek, Barrytown. C Helem said the option was to get a consent to remove gravel and build up the banks; however it is on private property. Council also queried complaints about stock in the Arahura River and C Helem commented that the stock were not in the riverbed itself in the photos provided. He stated that stock exclusion rules covering that area for drystock do not come into force until 2025.

Moved: (Magner / Cummings)

1. *That the February 2022 report of the Compliance Group be received.*
2. *That the Browns Gold Ltd bond of \$18,000 for RC-2016-0138 is released.*

Carried

8.3 FRESHWATER FARM PLANS UPDATE

C. Helem spoke to this report and took it as read. The Ministry for Primary Industries (MPI) were providing good opportunities for farmers and Council staff to upskill about Freshwater Farm Plans. The roll-out of the requirement to have Plans in place was timed for mid-2022.

Cr Magner asked if Councillors could attend the sessions? C Helem agreed to put this option forward to MPI and commented that MPI were strong on stakeholder engagement. Cr Coll McLaughlin supported this initiative and the promotion of it amongst farmer and asked if sessions could be provided on Zoom?

Cr Cummings asked who would be responsible for overseeing the Farm Management Plans. C Helem advised that MPI was driving this initiative. However for the regulatory farm plans required in the near future, Council would have a function in recording and roll-out. There will be a national accreditation entity that had certifiers for the farm plans required by the regulations; however this is still a work in progress.

Moved: (Magner / Coll McLaughlin) *That this report is received.*

Carried

9. REGIONAL TRANSPORT

9.1 REGIONAL PUBLIC TRANSPORT PLAN

N Costley spoke to this report that was for information only and took it as read. Chair Birchfield commented that there was not much public transport on the Coast. N Costley stated Council had the Total Mobility Services but there may be additional need in the future.

Cr Coll McLaughlin took this opportunity to thank N Costley for her hard work producing Media releases while under pressure and congratulated her on the quality of her work.

Moved (Douglas / Ewen) *That the Committee note the process for the upcoming review of the West Coast Regional Public Transport Plan.*

Carried

GENERAL BUSINESS

Cr Ewen stated that Kaiata residents had expressed concern about the gravel extraction in the Omoto area and had queried the consent in place. Cr Ewen stated that the Operator had destroyed 7 tributaries and the flood plain was diminished. Cr Ewen asked management if he could see the consent? C Helem was to action this.

Cr Cummings commented that Hawkes Bay Regional Council was pushing back on NZTA's initiative to lower the speed limits. Cr Cummings commented that Regional Councils need a united response.

The meeting closed at 12:13 p.m.

.....
Chairman

.....
Date

Unconfirmed

Report to: Resource Management Committee	Meeting Date: 8 March 2022
Title of Item: Planning and Resource Science Report	
Report by: Lillie Sadler, Planning Team Leader	
Reviewed by: Rachel Vaughan, Acting Planning and Science Manager	
Public excluded? No	

Report Purpose

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

Recommendations

It is recommended that Committee resolve to:

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

Issues and Discussion

Freshwater Implementation

The South Westland FMU Group's Recommendations Report is completed and there is a separate report to the Committee on this matter in today's agenda. If the Resource Management Committee accepts the Group's Recommendations, this will complete the FMU community group process which has been running for the last four years.

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.

Resource Management Reform

Following on from the Exposure Draft of the Natural and Built Environments Bill that was released for submissions in March 2021, the Government released a consultation document in late 2021 titled "*Our future resource management system – materials for discussion*". The document gives an overview of the resource management reform process and a broad explanation of the main features of the new legislation. Ministry for the Environment has undertaken consultation with iwi and local government on the proposals for the upcoming Bill.

A submission has been drafted outlining Council's concerns with the costs of transitioning to the new legislation, providing for regional differences, and the erosion of local democratic input. The submission poses a number of questions about how certain provisions will work, and seeks that guidance and further information be provided on these prior to the Bill's release this year, so that Council can provide more informed feedback on the details.

Council supports the proposal to have joint committees with mana whenua and local government representation on them to develop regional spatial strategies and one resource management plan per region, subject to minor variations, for example, on the number of local government representatives. The Governance Committee for the Te Tai o Poutini Plan (Combined District Plan) is a good example of how this can work effectively. However, Council has serious concerns about the Government's proposal to have a central

government representative on these joint committees, which could potentially override local government decision-making.

Local Government New Zealand is supporting Council through the submission process.

Submissions lodged

The submissions on the Resource Management Reform, National Environmental Standard for Sources of Human Drinking Water, and Research, Science and Innovation Priorities and Funding were lodged on 3rd March. These submissions are attached as Appendix 2 of this report.

Changes to Environmental Reporting Act 2015

The Government has released a consultation document – *“Te Whakawhanake i te punaha ripoata taiao o Aotearoa: Improving Aotearoa New Zealand’s environmental reporting system”*, outlining proposed changes to the Environmental Reporting Act 2015. Ten changes are proposed. Some of these are to monitoring and reporting structures and processes at central government level and will not affect the Council. The following five proposed changes may incur additional costs to Council:

- Two suggestions under Proposal 3, firstly: Include a requirement for information on drivers – factors that cause the pressures on the environment;
- Proposal 3, secondly: Add a requirement for information on outlooks – how the state of the environment may change in the future, and the likely impact of such changes;
- Proposal 6: Replace environmental domains with cross-domain themes that form the basis of synthesis reports and in-between commentaries.
- Proposal 9: Define a set of environmental indicators in the regulations to help achieve the purpose of the Act; and
- Proposal 10: Include new provisions to set out powers for acquiring existing data for national environmental reporting.

Submissions close on 18 March. A brief draft submission will be prepared and circulated to the Resource Management Committee for feedback.

Here is a link to the consultation document:

<https://environment.govt.nz/assets/publications/era-amendments-consultation-document.pdf>

NES for Aquaculture changes

The Ministry for the Environment (MfE) is leading the overall Resource Management reform process. However, as part of this project, the Ministry for Primary Industries (MPI) is leading the development of policy advice on aquaculture management. MPI are investigating improvements to aquaculture management processes that will support sustainable aquaculture growth and delivering the Crown’s settlement obligations under the Maori Commercial Aquaculture Settlement Claims Act 2004, in line with the Government’s Aquaculture Strategy.

It may be that the government supplies science support to regional councils for mapping for spatial allocation for Aquaculture to meet statutory obligations. In addition, open ocean aquaculture is being investigated in response to inshore ocean area being too warm for some forms of aquaculture. The West Coast region is not currently being investigated for open ocean aquaculture. Staff will keep a watching brief on developments in this space and how it may apply to areas on the West Coast.

Resource Science

Water Quality

Routine water quality monitoring continues over the summer, along with the statutory contact recreation sampling. The contact recreation is to ensure water is safe for swimming and results are available at <https://www.lawa.org.nz/explore-data/swimming/>. All sites were compliant for the February period.

The majority of Resource Science work links with long term monitoring programs to report on the state of the environment.

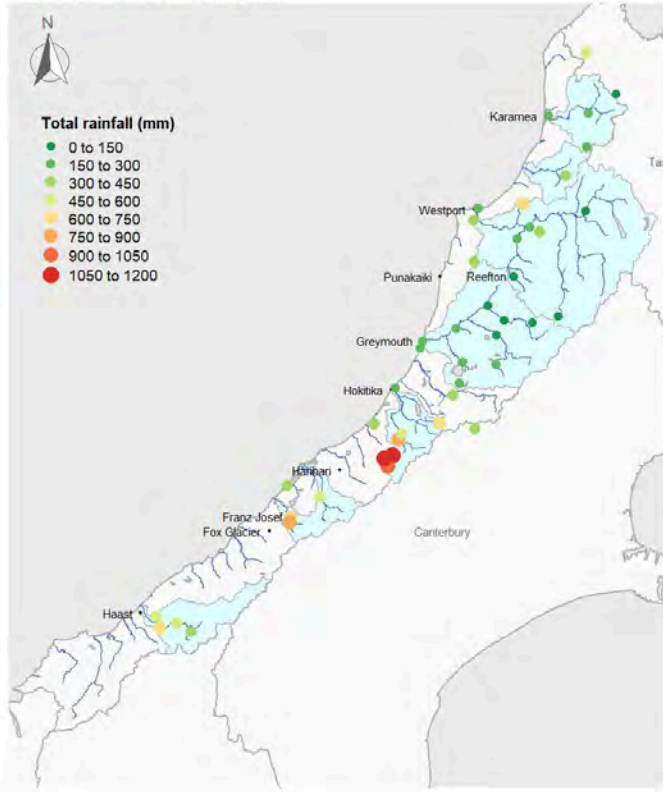
Hydrology and Rain events

I wish to acknowledge and thank the whole Resource Science team for their incredible efforts through February with flood monitoring and data analysis, during and after the rain fall events.

2 – 5 February

Between the 2nd and 5th of February 2022 a tropical weather system hit the West Coast, bringing rainfall from Karamea to Haast. The highest rainfall intensities and totals were experienced in Westland, mainly between Hokitika and the Glaciers, as well as right down at the bottom of the region which resulted in the Haast River surpassing it's 4-year Annual Return Interval (ARI) flood flow. An ARI being how often on average a flood of a given size may occur. The Buller, Grey, Hokitika and Mokihinui Rivers also all surpassed their 1-year ARI flood flows with the Karamea River falling shy of theirs. Due to the dynamic and aggrading nature of the Waiho River, flow data isn't available and water level data cannot be used for calculating the ARIs. However, water level data was recorded for the event, and at the SH6 bridge the Waiho river rose approximately 1.8m to a peak of 8.2m.

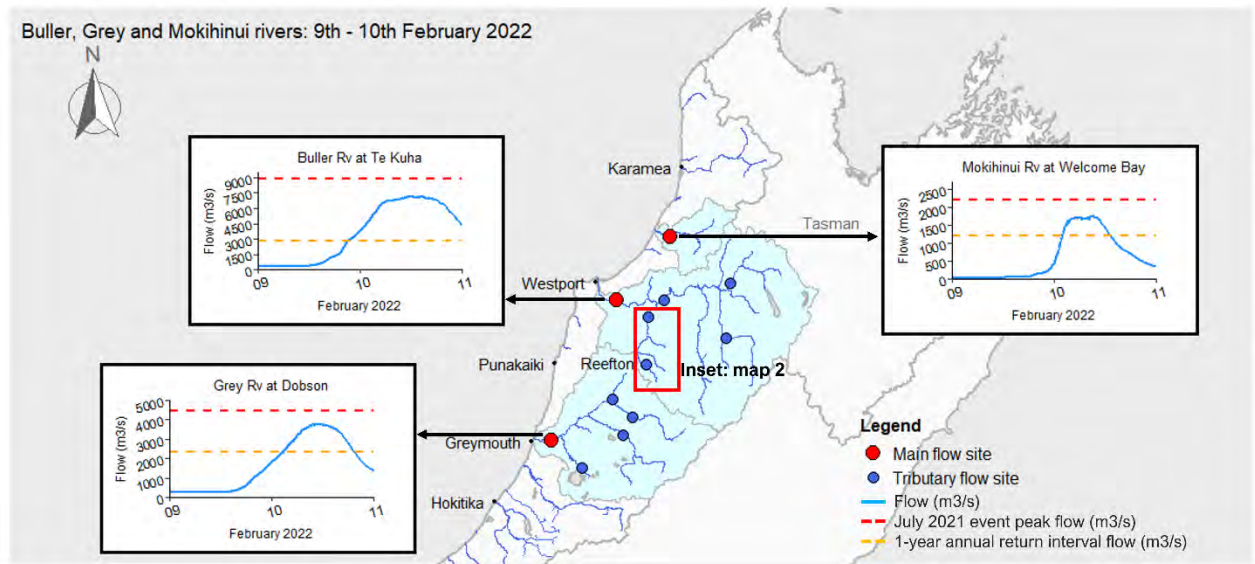
West Coast rainfall: 1st - 5th February 2022

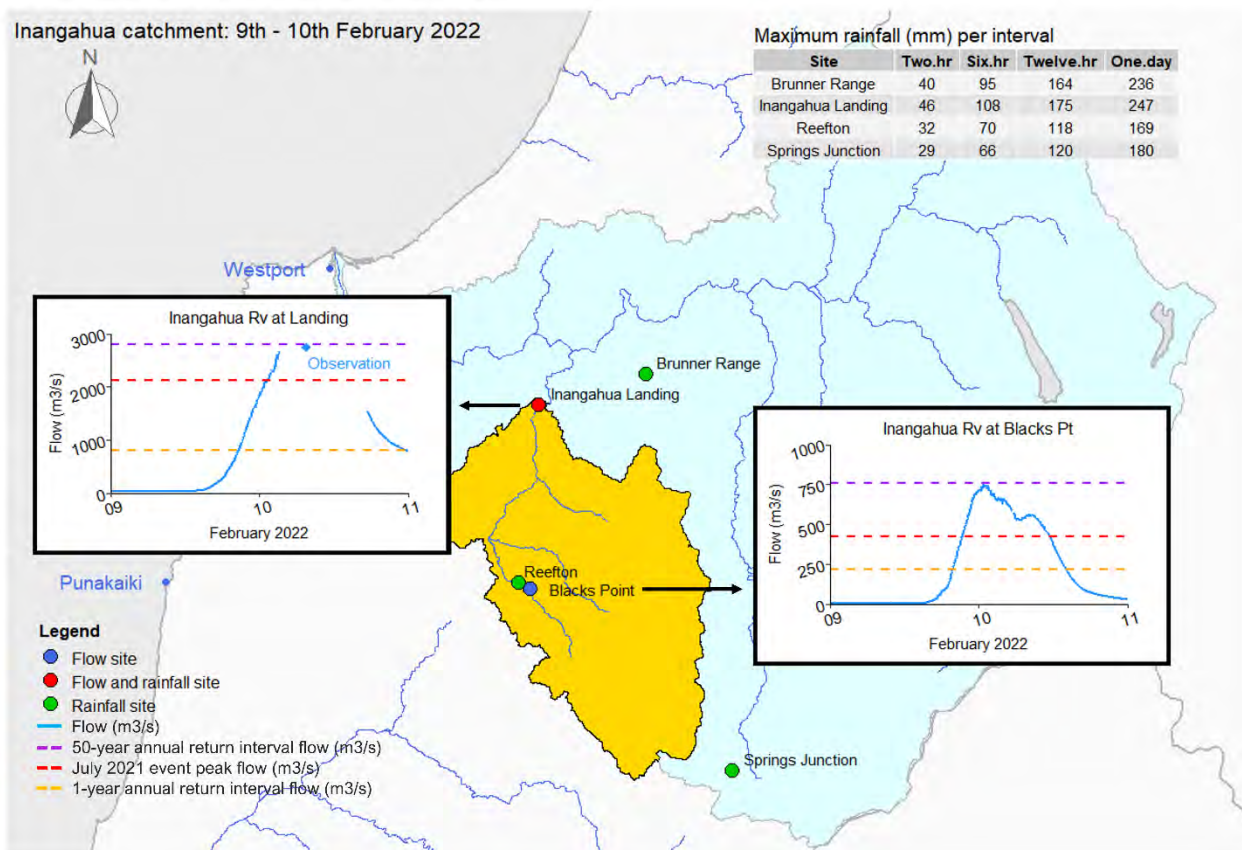


9-10 February

Just a few days after the first February 2022 event, another tropical weather system brought more rain to our northern West Coast catchments. Though they didn't quite make it to last July (2021)'s flows, the Buller, Grey and Mokihinui rivers responded rapidly over the 2-day event (map 1). Furthermore, unusually high short duration rainfall amounts in and about the Inangahua valley – a major tributary to the Buller River - resulted in an incredibly high river flow. The Inangahua River at Blacks Pt site upstream of Reefton recorded a peak just under its highest flow on record (1974), and the Inangahua River at Landing site downstream of Reefton recorded its highest flow on record, and that was before the monitoring instruments went offline due to damage (map 2).

Buller, Grey and Mokihinui rivers: 9th - 10th February 2022





Local Inangahua resident Rachel Silcock was able to capture a few photos of the Inangahua river as it was peaking on the Thursday morning. The monitoring tower can just be seen poking its head above the water (photo), and the river lapping at the base of the Inangahua River road bridge, at 7am (photo). These high flows put a lot of strain on our monitoring instruments, and in this event resulted in the site going offline. However, over the next few weeks our technicians will be repairing and strengthening the resilience of sites like this one. (Photo shows the site at a median flow for comparison purposes).

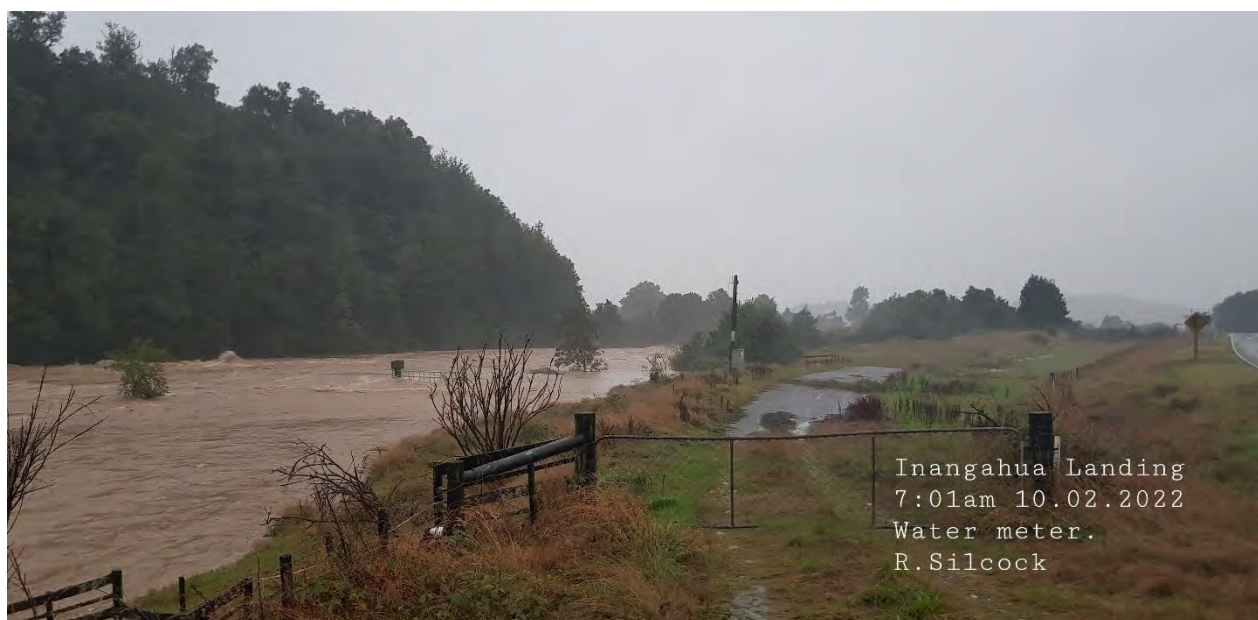


Photo 1 Inangahua River with monitoring tower visible in the stream



Photo 2 Inangahua River midflow showing tower on bank of River



Photo 3 Inangahua River lapping the Bridge at Inangahua Landing

Attachments

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

Attachment 2: Recent Council submissions: Submissions on Resource Management Reform, National Environmental Standard for Sources of Human Drinking Water, and Research, science and innovation priorities and funding

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

Document	Main points	Closing date, or approximate period, for submissions	Recommendation to submit or not
“Our future resource management system – Materials for discussion”	The document sets out the main components of the future resource management system and roles and responsibilities within it. It includes the Government’s thinking on parts of the system that were not included in the earlier Exposure Draft of the Natural and Built Environments Bill, and initial decisions made on reform detail since the Exposure Draft was prepared.	28 February 2022	<u>MfE granted WCRC a one-day extension to complete consultation with mana whenua, and the submission was lodged on 1 March.</u>
“Te Ara Paerangi future pathways Green Paper” – on research, science and innovation priorities and funding	This consultation document reviews New Zealand’s current research, science and innovation (RSI) sector, and considers how we best position New Zealand’s research system for the future, including by identifying priorities for RSI and funding.	2 March 2022 <u>Extended to 16 March</u>	<u>The submission was lodged on 6 March.</u>
Proposed changes to the National Environmental Standard (NES) for Sources of Human Drinking Water	MfE proposes amendments to the NES for Sources of Human Drinking Water, to strengthen how risks to source waters are considered in RMA decision making, and provide better protection of sources. These amendments are intended to work in tandem with provisions in the new Water Services Act to provide a proactive and preventative approach for managing risks to drinking water sources.	6 March 2022	<u>The submission was lodged on 6 March.</u>
Changes to Environmental Reporting Act 2015	Proposed changes seek to extend the Act’s functionality and breadth so environmental reports have more impact, to support effective decision-making. This includes giving a stronger voice to Te Tiriti o Waitangi (the Treaty of Waitangi), te ao Māori and mātauranga Māori.	18 March 2022	A submission is recommended on a small number of proposed changes that will mean extra costs to the Council.

Aquaculture reform as part of resource management reform – MfE and MPI	Fisheries NZ will be consulting on reforms to the aquaculture management system, as part of the resource management reforms. It will include consideration of Open Ocean Aquaculture.	To be advised	To be advised
Climate Change Adaptation Bill	This is the third new piece of legislation as part of the Resource Management Reform suite. It will focus on the necessary steps to address effects of climate change and natural hazards. Will deal with complex legal and technical issues (e.g. liability and compensation) around managed retreat.	Consultation in early 2022, alongside consultation on the National Adaptation Plan under the Climate Change Response Act 2002.	To be advised in due course.
National Adaptation Plan	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.	Consultation in early 2022, alongside consultation on the Climate Change Adaptation Bill.	To be advised in due course.
Natural and Built Environments Bill	First of two Bills giving effect to RMA reform, and replacing the RMA. This focuses on the setting of environmental limits and outcomes, environmental and land use planning and the governance of those activities. The Bill was originally intended to be consulted on in late 2021, then early 2022. The timeframe has been further pushed out.	Expected to be introduced to Parliament in the third quarter of 2022.	To be advised in due course.
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. Requires central govt, local govt, and mana whenua to work together to prepare a strategy.	Expected to be introduced to Parliament in the third quarter of 2022.	To be advised in due course.

	The Bill was originally intended to be consulted on in late 2021, then early 2022. The timeframe has been further pushed out.		
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Attachment 2 Recent Council submissions



388 Main South Rd, Paroa
P.O. Box 66, Greymouth 7840
The West Coast, New Zealand
Telephone (03) 768 0466
Toll free 0508 800 118
Email info@wcr.govt.nz
www.wcr.govt.nz

3 March 2022

RM Reform
Ministry for the Environment
P O Box 10362
Wellington 6143

Dear Sir/Madam

Submission on discussion document: “Our future resource management system – materials for discussion”

Thank you for the opportunity to make a submission on the discussion document: “Our future resource management system – materials for discussion”. The West Coast Regional Council (WCRC or the Council) values this additional opportunity to have input into development of the Natural and Built Environments Bill (NBB) and the Strategic Planning Bill (SPB).

Please find the Council’s submission attached. Council consulted with its iwi partners, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu or PNT), who are mana whenua on the West Coast/Tai Poutini, in the development of this submission. PNT have advised that they are working with Te Rūnanga o Ngāi Tahu on a tribal submission. The specific views of PNT will be advised in a submission from Te Runanga o Ngai Tahu.

The Council also invited feedback from the three West Coast District Councils and various stakeholders. Westland District Council supports the submission.

The Council submitted on the Exposure Draft of the NBB on 4th August 2021. We still hold the same view on some of these matters, for instance, the provisions relating to giving effect to the principles of the Treaty of Waitangi, and a joint planning committee for combining plans. This is already being implemented in the West Coast region via the Mana Whakahono ā Rohe Participation Arrangement between Council and Poutini Ngāi Tahu, and the current preparation of Te Tai o Poutini Plan (Combined District Plan - TTPP) for the three District Councils. The Te Tai o Poutini Plan Governance Committee (committee structure and membership) is working well, and we recommend that a similar joint committee model (excluding the mandated representation by mayors and chairs) be adopted in the new Bill.

Due to the high workload, Council has not had time to respond to all 33 of the questions in the discussion document, or read the Select Committee’s report on feedback on the Exposure Draft. We have, however, responded to a small number of questions in the latest discussion document.

We have a number of concerns and questions about parts of the proposed new system, mostly relating to the costs of the transition, providing for regional differences, erosion of local democratic input, and the structure of the joint committees for development of the Regional Spatial Strategy and the Natural and Built Environments plan.

Our contact details for service are:

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

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'H Mabin', followed by a long horizontal line extending to the right.

Heather Mabin
Chief Executive Officer

Executive Summary

Recommendation 1

- a) Council supports the requirement to “give effect” to Te Tiriti (as opposed to “take it into account”). However, Tiriti partnership needs to be integrated throughout the Bill, including in the Purposes of the NBA and SPA; and
- b) Council supports the Mana Whakahono ā Rohe process being retained and improved in the new law, provided that any new requirements are not inconsistent with, Te Tai Poutini Mana Whakahono ā Rohe Participation Arrangement.

Recommendation 2

- a) The Government removes the potential to have two sets of environmental limits in the NBA and NPF, and focuses on only having one set;
- b) The Government should provide further clarification on how the two sets of environmental limits will work prior to releasing the NBB, so that councils have time to consider and provide informed feedback.

Recommendation 3

That indigenous biodiversity limits set at the national level will be flexible enough to allow for regionally appropriate limits.

Feedback 1

WCRC supports the following Select Committee recommendations:

- Clarify that the NPF and NBA plans are not limited to addressing the identified outcomes, and can also cover a range of matters to help achieve the purpose of the NBA.
- Provide further direction on how conflicts between outcomes are to be resolved, including the insertion of principles and other substantive decision-making requirements to assist decision-makers in resolving conflicts between outcomes.

Recommendation 4

- a) That clear direction is required in the NBA on how conflicts will be managed;
- b) A clear mechanism is provided for implementation of the proposal to carry over the RMA’s requirement to ‘avoid, remedy or mitigate’ adverse effects of activities on the environment;
- c) The NBA needs to ensure a management framework exists for all adverse effects, particularly where adverse effects are contrary to stated limits or outcomes.

Recommendation 5

- a) The NBA includes a clear process for establishing an NPF, such as requirements for public consultation and a board of inquiry process;
- b) The NBA makes it mandatory for the Minister to consider a wide range of views and different regional contexts when developing the NPF;
- c) The Government provides clarification on what will be in the NPF prior to releasing the NBB.

Recommendation 6

That the NPF includes a process to allow local priorities to be set and local decision-making to resolve environmental conflicts.

Recommendation 7

- a) The Government clarifies the relationship between the NBA plans and the SPA, through guidance, and
- b) provides guidance on the role of existing caselaw on issues with the hierarchy of planning instruments under the Resource Management Act.

Recommendation 8

Include provision within the RSS process to set priorities within the context of each region and allow for an adaptive management approach rather than setting more rigid, separate areas for development and protection of regional council function-related activities.

Recommendation 9

- a) Clarify to regional councils what the role of their RPS will be in relation to RSSs under the new resource management system, prior to releasing the Strategic Planning Bill;
- b) Reconsider the purpose and roles of RPSs and RSSs, and consider retaining RPSs and incorporating them and RSSs into one document.

Recommendation 10

Clarify the legal status of an RSS, transitional provisions in relation to operative RPSs, and the status of the RSS in relation to the new resource management documents.

Recommendation 11

- a) The SPA provides for joint committees to design their own RSS development and engagement process;

- b) The joint committee for developing a RSS does not have a central government representative on it, but government representatives can provide advice in an advisory capacity;
- c) The SPA provides for the following structure and composition of a RSS joint committee:
 - i. an independent chairperson with resource management experience;
 - ii. elected member/s from and appointed by the Regional Council;
 - iii. elected member/s from and appointed by each District Council;
 - iv. Mana Whenua representative/s appointed by each Mana Whenua.

Recommendation 12

That public consultation on a Draft NBA plan is made optional.

Recommendation 13

WCRC strongly suggest an alternative structure for the proposed NBA plan joint committee that has:

- a) An expert advisory panel who can provide advice to the joint committee on respective matters as and when needed, including a Department of Conservation (DoC) representative if the matter relates to the coastal marine area or indigenous biodiversity protection and management;
- b) No DoC representative on the NBA plan joint committee;
- c) Two representatives per council; and
- d) Representation is reflective of Mana Whenua as the Treaty Partner within their respective takiwā.

Recommendation 14

Local place-making plans must be optional in the NBA.

Recommendation 15

Central government assists with funding for small councils where needed, to cover costs of the NBA one plan public consultation and hearings process.

Recommendation 16

Remove the further submission stage from the planning process in the NBA.

Recommendation 17

Without seeing draft wording, Council supports in principle the proposed approach to limiting appeal rights. WCRC also reiterate our support for appeals on points of law only.

Recommendation 18

Retain the RMA controlled activity status in the NBA for existing activities authorised under the RMA controlled activity status.

Recommendation 19

That the process for decision making on consents be workshopped with consent authorities prior to release.

Recommendation 20

NBA and SPA transition times should, at a minimum, be for 10 years from where RPSs and plans are at in the RMA Schedule 1 process at the time the NBA and SPA come into effect.

Recommendation 21

Add provisions to the NBA for future reviews, monitoring of efficiency and effectiveness, maintenance of the NBA plan, and future plan changes.

Recommendation 22

Any additional monitoring and reporting of NBA plan implementation, or other council monitoring that is beyond what is currently required, and where it is for central government purposes, must be funded by central government.

Introduction

The West Coast Regional Council (the WCRC or Council) appreciates the opportunity to provide feedback on the discussion document: “Our future resource management system – materials for discussion”.

On 1 November the Parliament’s Environment Select Committee released their report on public submissions on the Exposure Draft of the Natural and Built Environments Bill (NBB), and the Committee’s reflections on the Draft. The Committee’s report advised the Government to proceed with the development of the NBB and the Strategic Planning Bill (SPB), with some redrafting and specific topics to consider.

The Government is now consulting on a discussion document titled “Our future resource management system: materials for discussion”. It presents a fuller view of the main components of the resource management system design to date, including the role of Māori and local government within the future system, from the national to the local level.

Unless specifically stated, the Council’s comments are about both the Bills and the Acts, for natural and built environments and strategic planning.

The Council’s key concern is the additional and full cost of transitioning from RMA planning documents to the Natural and Built Environments Act (NBA) and Strategic Planning Act (SPA) framework, which potentially could start by the end of 2023. This current financial year the Council has had to enact a 30% rates rise, including to cover the extra work required by national direction. This is a significant increase for West Coast ratepayers. A substantial proportion of our current and future increased planning and science costs is implementing the NPSFM and NESF, and there is more to come when the NPSIB is finalised.

Our other main concern is that with a stronger central government role in the new resource management system, local views are not going to be reflected in plans and strategies for our Region, and local democracy will be diminished.

The discussion document is understandably broad at this stage, but raises numerous questions for us about how it will work in practice, and what effects/outcomes it will have for the West Coast Region. There remains uncertainty around what will be carried over from the RMA and effects-based plans into the future NBA and outcomes-based plans. Parts of our submission therefore explore the possible implications of the future reform system for our Region. We also comment on some matters that are not well covered in the discussion document. We support some aspects of the new system, and some we oppose.

About the Submitter

The West Coast Regional Council (WCRC) is the local authority for a region covering a vast area with a sparse population: it extends from Kahurangi Point in the north, and south to Awarua Point, a distance of 600 kilometres. This distance is the equivalent from Wellington to Auckland. The Region is predominantly rural.

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



The West Coast region stretches the equivalent distance of that between Auckland and Wellington

The Conservation Estate comprises 84.17% of land area within the West Coast Region, with 1.55% under Land information New Zealand (LINZ) administration. This leaves 14.28% available for private ownership. The land in Conservation Estate and Crown ownership is not rateable by local authorities.

The West Coast Regional Council (WCRC or the Council) works closely with the regions' three territorial authorities (Buller, Grey and Westland District Councils). All four councils and iwi are working in partnership on developing a combined district plan for the three Districts, the Te Tai o Poutini Plan (TToPP).

As at June 2020, the Region had a relatively low population of 32,600. Outside of the main towns of Westport, Greymouth and Hokitika, the region's population is spread across smaller settlements and rural communities. It is important that reform decisions consider the social, economic, and cultural well-being of all West Coast communities and the natural environment.

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are Poutini Ngāi Tahu (PNT) - mana whenua of Te Tai o Poutini (the West Coast). Our Mana Whakahono ā Rohe (Resource Management Act - Iwi Participation Arrangement) captures the intent of the Council and Poutini Ngāi Tahu to continue to progress our strong relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown. We seek that the West Coast's Mana Whakahono ā Rohe Arrangement is provided for in the new Natural and Built Environments Bill (NBB).

Key Issues Raised by this Submission

Giving effect to Te Tiriti o Waitangi

The discussion document states that the NBA will “*improve recognition of te ao Māori and Te Tiriti o Waitangi*”, and decision-makers would be required “*to give effect to’ the principles of Te Tiriti*” rather than “*take into account’ those principles*”. Council supported this in our submission on the Exposure Draft, and we reiterate that support in this submission. It is a positive step towards Te Tiriti o Waitangi partnership and co-operation. However, it must be stressed that compliance with Te Tiriti cannot be achieved through one clause alone. Tiriti partnership needs to be integrated throughout the Bill.

Our submission on the Exposure Draft further states: “*...we disagree with the demotion of the Treaty of Waitangi and the exclusion of it from the fundamental purpose....*”. Our recommendation is that Tiriti partnership must be included in the Purposes of the NBA and SPA.

It is pleasing to see the discussion document (Pg 37) indicates that the Mana Whakahono ā Rohe process will be carried over into the NBA, and “*enhanced by better enabling Māori participation in the system through an integrated partnerships process that would integrate with the existing RMA tools for transfers of powers and joint management agreements.*” The Mana Whakahono ā Rohe Participation Arrangement between the Council and Poutini Ngāi Tahu has been in place since October 2020. Part of our partnership arrangement is that the WCRC's Resource Management Committee has a representative from each of the two West Coast Rūnanga (Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio), with decision-making roles. Council supports retaining and enhancing the Mana Whakahono ā Rohe process in the NBA, provided that any new

requirements are not inconsistent with, or require changes to, Te Tai Poutini Mana Whakahono ā Rohe Participation Arrangement.

Recommendation 1

- a) **The Council supports the requirement to “give effect” to Te Tiriti (as opposed to “take it into account”). However, Tiriti partnership needs to be integrated throughout the Bill, including in the Purposes of the NBA and SPA;**
- b) **The Council supports the Mana Whakahono ā Rohe process being retained and improved in the new law, provided that any new requirements are not inconsistent with, Te Tai Poutini Mana Whakahono ā Rohe Participation Arrangement.**

Environmental Limits

Two sets of environmental limits

Council understands that there will be the potential to set environmental limits in both the NBA and the National Planning Framework (NPF) (Pgs 20, 21, para 1, and Pg 23, para 6), which sits beneath the NBA. Without seeing draft wording, Council does not support the concept of having a hierarchy of environmental limits in the new system. This is unnecessarily onerous for implementation. If the limits in the NBA will be broader than those in the NPF, this could potentially open councils up to litigation over their interpretation. If both sets have detailed limits, this could lead to unnecessary duplication.

The relationship between environmental limits in the NBA and limits in the NPF is unclear. Presumably the latter will comprise the more detailed national environmental standards and other regulations, such as the National Environmental Standard for Freshwater (NESF), and the section 360 Stock Exclusion Regulations. However, the description on Pg 20, para 4 of the discussion document sounds like the NBA limits may be detailed. Council seeks that the Government reconsiders having two sets of environmental limits in the NBA and NPF.

The consultation document does not provide enough explanation about how the two sets of limits will work practically, to enable the Council to meaningfully comment on a preferred approach. It would be helpful if further clarification can be provided sooner on how the two sets of limits will work.

Recommendation 2

- a) **The Government removes the potential to have two sets of environmental limits in the NBA and NPF, and focuses on only having one set;**

b) The Government should provide further clarification on how the two sets of environmental limits will work prior to releasing the NBB, so that councils have time to consider and provide informed feedback.

Environmental limits will have priority

WCRC are very concerned about the proposed approach to indigenous biodiversity protection, and whether nationally set environmental limits will be practically applicable in the West Coast Region. Council understands that environmental limits will have priority and are not subject to other goals related to wellbeing. Additionally, the Minister for the Environment will have powers to set environmental limits in the NPF for the six mandatory matters in the NBA - air, biodiversity, coastal waters, estuaries, fresh water, and soil.

Council's RPS Ecosystems and Indigenous Biological Diversity chapter has a policy with ecological limits or 'bottom lines' for protecting indigenous biodiversity from the adverse effects of development. The ecological limits are based on the Department of Conservation (DoC) Threatened Classification System Categories 1 – nationally critical, 2 – nationally endangered, and 3a – nationally vulnerable. A copy of Policy 2 is attached as Appendix 3. These limits were approved by the Environment Court following mediation of parties including, amongst others, WCRC, DoC, Forest and Bird, and Bathurst Resources. The provisions are specific to the West Coast, and may, or may not, be suitable for other regions, depending on their context. WCRC would be opposed to any nationally set ecological limits for protecting indigenous biodiversity that are impractical/unworkable for the West Coast, and are inconsistent with our RPS biodiversity Policy 2 limits.

Recommendation 3

That indigenous biodiversity limits set at the national level will be flexible enough to allow for regionally appropriate limits.

WCRC are aware that the Select Committee has recommended to include the use of transitional limits and environmental targets to provide an incentive to improve environmental health or quality, rather than viewing environmental limits as an acceptable environmental state in the long term. This sounds potentially appropriate to provide for regional differences. The Council supports this in principle, subject to seeing draft wording.

Outcomes

WCRC is aware that the Select Committee recommended to remove the differing qualifying or directive terms used in the Exposure Draft to refer to outcomes, such as "protect", "significant", "reduce", and "restore", and to specify that there is no hierarchy among the outcomes.

WCRC supports the proposal of no hierarchy among the outcomes. WCRC consider that clear direction is required in the NBA on how conflicts will be managed. Further, a clear mechanism needs to be provided for implementation of the proposal to carry over the RMA's requirement to 'avoid, remedy or mitigate' adverse effects of activities on the environment. The NBA needs to ensure a management framework exists for all adverse effects, particularly where adverse effects are contrary to stated limits or outcomes.

Feedback 1

WCRC supports the following Select Committee recommendations:

- **Clarify that the NPF and NBA plans are not limited to addressing the identified outcomes, and can also cover a range of matters to help achieve the purpose of the NBA.**
- **Provide further direction on how conflicts between outcomes are to be resolved, including the insertion of principles and other substantive decision-making requirements to assist decision-makers in resolving conflicts between outcomes.**

Furthermore, references in the Exposure Draft outcomes to activities being "positive", "generally positive" and "less appropriate" seems like a reversion to old land use planning approaches through district plans under the Town & Country Planning Act. There will be different interpretations of what these terms mean, and we question how they will achieve less litigation than the current RMA framework. For example, decision-makers must decide if the activity of landfills is "appropriate" or "less appropriate".

Recommendation 4

- a) That clear direction is required in the NBA on how conflicts will be managed;**
- b) A clear mechanism is provided for implementation of the proposal to carry over the RMA's requirement to 'avoid, remedy or mitigate' adverse effects of activities on the environment;**
- c) The NBA needs to ensure a management framework exists for all adverse effects, particularly where adverse effects are contrary to stated limits or outcomes.**

National Planning Framework (NPF)

Development of NPF

WCRC **strongly** recommends that the NBA includes a clear process for establishing an NPF, such as requirements for public consultation and a board of inquiry process. It is critical that councils have input into developing the NPF, to ensure that it provides for differences between regional contexts. The need for local input was highlighted last year in the Ministry for the Environment having to reconsider some of the freshwater regulations for agricultural activities, and activities affecting wetlands. WCRC acknowledge the work of the Ministry in listening to people with experience at the local level who can advise on what is workable and what is not.

The Select Committee recommended that Government do more policy work to establish what regulations should be contained in the NPF and include the types of provisions and functions currently provided for by national policy statements and national environmental standards under the RMA. Council assumes that the current suite of NPSs, NESs and other resource management regulations will form the bulk of the NPF. If any of these are substantively amended to be consistent with the NBA, this will potentially mean that councils must make further changes to their regional policy statements and regional and district plans. There is considerable uncertainty about the extent of changes to existing national policies, standards and regulations which could be added to the NPF. This uncertainty could be alleviated by the Government providing clarification on what will be in the NPF before the NBB is released for consultation.

Recommendation 5

- a) The NBA includes a clear process for establishing an NPF, such as requirements for public consultation and a board of inquiry process.**
- b) The NBA makes it mandatory for the Minister to consider a wide range of views and different regional contexts when developing the NPF;**
- c) The Government provides clarification on what will be in the NPF prior to releasing the NBB.**

NPF role in resolving conflicts

The explanation of the NPF on Pg 23 of the discussion document says: *“It will play a role in resolving conflicts between outcomes in the system”...that are the most appropriate to resolve at the national level.”*

And on Pg 28, para 2 of the discussion document: *“If there are conflicts between different directions or outcomes shaping an RSS (Regional Spatial Strategy) that cannot be resolved through the spatial strategy process, it is proposed that the NPF direction will take priority.”*

WCRC are aware that the Select Committee recommended to strengthen the conflict resolution provisions in the NPF, including by requiring the Minister to have regard to the extent to which it is appropriate for conflicts to be resolved at a national level by the NPF, or at a regional level by NBA plans.

If NPSs and NESs are within the proposed NPF, then the conflicts are resolved at the national level already, for example, with mining and indigenous forest removal. Council has concerns around what types and scale of environmental conflicts will be determined at the national level. WCRC seeks that councils retain the ability to use local decision-making including Community health and wellbeing, to resolve environmental conflicts.

Recommendation 6

That the NPF includes a process to allow local priorities to be set and local decision-making to resolve environmental conflicts.

Strategic Planning Act

The diagram on Page 19 of the discussion document (see Appendix 2 in this submission) shows an arrow indicating a flow path that looks like the Strategic Planning Act will develop from the NBA. However, the explanatory text states that *“The SPA will integrate with the NBA and other legislation relevant to land, urban development, and the coastal marine area.”* Some guidance about how the two pieces of legislation would integrate will be useful for implementation.

The diagram also indicates that NBA plans (one plan) will derive from RSSs and must be consistent. While WCRC understands that the diagram intends to avoid any hierarchy and takes a more integrated approach, the RSS must be developed first, and the NBA plan must be consistent with it, which suggests a form of hierarchy. To avoid the potential for litigation of the hierarchy, it is considered that guidance should be provided on the proposed integrated approach of the new resource management system. This will avoid RMA caselaw decisions on issues of hierarchy becoming redundant and avoid the need for new litigation on the integrated approach.

Recommendation 7

- a) The Government clarifies the relationship between the NBA plans and the SPA, through guidance, and**
- b) provides guidance on the role of existing caselaw on issues with the hierarchy of planning instruments under the Resource Management Act.**

Regional Spatial Strategy (RSS)

Identifying development and protection areas

The RSS will identify, amongst other things, areas that are suitable for development, and areas that need to be protected (discussion document, Pg 19, para 1). This approach fits well with district plan zoning where various zones and precincts indicate what is appropriate development within each zone. WCRC anticipates that Significant Natural Areas (for indigenous biodiversity) (SNAs), and outstanding natural landscapes, natural features and natural character areas will indicate where these values need protecting. However, it is unclear how activities managed by regional council functions will ‘fit’ into these areas, for example, freshwater use and mining, as they are often located where the resource is, and can be spread throughout the region. There are many situations on the West Coast where enabling development and protecting important values is not so black and white as the intent of RSSs suggests.

The large proportion of DOC land on the West Coast has a level of protection under the Conservation Act, but also has, for example, freshwater and hills which are suitable for small-scale 'run of the river' hydro electricity generation schemes that could support West Coast communities' wellbeing and resilience. Another example of where development can exist on protected land is the number of flood protection stopbanks along rivers in public conservation land, for example on the Waiho River near Franz Josef township, and on the Waitangitaona and Wanganui Rivers.

A RSS for the West Coast is likely to have more areas of protection for SNAs, wetlands, landscapes, natural features, natural character and natural hazards, than areas for development, based on the percentages of conservation land and private land.

If the intent of the RSS is to ensure protection of the much smaller indigenous biodiversity areas in regions with a higher proportion of development, this is not the case for the West Coast. WCRC wish to retain the flexibility within the RSS structure to allow for key development and protection areas to be identified and resolved at the regional level, as implied in the discussion document. WCRC seek that potential perverse outcomes for the region's communities are avoided as a result of the flow-on effect of national prioritisation through environmental limits for indigenous biodiversity in the NBA and NPF.

WCRC support the RSS direction to help groups to identify areas of mutual benefit and potential conflict earlier on. This will support planning interactions that have already occurred and allow outcomes to be managed in a more strategic way, for example, by designating areas for development or for protection.

Recommendation 8

Include provision within the RSS process to set priorities within the context of each region and allow for an adaptive management approach rather than setting more rigid, separate areas for development and protection of regional council function-related activities.

Resolving conflict in the RSS

The discussion document (Pg 24) explains that where conflict arises, for example, between development and environmental protection, trade-offs can be resolved at the regional level in the RSS, reducing the need for these to be relitigated in plans. However, WCRC questions if the RSS will realistically be able to address all resource use conflicts. Not all proposed development or conflicts fit neatly into the 'boxes' of areas of development and areas of protection. It is likely to have both in the same area in the West Coast given the

higher proportion of indigenous biodiversity spread throughout the region. Conflicts tend to arise on a case by case basis and are site-specific.

If agreement cannot be reached between development and environmental protection stakeholder groups during preparation and implementation of the RSS, this will likely carry over into plan development. Council has experienced this over the last 21 years where development and environmental protection stakeholders have been regular submitters and appellants on Council's Regional Policy Statement and Regional Plans.

If the Government accepts the Council's Recommendations 3, 4, 6 and 8, this will go some way towards achieving better environmental, economic, social and cultural outcomes for the West Coast.

Role of Regional Policy Statement (RPS)

It is unclear from the discussion document what the role of RPSs will be in relation to RSSs under the new resource management system. Council understands that parts of the West Coast RPS may be transferred into the RSS for the Region. The WCRC support using the historical RPS work for the new RSS.

The West Coast RPS became operative in July 2020. WCRC are concerned about the cost of having to change the RPS in the event that some provisions need to be removed and added to the RSS. There may also be additional costs of revising what is left of the RPS, if it means adding the remaining RPS provisions to the NBA plan, and withdrawing the operative RPS.

The RPS is the overarching document that lends guidance to all the hierarchy of regional planning documents and was prepared to undertake this function. The RPS also helps to align the Regional and District Council directions. It sets the tone for what the Community think is important in the region and sets out the directives such as preserve, protect, remediate etc. It is addressed in each and every staff report, S.42A report and is even setting the direction for Environment Court proceedings for the Te Kuha consent appeal¹.

During the preparation of the RPS, WCRC spent considerable time and resources on pre-hearing meetings with most key submitter stakeholders, and a 2.5-day workshop with a range of these stakeholders so they could better understand each other's views. WCRC also spent a year in mediation with 15 stakeholders and reached agreement on all appeal points so that a Court hearing was avoided. This was a cost to ratepayers, but less than what a Court hearing would cost. We are concerned with the potential cost of NBA and SPA transitional changes to our RPS having to be done so soon after the RMA review process has been completed. WCRC recommend that the Government reconsider the purpose and roles of the RPS and RSS, and consider retaining RPS provisions and incorporating them and the RSS into one document.

¹ See ENV-2017-CHC-000090 Royal Forest and Bird Protection Society of New Zealand Incorporated v Buller District Council & West Coast Regional Council
Applicant: Stevenson Mining Limited

Recommendation 9

- a) Clarify to regional councils what the role of their RPS will be in relation to the RSS under the new resource management system, prior to releasing the Strategic Planning Bill;**
- b) Reconsider the purpose and roles of RPSs and RSSs, and consider retaining RPSs and incorporating them and RSSs into one document.**

Legal status and position of RSS

Council understands that the RSS won't have operative status, but it will be a strategy. This makes its legal status unclear. If the RSS is not an operative document, WCRC question how the NBA plan can legally give effect to it without challenge. NBA plans must be consistent with the RSS. Clear direction needs to be given on the status of the RSS, transitional provisions in relation to operative RPSs and the integration of the NPF and RSS.

Recommendation 10

Clarify the legal status of an RSS, transitional provisions in relation to operative RPSs, and the status of the RSS in relation to the new resource management documents.

Joint committees

The discussion document outlines that there will be one planning committee for the RSS, and another for the NBA plan. Council supports one joint committee being able to design its own RSS development and engagement process.

The joint committees will have representatives from PNT, local government and central government on both committees (Pg 28 of discussion document). Council supports having mana whenua and local government representatives on the RSS joint committee, especially having a decision-making role on the RSS.

The WCRC raised concerns on the Exposure Draft about having a central government Department of Conservation (DoC) representative on the NBA plan joint committee. These issues are reiterated in the section on NBA plans. Any DoC representation needs to have their role clearly defined in the joint committee process, that is whether their role is that of land administrator, technical expert or conservation advocate.

With respect to a joint committee for developing the RSS, the Council does not support having a central government representative on it, as it could undermine local decision-making. No explanation is given for why a central government representative should be on the RSS joint committee, or which section of central government the person will be representing. Nor is it clear who would appoint them, what their contribution to the process will be, and how their involvement on the joint committee will benefit the West Coast region. WCRC

think it will be difficult to find a central government representative who knows and understands the nuances of resource management strategic spatial planning for the West Coast region. A central government representative could mean that national interests will dominate the process, the RSS will lose its local flavour, and the West Coast Council representatives will lose local decision-making and democracy.

Council is also concerned about who will pay the costs of having a central government representative on the joint committee. If national interests will benefit by having a representative on the joint committee, then central government should pay the costs, not West Coast ratepayers. If the main purpose (and benefit) is to be a conduit for central government funding, then this can be done in an advisory role rather than having a voting right on the committee.

Council reiterates its concern from our submission on the Exposure Draft, that the draft provisions appeared to erode the West Coast's local democracy on joint committees. The local process has been established by our Mana Whakahono ā Rohe Participation Arrangement, the provision in the Exposure Draft appeared to be taking decision-making away from democratically elected Regional Councillors and our Poutini Ngāi Tahu partners and giving it to others. In our view, this approach is inconsistent with the Treaty of Waitangi and therefore erodes fundamental principles of the Treaty.

Recommendation 11

- a) The SPA provides for joint committees to design their own RSS development and engagement process;**
- b) The joint committee for developing a RSS does not have a central government representative on it, but government representatives can provide advice in an advisory capacity;**
- c) The SPA provides for the following structure and composition of a RSS joint committee:**
 - i. an independent chairperson with resource management experience.**
 - ii. elected member/s from and appointed by the Regional Council;**
 - iii. elected member/s from and appointed by each District Council;**
 - iv. Mana Whenua representative/s appointed by each Mana Whenua.**

One NBA plan per region

Early consultation on NBA plan

The NBA plan will require early engagement during policy and plan development, including with iwi and the public (discussion document, Pg 21, para 4). Council must seek a wide range of views in the preparation of the NBA plan. If early public consultation is mandatory, it is unclear whether the intent is for early engagement prior to completing the Draft plan, or whether it means there will be a requirement to consult on the Draft plan. If it is the latter, this will be additional costs for small councils.

WCRC questions the benefits of public consultation at an early stage such as on the Draft plan. While some positive gains and agreements could be made by working with individual stakeholders, WCRC are aware of situations where stakeholders retreat to their old positions when the Draft plan is notified, and the gains are lost.

Recommendation 12

That public consultation on a Draft NBA plan is made optional.

Joint committee for NBA plan

There will be one joint committee for the NBA plan, with representatives from PNT, local government and possibly a central government Department of Conservation (DOC) representative. Council supports having mana whenua and local government representatives on the NBA plan joint committee, especially having a decision-making and drafting role on the plan.

Having a DOC representative on the NBA plan joint committee is not supported by the Council. The Council raised concerns in its submission on the Exposure Draft about having a DOC representative on the West Coast joint committee for the one NBA plan. These concerns are reiterated below.

The inclusion of DOC on the joint committee requires a clear definition of the role to ensure a conflict of interest does not arise. As DOC are regular submitters and appellants on Council's RPS and plans, they cannot be on the joint committee. If they are to be on the joint committee, then they cannot submit on the NBA plan. It is extremely unfair if they are given the opportunity to do both.

DOC operates under an entirely different mandate - the Conservation Act. WCRC question how DOC will be able to understand the issues for councils and ratepayers under resource management legislation that provides, amongst other, for sustainable resource use and protection.

It is also unclear whether the DOC representative would be acting on behalf of national conservation interests, or local interests. The promotion of national conservation interests may not necessarily reflect local conservation matters and could diminish autonomous decision-making. DOC's ecological input into the NBA plan needs to be from the local and regional level in an advisory capacity to the joint committee.

WCRC suggest that instead of having a DOC representative on the joint committee, that a DOC representative be on an expert advisory panel, with other experts who can provide advice to the committee on respective matters as and when needed. WCRC consider that it is not appropriate to have DOC at the decision-making level on regional and district resource management matters (with the potential exception of their role in the

coastal marine area under the New Zealand Coastal Policy Statement). Their role in an advisory capacity would be much more appropriate.

In the view of Council, the Te Tai o Poutini Plan (One District Plan) Governance Committee set up by an Order in Council to develop one district plan for the three West Coast District Councils has proven to be an effective model for the West Coast. The Governance Committee has two members per council, one mana whenua representative for each of the two mana whenua - Poutini Ngāi Tahu Rūnanga, and an independent chair. Council recommends that having two members per council is beneficial if one of them is overloaded with other work, and where one representative might understand an issue better than the other representative. The Governance Committee's mandate also importantly provides for one proxy to stand in for a Committee member if the original member cannot attend a meeting. This helps to spread the workload.

Developing a combined District Plan is a big piece of work, and it places heavy demands on the Governance Committee. Our experience is that having two representatives per Council in this structure is working well.

The discussion document (Pg 29) outlines several options for the structure and composition of a NBA plan joint committee. WCRC have previously advocated for one joint committee to undertake all planning processes, with the option to co-opt technical expertise in the form of advisory committees as required.

Recommendation 13

WCRC strongly suggest an alternative structure for the proposed NBA plan joint committee that has:

- a) An expert advisory panel who can provide advice to the joint committee on respective matters as and when needed, including a Department of Conservation (DoC) representative if the matter relates to the coastal marine area or indigenous biodiversity protection and management;**
- b) No DoC representative on the NBA plan joint committee;**
- c) Two representatives per council; and**
- d) Representation is reflective of Mana Whenua as the Treaty Partner within their respective takiwā.**

In the experience of the Tai Poutini Plan Committee created under Local Government Reorganisation Scheme (West Coast Region) Order 2019², having representation from each council has meant that local input has continued and has also meant the Committee has ended up with more diverse perspectives. For example,

² See: <https://gazette.govt.nz/notice/id/2019-go2872>

when discussing mining, issues and benefits from the different districts for different types of mining has meant we have ended up with a robust set of provisions.

The Committee have worked well together, it is useful to have standing orders or other methods to ensure that strong differences are respected, and everyone gets the opportunity to contribute. WCRC would strongly support an independent chair; having a non-political hand on the helm is beneficial.

The Chair should be appointed by councils and iwi but there should be no requirement for re-election through the election cycle; this provides some consistency, as well as independence. Each council needs to adopt a process on how the rest of their council are kept up to speed.

Examples include:

- A briefing from their planning manager so other council members can have input, and the council representatives are part of that discussion and can then take it forward.
- A similar process where a senior planner, team leader or other, for example, consents or compliance manager will go through the papers with council members and the council representatives.
- An update during council meetings may also be a way to keep all councillors informed.
- For iwi representatives, planning staff can help the appointees with any queries.

The WCRC Order in Council specifies that the Mayors (and WCRC Chair) have to be on the Governance Committee. This is not always ideal as they have a huge number of other commitments, and the district plan is not always their area of expertise.

Local place-making plans

Council considers that local place-making plans must be optional in the NBA. These would need to be justifiable as they would be an additional cost. There needs to be discretion for both Council and a specific community to accept or decline developing a local plan. Where there is agreement for such a plan, the community who will benefit from it will need to pay for it through a targeted rate, for example. It would be unfair to expect that all other ratepayers in the region pay for it.

Recommendation 14

Local place-making plans must be optional in the NBA.

Costs of NBA plan

The NBA plan will be a joint regional and district plan, so the RPS and regional plans will need to be both amended as per the new NBA framework and merged with the TTPP. This will be a significant cost over a relatively short period of time, whereas the cost of reviewing operative plans and holding hearings is usually

spread out over several years and can be more feasibly managed. Central government will likely need to assist with funding for smaller councils to meet the NBA requirements. The Westland District Council is a case in point; 88% of their District is non-rateable public conservation land. This means on a land ownership basis, 12% of landowners have paid for the District Council's share of the Te Tai o Poutini Plan (One District Plan), and they will also pay for the District's share of the combined NBA plan.

Recommendation 15

Central government assists with funding for small councils where needed, to cover costs of the NBA one plan public consultation and hearings process.

Remove further submissions stage

Council is aware that a more refined approach will be taken with NBA provisions for the submissions process, although WCRC are unclear what this will mean in practice. If it means that the further submission stage will be dropped, Council will support this. Removing the further submission stage from the RMA has been considered in the past during RMA reviews, and the Council has submitted in the past seeking its removal. In our experience, further submissions do not add substantial value or useful information to the process, and it delays the Schedule 1 process because WCRC have to do it. The more submissions that are lodged, the longer it takes to prepare the Summary of (original) Submissions and publicly notify this for further submissions. If the Government wants to make planning processes more efficient, removing the further submissions stage would certainly achieve this.

Recommendation 16

Remove the further submission stage from the planning process in the NBA.

Environment Court appeals

It is proposed in the discussion document that the NBA will limit appeal rights on plans by not allowing appeals that seek to rehear any independent hearing panel recommendations that are accepted by the joint committee. Appeals seeking judicial review will also be allowed. This is the model used for the Auckland Council Unitary Plan. It is unclear if this is consistent with the freshwater plan process which limits appeals to points of law.

The current RMA appeals provisions have been used by some submitter stakeholders in a way that generates extra costs to the WCRC. Under the current RMA appeals provisions, submitters can lodge a submission and then not engage in the rest of the process until the appeals stage, where the Environment Court mediation process makes appellants 'knuckle down' and work towards reaching agreed resolutions. Limiting appeal rights should have the effect of making submitter stakeholders put more effort into resolving issues at the pre-hearing and hearings stage. Hopefully this will avoid the situation WCRC had with our proposed RPS, where one of the

main submitter stakeholders did not engage with us in pre-hearing meetings, did not attend the hearing, and then lodged an appeal.

Without seeing draft wording, Council supports in principle the proposed approach to limiting appeal rights. WCRC also reiterate our support for appeals on points of law only. The right to appeal decisions on plan reviews is often expensive and lengthy. This was our experience with appeals on adding significant wetlands to our proposed Regional Plan in 2010, which took around two years to resolve in the Environment Court at a high cost to Council. It does not make sense financially to have endless appeals. The public, including stakeholders, have plenty of opportunities to have their say in the plan development process, informally and formally at the early investigation, drafting, submission, pre-hearing and hearing stages. Limiting appeals should reduce costs to councils as it will help to retain decision-making on plans at the local level, rather than being decided on by the Environment Court.

Recommendation 17

Without seeing draft wording, Council supports in principle the proposed approach to limiting appeal rights. WCRC also reiterate our support for appeals on points of law only.

Consents and compliance

Consents

The discussion document (Pg 30) explains that consent activity classes will be standardised and reduced, with key requirements set out in NBA plans rather than assessed on a case-by-case basis. The document believes that this will increase certainty and efficiency and drive a reduction in the volume of resource consents.

Four activity categories will apply, with non-complying activity status being discarded:

- Permitted – activities are “positive” and adverse effects, including cumulative effects, “are known”.
- Controlled – activities are “generally positive” and adverse effects are “generally known”. Consent is required for “tailored management of effects” and there is a limited ability to decline. This is more like the current Restricted Discretionary Activity status.
- Discretionary – activities are “less appropriate” and “unanticipated” by the plan. Effects are “less known” or go beyond boundaries. Councils have broad discretion to seek further information and either grant or decline the consent. This is akin to a combination of the current Discretionary Activity and a Non-Complying Activity.
- Prohibited – can’t do, can’t apply.

The limited ability to decline a controlled activity is a change from the RMA controlled status which requires that the consent be granted, with conditions limited to matters that council reserves their control over being listed in the regional or district plan. WCRC have not seen a good rationale for this change.

Council would support the changes to the NBA controlled activity status for proposed new activities seeking approval as a controlled activity, and strongly support retaining the RMA controlled status for existing activities authorised under RMA controlled activity status. WCRC has more than 600 controlled activity resource consents granted for whitebait stands. These activities are low impact, temporary, the activity is actively compliance-monitored during the whitebait fishing season, and the consents have been regularly renewed every 5-7-10 years since the late 1990's. The controlled activity status for whitebait stands is appropriate because the activity is supported by other policy restrictions in a Schedule in the Regional Land and Water Plan. The number of stands will not be increased, so there is no cumulative effect that would justify treating them as a discretionary activity. Permitted status is not appropriate as some conditions may need to be varied where the stand has to be relocated to a different site on the river, and/or the stand design changes, so specific conditions may be needed to manage effects on the river bed or bank. Provision for declining any new activities can be outlined in the plan, but controlled activity consent renewals granted under the RMA should continue to be treated under the RMA controlled rule status.

Recommendation 18

Retain the RMA controlled activity status in the NBA for existing activities authorised under the RMA controlled activity status.

A key theme in the discussion document around rules is that things will be clearer, more directive, with greater use of permitted and prohibited status, thus giving everyone more certainty about what's ok and what's not. "Discretionary" activity status will be used much more sparingly because plans will identify (as "controlled" activities) those activities that are "positive" or "appropriate", where effects are "generally known" and the consent process for controlled activities will generally be required only to "tailor" the conditions to manage effects (although there will also be "limited discretion to decline"). Furthermore, controlled activity rules will generally identify who should be consulted (including which Iwi/hapu), and whether or not the application should be notified or not. "Discretionary" will only apply to activities which are "less appropriate", and have effects that are "less well known" or were "unanticipated" at the time of the plan development. Somehow, all of this is going to make the consenting system more certain, more streamlined and will "drive down the volume of consents".

Reducing the number of consents lodged may, or may not, achieve the desired environmental and economic wellbeing outcomes sought. Council is not convinced that this will happen or is desirable. Government should not ignore the fact that consenting pathways are a crucial tool to achieve biodiversity (including wetland) gains through the consent process. Management, restoration and maintenance of wetlands requires substantial

funds and long-term ownership. Modern plans and processes such as the recognition of the offset process are now a main leverage tool to require active management and restoration of indigenous habitats where they are adversely affected by development. While there are sceptics (Brown et al. 2013), and in some cases rightly so, the biodiversity gains made over the last 10 years on the West Coast because of a consenting pathway that had mitigation and offset tools, that were sufficiently compliance checked, has been substantial. This includes, for example, the Holcim Quarry Rehabilitation at Cape Foulwind³, and the Rio Tinto bauxite mining restoration at Barrytown on the West Coast⁴.

The discussion document explains that NBA plans will “*provide direction on what level of notification is required.*” The RMA already enables plans to do this, but it is clear that MfE intends plans to be far more directive than is presently the case in practice. Realistically, this applies only to controlled activity rules but is part and parcel of the theme of providing greater certainty of process and outcome than plans presently provide. The existing case by case decision-making about notification appears to be seen as contributing to inefficiency of process, uncertainty of outcome, and is regarded as avoidable. However, “greater certainty” of process is often achieved at the expense of flexibility and the appropriate exercise of discretion. Pre-determining the need for notification across the raft of controlled activity rules envisaged under the conceptual model seems unrealistic. Assuming that the need or otherwise for notification will swing on some assessment of effects on the environment or persons, rules will need to be very specific and “ring-fenced” as regards the activity concerned and its effects. It suggests a level of detail and sophistication in the design of rules that may be difficult to achieve.

Requiring plans to “*provide direction on what level of notification is required*” will also require plans to capture every consent scenario and parties to effectively litigate at the plan making process. Council experience in RMA plans shows that it is very difficult to capture unforeseen land uses. In the past this has resulted in a permissive activity model with unforeseen adverse effects arising, or the flip side is that the process makes it more difficult for developers to apply for things not allowed for in the plan.

The categorisations are based, at least in part, on whether effects “are known” and seems to imply that, as long as effects are “known”, then permitted activity status is appropriate. This is also illogical. We “know” that heavy discharges of boron rich mine water to waterways will adversely affect aquatic plants, so should that be permitted? Suggested wording is that “effects which are known, are relatively minor and are appropriately managed by clear and legally robust conditions.”

References to the effects of activities which will be permitted being known, “including cumulative effects”, presupposes that the extent/frequency of the permitted activities concerned across the region is known. For

³ Phibbs, H. L., *Assessing the Success of Restoration Plantings at Cape Foulwind, New Zealand*. (M.Sc Forestry Science thesis, University of Canterbury, 2003)

⁴ See: <https://www.sciencedirect.com/science/article/abs/pii/S0341816215300783>

example, we “know” the effects of a single, small scale water take from a stream. Knowing the cumulative effects of multiple small scale takes from that same stream is a different matter. While decisions about the appropriateness of rules can be made based on reasonable assumptions, it is simplistic to think that councils can always know the likely cumulative effects, because that depends on knowing something in advance that may not be knowable.

Discretionary activities are stated to be “*unanticipated by the Plan*”. It is not clear what this actually means. It could mean “frowned upon”, that is, discouraged by the Plan, or simply that the Plan does not specifically address that activity, or both. The explanation in the discussion document for the categories proposed as a whole, is unclear. MfE expects that relatively few activities will fall into the discretionary activity category which, as noted above, infers a level of coverage and sophistication in the rules that may not be able to be implemented in practice.

The document further states that plans will “*provide clear processes for decision-making on consents*”. There is no indication what these processes will be. WCRC are concerned that the proposed new activity status moves activity litigation into the plan making stage, rather than giving the opportunity to assess adverse effects at the consent application stage. This forecloses the opportunity for positive effects and may not take new technology and economic opportunities into account. Given the changing climate of our times, WCRC does not support taking away the flexibility of the current consent application process which may result from the proposals in the NBA. That is, rigid nationally set outcomes, rigid activity status and planning processes that do not allow for innovation.

Recommendation 19

That the process for decision making on consents be workshopped with consent authorities prior to release.

Compliance

Regarding compliance, the discussion document states that the system could explicitly enable permitted activities to require third party certification, thus allowing a more proportional and efficient approach. This comment seems to be based on the false premise that, currently, all instances of activities carried out under a permitted activity rule, are not only visible to, but also “checked off” by, the consent authority. This is not the case and, to an extent, would defeat the purpose of permitted activities (that is, to regulate generally small scale activities in a way that avoids unnecessary bureaucracy where that is justified by the expected level of effects). Under the West Coast Regional Plans, there are many activities identified as “permitted”. With a few exceptions, none of these rules require persons operating in accordance with them, to advise or notify the Council, or to provide any information to the Council. With the exception of a few specific rules, there is generally no ‘checking’ process to monitor compliance. So, for the West Coast situation at least, the idea that

a general requirement for persons operating under similar future permitted activity rules to get third party certification, will result in any greater efficiency or “proportionality”, is simply wrong.

Transition, plan maintenance and implementation provisions

It is critical that sufficient time is allowed for councils to transition from RMA RPSs and plans to the RSSs and NBA plans. Council’s RPS became operative in July 2020, and the NBA and SPA transition times should, at a minimum, be for 10 years from where RPSs and plans are up to in the RMA Schedule 1 process at the time the NBA and SPA come into effect. This will enable the WCRC to get value for money from our RPS. Timeframes should also include sufficient time for councils to do meaningful consultation with iwi, taking into account that tikanga can involve consultation with multiple runanga..

Recommendation 20

NBA and SPA transition times should, at a minimum, be for 10 years from where RPSs and plans are at in the RMA Schedule 1 process at the time the NBA and SPA come into effect.

Future reviews, RMA s35 monitoring of efficiency and effectiveness, maintenance of the Te Tai o Poutini Plan (TToPP - One District Plan), and future plan changes, have not been addressed in the Order of Council for the TToPP, and is largely ignored in the discussion document for the NBA one plan for the region. Provisions should be added to the NBA for these.

Recommendation 21

Add provisions to the NBA for future reviews, monitoring of efficiency and effectiveness, maintenance of the NBA plan, and future plan changes.

Central government monitoring of NBA plan implementation

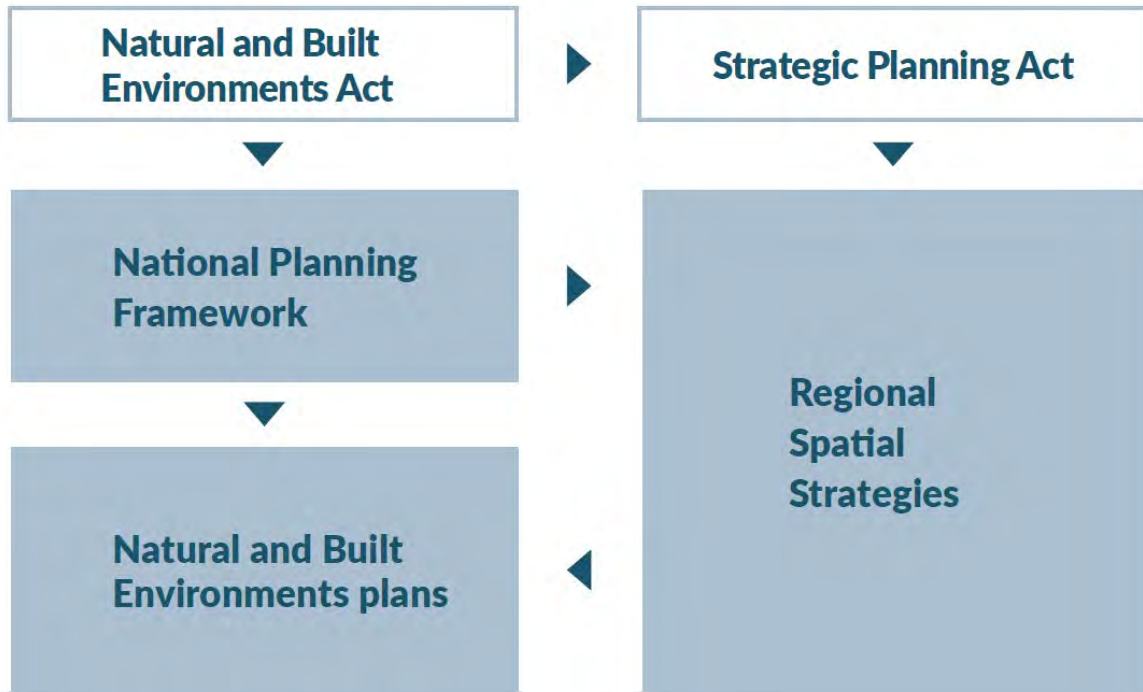
The discussion document outlines the proposed approach to monitoring, which will include “...*consistent and regular local-level environmental monitoring and reporting...*” (Pg 32). The RMA currently requires efficiency and effectiveness monitoring of RPSs and plans within five years from when they are made operative, as well as three-yearly State of the Environment reporting. If the new NBA and SPA will require additional monitoring and reporting beyond what is currently required, this will incur further costs for the Council. Additional monitoring will need to be robustly justified. Council has submitted in the past on the Environmental Reporting Bill, that if regional councils are required to undertake additional monitoring and reporting for central government purposes, then central government must pay for it, not local ratepayers.

Recommendation 22

Any additional monitoring and reporting of NBA plan implementation, or other council monitoring that is beyond what is currently required, and where it is for central government purposes, must be funded by central government.

This ends our submission.

How the future system will work



Appendix 2: West Coast Regional Council Regional Policy Statement 2020, Chapter 7 Ecosystems and Indigenous Biological Diversity, Policy 2

2. Activities shall be designed and undertaken in a way that does not cause:
 - a) The prevention of an indigenous species' or a community's ability to persist in their habitats within their natural range in the Ecological District, or
 - b) A change of the Threatened Environment Classification to category two or below at the Ecological District Level;² or
 - c) Further measurable reduction in the proportion of indigenous cover on those land environments in category one or two of the Threatened Environment Classification at the Ecological District Level;³ or
 - d) A reasonably measurable reduction in the local population of threatened taxa in the Department of Conservation Threat Classification Categories 1 – nationally critical, 2 – nationally endangered, and 3a – nationally vulnerable⁴.
2. The Threatened Environment Classification system is managed by Landcare Research. (Walker S. et al 2007. Guide for users of the Threatened Environment Classification. [Lincoln, Canterbury], Landcare Research New Zealand. 1 – 35 p.)
- 3 ibid
- ⁴ Department of Conservation threat classification: Townsend, A, de Lange, P; Clinton, A; Duffy, A; Miskelly, C; Molly, J; Norton, D. 2008. New Zealand Threat Classification System Manual

2 The Threatened Environment Classification system is managed by Landcare Research. (Walker S. et al 2007. Guide for users of the Threatened Environment Classification. [Lincoln, Canterbury], Landcare Research New Zealand. 1 – 35 p.)

3 ibid

⁴ Department of Conservation threat classification: Townsend, A, de Lange, P; Clinton, A; Duffy, A; Miskelly, C; Molly, J; Norton, D. 2008. New Zealand Threat Classification System Manual



388 Main South Rd, Paroa
P.O. Box 66, Greymouth 7840
The West Coast, New Zealand
Telephone (03) 768 0466
Toll free 0508 800 118
Facsimile (03) 768 7133
Email info@wcr.govt.nz
www.wcr.govt.nz

3 March 2022

Improving the protection of drinking-water sources
Urban Water team
Ministry for the Environment
PO Box 10362
Wellington 6143

Dear Sir/Madam

Submission on consultation document – “Improving the protection of drinking-water sources”

Thank you for the opportunity to provide comment on the consultation document “*Kia kaha ake te tiakina o ngā puna wai-inu: Improving the protection of drinking-water sources*”.

Attached is the West Coast Regional Council’s (WCRC or the Council) submission.

Council welcomes the opportunity to respond to this consultation.

The Council supports in principle improving the protection of sources of human drinking water. Council notes that the intent of the recent Water Services Act (the Act), in tandem with the proposed NES-DW changes, and changes to New Zealand Standards, is to improve protection of drinking water sources and reduce the risk of contamination. The WCRC is aware that improvements can be made to our Regional Plan provisions on this matter.

WCRC has concerns about the cost to West Coast ratepayers of implementing not only the proposed NES-DW changes but also the Act. While stronger regulation is appropriate in areas with larger populations and more intensive development upstream of community water supply takes, this level of pressure on drinking water supplies, and the subsequent higher risk of contamination of those supplies, is not necessarily the same in all regions.

Council therefore seeks a more scaled regulatory approach with strengthened alternative options so that the smaller rural populations on the West Coast with relatively less land development and pressure on human drinking water supplies, can have an appropriate level of regulation and not be burdened with unnecessary costs of over-regulation.

Our contact details for service are:

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

Phone: 021 190 6676

Email: ls@wcr.govt.nz

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'H Mabin', followed by a long horizontal line extending to the right.

Heather Mabin
Chief Executive Officer

List of Recommendations and Feedback

That the Government-

Recommendation 1

- a) provides for alternative solutions and/or a general exemption, either in legislation or regulation, for small rural drinking water supplies to avoid having to be registered;
- b) provides information on what alternatives and exemptions will entail, and consults with rural communities and councils on these options);
- c) takes a proactive approach to people becoming self-sufficient when it comes to water supply through subsidies and incentives for water tanks;
- d) provides, through the Water Services Act or documents setting up Taumata Arowai, for Taumata Arowai to grant alternative solutions and/or exemptions for smaller water supplies who do not have the capability or capacity to undertake comprehensive risk management planning;
- e) provides science and resource support for rural councils to develop bespoke solutions.

Recommendation 2

- a) establishes realistic monitoring, evaluation and reporting targets for small rural drinking water supplies;
- b) makes a commitment to fund the monitoring and reporting of water quality at the source of drinking water supplies, to be undertaken by regional councils;
- c) makes a commitment to support households becoming self-sufficient in their water needs through the installation of rain-water tanks;
- d) applies the range of national tools for maintaining and improving water quality in an integrated manner so that gains for drinking water quality made under the NPSFM and NES mean that regulations and restrictions in the Act and NES do not need to be excessive.

Recommendation 3

reviews the proposed SWRMAs 1-3 system in terms of:

- a) its suitability for small rural drinking water supplies with little land use activity in upstream areas of catchments;
- b) the cost of resourcing the SWRMA process for differing hydrological and geological systems;
- c) any unintended consequence as a result of land use limitations in the SWRMAs.

Recommendation 4

reconsiders its move away from treatment of drinking water supplies, as a valid option for small, remote rural supplies.

Recommendation 5

- a) clarifies the role of mapping of SWRMAs and the intention as to how this will be regulated and made publicly available;**
- b) confirms mapping requirements falling to regional councils, and the method to be used;**
- c) amends the proposal for newly created drinking water supplies to be added immediately to regional plans, to allow more time for them to be mapped and added to regional plans.**

Recommendation 6

strengthens the option for bespoke source protection delineation in the NES so it is an equally treated option for small, rural community drinking water supplies.

Recommendation 7

amends NZS 4411:2001 as proposed, and amends the NES to require that compliance with the relevant provisions of NZS 4411:2001 for groundwater bores is required in regional plan rules and in consent conditions.

Feedback

Council supports improving groundwater bore management over vulnerable aquifers¹, including prohibiting below-ground bore heads.

Recommendation 8

- a) provides guidance to regional councils on protecting vulnerable aquifers which supply drinking water, from contamination;**
- b) waits until freshwater plan changes are notified and decisions released before undertaking a review of regional plans, and current consent conditions;**
- c) introduces provisions that allow water supply consent renewals to be declined where the application of a SWRMA will severely limit productive land use;**
- d) enables small scale water supply consents to be cancelled where reticulated water supplies are available.**

¹ A vulnerable aquifer is one which which can be easily contaminated from the surface. This could be because:

- The aquifer is near the surface so there is less of a barrier between the activities above ground and below. However, a shallow aquifer with optimum geology could be better than a deeper suboptimal one.
- Unsecure bores (poor construction) can provide ingress of contaminants into an aquifer.
- Land use, for example, intensive farming near takes poses a pathogen risk. Commercial/industrial land use discharging hazardous substances can also have a risk of water contamination.
- Unfavourable subsoil and geology for filtering pathogens. Preferential pathways eg limestone, provides for direct surface water ingress.
- The climatic and geographical conditions create a drier area and have higher nitrate concentrations, for example, in farmed areas in the Upper Grey Valley, Reefton and Karamea. (Pers comm, R Beagley, West Coast Regional Council Acting Hydrology Team Leader, 27/1/2022).

Recommendation 9

includes provision in the NES for an extended period of time for small, rural councils to implement any changes.

Recommendation 10

- a) That the issue of reverse sensitivity for our rural land users is acknowledged and investigated;
- b) That water quantity and allocation risks are investigated and a framework for allocation is developed that recognizes the productive value of water use;
- c) Prior to implementing the SWRMA process, priorities of water use are developed to ensure there are no reverse sensitivity effects from the SWRMA process.

Introduction

The West Coast Regional Council (the WCRC or Council) appreciates the opportunity to provide feedback on the consultation document “*Kia kaha ake te tiakina o ngā puna wai-inu: Improving the protection of drinking-water sources*”.

As background, the Council submitted on the Government’s Water Services Bill in early 2021, supporting in principle the purpose of the Bill, to ensure that drinking water suppliers provide safe drinking water to consumers. Council also raised the following concerns:

- The pressures that the NES will put on small vulnerable communities and small private suppliers, and the lack of support for them; and
- The extra costs of new roles for the WCRC, and no indication of central government funding to undertake additional monitoring and reporting of water supply sources.

The Council’s concerns remain with the new Water Services Act (the Act), and now the proposed changes to the National Environmental Standards for Sources of Human Drinking Water (NES) reinforces our concern about the cost of implementation for landowners in source protection areas, and the cost of new functions placed on the Council which will have to be passed on to ratepayers. These functions cannot be resourced through existing roles.

The affordability of the proposals, and the impacts of central government environmental policy and regulation on the economic, social and cultural wellbeing of small, rural communities, and our freshwater quality, are key points in our submission.

Our feedback responds to some of the questions in the consultation document. Council has not had time to review the technical documents accompanying the consultation document, accordingly this submission does not comment on these matters.

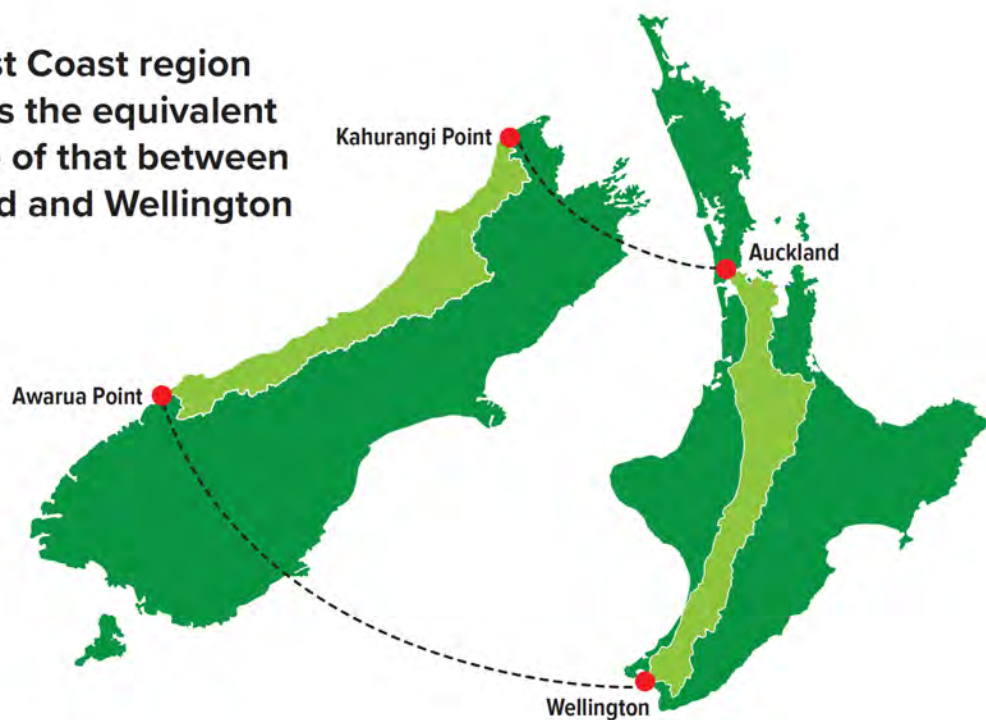
Council notes that the Act and the proposed changes to the NES do not apply to households on individual water supplies, such as rain tanks.

About the Submitter

The West Coast Regional Council (WCRC) is the local authority for a region covering a vast area with a sparse population. Extending from Kahurangi Point in the north to Awarua Point in the south, this is the same distance from Wellington to Auckland. The West Coast is predominantly rural.

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

The West Coast region stretches the equivalent distance of that between Auckland and Wellington



The West Coast has a limited supply of productive land due to topography, and limitations through statutory environmental protection. Approximately 10% of land has anthropogenic activity (including farming, mining, exotic forestry, urban), and exotic shrubland. The remaining 90% is in a natural state. The Conservation Estate comprises 84.17% of the West Coast land area, with an additional 1.55% administered by Land Information New Zealand (LINZ). This leaves 14.28% of land available for private ownership although some restricted uses can occur on Crown Land. The land in the Conservation estate and Crown ownership is not

rateable by local authorities. Due to the WCRC's low rating base, the Council has limited resources to undertake mapping, monitoring and reporting of drinking water sources, on top of overseeing supplier management of drinking water supplies under the Water Services Act (the Act).

WCRC works closely with the regions' three territorial authorities (the Buller, Grey and Westland District Councils). Outside of the main towns of Westport, Greymouth, Reefton and Hokitika, the region's relatively low population of approximately 32,700² is spread across smaller settlements and rural communities. It is important that the proposed NES changes are not unnecessarily onerous, but are appropriate, for the level of risk in small rural communities.

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

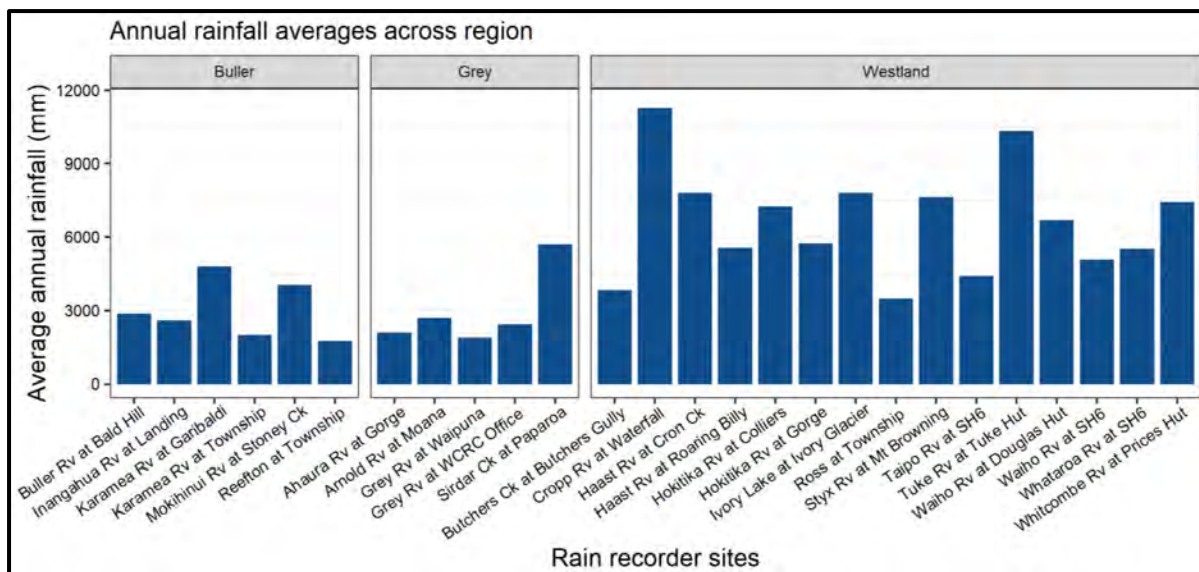
The West Coast Regional Council has the transferred responsibilities of each of Buller, Grey and Westland District Councils under section 73 and Schedule 1 of the RMA for there to be a district plan at all times for each district. The preparation, notification, adoption, periodic amendment and review of one district plan have been transferred to the West Coast Regional Council. This has resulted in a substantive increase in rates for the West Coast Region with no apparent reduction in District Council rates³.

The West Coast Region has a unique environment; it is known to be the wettest region in New Zealand, recording average annual totals of between 1,775mm and 11,275mm of rainfall per year during the 2017 – 2021 reporting period.⁴ Annual rainfall is generally higher in the mid to southern region, particularly in the Southern Alps at higher latitudes. The West Coast has plenty of water and therefore in terms of resilience and sustainability households should pursue a strategy of harvesting water. There is potential for the West Coast to supply water to the rest of New Zealand.

²Statistics New Zealand Tātauranga Aotearoa

³ Local Government Reorganisation Scheme (West Coast Region) Order 2019. See <https://gazette.govt.nz/notice/id/2019-go2872>

⁴ State of the Environment – West Coast Region – Summary 2021 [Not yet published]



General Comments

As the Act and the NES will operate in tandem, this submission outlines the main issues for the West Coast with implementing both the Act and the proposed NES changes.

The Council agrees in principle that protection of human health is a priority. The Council considers that the Act is not fair or equitable for small drinking water supplies in rural areas. The regulation effect of the Act's definition of a drinking water supplier (s8) means that a person who provides drinking water to at least one other person is classed as a supplier. There are likely to be numerous small clusters of rural houses, including workers accommodation, or other facilities (for example, 2-10 houses) sharing a drinking water supply. A motor camp operator using a ground bore, as an example, would be a drinking water supplier, or a rural café. A farmer supplying two farmhouses from a ground water bore would also fall under this law.

Council agrees it is important to avoid any contamination event that results in effects on human health. Council considers there is a range of existing tools that can be utilised to protect public health. WCRC suggests that alternative options to improve protection of small, rural drinking water supplies should be better provided for in the legislation and regulation. The regulations also need to address the effect of reverse sensitivity and the effect of new water suppliers on permitted land uses.

While the Act requirements provide a good level of protection for drinking water supplies, and Council supports in principle amending parts of the NES which are problematic, Council questions the suitability of additional protection regulations for rural areas with low populations and the unintended effects of limiting currently permitted land uses.

An unintended consequence of the proposed NES is the effect of new drinking water sources on limiting surrounding land use practices. The proposed NES will have the net effect of prioritising drinking water

supplies over existing land uses. This may occur in locations where reticulated or alternative water supplies are available. For example, cropping or grazing practices could be limited by a rural subdivision establishing a new bore for their water supply; see Regulation 12 of the existing NES for Drinking water. ⁵

Water Services Act

Impact of Water Services Act requirements for suppliers

The new Water Services Act 2021 (the Act) sub-part 1 sets duties that water suppliers must undertake to ensure they provide safe drinking water. The requirements, as WCRC understands from the document, are numerous and will be time-consuming and costly for small, private and council suppliers. Requirements involve:

- Complying with drinking water standards;
- Registering the supply with Taumata Arowai, including annual renewal of registration and paying an annual fee;
- Preparing a Source Water Risk Management Plans (SWRMP) to identify, manage and monitor risks to source water;
- Taking reasonable steps to supply aesthetically acceptable drinking water;
- Providing sufficient quantity of drinking water;
- Duties where sufficient quantity is at imminent risk;
- Protecting against risk of backflow;
- Duties relating to end-point treatment;
- Having a drinking water safety plan;
- Duties to notify Taumata Arowai and others of notifiable risk or hazard;
- Keeping records;
- Providing information to consumers and having a complaints process;
- Monitoring source water quality.

The duties of a water supplier under the Act place a significant responsibility and cost on the supplier. While this may be 'business as usual' for larger councils supplying large populations, for smaller, rural private suppliers, this is a disincentive to provide a community supply. Approximately half of the consented community drinking water takes listed in Schedule 7B of the Council's Regional Land and Water Plan (Regional Plan or L&WP) are private supplies, and there are numerous non-consented and non-registered suppliers, mainly farms who provide water for a small number of houses on, and in close proximity to, the farm. This adds another layer of cost to farmers on top of the costs of implementing other national regulation.

⁵ Regulation 12 of the NES-DW 2007 requires councils to add a condition on resource consent if an activity may significantly adversely affect a registered drinking-water supply.

Compliance with the Act and proposed NES requirements will benefit public health and those receiving drinking water from a private communal supply, as meeting all the proposed standards will reduce the risk of contamination of their supply from upstream land uses. WCRC consider there are other methods to protect the public health of users, negating the need for costly registration and compliance. Consequently, there are no incentives for the individual or group who is the designated 'supplier' of a private supply, only a lot of work, cost and responsibility. A further unintended consequence may be that group suppliers, who have acted under goodwill in the past, may cut off supply to a private group. This could result in several individual supplies being established to bypass the Act. The net result being several unprotected supplies or all those receiving a communal supply would then have to find another source, with the most likely option being individual rain tank rather than a larger supply that complies with the proposed standards.

This is not ideal as rural communal drinking water supplies have an important role in providing resilience to remote communities if a major natural disaster occurred such as a magnitude 8 Alpine Fault earthquake. While both reticulated supplies and rain water tanks may be particularly vulnerable in earthquakes, WCRC consider that regulation should not take away community resilience and communities being able to choose the most appropriate source for themselves rather than the less regulated choice.

WCRC have outlined in previous submission the concern regarding the Act requiring currently registered drinking-water suppliers to re-register and submit a Source Water Risk Management Plan (SWRMP) by November 2022, and unregistered drinking water suppliers to register by November 2025. The latter have seven years to submit a SWRMP, unless an acceptable solution is adopted, or a general exemption granted. WCRC support the need to have knowledge of the location of drinking water sources, but the cost of registration is a cost. WCRC strongly supports alternative solutions and/or a general exemption being provided for, either in legislation or regulation. It would be helpful if the Government provides information on what these might be. WCRC advocates for supplies from mountain streams in wilderness areas to be exempt from regulation. WCRC also seeks science and resourcing support to consider if there are any other options apart from a bespoke source protection area.

The consultation document explains that Taumata Arowai may issue an acceptable solution to provide an alternative approach for certain types of smaller water supplies, who do not have the capability or capacity to undertake comprehensive risk management planning (i.e. preparing a SWRMP). Council strongly supports Taumata Arowai granting alternative solutions for smaller water supplies. These may be needed for many of the West Coast small, private communal supplies, including onfarm supplies and possibly some of the District Council-administered small rural supplies.

Recommendation 1

That the Government:

- a) provides for alternative solutions and/or a general exemption, either in legislation or regulation, for small rural drinking water supplies to avoid having to be registered;**

- b) provides information on what alternatives and exemptions will entail, and consults with rural communities and councils on these options;**
- c) takes a proactive approach to people becoming self-sufficient when it comes to water supply through subsidies and incentives for water tanks;**
- d) provides, through the Water Services Act or documents setting up Taumata Arowai, for Taumata Arowai to grant alternative solutions and/or exemptions for smaller water supplies who do not have the capability or capacity to undertake comprehensive risk management planning;**
- e) provides science and resource support for rural councils to develop bespoke solutions.**

Impact of Water Services Act requirements for regional councils

Section 46 of the Act establishes several new roles and responsibilities for regional councils:

- Monitor the quality of the source of drinking water supplies, and contribute information to SWRMPs;
- Publish, and provide Taumata Arowai with, information on source water quality and quantity in their region annually, including any changes to source water quality and quantity;
- Assess the effectiveness of regulatory and non-regulatory interventions to manage risks or hazards to source water in their region at least once every 3 years, and make this information available to the public on Internet sites maintained by or on behalf of the councils.
- The WSA has also amended the RMA requiring consenting authorities to consider risks and effects on source water for registered water supplies (new section 104G).

New national standards for drinking water and operational compliance rules are also proposed, which will replace the current Drinking-water Standards for New Zealand 2005 (Revised 2018).

These arrangements put more resourcing and work on to the WCRC. If monitoring and reporting were previously the responsibility of the Ministry of Health, the Ministry would have been centrally funded for this. As this role is being passed to regional councils, then central funding for the work must surely be transferred from the Ministry to regional councils. However, the WCRC is not aware of any commitment from the Government for this. The cost of local authority monitoring of every single source of water take for drinking water is clearly prohibitive and common sense needs to prevail.

The Council's current role is focused on environmental regulation of water quality, with a limited role once water is taken. The question therefore arises as to how the WCRC would recover costs for additional monitoring, reporting and support services. The WCRC does not have the resources to bear this cost. And it would be inequitable to on-charge these costs to an already stretched rating base. This current financial year the Council has had to enact a 30% rise in the general rate. A proportion of this has been to address the increased regulation imposed through national policy. It is a significant increase for West Coast ratepayers.

A substantial proportion of our current and future increased planning and science costs is implementing the NPSFM, NESF and the Order in Council⁸, which also have restrictions aimed at maintaining or improving water quality. Implementing these parts of the Freshwater Package may have spinoffs of reducing the risk of contamination of drinking water supplies, especially for small, rural community supplies. This is not to contradict our main submission points, as Council is not advocating for full support of the Act, and NES changes. The matter is raised in Question 36 of the consultation document (Page 21 of this submission), whether other national direction such as farm plans may achieve, or help to achieve, improvements in water quality generally, which will also potentially mean an improvement in drinking water sources where these intakes are downstream of farms. The Government should apply the range of national tools for maintaining and improving water quality in an integrated manner so that gains for drinking water quality made under the NPSFM and NESF mean that regulations and restrictions in the NES do not need to be excessive.

Recommendation 2

That the Government:

- a) establishes realistic monitoring, evaluation and reporting targets for small rural drinking water supplies;**
- b) makes a commitment to fund the monitoring and reporting of water quality at the source of drinking water supplies, to be undertaken by regional councils;**
- c) makes a commitment to support households becoming self-sufficient in their water needs through the installation of rain-water tanks;**
- d) applies the range of national tools for maintaining and improving water quality in an integrated manner so that gains for drinking water quality made under the NPSFM and NESF mean that regulations and restrictions in the Act and NES do not need to be excessive.**

Issues for West Coast with proposed changes to NES

The consultation document outlines three types of regulations:

Proposal 1: Source water risk management areas (SWRMAs)

It is proposed to establish a scientifically derived methodology for regional councils to map source water risk management areas (SWRMAs) for different types of water bodies (rivers, lakes and aquifers), based on the time it takes for contaminants to travel to a source water intake and the level of filtration or mixing before reaching the intake (Pg 19). Three different sizes of SWRMAs can be used, based on the level of risk of contamination to the drinking water supply. See Appendix 2 of this submission for a summary of the size areas of SWRMAs 1, 2 and 3.

Q1. Domestic and international evidence suggests that delineating three at-risk areas is a good approach for protecting sources of drinking water. Do you think this is a good approach for protecting our source waters? What other approach can you think of that could contribute to protecting our drinking water sources? Do you think that three areas (and therefore levels of control) are sufficient to protect our drinking water sources?

Q6 While water takes from complex spring systems or wetlands may require a bespoke SWRMA to ensure consideration of any contamination pathways present, a default method is necessary to ensure interim protection. Do you think a default method is practicable in most situations?

Do you think a regional council should determine (on a case-by-case basis) the most applicable default method for a river, lake or aquifer, or is a different default approach necessary? If so, what alternative would you suggest?

Appropriateness of SWRMAs 1-3 on West Coast

Council has concerns and queries about the application of SWRMAs 1-3 to protect West Coast drinking water sources, the cost of resourcing the SWRMA process for differing hydrological and geological systems, the cost of compliance and consent processes for SWRMAs and any unintended consequence of land use limitations as a result in the SWRMAs.

The WCRC has areas of differing geological and hydrological systems across the 600km length of the region. Resourcing the scientific analysis to undertake the SWRMA would be prohibitively expensive for our Regions ratepayers.

SWRMA 3 (Pg 22), which covers the entire catchment area for the source water, will be a difficult, time-consuming and impractical option for the many upper catchment areas on the West Coast that extend into public conservation land (PLC). The description on Pg 22 about the SWRMA 3 seems to assume that there are a lot of activities within a whole upstream catchment, for example, in a highly built-up urban area, however this is often not the case in West Coast rural areas. This size area does not reflect the level of risk in many whole catchments on the WC.

The proposed SWRMAs system also assumes that there will be a risk of activities affecting drinking water sources in all situations. It does not consider scenarios where there is low or no risk because there are minimal or no activities upstream of the drinking water intake, nor in the situation where geology or geographic features would protect the water source. The NES changes do not appear to provide for this situation, but they should.

The unintended consequence of limiting land use through SWRMA 3 process or default protection measures also needs to be considered. Limiting permitted land use due to the location of a water abstraction further limits viable land use areas for our production land. In addition, increased waterway setback areas would be an excessive restriction for West Coast productive land users.

The Havelock North Inquiry (HNI) found that there is significant variation in the methods used to define source protection zones, and in applying restrictions in those zones (Pg 20). It may be appropriate to have variation to reflect different geographical contexts in different regions, and science support to identify bespoke SWRMAs in differing hydrological, geological and geographic features.

The WCRC would oppose the use of the default method, due to the effects this may have on the relationship with productive land users. Page 26 states through the use of the default method *there would be no*

requirement for regional councils to consult on the SWRMAs through the RMA Schedule 1 process. SWRMAs would be formalised through the gazette process and published on the regional council's website. Existing land users should be consulted on to identify how they will be affected by a default SWRMA and its restrictions.

WCRC does not have enough information about the water quality of our smaller, rural drinking water supply takes to estimate whether the SWRMAs 1-3 would need to be applied, or whether Council would use bespoke source protection areas, or a mixture of approaches. What is apparent is the intended consequence of limiting productive land use through this mechanism.

Recommendation 3

That the Government reviews the proposed SWRMAs 1-3 system in terms of:

- a) its suitability for small rural drinking water supplies with little land use activity in upstream areas of catchments;**
- b) the cost of resourcing the SWRMA process for differing hydrological and geological systems;**
- c) any unintended consequence as a result of land use limitations in the SWRMAs.**

Dismissing treatment of drinking water

The NES changes appear to 'move away' from the reliance on understanding the likely quality of water after it has been treated, by instead using SWRMAs as a way to identify areas where activities have a higher likelihood of affecting source water (Pg 21). Council is concerned with the implied move away from monitoring treated water quality. Treatment can be a valid way of maintaining potable water quality, especially given the high rainfall effects on drinking water sources on the West Coast, as explained below.

The HNI considered that current NES provisions inappropriately emphasize reliance on treatment processes as a solution to contamination. Council agrees in principle with eliminating or minimising, as much as practically possible, contaminant levels in water bodies. However, there are some situations where treatment is a pragmatic, efficient and effective option on the West Coast.

As an example, the Grey River catchment is an extensive catchment on the West Coast, with the most development upstream of the Greymouth township and Kaiata, Dobson, Taylorville, Rapahoe and Runanga drinking water supply intakes. Upstream of these drinking water supply intakes, there are numerous farms and forestry blocks. Given the scale of this catchment, it would be difficult to control all these activities to achieve protection of downstream drinking water sources. As a result, and along with the rainfall issue, the Grey District Council needs to treat the drinking water supply to meet the New Zealand Standards for potability.

Contaminants outside of Council's/suppliers control

Half of the consented community water supply takes on the West Coast are from surface water bodies, mainly creeks and rivers. After moderate to high rainfall, there tends to be elevated levels of E. coli in these

water bodies. This is a natural phenomenon from various wild and domestic sources, that the Council and water suppliers cannot control, so the source protection areas and additional regulations proposed for the NES may not provide the desired protection in these situations. Those living in rural areas on a communal water supply are aware of this, and it is up to individual households to appropriately treat their drinking water to eliminate contaminants and make it potable.

Recommendation 4

The Government reconsiders its move away from treatment of drinking water supplies, as a valid option for small, remote rural supplies.

Council is concerned that there will potentially be overly restrictive rules for small-scale, low impact land uses if a SWMRA 2 or 3 is applied upstream of a community water supply intake. For example, a single rural-residential lifestyle dwelling may face increased costs of having to install a more expensive sewage effluent disposal system, where a cheaper type of system that is setback from the river and the drinking water intake in compliance with setback distances in the regional plan will treat contaminants adequately and have no impact on the drinking water take.

Typical small scale takes on West Coast include simple community stream takes where an unsecured polythene pipe supplies a few houses, the pipe is often unsecured to allow removal during high flows. The resultant drinking water supply has never resulted in illness or injury.

Impacts of WCRC mapping SWRMAs

Q7. How long do you think is necessary for regional councils to delineate SWRMAs for currently registered water supplies in each region using the default method?

WCRC do not support using the delineation of SWRMAs due to the possible impact on permitted land use in the region.

Q8. What challenges do you foresee in delineating SWRMAs, when previously unregistered supplies are registered with Taumata Arowai (see Proposal 3 for more details)?

Q9. What support could enable regional councils to delineate SWRMAs within shorter timeframes?

Q10. Do you think consideration should be given to mapping currently unregistered supplies as they register (but before the four-year deadline provided under the Water Services Act), or do you think that waiting and mapping them all at the same time is a better approach?

Council assumes that mapping of SWRMAs will be done by regional councils using GIS, and that the maps will be used as overlays in regional plans in an e-plan format, although this is not stated in the consultation document. Page 26 explains that SWRMAs would be formalised through the gazettal process and published on the regional council's website. It is unclear why they will be gazetted if they are going to be used in Council's planning, consent and compliance processes, to support Council's monitoring and compliance roles.

The proposed process seems to be a mix of central and local government roles and processes, and sounds complicated and unclear. It would be helpful if this work was instead included in the RMA reform work, and included as Environmental Standards in the proposed Natural and Built Environments Act.

The mapping will need to be done by someone with technical GIS skills, and hiring another GIS person or using a consultant will be an additional cost to the WCRC (and ratepayers), as current GIS staff are already at capacity.

The proposed NES changes will require regional councils to map the default SWRMA for all registered drinking water supplies in their region following completion of re-registration of drinking-water suppliers under the Act, that is, by November 2022 (Pg 21). This is a very short timeframe to budget and recruit additional GIS personnel.

The proposed mapping could involve identifying a lot of areas and collecting a lot of information on existing consented activities upstream of drinking water takes, and permitted activities. This will take time and adds to the cost of GIS mapping. There are likely to be gaps in Council's records of permitted activities as these are not routinely monitored. For instance, one farmer may use groundwater for their own, and nearby houses', drinking water; and another nearby farm may be taking from the same source, but as the latter is an individual take, it does not need to be registered and so goes undetected. Council does not receive many complaints of this nature as there are plentiful water supplies in most of the Region.

Once the two phases of mapping are completed (after the November 2025 timeframe for current unregistered supplies to become registered), newly created drinking water supplies would require mapping immediately following their registration with Taumata Arowai (Pg 26).

Under the current proposals, this could require a RMA Schedule 1 public notification process if a newly created drinking water supply needs a bespoke source protection area. This is yet another cost to the Council and ratepayers, and unfairly discriminates against using bespoke source protection areas, when these may be the most appropriate option. Plan change processes are costly and time-consuming, and these costs could extend into five years after November 2025 and beyond.

A better system for recognising and formalising new drinking water supplies in regional plans needs to be provided, for example, mapping them but not having to add them into a regional plan until it can be undertaken as part of a broader plan change or full review. The changes to the NES need to be consistent with, and take into account, the Natural and Built Environments Act provisions for plan changes and full plan reviews.

Recommendation 5

The Government:

- a) clarifies the role of mapping of SWRMAs and the intention as to how this will be regulated and made publicly available;
- b) confirms mapping requirements falling to regional councils, and the method to be used;
- c) amends the proposal for newly created drinking water supplies to be added immediately to regional plans, to allow more time for them to be mapped and added to regional plans.

Bespoke source water protection areas unfairly provided for

Council **strongly** supports providing for a bespoke delineation in the NES (Pg 26), where the SWRMAs 1-3 would unnecessarily restrict land use. Bespoke source protection zones may be the most relevant tool for protecting many drinking water sources on the West Coast, given the low level of development upstream in steep catchments on public conservation land (PCL) where small rural community drinking water intakes may be located.

Council opposes some aspects of the proposed bespoke water source protection area option as they are unfairly stacked against rural councils using it. The criteria for identifying a bespoke SWRMA includes where data and evidence show there is adequate protection. It is unclear in the consultation document what data and evidence is needed, and what the process will be for establishing bespoke SWRMAs. Also the level of resourcing required to establish bespoke SWRMAs.

The consultation document further explains that a bespoke approach may be proposed at any time, however, the default approach of an interim identification of either SWRMAs 1, 2 or 3 would apply until any bespoke approach is formally established (Pg 21). Until the Council is able to have information supporting an application to use a bespoke water source protection area, having to use one of the SWRMAs 1-3 as a default will be a waste of Council's resources.

Council also opposes the proposed NES provision that where a council uses a SWRMA 1-3, this will not need to be notified under Schedule 1 of the RMA, but bespoke source protection areas must go through the RMA Schedule 1 public consultation process, and seek approval from the Minister for the Environment so these areas can be gazetted (Pg 26). The reason for this is unclear – being able to add a SWRMA 1-3 designation over a catchment without consultation with the local community denies those undertaking activities within that area from having any input into it. It is an unfair disincentive to have to publicly notify bespoke SWRMAs, when they may be a more efficient and effective way of protecting drinking water supplies of small, rural communities. Instead of discouraging the use of bespoke delineation tools, they should be treated the same as the proposed SWRMAs 1-3, as they are an appropriate good practice tool in the right situations.

Recommendation 6

The Government strengthens the option for bespoke source protection delineation in the NES so it is an equally treated option for small, rural community drinking water supplies.

Proposal 2: Regulation of activities that pose risks to source water.

Duplication, complexity between NZ Standards and NESDW

Regulatory changes are proposed to some relevant New Zealand Standards (NZS) to close some gaps identified in the national regulatory framework for protecting drinking water supplies.

The HNI noted issues with NZS 4411:2001 *Environmental Standard for Drilling of Soil and Rock*, including:

- a) they do not effectively require proof of sealing groundwater bores; and
- b) below-ground bore heads pose an unacceptable risk, but are not prohibited or even mentioned.

Q21. What is your view on how to address issues with bores – should it be enough to amend the NZS 4411:2001 (with reference to that standard in the NES-DW), or should greater direction be given in the NES-DW itself?

Council supports amending this NZS in tandem with amending the NES to require that compliance with the relevant provisions of NZS 4411:2001 for groundwater bores is required in regional plan rules and in consent conditions. Greater direction does not need to be given in the NES, but these national regulatory tools need to have links between them.

The New Zealand Standards are generally considered 'best practice', but they are not a legal requirement unless specified by relevant regional rules or resource consent conditions (Pgs 27, 28). The specific requirements for groundwater bores do not need to be repeated in both the NZS and the NES. The more documents that have to be read the harder it is for consents staff to determine the right thing to do.

Over-regulation at the national level needs to be avoided.

Q36. Is reliance on the NPS-FM, NES-F and Stock Exclusion Regulations enough to manage the long-term effects of farming activities on underlying aquifers and waterbodies?

Can you identify potential duplication between the NES-DW and other regulations that control land use?

New national standards for drinking water and operational compliance rules are also proposed, which will replace the current Drinking-water Standards for New Zealand 2005 (Revised 2018) (DWSNZ). This Standard for drinking water supplies currently does not identify or provide acceptable limits for all contaminants. It is unclear whether the NES, or another NZS will replace DWSNZ.

With either option, the Government should consider reducing the plethora of national regulation and integrating national standards into one regulatory tool for protecting drinking water sources/supplies. For example, there are minimum standards for a range of attributes in the National Policy Statement for

Freshwater Management (NPSFM), including E. coli. The Council monitors non-municipal groundwater supplies to check that E. coli levels meet the NZDWS.

Any new legislation needs to be consistent and not limit other legislation, nor the rights and privileges of any resource user above the rights of another user.

Recommendation 7

The Government amends NZS 4411:2001 as proposed, and amends the NES to require that compliance with the relevant provisions of NZS 4411:2001 for groundwater bores is required in regional plan rules and in consent conditions.

Impact of NES regulatory changes

The following NES regulatory changes are being considered by the Government: (Pgs 28, 29):

1. Restricting activities in the immediate vicinity of source water intakes (SWMRA 1), while enabling water suppliers to undertake intake management.
2. Removing any permitted activity status for high-risk activities within SWRMA 2 (area identified as medium risk of contaminating a downstream drinking water intake, and the area of restrictions covers a larger upstream area).
3. Improving bore management, and land disturbance over vulnerable aquifers, to ensure potential adverse effects on groundwater are managed.
4. A comprehensive review of regional plans, and current consent conditions be undertaken.

Our response to these proposed changes is:

1. and 2. Council cannot support proposals 1 and 2 at this time as it does not have enough information or analysis to identify the positive and negative, cost and benefit impacts of restricting activities in the immediate vicinity of source water intakes (a SWRMA1), or removing permitted activity status for high-risk activities in a SWRMA2. Council believes that if either of these types of restrictions would apply to earthworks, this could be very restrictive, and could make alluvial mining, for example, difficult in some areas. This example indicates that there will potentially be significant economic impacts on farming and mining activities, for instance.

Q23. What is your view on prohibiting below-ground bore heads?

Q24. Regional councils are responsible for control of the use of land for the purpose of maintenance and enhancement of the quality of water in water bodies (RMA section 30(1)(c)(ii)). Do you think territorial authorities have a role in land management over aquifers, and if so, what is that role?

Q25. It is not clear which approach might be best for ensuring risk to vulnerable aquifers is appropriately managed. Do you think that an NES-DW is the right tool for addressing this? If not, what might be better?

Q26. Would it be helpful if guidance on vulnerable aquifers was provided to support freshwater planning as the NPS-FM is given effect to?

3. Council supports improving groundwater bore management over vulnerable aquifers⁶, including prohibiting below-ground bore heads. Half of the consented community drinking water supplies on the West Coast are from groundwater. There may be other non-consented communal supplies from groundwater and springs on farms.

The HNI recommended a prohibition on new below-ground bore heads⁷. Although Council is not aware of any of these bores on the West Coast, it recognises that it is more desirable and safer to have bore heads above ground to reduce the risk of stormwater/surface water intrusion contaminating drinking water sources.

The Council's 2018 State of the Environment Report identified elevated levels of E. coli and nitrogen in a number of groundwater bores as a potential indicator of land use impacts. The report also recommended, amongst other, improving bore head protection. See Appendix 3 for a summary of the latest groundwater monitoring results.

One of the Council's Freshwater Management Unit community groups with Poutini Ngāi Tahu members recommended to Council that a requirement be added to the Regional Plan, that groundwater bores used for drinking water supplies be capped to stop contaminants entering drinking water sources. This will be addressed in the Council's upcoming freshwater plan change, to implement the National Policy Statement for Freshwater Management (NPSFM).

For the West Coast, it would be preferable in the short term for the Government to provide guidance on vulnerable aquifers. This could then inform any changes to the Regional Plan, rather than having requirements in the NES that Council has to implement when it does not have sufficient information about the Region's vulnerable aquifers. NES regulation may not be workable on the West Coast, as demonstrated with the impractical Spring timeframes in the NPSFM for some regions, for resowing pasture grass after Intensive Winter Grazing.

4. Council does not support the Government undertaking a comprehensive review of regional plans, and current consent conditions. The NPSFM requires councils to change their regional plans to implement the NPSFM, NESF, stock exclusion and other freshwater national direction, and notify the plan change by December 2024. Along with all other regional councils and unitary authorities, the WCRC is in the process of reviewing our Regional Plan provisions in preparation for the plan change. It would be a waste of Government resources to duplicate these reviews.

⁶ This Footnote is shown as Footnote 1 in the List of Recommendations at the start of the submission.

⁷ Staff understand that a below-ground bore head is one that is set below ground level to avoid severe frost/freezing, or in a situation where, for some reason, it needs to be flush with the ground, for example, to enable vehicle movement. (Pers comm, J Horrox, West Coast Regional Council Science Team Leader – Water Quality, 27/1/2022).

The WCRC suggests that the Government waits until the freshwater plan changes are notified for public submissions, and/or decisions on submissions are released, and then review how the plan changes give effect to protecting drinking water supplies. The NPSFM has Policies 13 and 14 and bottom lines to improve water quality that is degraded or deteriorating, and “drinking water supply” is a “must be considered” value.

The role of District Plans in regard to land management over aquifers should be to ensure there are no unintended consequence from new subdivision and land use applications. That is, any new land uses have water supplies that will not limit existing productive land use through application of the SWRMA system. For example, if a new subdivision is granted subject to using an existing bore water supply, where applying a SWRMA over that existing bore for the land use may limit existing permitted farming activities, ie cropping or winter grazing.

The discussion document, page 32, also provides for Section 128 of the RMA to be used to vary existing consent conditions for land use that may endanger water supplies. WCRC consider that the equivalent provision be added to the Act which allows water supply consent renewals to be declined where application of SWRMA will severely limit productive land use. Additionally, where reticulated water supplies are available, small scale water supply consents should be able to be cancelled.

It should be noted that through the RMA reforms, District Plan preparation functions will come under Regional Authorities and Territorial Authorities will administer District Plan consenting. This is currently the case for the WCRC under the Te Tai Poutini process⁸. It is unclear if the Act was prepared taking into account the RMA reform process.

Feedback

Council supports improving groundwater bore management over vulnerable aquifers⁹, including prohibiting below-ground bore heads.

Recommendation 8

That the Government:

- a) provides guidance to regional councils on protecting vulnerable aquifers which supply drinking water, from contamination;**
- a) waits until freshwater plan changes are notified and decisions released before undertaking a review of regional plans, and current consent conditions;**
- b) introduces provisions that allow water supply consent renewals to be declined where the application of a SWRMA will severely limit productive land use;**
- c) enables small scale water supply consents to be cancelled where reticulated water supplies are available.**

⁸ <https://gazette.govt.nz/notice/id/2019-go2872>

⁹ This Footnote is the same as Footnote 1 in the List of Recommendations at the start of the submission.

Impacts on regional plan and consent processing

Q35. In your view, how might regional councils be affected by the NES-DW's new Requirements to change regional plan rules?

There is scope to make changes to the Council's Regional Plan rules for earthworks, and drilling for groundwater bores, to make these rules clearer in regard to managing effects on drinking water sources.

Permitted earthworks rules, for example, could be amended so the activity does not adversely affect groundwater takes. The earthworks rules currently have conditions around not affecting surface water takes.

One of the Council's Freshwater Management Unit community groups with Poutini Ngāi Tahu members recommended to Council that a requirement be added to the Regional Plan, that groundwater bores used for drinking water supplies be capped to stop contaminants entering drinking water sources. This will be addressed in the Council's upcoming freshwater plan change.

Conditions could be added to either our permitted earthworks rules, and/or our permitted rule for drilling bores, that the activity complies with the (amended) NZS 4411:2001 for groundwater bores. The latter currently only applies to temporary investigative drilling of subsurface conditions. The rule could be amended to include all drilling activities.

A new rule would need to be added to the Regional Plan to prohibit below-ground bore heads.

It is uncertain at this stage what, if any, provisions need to be added to the Regional Plan to protect vulnerable aquifers from land use activities. This will be considered in the freshwater plan change process.

Once notified, the freshwater plan change will affect consenting for groundwater and surface water takes for community drinking water supplies.

Council is concerned that once changes to the NES and NZ Standards for drinking water and drilling bores are in force, there will be insufficient time for the WCRC to gather enough information about drinking water sources to decide if or what type of source protection area needs to be added to the Regional Plan as part of the freshwater plan change. Council seeks to have provision included in the NES for an extended period of time for small, rural councils to implement any changes.

Recommendation 9

The Government includes provision in the NES for an extended period of time for small, rural councils to implement any changes.

Q36. In your view, how could the amendments to the NES-DW better align with farm plans?

The farm plans are a work in progress by the Ministry for the Environment (MFE) but Council understands West Coast Plans will follow current templates used by Environment Waikato and ECan.

These templates could be used to identify risk factors for drinking water sources, for example, farm activities near groundwater bores.

Council believes the question should focus on how can farm plans align with the NESDW by including this into the farm plan template.

Issues with retrospective NES application

Consideration is being given to retrospectively applying the requirements of the NES-DW to those activities where effects on source water are ongoing and require addressing (Pg 32). Section 128 of the RMA allows water and discharge permits, and land-use consents granted by a regional council to be reviewed when an NES has been made.

Q28. In your view, what are the key challenges and benefits to retrospective application?

Most consents have a timeframe which is usually one month from each anniversary of the commencement of the consent. Council would have to first identify which consents may need reviewing and then schedule them for the appropriate time for review. Council questions the value that would be gained from staff addressing this issue.

Usually Council does charge the Applicant when Council has identified a significant issue as a result of their works which needs addressing, therefore it is appropriate to charge. However, Council does not believe it is appropriate to charge a consent holder to review a part of their activity that until the NES came into effect, they were authorised to do. This gets particularly challenging if the activity was not adversely affecting a drinking water source prior to the NES changes, and/or it is still not adversely affecting the supply source.

Also refer to our comments on Page 20 of this submission and Recommendation 8(c) regarding retrospectively applying the NES, that provision should be added to the Act which allows water supply consent renewals to be declined where the application of a SWRMA will severely limit productive land use.

Proposal 3: Protecting all registered water supplies

It is proposed to apply the NES-DW source water protection to cover all supplies registered under the Water Services Act (the Act), being all water suppliers other than domestic self-suppliers.

Council reiterates its concern with the costs to, and impacts on, small private and Council-managed water supplies, Council and our ratepayers of implementing the Act and some of the proposed NES changes. Reducing risk only improves health if there is a real risk.

Recommendation 10

- d) That the issue of reverse sensitivity for our rural land users is acknowledged and investigated;**
- e) That water quantity and allocation risks are investigated and a framework for allocation is developed that recognizes the productive value of water use;**
- f) Prior to implementing the SWRMA process, priorities of water use are developed to ensure there are no reverse sensitivity effects from the SWRMA process.**

The NES appears to imply that the government position is that drinking water source protection has absolute priority over other values, objectives and activities. In other words, source water protection is essentially a new 'national bottom' line with no discretion at regional plan level as to how it is managed. This circumvents the process set out in the NPS-FM where regional councils are to engage with tangata whenua, communities and stakeholders in identifying visions, values, outcomes and limits/rules and action plans for freshwater.

The changes to the NES-DW will essentially cut across this national direction and the significant current and future efforts to implement the NPS-FM. In effect, the process would be wasted as robustly developed and agreed NPS-FM provisions would be 'trumped' by NES-DW rules once the numerous small supplies register under the WSA in 2024 and the rules in SWRMA apply. This undermines local decision making process under the Local Government Act.

WCRC are also concerned about accessibility to water as this is not discussed in the regulations. It is difficult to understand why the water user will have the priority over resource use by limited previously permitted land use upstream of a water take. There is also no discussion regarding how to prioritise allocation of resources for consent authorities or water conservation requirements of the watertakes.

WCRC want more consideration needs to be given to the impact of reverse sensibility on existing land users and how land users may be affected by the setbacks and exclusion proposals.

This ends our submission.

Appendix 1: Description of sizes of SWRMAs 1, 2 and 3, Page 22 of the consultation document

Box 9: Default SWRMA zones

SWRMA 1 is the immediate area around the source water take where there is an immediate risk of contamination because there is very little time to respond to any contamination before it enters the water supply. Most activities will be restricted in this area.

- For rivers, it encompasses the river and its bed 1,000 metres upstream and 100 metres downstream of the intake, extending 5 metres into land from the river edge.
- For lakes, it encompasses the lake and its bed within a 500-metre radius of the intake, extending 5 metres into land from the lake edge.
- For aquifers, it encompasses land within a 5-metre radius around the intake (bore head).

SWRMA 2 is a larger area where activities need to be managed, to mitigate more medium-term risks of contamination. The size will vary because it is based on the time it takes for water to flow to the source.

- For rivers, it is the river and bed from where water travels to the intake within an 8-hour period.
- For lakes, it is the entire lake area, extending landward 100 metres, and includes tributaries (being the area from where water travels to the lake within an 8-hour period).
- For aquifers, it is the land area above where groundwater travels to the intake (bore) within a 1-year period, to a maximum of 2.5 kilometres.

SWRMA 3 is the entire catchment area for the source water. Persistent contaminants and cumulative effects of all activities within the catchment are the management focus in this area, and they are considered to be appropriately managed under the RMA. The proposed amendments to the NES-DW aim to clarify that consenting decisions must address source water risks.

Appendix 2: West Coast Regional Council summary information on groundwater quality

Groundwater quality

Groundwater is an important source of drinking water, irrigation water, and a major contributor to surface water flows. The Council monitors a broad range of physical and chemical attributes at a number of wells across the region to track state and trends in groundwater quality.

Microbial contamination can be an issue for potable groundwater. *E. coli* is commonly used as an indicator of pathogen risk. The NZ Drinking Water Standard for *E. coli* is stringent requiring there to be no *E. coli* in the sample (less than 1 *E. coli*/100 ml). Of the monitored wells that were used for human consumption (but not municipal), around half met the NZDWS for *E. coli* 90% of the time (Figure 13). A quarter of sites passed between 70 to 90% of the time, with the bottom quarter pass rate of 55 to 70%.

While sometimes above the guideline, *E. coli* levels were normally low with an overall median of < 1 *E. coli*/100ml. Likely causes of contamination were inadequate wellhead protection and the bore being located in close proximity to a potential contaminant source.

High nitrate levels are undesirable in drinking water. West Coast groundwater's remain relatively dilute overall, and exceedances of the NZ Drinking Water Standards maximum allowable limit for nitrate (11.3 mg/L), are rare (Figure 14). 94% of groundwater bores passed nitrate drinking water standard 100% of the time, with a mixture of declining and improving trends.

While not toxic, high levels of naturally occurring iron can be a nuisance in groundwater used for domestic purposes. 71% of groundwater bores passed iron aesthetic drinking water standard 100% of the time

Short residence times (less than 10 years) are typical for groundwater resources in the region. There are three geographically distinct groundwater types: a) those in unimpacted alpine foothills; b) impacted coastal and fluvial areas; and c) dilute valley aquifers impacted by human land use. West Coast waterways are well connected to adjacent gravel aquifers. There does not appear to be a relationship between groundwater depth and age, which indicates a lack of confining layers throughout large parts of the regions aquifers. The majority of water in a river after a few fine days is groundwater, so the age is relevant for how long it takes for contaminants, like nitrates, to move from the land into streams.

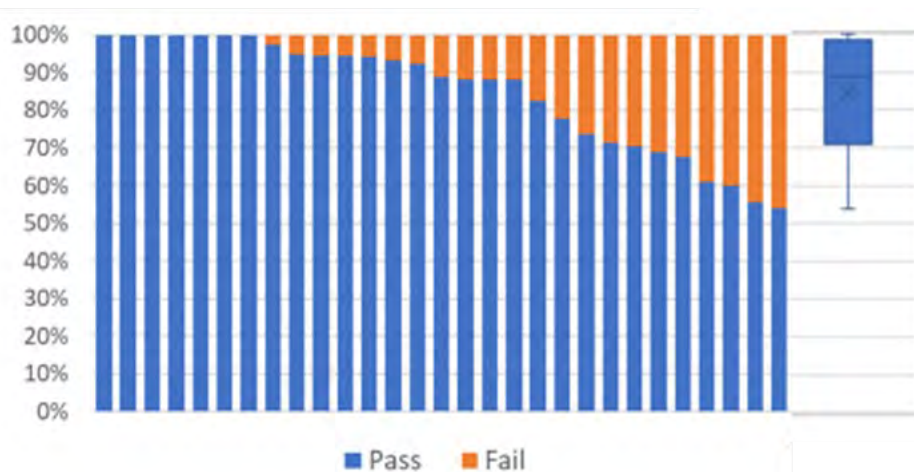
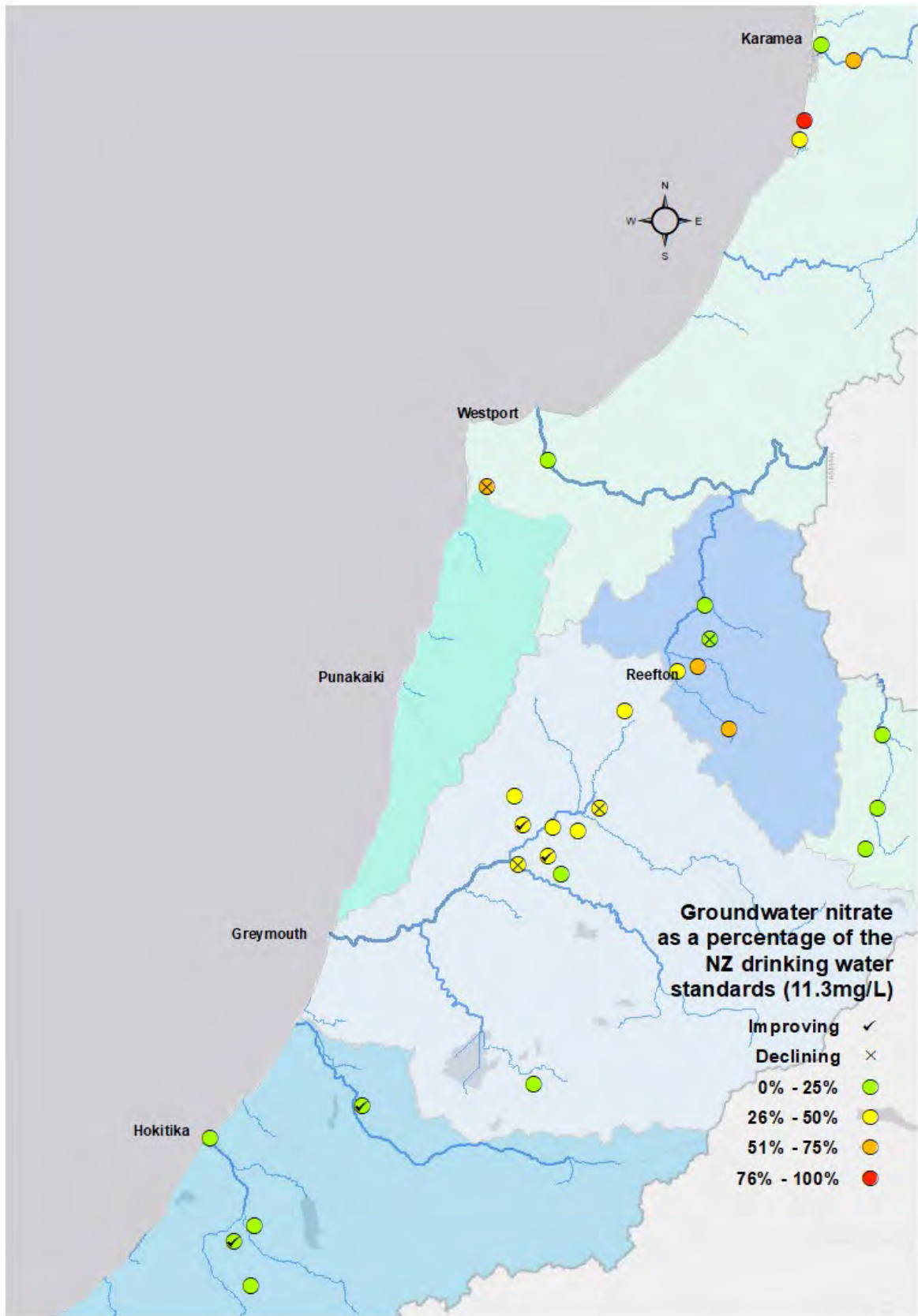


Figure 13 Percentage of times non-municipal groundwater supplies meet NZDWS for *E. coli*.





388 Main South Rd, Paroa
P.O. Box 66, Greymouth 7840
The West Coast, New Zealand
Telephone (03) 768 0466
Toll free 0508 800 118
Facsimile (03) 768 7133
Email info@wcr.govt.nz
www.wcr.govt.nz

1 March 2022

Future Pathways Policy Team
Ministry of Business, Innovation & Employment
PO Box 1473
Wellington 6140

Dear Sir/Madam

Submission on Te Ara Paerangi Future Pathways Green Paper 2021

Thank you for the opportunity to provide comment on the “Te Ara Paerangi Future Pathways Green Paper 2021”.

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

We welcome the opportunity to respond to this consultation.

Due to our high workload, we have not had time to fully consider the full content of the Green Paper, therefore our comments focus on the priorities and funding matters that are important to the West Coast. This submission also responds to some of the key questions posed in the paper.

Our contact details for service are:

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

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'H. Mabin', followed by a long horizontal line extending to the right.

Heather Mabin
Chief Executive Officer

List of Feedback

Feedback 1

The West Coast Regional Council (WCRC) supports Feature 6: *“Related, a system responsive to national research priorities, usually focused on generating unique value for the economy from advanced technology, or addressing large-scale long-term problems, such as the challenges presented by climate change, or intergenerational disadvantage”*¹.

Feedback 2

WCRC believes that:

- a) Any future RSI priorities and funding should prioritise regions like the West Coast that have, and continue to, experience major job losses, and actual reductions in support industry’s jobs and services, and in economic and social services for communities, compared to other regions; and
- b) Ensure there are linkages between RSI priorities and funding, and the implementation of Government’s environmental policy and regulation.

Feedback 3

WCRC requests that RSI funding be allocated to address the following issues on the West Coast (and potentially in other regions):

- a) Feasibility/viability/practicality of biomass and hydrogen as alternative fuels for the West Coast.
- b) Investigate smaller bio-fuel refinery options for the West Coast as a pilot project. For example, establishing a plant adjacent to Westland Milk Products to take wood waste from nearby forestry areas to fuel the milk tanker fleet.
- c) Identifying suitable and available areas on the West Coast to grow energy crops. This could be in conjunction with forestry land. It is estimated that 50,000ha of land is required.² Investigate if any stewardship land would be suitable for this purpose.
- d) Investigate the viability of small-scale ‘run of the river’ hydro electricity generation schemes on public conservation land and elsewhere, for micro and small-scale hydro electricity generation for self-sufficient local supply and potential sale outside the region. The West

¹ Te Ara Paerangi Future Pathways Green Paper 2021. MBIE. Print: ISBN 978-1-99-100875-6 Online: ISBN 978-1-99-100874-9. October 2021

² West Coast Regional Council’s Resource Management Committee workshop on the draft submission on the Government’s Emissions Reduction Plan Discussion Document, 19 November 2021.

Coast has an abundant water supply and slope resources required for these low-impact and low footprint activities.

- e) Providing incentives for indigenous forest on private land to be used to offset farm emissions. Currently the only economic incentives are to clear the indigenous forest and plant pines.
- f) Finding economic value and incentives for the retention and/or development of wetlands on private land, for example their role as a carbon sink. This could include being counted in the Emissions Trading Scheme, and/or any other emissions accounting systems.
- g) A fairer accounting system for greenhouse gas emissions and reductions. This includes those emitted from the transport sector.
- h) Using national parks as carbon sinks.
- i) Developing regional emissions accounting systems.

Introduction

The West Coast Regional Council (the WCRC or Council) appreciates the opportunity to provide feedback on the “Te Ara Paerangi Future Pathways Green Paper 2021”.

As background, the Council recently submitted on the Government’s discussion document on an emissions reduction plan (ERP) to reduce greenhouse gas emissions and minimise climate change impacts. This is an important issue for the West Coast and our submission on the ERP discussion document identified a number of actions to include in the upcoming ERP, to help our Region adapt to, and move forward, into a low emissions future.

WCRC therefore strongly supports that research, science and innovation (RSI) priorities and funding for the short to medium term are focussed on helping regions and communities to make a ‘just’ transition to a low emissions economy and society.

The issues and actions that the Council identified in our submission on the ERP are included in this submission as priorities for RSI funding. These, and the need for RSI priorities and funding to focus on the economic, social and cultural impacts of central government environmental policy and regulation, are key points in our feedback.

Our feedback also responds to some of the key questions in the Green Paper.

About the Submitter

The WCRC is the local authority for a region covering a vast area with a sparse population. Extending from Kahurangi Point in the north to Awarua Point in the south, this is the approximate distance from Wellington to Auckland (see map in Appendix 1). The West Coast is predominantly rural.

The Conservation Estate comprises 84.17% of the West Coast land area, with an additional 1.55% administered by Land Information New Zealand (LINZ). This leaves 14.28% of land available for private ownership. The land in the Conservation estate and Crown ownership is not rateable by local authorities. Due to the WCRC's low rating base, the Council has few resources to undertake our own RSI to assist with future changes in managing natural resources, to provide for an appropriate level of protection of the natural environment, and for the wellbeing of our communities.

WCRC works closely with the regions' three territorial authorities (the Buller, Grey and Westland District Councils). Outside of the main towns of Westport, Greymouth, Reefton and Hokitika, the region's relatively low population of approximately 32,600 is spread across smaller settlements and rural communities. It is important that central government priorities and funding for research, science and innovation into the future are relevant to our unique region, and beneficial to the social, economic, and cultural well-being of all West Coast communities and the natural environment.

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

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



The West Coast region stretches the equivalent distance of that between Auckland and Wellington

General Comments

The WCRC strongly supports the need for research, science and innovation (RSI) priorities and funding for managing the impacts of climate change (Pg 24, para 4).

Council also strongly supports accelerating the development of New Zealand’s research system to support it to stand alongside the best in the world; a system that creates transformative change and supports grand challenges. In particular:

Feedback 1

WCRC supports Feature 6: *“Related, a system responsive to national research priorities, usually focused on generating unique value for the economy from advanced technology, or addressing large-scale long-term problems, such as the challenges presented by climate change, or intergenerational disadvantage”*³(This footnote is the same as Footnote 1).

³ Te Ara Paerangi Future Pathways Green Paper 2021. MBIE. Print: ISBN 978-1-99-100875-6 Online: ISBN 978-1-99-100874-9. October 2021

The current and future focus of government law and policy on climate change mitigation and adaptation will mean major social and economic changes for the West Coast, and the need for a “just transition” to a new way of living. The West Coast Region is in the process of having fossil fuel-related industries phased out by the Government’s climate change emissions reduction direction.

Any future RSI priorities and funding should prioritise regions that have, and continue to, experience major job losses, reduced support industry jobs and services, and reduced economic and social services for communities. The West Coast needs significant investment in research and innovation to help transition to a robust, low-emissions local economy. Government’s support of the West Coast in moving away from the extractive sector had a strong focus on tourism with significant funding from the Provincial Growth Fund directed to projects that would increase, and prolong, visits to the region. The effects of the Covid-19 global pandemic and the subsequent closure of New Zealand’s borders resulted in an almost overnight cessation of the tourism industry. This has had a significant impact on a number of our communities, particularly those in Westland. Support of future industry must be spread across sectors to reduce the reliance and susceptibility to events such as these.

Section 2 of the Green Paper discusses how the Treaty obligations can be honoured in RSI, and how Māori aspirations for RSI can be given life. The WCRC supports future RSI priorities and funding for Māori needs and aspirations (Pg 24, para 4).

The funding section of the Green Paper appears to focus on models and systems for funding Crown Research Institutes (CRI’s). Council considers that there should be better linkages between RSI priorities and funding, and the implementation of Government’s environmental policy and regulation. In Example 1 below, in the government’s recent discussion document on an emissions reduction plan (ERP), it proposes that New Zealand move to a circular economy with new business models to meet mitigation targets. However, there is no mention of how this might be implemented in regions like the West Coast, where significant social and economic change is needed to make the Region sustainable in a low emissions future. The recommendation quoted below is from the Council’s submission on the draft ERP discussion document, with suggestions for actions to sustain the West Coast Region, which would entail RSI:

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

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

Example 1: Emissions Reduction Plan

Example 2 below outlines the social and economic impacts of the Government's upcoming national policy requirements to protect indigenous biodiversity, and the glaring need for RSI in this area to ensure that this national policy can be implemented on the West Coast while also maintaining communities' economic, social and cultural wellbeing.

In WCRC comment on the Draft National Policy Statement for Indigenous Biodiversity (NPSIB):

The Draft NPSIB seeks to protect indigenous biodiversity on private land, including by protecting areas of indigenous forest with significant ecological values, referred to as Significant Natural Areas (SNA's).

An initial assessment of SNAs on private land in the West Coast has identified numerous potential SNAs. The economic and social consequences of protecting SNA's is likely to be significant for the Region, in terms of loss of potential productive value, income for landowners and succession planning. This will impact immediate job opportunities and future generations, through the economic consequence of loss of potential productive land. Landowners will be unable to realise the economic value of potentially productive land. Succession planning will impact older parents who were hoping to pass on land to their children and grandchildren.

The Council supports in principle the protection of indigenous biodiversity and habitats, including wetlands and forest. The West Coast and other regions could greatly benefit if RSI priorities and funding focus on finding new economic value for SNAs on private land. Alternative, innovative ways of protecting biodiversity and habitat where they are identified on private land would even more so be of benefit throughout New Zealand.

Example 2: Significant Natural Area's

Feedback 2

- a) Any future RSI priorities and funding should prioritise regions like the West Coast that have, and continue to, experience major job losses, and actual reductions in support industry jobs and services, and in economic and social services for communities, compared to other regions; and

- b) Ensure there are linkages between RSI priorities and funding, and the implementation of Government's environmental policy and regulation.

Specific RSI issues for West Coast

The following are specific RSI topics that are issues for the West Coast. WCRC would like to see further RSI funding allocated to help address these issues.

Energy Supply

The Government is aiming for a revised figure of 50% renewable energy by 2030, and currently retains the coal-powered Huntly electricity generation station as a backup. 6000MG of electricity is needed to meet electricity needs,⁴ this is the equivalent of six Huntly generation stations. More research and investigation is needed to give us assurances that there will be a sufficient, resilient and reliable source of energy. Fuelling our domestic suppliers and manufacturers of food should be a top priority, and these factories will need a lot of electricity to power them.

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

Example: Coal power for food production

Alternative biofuels

WCRC is concerned that the South Island, and the West Coast, are being left out/behind in the national supply chain of hydrogen. Scion are working on biofuels but have at this time, excluded the South Island. Instead of constructing a 50 million litre per year biofuel refinery, smaller refineries should be investigated for the West Coast. This could be undertaken as a pilot project as many of the challenges faced in successfully establishing a biofuel refinery on the West Coast would inform how to establish refineries at other more accessible locations around New Zealand. Alternative use of biomass production on marginal land for biofuel is another area that the WCRC believes requires research and investigation.

Hydro electricity generation

Electricity is relatively more expensive on the West Coast because of the losses in transmitting power through the National Grid across the Southern Alps and the . Importing electricity also makes small communities vulnerable, due to their location at the end of the supply line. In a

⁴ West Coast Regional Council's Resource Management Committee workshop on the draft submission on the government's emissions reduction plan discussion document, 19 November 2021.

magnitude 8 Alpine Fault earthquake, Transpower would fix the main lines but not the smaller sub-lines, resulting in West Coast communities left without power for months. On the West Coast, there are numerous areas on Department of Conservation (DoC) administered land with abundant freshwater on sloping land which are suitable for small-scale 'run of the river' hydro electricity generation schemes that could support our communities' wellbeing and resilience. Further investigation is needed on where such electricity generation would be viable.

Fairer emissions accounting

There is a need to establish fairer emissions accounting. An example of this inequity are the Australian tomatoes which are air-freighted to New Zealand without paying a carbon tax, however a local tomato grower on the West Coast using coal to heat their glasshouse, has to pay a carbon tax. The lack of a tax or levy on carbon emissions produced by the transport industry, are another example, of inequity in emissions accounting.

Counting West Coast forests and wetlands as carbon sinks

A large proportion of the Conservation Estate on the West Coast is indigenous forest which functions as a carbon sink. There is also a considerable proportion of indigenous forest on private land, as well as wetlands across both public and private land. None of this land is currently accounted for in the national Emissions Trading Scheme.

Research should be undertaken to identify options for increasing the economic value of wetlands; this would provide additional benefit for landowners with wetlands in other regions who are equally impacted by the national direction. There is a higher proportion of indigenous forests and wetlands on the West Coast compared to other regions. These natural resources need an economic value as an incentive for private landowners to protect and retain them on their land. This is critically important as private land with wetlands, in particular, and indigenous vegetation is losing property value and income due to the national freshwater direction to protect natural wetlands from further loss, and restrict land and water use which may adversely affect them.

Conversely, research is required to examine the effect of maturity of the native forests, is there a net negative effect from the cessation in milling on regeneration. Additionally, the peak for native forestry being a carbon sink.

WCRC submission Recommendation 2 to the Government's draft emissions reduction plan discussion document is that:

“Consistent with sustainable management, and an equitable, inclusive, and well-planned climate transition, is that energy sources, such as cheap biomass, affordable hydro-electric power generation and potentially using degraded areas of the DOC estate for energy farms, should be developed on the West Coast as a matter of priority⁵.”

Example 3: Climate transition energy

Feedback 3

RSI funding should be allocated to address the following issues on the West Coast (and potentially in other regions):

- a) Feasibility/viability/practicality of biomass and hydrogen as alternative fuels for the West Coast.
- b) Investigate smaller bio-fuel refinery options for the West Coast as a pilot project. For example, establishing a plant adjacent to Westland Milk Products to take wood waste from nearby forestry areas to fuel the milk tanker fleet.
- c) Identifying suitable and available areas on the West Coast to grow energy crops. This could be in conjunction with forestry land. It is estimated 50,000ha of land is required.⁵ (This footnote is the same as Footnote 2). Investigate if any stewardship land would be suitable for this.
- d) Investigate the viability of small-scale 'run of the river' hydro electricity generation schemes on public conservation land and elsewhere, for micro and small-scale hydro electricity generation for self-sufficient local supply and potential sale outside the region. West Coast has an abundant water supply and slope resources required for these low-impact and low footprint activities.
- e) Incentives for indigenous forest on private land to be used to offset farm emissions. Currently the only economic incentives are to clear it and plant pines.
- f) Finding economic value and incentives for wetlands on private land, including as carbon sinks. This could include being counted in the Emissions Trading Scheme, and/or any other emissions accounting systems.
- g) A fairer accounting system for greenhouse gas emissions and reductions, including from the transport sector.
- h) Using national parks as carbon sinks.
- i) Developing regional emissions accounting systems.

⁵ West Coast Regional Council's Resource Management Committee workshop on the draft submission on the Government's Emissions Reduction Plan Discussion Document, 19 November 2021.

Key Questions from Green Paper

KEY QUESTION 1: What principles could be used to determine the scope and focus of research Priorities?

Any future research, science and innovation (RSI) priorities and funding should prioritise regions that have, and continue to, experience major job losses, reduced support industry jobs and services, and reduced economic and social services for communities.

KEY QUESTION 2:

A) What principles should guide a national research Priority-setting process?

B) How can this process best give effect to Te Tiriti?

A) National research priority setting should follow the policy and legislative reforms and the impact that will have on communities. Research should support comprehensive plans for implementation of policy and regulatory requirements including just transitions for communities.

KEY QUESTION 3: How should the strategy for each research Priority be set and how do we operationalise and implement them?

The strategy for each research priority should follow the outcomes sought for communities. Each strategy should support comprehensive plans for implementation of policy and regulatory requirements including just transitions for communities.

KEY QUESTION 8: Do you think a base grant funding model will improve stability and resilience for research organisations, and how should we go about designing and implementing such a funding model?

A modicum of base grant funding is useful to ensure the continuity of programmes that require long term support. It may also help stabilise workloads and resourcing within parts of Crown Research Institutes (CRIs), helping them stabilise recruitment, structure, and capacity.

WCRC considers that base grant funding for RSI priorities should follow the implementation of Government's environmental policy and regulation and how these affect communities.

KEY QUESTIONS 9-13:

The following comments on Key Questions 9-13 exclude Question 12 as Council has no comment on how to design Tiriti-enabled institutions.

Government and community input is valuable for ensuring CRIs provide a useful service to public clients, including councils. The purpose of a profit-driven business model is to increase efficiency.

The risk is that the prioritisation of profits can alter the core values and function of the institution. Value for money can decrease. Larger organisations may have larger overheads, decreasing their affordability for clients. Alternatively poor affordability might result from a particular corporate structure. There seems to be more use of smaller consultancies, with highly skilled personnel, for advice in specific technical areas. This might in part be a response to reduced value from some CRI's. These consultancies are not to be confused with the majority of smaller consultancies that deliver mediocre quality. In defence of CRI's affordability, the cost of a quality job is always greater. They need to continue fulfilling their role as bastions of quality, integrity, and technical excellence. They are traditionally the only ones who provide this.

A profit driven model doesn't necessarily foster collaboration or data sharing. Issues can arise where potential value of intellectual property reduces availability of information that could be used more widely for research and innovation. Effective collaboration relies on good will, demonstrated by the sharing of information.

Investment in capacity will be biased towards areas that generate profit, but this may not necessarily align with all long-term strategic needs at a national, regional or local level.

KEY QUESTION 14: How should we include workforce considerations in the design of research Priorities?

Science programmes are not limited to CRI's. Many local authorities run science programmes to meet legislative requirements and support their communities. Workforce considerations should include partnerships between CRI's and local authorities to better support knowledge sharing, people and capabilities. Scholarships and increased resourcing are required to stimulate growth in capacity for priority research sectors. There needs to be multiple incentives to attract the best young talent into these sectors or they will go elsewhere.

This ends our feedback.

Report to: Resource Management Committee	Meeting Date: 8 March 2022
Title of Item: Te Tai o Poutini Plan Update	
Report by: Jo Armstrong, Project Manager	
Reviewed by: Heather Mabin, Chief Executive	
Public excluded? No	

Report Purpose

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

Report Summary

The TTPP Committee met on 17 February 2022 and received an update on consultation underway for the Exposure Draft and Natural Hazards Companion Document. A proposed budget for 2022/23 was also presented to the Committee for approval to submit to WCRC for funding.

Recommendations

It is recommended that Resource Management Committee resolve to:

1. *Note the report.*

Issues and Discussion

TTPP Exposure Draft Consultation

Consultation on Te Tai o Poutini Plan Exposure Draft and Natural Hazards Companion Document commenced on 26 January 2022. This includes access to the e-plan and maps online, plus the placement of hard copies at 18 venues across the districts. We have undertaken ten stakeholder meetings via Zoom, enabling people to give feedback on topics they have expertise in, and have run nine drop-in sessions for the public where an opportunity to talk one-on-one has been provided.

The consultation continues to be advertised in newspapers, on Facebook and by poster, and we have had good turn outs and both verbal and written feedback.

The feedback period closes on 11 March 2022.

Further consultation on the final natural hazards provisions for coastal and land instability hazards will be undertaken in April. Main centres and coastal settlements considered most impacted by these hazards will be visited.

Draft 2022/23 budget

At its 17 February meeting, the TTPP Committee approved the 2022/2023 budget for a Net Deficit (after annual funding of \$500,000) of \$518,374 for recommendation to West Coast Regional Council to arrange funding.

It was noted that the complete project cost as budgeted to 2031 is still anticipated to break-even.

For more detailed information please see the latest Project Manager's Report at: <https://tppp.nz/wp-content/uploads/2022/02/TTPP-Monthly-Report-31-January-2022.pdf>

Report to: Resource Management Committee	Meeting Date: 8 March 2022
Title of Item: South Westland FMU Group Recommendations Report	
Report by: Lillie Sadler, Planning Team Leader	
Reviewed by: Rachel Vaughan, Acting Planning and Science Manager	
Public excluded? No	

Report Purpose

To present the South Westland Freshwater Management Unit (FMU) Group's Recommendations Report, and seek approval of the report's recommendations.

Recommendations

It is recommended that Council resolve to:

1. Approve the South Westland Freshwater Management Unit Group's Recommendations, to be implemented as much as practicable, to give effect to the National Policy Statement for Freshwater Management 2020.

Issues and Discussion

Background

The National Policy Statement for Freshwater Management (NPSFM) 2020 requires regional councils to give effect. This includes identifying freshwater management units (FMUs) across the whole region, establishing community representative groups for each FMU, and consequently making changes to freshwater regional plans.

The South Westland FMU extends from the Waiho River catchment on the north side of the river, to the southern boundary of the West Coast Region at Awarua Point. A map showing the South Westland FMU catchment boundaries can be found on Page 11 of the Recommendations Report, attached as Appendix 1 to this report.

The South Westland FMU Group is the fourth and final FMU community Group to be formed. The South Westland FMU is within the takiwā of Te Rūnanga o Makaawhio.

The South Westland FMU Group members are: Rob Wilson (Te Rūnanga o Makaawhio representative and Chair of the Group), Catherine Montague, David Friend, Brenda Monk, Rowan Sullivan, Maurice Sullivan, Kirsten Sandri, Simon Cameron, Clr Stu Challenger (West Coast Regional Council representative), ex-Clr Ryan Kennedy (Westland District Council representative who left prior to finalising the Report) and Clr Ian Hartshorne (Westland District Council representative replacing Ryan Kennedy). Anya Kruszewski of the Department of Conservation attended Group workshops in an advisory capacity, given the large proportion of public conservation land in the South Westland FMU. The Group was supported by Regional Council Science and Planning staff.

Due to the long distances between Council's Greymouth office and the South Westland FMU area, the process for this Group was changed from around 12 monthly meetings to three all-day workshops. This reduced the travelling time for all attendees.

The three workshops were held on 25 February, 22 April and 23 September 2021. They were all held at the Fox Glacier Community Hall as a central location for the Group members who lived throughout the FMU.

The Group also invited the Resource Management Committee on a field trip to view first hand some of the key freshwater issues for South Westland communities, that the Group has raised in their Recommendations Report. The field trip was held on 18 January 2022 and saw an aquatic weed infestation in Lake Paringa, and discussed problems with implementing the national stock exclusion regulations for freshwater, for large 'run of the river' grazing blocks.

Recommendations Report

The Group's Recommendations are based on matters covered during the three workshops. The Report has background explanation outlining why the Group has arrived at these recommendations, which include a mix of regulatory and non-regulatory measures.

The NPSFM 2020 version has guided the FMU Group through their process. The 2020 Freshwater Package includes mandatory actions and limits that will need to be adopted by the Council.

The Recommendations cover some issues that are unique to the South Westland FMU compared to the other three FMU Group's Recommendations. These are aquatic weed management, additional water quality monitoring to be undertaken by local communities, and seeking alternatives to compulsory stock exclusion, especially for 'run of the river' farming.

Attachments

Attachment 1: South Westland Freshwater Management Unit Group Recommendations Report



WEST COAST REGIONAL COUNCIL

To: Resource Management Committee
From: South Westland Freshwater Management Unit Group
Date: 25 February 2022
Subject: Recommendations from the South Westland Freshwater Management Unit (SWFMU) Group

Executive Summary

The National Policy Statement for Freshwater Management (NPS-FM) 2020 requires regional councils to identify Freshwater Management Units (FMUs) for freshwater management and accounting purposes. The West Coast Regional Council (WCRC or the Council) identified four FMUs, namely 'Kawatiri', 'Grey', 'Hokitika' and 'South Westland'; and established community representative groups for each FMU.

The South Westland FMU (SWFMU) Group consisted of ten members, including seven community members and one representative each for Te Rūnanga o Makaawhio, Westland District Council, and the WCRC. Given the extent of Department of Conservation (DOC) and stewardship land in the SWFMU, a representative from DOC participated as an "observer". Staff from the WCRC supported the work. A Terms of Reference established the SWFMU Group's function and purpose.

The NPS-FM requires that, "*freshwater is managed through a National Objectives Framework process to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and that the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved*". The SWFMU Group worked through this assessment process over three workshops, which were held on 25 February, 22 April, and 23 September 2021. The Group's recommendations for future plan provisions and work programmes to manage the land and water resources within the FMU, as put forward in this Report for consideration by the Council's Resource Management Committee (RMC), are a result of these engagements.

The SWFMU Group 'workshopped' and agreed on a long-term vision for freshwater. Consistent with the NPS-FM, the Group's long-term vision sets ambitious goals underpinned by Te Mana o te Wai. For the purposes of the NPS-FM, "*Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment*".

The NOF assessment process “*requires regional councils to identify values for each FMU; to set environmental outcomes for each value and include them as objectives in regional plans; to identify attributes for each value and set baseline states for those attributes; to set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes; and to set limits as rules and prepare action plans (as appropriate) to achieve environmental outcomes*”. The NOF assessment process shaped the FMU Group’s discussions and the resultant recommendations herein.

Consistent with the NPS-FM, the SWFMU Group explored and considered Māori Freshwater Values. Members then identified a range of other values associated with freshwater that were important to them and to the local community. The South Westland community is a small, close-knit community, and heavily dependent on farming and tourism for its survival.

All members of the SWFMU Group expressed grave concerns about the impacts new Freshwater Regulations will have on maintaining traditional farming practices, tourism, and lifestyle. As a priority they seek to maintain their traditional ways of life in harmony with fresh waterbodies and nature, enable development of hydro electric power generation, realise opportunities for commercial and industrial use of local waterbodies, and enhance scenic values and tourism (the Fox Glacier, for instance, is a major drawcard but is in decline and receding rapidly).

The SWFMU Group recognises that the Resource Management Act’s purpose of sustainable management includes enabling the social, economic and cultural well-being of communities. The Group suggests that freshwater policy for the South Westland FMU should enable communities to provide for their economic, social and cultural wellbeing.

The SWFMU Group reported that people within their local community feel strongly about the quality and health of local water resources and would like to see more extensive and regular monitoring of waterbodies, in addition to the Haast River, which is currently the only waterbody monitored in the FMU for water quality. (NIWA monitors the Haast River for water quality).

Although the minimal monitoring in South Westland indicates that water quality is generally high, more water quality measuring is sought to provide ongoing assurance that our waterways are safe conjointly with the traditional activities carried out within the area. The SWFMU Group acknowledges the scarcity of Council resources to assist in this area. The Group therefore considered various approaches, which triggered it to propose setting up a voluntary community-led water monitoring programme with the support of the Council.

The Group also expressed concern about other areas that require attention, such as tackling aquatic pest plants and weeds. Tackling aquatic pest plants impacts on all priority outcome areas. If not addressed, there will be an imbalance between the traditional way of life, hydroelectric power generation realising opportunities for commercial and industrial use of local waterbodies, and enhancing scenic values and tourism, such as, swimming, fishing and boating. The Group developed an outline action plan to address the weed issue. The Group also reflected on other aspects of the NPS-FM, such as outstanding waterbodies, and contributed to updating the Regional Plan’s list of threatened species and habitats.

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1. Recommendations

The recommendations below are put forward by the SWFMU to the Regional Council's Resource Management Committee (RMC) for consideration.

1.1 Value(s): Māori freshwater values

Recommendations

- 1.1.1 **Include provisions in the Regional Land and Water Plan that ensure mahinga kai is safe to harvest and eat; that species are plentiful enough for long term harvest; and that the full range of species are present across all life stages.**
- 1.1.2 **Include provisions in the Regional Land and Water Plan to protect the *mauri* of freshwater; and ensure that freshwater bodies are available and able to be used for customary use, i.e., in a traditional way.**
- 1.1.3 **Include provisions in the Regional Land and Water Plan that ensure a cultural allocation so that Te Rūnanga o Makaawhio's freshwater management values are provided for in the allocation of water.**

The value – outcome – objective – recommendation format below is consistent with the NPS-FM 2020 and the NOF assessment process.

1.2 Value: Community History (Iconic Heritage)

Objectives:

To solicit active engagement by central government with local communities before central government and its ministries and agencies make freshwater policy changes that significantly affect local communities.

To heighten central government awareness of traditional farming practices that maintain and enhance the traditional way of extensive river run farming in South Westland.

Recommendations

- 1.2.1 **Advocate for Government to engage and consult with local communities in the South Westland FMU before imposing changes to national laws.**
- 1.2.2 **Advocate for support for South Westland FMU farmers to meet the requirements of the new regulations.**
- 1.2.3 **Add a policy to the Regional Land and Water Plan about local communities being able to use freshwater to provide for their social and economic wellbeing.**

1.3 Value(s): Ecosystem health and clean water (a compulsory value in the NPS-FM 2020)

Desired Outcome:

Traditional farming and fishing activities are maintained.

Objective:

To develop alternative solutions for compulsory stock exclusion and have these approved by the local community and by central government.

Recommendations

- 1.3.1 RMC members visit the South Westland area, discuss the issues locally and propose alternative workable solutions to stock exclusion, for example, limit fencing to areas where stock are being intensively farmed and have a measurable impact on ecosystem health.
- 1.3.2 Promote and enhance riparian management areas where the runoff has natural filtration systems intercepting contaminants.
- 1.3.3 Agree to continue to advocate in submissions on freshwater regulations to exempt South Westland low intensity, low stocking, 'run of the river' farming from fencing regulations.

Objectives: To exclude waterways on stewardship land from the NES FW Regulations 2020; and to engage in central government's stewardship land reclassification process.

Recommendations

- 1.3.4 Advocate for the assessment of stewardship land to include both environmental and economic values, including but not limited to assessments of conservation value and local community well-being; and that the RMC present a submission to central and local government and relevant stakeholders. (Note that approximately 35 percent of the public conservation land on the West Coast (Tai Poutini) is stewardship land, totalling 1,000,000 hectares).
- 1.3.5 Inform the Chair of the Western South Island Independent Expert Panel providing recommendations on the reclassification of stewardship land nationally on the views of the SWFMU and seek a response from the panel with respect to the recommendations herein and the reclassification of stewardship land.
- 1.3.6 Advocate for a communications plan for stewardship land, which includes engaging regularly with the Western South Island Independent Expert Panel on the assessment of stewardship land for South Westland.
- 1.3.7 Request the Western South Island Independent Expert Panel's assessment of risks and opportunities include social, economic and cultural risks and opportunities as well as environmental risks and opportunities.

1.4 Value: Hydro-electric power generation

Desired Outcome:

The South Westland FMU is self-sufficient in energy supply.

Objectives:

To enable self-sufficient hydro electricity generation in the South Westland FMU through a regulatory framework; and to promote hydro electricity generation in the South Westland FMU that enhances community resilience to natural hazards and economic disruptions.

Recommendations

- 1.4.1 Advocate for multiple smaller hydro electricity generation schemes to promote risk resilience; and that Council recognise opportunities for smaller operators because the point of generation is spread out.
- 1.4.2 Work with DOC to create a process for supporting discrete micro and small-scale hydro electricity generation schemes on water bodies within public conservation land.

Objective:

To develop a supportive regulatory framework for providing for appropriate hydro schemes.

Recommendation

- 1.4.3 Collaborate with other West Coast agencies to develop an economic development strategy that includes consideration of appropriate small-scale hydro generation schemes in the South Westland FMU.

Objective: To implement more local measures that support greater carbon neutrality.

Recommendation

- 1.4.4 Encourage the installation of more electric vehicle charging stations, which reduce the use of fossil fuels and utilise locally produced electricity, especially hydro.

1.5 Value: Commercial and industrial use

Desired Outcome:

Freshwater resources in the South Westland FMU provide economic opportunities for people, businesses and industries.

Objective:

That options for freshwater commercial and industrial use are provided for, where they contribute to the social, economic and cultural wellbeing of South Westland communities, and within environmental limits.

Recommendation

- 1.5.1** Advocate for further research and face-to-face consultation between relevant economic development agencies, e.g., Development West Coast and Ngāi Tahu, and South Westland FMU communities.

1.6 Value: Scenic values and tourism

Desired Outcome:

The scenic values of freshwater and glaciers that are important for tourism are enhanced.

Objective:

To prioritise the economic value of fresh water and glaciers to tourism in freshwater management planning; and to consider freshwater in tourism funding.

Recommendations

- 1.6.1** Advocate for funding from sources such as the Freshwater Improvement Fund to meet the needs of the tourism industry in the South Westland FMU, to recognise the value contributed by the glaciers and glacier towns.
- 1.6.2** Make provisions for tourism specific activities in the regional plan.

1.7 Value(s): Drinking water supply, Animal drinking water and Human Contact (compulsory value in NPS-FM 2020)

Desired Outcome:

Water is fit for human and animal consumption and use.
Water, an essential to life, remains free and available.

Objective:

To maintain or improve the quality of water in South Westland FMU waterbodies, including for contact recreation at specific swimming sites and for Māori customary use.

Recommendations

- 1.7.1** Approve the establishment of more extensive water quality monitoring throughout the South Westland FMU. This recommendation includes approving water sampling at Lake Nisson.
- 1.7.2** Approve funds to undertake a one-year initial sampling study over a minimum of four sites, then review as to whether to continue the study.
- 1.7.3** Advocate to address the threat to water quality presented by increasing numbers of feral mammalian pests in the bush.
- 1.7.4** Encourage the Westland District Council to implement guidelines for water treatment, based on WHO guidelines for maximum acceptable values, irrespective of the size of the water supplier. (As required in the drinking water standards, the SWFMU Group believes the availability of safe drinking-water for all New Zealanders, irrespective of

where they live, is a fundamental requirement for public health; and a district council responsibility).

1.8 Value(s): Ecosystem Health (compulsory value in NPS-FM 2020)

Desired Outcomes:

All weeds in South Westland FMU waterbodies are managed effectively.

There are no new incursions of aquatic pest plants in South Westland FMU freshwater bodies.

Objective:

To manage the spread of existing aquatic pest plants in South Westland FMU lakes and rivers effectively, and to avoid new infestations.

Recommendations

- 1.8.1 Evaluate research on aquatic pest species control; and look nationally and overseas for control tools and methods that suit South Westland.
- 1.8.2 Explore options for using helicopters for aerial spraying of weeds, such as lagarosiphon.
- 1.8.3 Support the organisation of a South Westland “Weed busters” weekend. (As an example, the programme may operate similarly to the successful operation carried out by Ōkārīto gorse busters).
- 1.8.4 Support the development and marketing of a jet boating itinerary for lake users in South Westland that reduces the risk of spreading weeds.
- 1.8.5 Support the South Westland FMU Group to develop a community-based weed control programme in collaboration with DOC.
- 1.8.6 Map waterbodies affected by aquatic pest plant infestations throughout the South Westland FMU and identify problem areas within those waterbodies clearly.

Objective:

To educate the public, and boat users in particular, about the consequences of spreading aquatic pests and tell them how to avoid spreading them

Recommendations

- 1.8.7 Give regular biosecurity updates to boating clubs about the consequences of spreading aquatic pests and how to avoid spreading them.
- 1.8.8 Update the Council web site, print media and social media about biosecurity risks with spreading aquatic pests and how to avoid spreading them.
- 1.8.9 Seek support for national biosecurity education in media to address the spreading of aquatic pests and how to avoid spreading them.
- 1.8.10 Engage with the New Zealand Jet Boat Association about biosecurity education, and the consequences of spreading aquatic pests and how to avoid spreading them.

Objective: To set up ways for boaters to decontaminate their boats.
<p>Recommendations</p> <p>1.8.11 Support targeted education to boating clubs about decontaminating their boats.</p> <p>1.8.12 Seek funding and collaborate with other agencies to provide boat cleaning stations at boat ramps.</p> <p>1.8.13 Promote achievable methods that stop weeds spreading beyond boat launch areas.</p>
Objective: To maintain a rigorous weed surveillance programme.
<p>Recommendation</p> <p>1.8.14 Develop and maintain a collaborative weed surveillance programme with DOC, the local community, and other relevant organisations, including NIWA.</p>

2. Background

In 2020, Central Government updated its Freshwater Package with the view to restore and protect New Zealand’s rivers, lakes, streams, aquifers, and wetlands for future generations. Commonly referred to as the “Essential Freshwater” Package, the Package includes:

- A replacement National Policy Statement for Freshwater Management (NPS-FM 2020);
- New Resource Management Regulations (National Environmental Standards for Freshwater 2020), (NES-F);
- New Resource Management (Stock Exclusion) Regulations 2020; and
- Amended Regulations for the measurement and reporting of water takes (Resource Management (Measurement and Reporting of Water Takes) Amendment Regulations 2020).

The NPS-FM 2020 applies to all freshwater (including groundwater) and, to the extent they are affected by freshwater, receiving environments (which may include estuaries and the wider coastal marine area).

To ensure that the health and well-being of degraded waterbodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved, the NPS-FM 2020 provides for freshwater to be managed through a National Objectives Framework [Policy 5, NPS-FM 2020].

The NPS-FM 2020 also requires every regional council to manage fresh water and land use in an integrated and sustainable way, and to engage with communities and tangata whenua at each step of the National Objectives Framework (NOF) process. To help facilitate this process, every regional council must identify FMUs at a spatial scale over which freshwater is managed. The SWFMU ranges from south of the Waiho River to the southern regional boundary at Awarua Point (Figure 1).

The SWFMU Group's recommendations to the Council for achieving its long-term vision, and for future plan provisions and work programmes to manage the land and water resources within the SWFMU, have arisen from a process of engagement consistent with the NPS-FM. Over the period for which this Group met, its members covered a number of topics. And the Group's recommendations contain both 'prescriptive' measures, e.g., proposed rule changes to the Regional Plan; and 'non-prescriptive' measures, e.g., weed control measures.

To keep the wider community informed, regular updates of the SWFMU Group's work have been posted on the Council's website and Facebook page. An article was included in a South Westland community newsletter, and the Council's Resource Management Committee has been updated throughout the process.

The SWFMU Group operates in partnership with Te Rūnanga o Makaawhio (the mandated representative body of Ngāti Māhaki ki Makaawhio, a hapū of Ngāi Tahu) to recognise and respect the principles of the Treaty of Waitangi and develop recommendations which consider and reflect mana whenua cultural values.

To form the SWFMU Group, Council staff held a public information session on 3 November 2020 in Fox Glacier. Following a call for public nominations from the local community, member applications were considered and brought to the Resource Management Committee for approval.

The SWFMU Group included seven community members from a wide range of backgrounds representing a broad array of professional and personal interests related to land and water management. These members were Simon Cameron, David Friend, Brenda Monk, Catherine Montague, Kirsten Sandri, Maurice Sullivan, and Rowan Sullivan. The West Coast Regional Council appointed one elected member (Councillor Stuart Challenger) to the Group. And the Westland District Council appointed one elected member (Councillor Ryan Kennedy served until November 2021 and was replaced by Councillor Ian Hartshorne on 24 January 2022). Te Rūnanga o Makaawhio appointed Rob Wilson. Rob Wilson was elected Chair. Kara Edwards, Pouarahi/CEO, Te Runanga o Makaawhio, also contributed to the Group's work.

Anya Kruszewski, a representative from the Department of Conservation (DOC) who lives in the South Westland FMU, attended the workshops in an observer capacity. Most of the SWFMU is within public conservation land, and DOC therefore has a large role to play in land and water management in the FMU. The Council engages with DOC through its engagement process on freshwater management, whereas FMU Groups are established to give local communities a voice in freshwater management.

The SWFMU Group convened in February 2021 and held its third and final workshop on 23 September 2021. WCRC staff facilitated the workshop process and supported it with capacity building on water science (Jonny Horrox), and regulatory and water policy planning (Teresa Thorp). Policy development and recommendations are incorporated in the main body of this Report; and a section on water science in the SWFMU is appended for reference (Appendix 1). A group photo is also appended (Appendix 2).

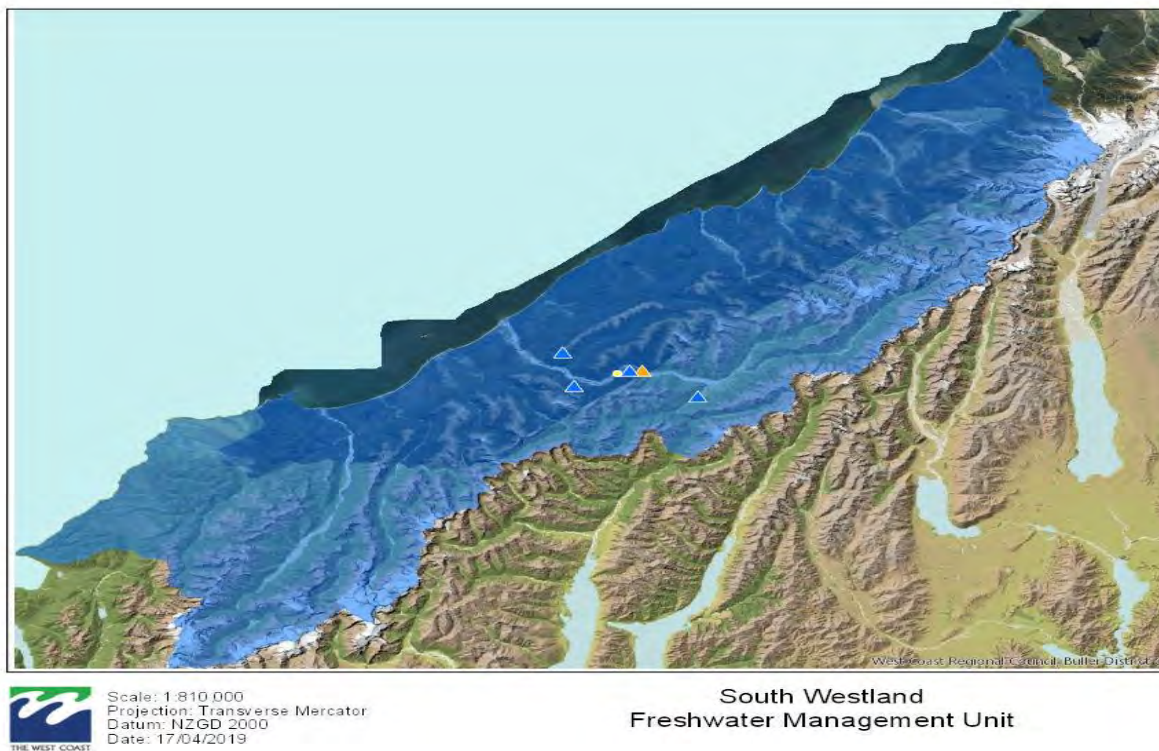


Figure 1: Boundaries of the South Westland FMU (SWFMU). Blue triangles indicate rain gauges. The orange triangle marks the location of a flow site, and the dot marks the location of a water quality monitoring site.

3. Te Mana o te Wai

The NPS-FM 2020 requires freshwater to be managed in a way that gives effect to Te Mana o te Wai (NPS-FM Policy 1). The NPS-FM defines Te Mana o te Wai as “a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community”. Giving effect to Te Mana o te Wai reinforces the partnership with tangata whenua, and the vital importance tangata whenua place on the integrated and holistic wellbeing of water.

4. Māori and Cultural Freshwater Values

The NPS-FM 2020 recognises that, should they wish, tangata whenua are to be actively involved in freshwater management, including decision making processes, and that cultural values are to be identified and provided for (Policy 2, NPS-FM 2020). The NPS-FM 2020 also provides, “Māori freshwater values means the compulsory value of mahinga kai and any other value (whether or not identified in Appendix 1A or 1B) identified for a particular FMU or part of an FMU through collaboration between tangata whenua and the relevant regional council”. This section reflects on, and puts forth, recommendations for both Māori and cultural freshwater values.

In this light, the SWFMU Group invited Kara Edwards, Pouarahi/CEO of Te Rūnanga o Makaawhio [the mandated representative body of the Ngāti Māhaki hapū], to present to the Group. In her presentation, Kara pointed out that Māori relationships with water have eroded over the last 150 years. However, Ngāi Tahu has recently responded by developing a Freshwater Policy Statement, which Kara suggests the Council should consider when developing regional plans.

Ngāi Tahu's Freshwater Policy Statement, addressed to Ngāi Tahu Whānui, refers to water as "*a taonga left by ancestors to provide and sustain life. It is for the present generation, as tangata tiaki, to ensure that the taonga is available for future generations in as good as, if not better quality*". The Freshwater Policy Statement also specifies Ngāi Tahu's core values around water.

Kara's presentation included an overview of perspectives from Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu. She also shared a Ngāi Tahu video on Freshwater with the Group. In that video, Dr Te Marie Tau and Whaea Liz Kereru state that Te Rūnanga o Ngāi Tahu filed a Statement of Claim on Wai Māori and Freshwater before the High Court on 27 October 2020. The detail is not in the public domain at this stage and was not shared with the FMU Group. Kara did, however, share that water is a treasure (a taonga) and having the ability to exercise some authority over water management within the SWFMU is of utmost importance to mana whenua.

Amongst other, Kara confirmed that Ngāi Tahu considers national Climate Change Policy useful for managing freshwater at the local level. According to the NPS-FM, in setting limits such as environmental flows and levels, every regional council must have regard to the foreseeable impacts of climate change. And every regional council must prepare and publish predictions of changes, including the foreseeable effects of climate change, that are likely to affect water bodies and freshwater ecosystems in the region.

As to the compulsory value of 'mahinga kai', Kara explained that 'mahinga kai' is related to the land, and connected to things that clothe, feed, and provide shelter. Mahinga kai is also about connecting our ancestors and the past through cultural practice. In this regard, inter-generational transfer of knowledge is imperative. Sometimes, however, water quality issues have reduced the abundance of mahinga kai resulting in reduced harvest and a loss of intergenerational traditional knowledge and 'know-how'.

For Te Rūnanga o Makaawhio, 'Rangitiratanga' is another important value and relates to independence as provided for in the Treaty of Waitangi. Whereas Kaitiakitanga is the expression of authority.

Both Kara, and Rob Wilson (Te Rūnanga o Makaawhio's representative on the SWFMU Group and Chair of the Group), highlighted that the Jacobs River is one of the most important rivers for Te Rūnanga o Makaawhio. They also drew attention to the *ki uta ki tai* (from the mountains to the sea) philosophy being the concept used by the hapū to describe their overall approach to water management. Water and land are not separate entities. They are intrinsically interconnected and must therefore be managed using a holistic and integrated approach because what happens on the land affects what happens on water.

Ngāti Māhaki values all water. Irrespective of whether it is groundwater, coastal water, or water flowing in rivers or through drains, water embodies *mauri* (the life-giving essence).

Kara and Rob also emphasised the importance of maintaining *mauri* (the life-giving essence) of water. Water degradation impacts not only the *mauri* of the water but its *mana* (or prestige) too, as it reduces the ability for Ngāti Māhaki to collect mahinga kai and to manaaki (to welcome, show respect, share food, and provide hospitality for their visitors). Kara and Rob explained that mana whenua, as kaitiaki (trusted guardians), have inherited a responsibility to pass healthy water onto future generations.

Ngāti Māhaki consider that cultural and public health uses of water, and water's ecological values, need to be recognised and provided for before consumptive use.

Ngāti Māhaki values water because of the intrinsic role water plays:

- In creation stories;
- In identity;
- In making connections through historical accounts;
- In providing a source for navigational routes and traditional travel routes;
- As a taonga (a treasure);
- As '*wāhi tapu*' (sacred places, sites and areas);
- For cultural purposes, e.g., ceremonies;
- For mahinga kai;
- In the production of goods and materials e.g., weaving and medicine; and
- In the gathering of pounamu (pounamu is not taken from areas with poor water quality).

Kara pointed out that western science uses particular measures and techniques to determine water quality. Whereas, for Ngāti Māhaki, scientific measures can only be useful for partly informing the cultural health of a waterway; they don't fully determine the cultural health of a waterway.

Kara suggested using a Cultural Health Index (CHI) as one complementary method for determining the health of our waterways. For Ngāti Māhaki, traditional knowledge (an understanding of Māori custom and tradition) is required to use this method, so only appropriate mana whenua should undertake Māori cultural health monitoring in the SWFMU.

An overview of Ngāti Māhaki's Māori Freshwater Values in the South Westland FMU is shown in the slide below.

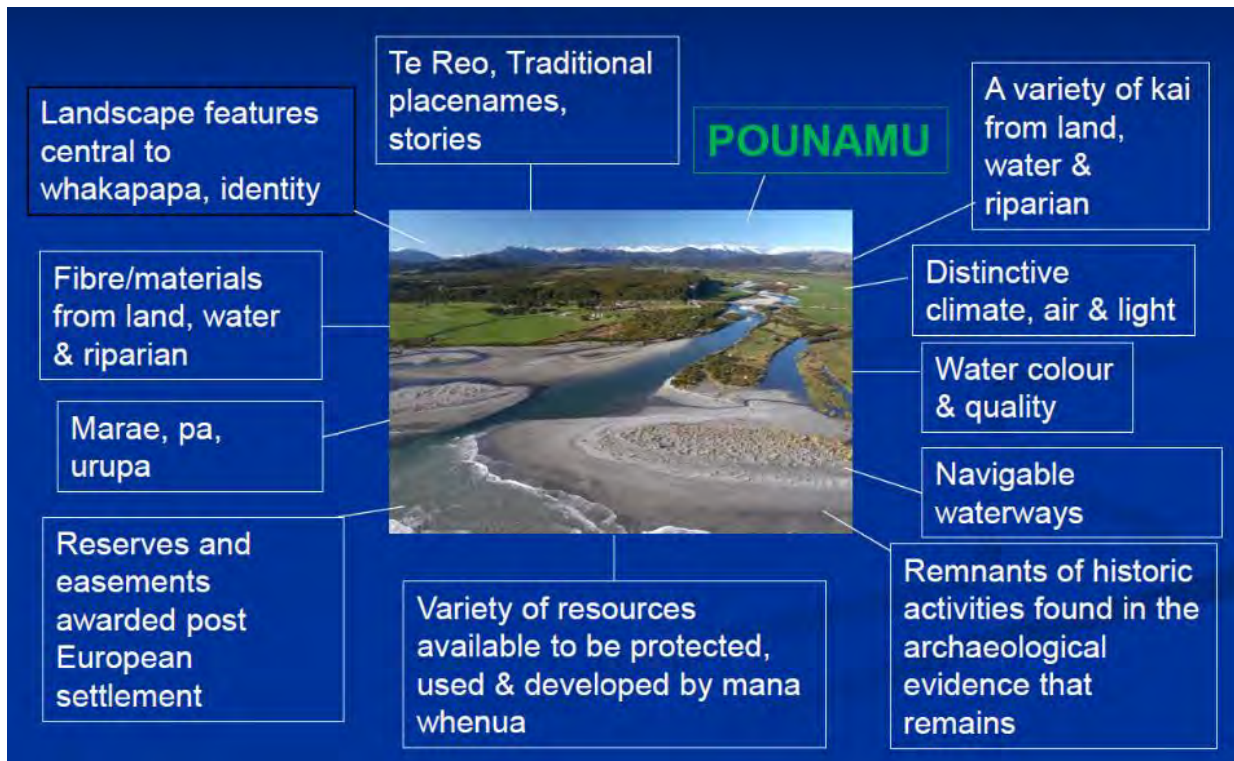


Figure 2: An overview of Māori Freshwater Values in the SWFMU

Consistent with Māori and cultural freshwater values being identified and provided for, Ngāti Māhaki put forward the following recommendations:

1. **Include provisions for freshwater management in the Regional Land and Water Plan that ensure mahinga kai is safe to harvest and eat; that species are plentiful enough for long term harvest; and that the full range of species are present across all life stages.**
2. **Include provisions in the Regional Land and Water Plan to protect the *mauri* of freshwater; and ensure that freshwater bodies are available and able to be used for customary use, i.e., in a traditional way.**
3. **Include provisions in the Regional Land and Water Plan that ensure a cultural allocation for the values of Te Rūnanga o Makaawhio are provided for in the allocation of water.**

5. The National Objectives Framework Assessment Process

The National Objectives Framework (NOF) assessment process was presented to the SWFMU Group at its first workshop. The NOF policy assessment follows a specified process to achieve the FMU's long term vision for freshwater management, consistent with Te Mana o te Wai.

After vision setting, the NPS-FM 2020 identifies the principal elements of the NOF required to achieve the long-term vision as follows:

1. Determine applicable values;
2. Set environmental outcomes for each value and include them as objectives in regional plans;
3. Identify attributes and flows for each value, outcome, or objective and set baseline states for those attributes;
4. Set target attribute states, environmental flows and levels, and other criteria to support the achievement of environmental outcomes; and
5. Set limits and methods, e.g., rules or action plans to achieve environmental outcomes.

The NOF process is illustrated in Figure 3 below.

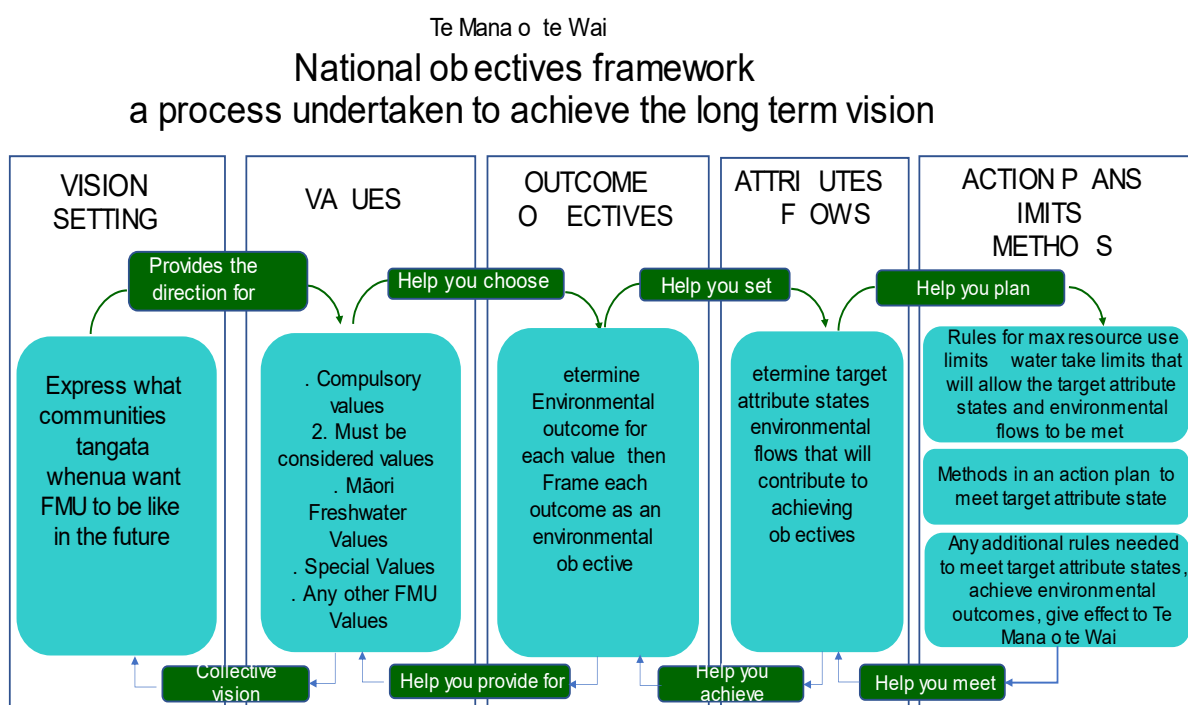


Figure 3: NPS-FM 2020 National Objectives Framework for Freshwater Management

5.1. Long Term Vision for Freshwater

The SWFMU Group finalised its Long-term Vision for freshwater management, comprising both an objective and underlying goals, at its third workshop, held on 23 September 2021.

Long Term Vision for Freshwater Management in the South Westland FMU:

Objective

The ability to continue using freshwater bodies in the South Westland FMU for drinking, stock supply, swimming, boating, access and aquaculture which are important to local communities, in harmony with freshwater ecosystems, is maintained and managed, where necessary, on a long-term sustainable basis for this generation and for future generations to come.

Goals

That by no later than 2050, freshwater in the South Westland Freshwater Management Unit is managed by an integrated approach, *ki uta ki tai* (from the interconnectedness of the mountains to the sea) which:

- Supports healthy, resilient freshwater ecosystems free of aquatic weeds;
- Ensures that the quality of water in South Westland's waterbodies is maintained or improved;
- Ensures drinking water is available and safe for human and stock consumption in the South Westland FMU;
- Ensures that water is suitable for Māori customary use
- Ensures that water quality is suitable for contact recreation;
- Supports self-sufficiency for the community through hydro-electric power generation within the FMU;
- Supports the FMU being resilient to the adverse effects of climate change, natural disasters, and weather events and ensures the FMU has the capacity to respond and recover;
- Ensures that riverbed gravel extraction in the FMU is managed sustainably;
- Retains the beauty of South Westland's waterbodies and
- Supports sustainable agriculture, whitebaiting, aquaculture, tourism, and other activities, including resource use, which underpin the South Westland FMU's economic wellbeing of its communities.

5.2. Values of Importance to the South Westland FMU Community

Identifying community values relevant to freshwater management throughout South Westland was essential to the workshop process. The SWFMU Group considered how the range of values as defined in the NPS-FM may apply to the FMU.

The NPS-FM 2020 values explored and discussed included:

Māori and Cultural Freshwater values (as covered in the preceding section).

The Four Compulsory Values

1. Ecosystem health, such as habitat and aquatic plant pest control;
2. Human contact, such as swimming, fishing, and recreation;
3. Threatened species, such as whio (blue duck); and
4. Mahinga kai, such as ensuring the *mauri* (essence) of the place is intact and kai is safe to harvest and eat.

The Nine “must be considered” Values

- 1 Natural form and character;
- 2 Drinking water supply;
- 3 Wai tapu (sacredness of the water, rituals and ceremonies performed);
- 4 Transport and Tauranga waka (waka landings);
- 5 Fishing (the FMU or part of the FMU supports fisheries of species allowed to be caught and eaten);
- 6 Hydro-electric power generation;
- 7 Animal drinking water;
- 8 Irrigation, cultivation and production of food and beverages; and
- 9 Commercial and industrial use.

As part of the NOF assessment process, the NPS-FM 2020 also makes provision for any other values (or criteria) that the FMU may wish to consider.

Figure 4 below shows the range of values put forward by the SWFMU Group in the left-hand column and, where appropriate, aligns them to relevant NPS-FM 2020 values in the right-hand column so they can be analysed and developed within the context of the NPS-FM 2020. (The values are not in order of priority, i.e., there is no hierarchy, and all are important).

[For a description of the NPS-FM 2020 values, see Appendices A1 and B1 of the NPS-FM 2020].

Values put forward by the SWFMU Group	Alignment with NPS-FMU 2020 values
Community History	“Other” - FMU unique
Future community viability	“Other” - FMU unique
Hunting (animals drink water)	“Other” - FMU unique. Also incorporates integration of human contact, mahinga kai and commercial interest.
Maintain South Westland way of life	“Other” - FMU unique
Maintain what we have	“Other” - FMU unique
Sustainability for communities	“Other” - FMU unique
Sustainability for people	“Other” - FMU unique
Today’s values for future uses	“Other” - FMU unique
Tourism and scenic values	“Other” - FMU unique
Traditional water use	“Other” - FMU unique
Water Use – no financial burden	“Other” - FMU unique
Whitebait	“Other” - FMU unique
Agriculture – High quality fresh water	Ecosystem health
Boating – protection from pest plants and weeds	Ecosystem health
Clean water – swimming – lakes and rivers	Ecosystem health
Clean water – recreational use	Ecosystem health
Water clarity	Ecosystem health
Water Quality – drinking, swimming, boating	Ecosystem health
Agriculture	Mahinga Kai; Irrigation, cultivation and production of food and beverages
Agriculture - High quality beef, organic beef	Mahinga Kai; Irrigation, cultivation and production of food and beverages
Farming	Mahinga Kai; Irrigation, cultivation and production of food and beverages
Irrigation	Mahinga Kai; Irrigation, cultivation and production of food and beverages
Sustainable agriculture	Mahinga Kai; Irrigation, cultivation and production of food and beverages
Food	Mahinga Kai; Irrigation, cultivation and production of food and beverages
Stock Water. Farming and agriculture water.	Animal Drinking Water
Agriculture – breeding, raising and finishing	Commercial and industrial use

Values put forward by the SWFMU Group	Alignment with NPS-FMU 2020 values
Aqua culture – transparency for future projects	Commercial and industrial use
Commercial Fishing	Commercial and industrial use
Commercial water use	Commercial and industrial use
Opportunity to share and supply others	Commercial and industrial use
Sustainable commercial use	Commercial and industrial use
Tourism – Jet Boats	Commercial and industrial use
Hydro Power	Commercial and industrial use
Drinking Water. Clean water. Healthy living	Drinking water supply
Fishing	Fishing
Fishing Access	Fishing
Boating	Human contact
Hunting	Human contact and Mahinga Kai
Recreation – boating, fishing, skiing	Human contact
Recreation – children swimming and exploring	Human contact
Recreational Boating	Human contact
Recreational Fishing. Fly fishing	Human contact
Swimming – clean areas	Human contact
Hydro Power - transparency for future projects	Hydro-electric power generation
Hydro-electric schemes	Hydro-electric power generation
Power Generation - large volume going to the sea	Hydro-electric power generation
Power Generation - renewable	Hydro-electric power generation
Natural significance	Natural form and character
Preserve natural forms and beauty	Natural form and character
Scenic Values	Natural form and character
Physical Access	Transport and Tauranga waka

Figure 4: South Westland FMU Group Values

5.3. Priority Issues, Values, Objectives, Action Plans and Limits

Time constraints did not allow the SWFMU Group to determine an environmental outcome for each value put forward, or to frame each outcome as an environmental objective supported by targets and/or action plans to achieve those targets.

In addition to the four compulsory priorities (ecosystem health, such as habitat and aquatic plant pest control; human contact, such as swimming, fishing and recreation; threatened species, such as whio (blue duck); and mahinga kai, such as ensuring the mauri (essence) of the place is intact and kai is safe to harvest and eat), the Group identified four priority issues concerning freshwater management and framed them as environmental objectives for the Regional Council to consider, these being:

- To maintain traditional farming practices and lifestyle;
- To enable the development of hydroelectric power generation within a regulatory framework;
- To enable (realise) opportunities for commercial and industrial water use; and
- To enhance scenic values and tourism.

The four priorities are described below.

5.3.1. Maintain Traditional Farming Practices and Lifestyle

The SWFMU Group conveys its grave concern to the Regional Council about national freshwater regulations eroding local democracy by local decisions being taken away from communities and local government. The conditions these new stock exclusion regulations will impose on South Westland farmers who wish to continue extensive 'run of the river' farming on large river valley blocks are mostly unworkable. Fencing in a lot of areas is not practical. The cost of fencing would be prohibitive, and fences would be frequently destroyed by flooding (maybe several times a year). Fencing would restrict stock's ability to escape flooding. Extensive grazing also protects from weed infestations.

The new national regulations will potentially drive some farmers in the SWFMU away from their homes and off the land. Given the high rainfall, climate, and large nature of South Westland's rivers, the fences would be damaged by floods and stock are likely to drown if caught up in the fencing.

Most farmers lease 'run of the river' blocks from DOC, which raises issues as to whether DOC will pay for the fencing, such as artificial boundary structures or riparian planting, or whether farmers will lose the lease for these blocks.

With respect to protecting local farming interests, and 'run of the river' low intensity grazing, the SWFMU Group acknowledges that the Council has done what it can to further the community's interests by alerting the ramifications of the new freshwater policy and regulations to central government via the submission process, which is one mechanism available to the Council to voice its concerns nationally. The Council has made submissions to the Ministry for the Environment and central government on the new regulations for stock exclusion, freshwater farm plans, and intensive winter grazing.

With respect to regulating beef cattle on low slope land, for example, the SWFMU Group supports Council's request for a full and complete exemption for low intensity farmland use.

If these freshwater management issues, unique for New Zealand in South Westland, are not addressed nationally, SWFMU Group members are concerned that the flow through effect of disrupting traditional ways of farming could impact communities and small settlements negatively by those communities' losing not only jobs but also services and facilities, such as schools, health centres, and food outlets.

The SWFMU Group provided evidence that extensive (as opposed to intensive) 'run of the river' grazing has been carried out for over 100 years throughout South Westland. They evidenced that since 1989, NIWA water quality monitoring results from the Haast River have never demonstrated any significant issues with water quality. Water in the SWFMU is renowned nation-wide for being pristine. Grazing stock has helped control terrestrial weed growth. Furthermore, and as evidenced in the recent Buller severe weather and flooding incident, in the case of natural disasters to the West Coast region, the Group suggests food security and resilience to trade disruptions (making sure supply chains are functioning, stocking local supermarkets, etc.) are important considerations for the Council's decision-makers. All are conscious of the potential for an alpine fault rupture, and ready access to local food and water sources will be important should such a disruption occur.

Extensive farming also ensures the land is looked after and that farming practices are sustainable for future generations. Traditional agricultural practices and forms of "regenerative agriculture" that contribute to climate change mitigation may even be key to New Zealand's sustainability. In the face of more global pandemics and border closures, we need to be self-sufficient in human and stock drinking water, food supply and food consumption, even to the extent of considering extending horticultural practices in wet areas, and using wetlands as carbon 'sinks', which should be incorporated in freshwater and climate change accounting practices. In this regard, South Westland's traditional practices could serve as a pilot. In many areas, benefits of extensive farming occur when grazing stock trample the earth, eat the stems, and fertilise the soil naturally.

To quote the FMU Group, "If we agree that the valleys where the river runs exist, stocked with cattle historically, face no immediate threat, then until it is proven that cattle management and farming practices are detrimental to these valleys, these ecosystems should stay the same. Removing or changing anything could upset the balance of those ecosystems".

Environmental outcomes, objectives and recommendations on this matter are included at the front of this report.

5.3.2. Develop Hydro Electric Power Generation

Remoteness and frequent rough weather throughout the South Westland FMU means that the security of electricity supply is not good. A few small-scale hydro electricity generation schemes operate throughout the SWFMU but most communities, and many households, rely on diesel generated power as a back up. Diesel generators will be problematic in the future, the Government is moving to reduce fossil fuel power generation and it has climate change obligations to meet. The SWFMU Group recommends supporting the development of hydroelectric power generation in the FMU.

This said, opportunities to generate hydroelectricity power are currently constrained due to consenting hurdles, finance, and the majority of suitable waterways in the FMU are located in the public conservation estate.

The Group placed considerable value on being able to use freshwater in the SWFMU to generate hydroelectricity and highlighted the NPS-FM 2020 providing for hydro-electric power generation as a "must be considered" value.

The footprint and environmental effects of hydro electricity generation infrastructure is not necessarily significant as micro and small-scale 'run of river' schemes do not involve large-scale damming of river valleys, and can have minimal effects, if managed sustainably.

Central government agricultural subsidies could also be directed to the provision or construction of capital works for infrastructural services, including electricity reticulation throughout South Westland.

Environmental outcomes, objectives and recommendations on this matter are included at the front of this report.

5.3.3. Realise Opportunities for Commercial and Industrial Use

Commercial and industrial use is another "must be considered" value in the NPS-FM. The NPS-FM provides, "*The FMU or part of the FMU provides economic opportunities for people, businesses and industries. Water quality and quantity can provide for commercial and industrial activities. Attributes will need to be specific to commercial or industrial requirements*".

Besides farming, tourism, and whitebaiting, there is currently little commercial and industrial use of freshwater in the SWFMU. On considering this value, the Group indicated that it is important for local communities to realise future opportunities for economic development involving water resources. Te Rūnanga o Makaawhio also have a strong interest in commercial and industrial development in the FMU.

Environmental outcomes, objectives and recommendations on this matter are included at the front of this report.

5.3.4. Enhance Scenic Values and Tourism

The SWFMU Group placed enhancing scenic values and tourism in a category of its own with a recommendation for special consideration by the RMC in terms of freshwater management. The economic value of freshwater to tourism must be prioritised in freshwater management planning; and appropriate consideration given to tourism in freshwater funding. The economic criteria used in the Freshwater Improvement Fund, and in other funding mechanisms, to identify vulnerable catchments or water bodies needing work, needs to include the tourism industry in South Westland and notably the glaciers and glacier towns. Tourism specific actions are also required in the regional plan.

Environmental outcomes, objectives and recommendations on this matter are included at the front of this report.

5.4. Attributes and Targets to Achieve Outcomes and Objectives

In addition to identifying criteria or setting target attribute states to achieve the environmental outcomes and objectives identified for the four key priority areas above, the Council must also set target attribute states for all of the NPS-FM 2020 compulsory values. For attributes identified in Appendix 2A or 2B of the NPS-FM 2020, these target attributes must be set in the terms specified in that Appendix, e.g., an action plan is required for managing E. coli concentrations, and so on. For other attributes, which are not prescribed, targets must be set in a way that are appropriate for that specific attribute.

The SWFMU Group supports in principle the attributes prescribed under Appendix 2A or 2B of the current NPS-FM, where they are relevant to the SWFMU community and environment, provided that they do not create an impractical or onerous burden for members of the

community. For the SWFMU Group, practicality entails, amongst other, a test of reasonableness.

5.5. Proposed Priority Action Plans

5.5.1. Action Plan for Water Quality Monitoring Programmes

The SWFMU Group expressed concern about insufficient water quality monitoring throughout the FMU and voiced a keen interest for more monitoring to be done by the Council.

As required in the national drinking water standards, the SWFMU Group believes the availability of safe drinking water for all New Zealanders, irrespective of where they live, is a fundamental requirement for public health; and a district council responsibility.

In the absence of resources, local community members expressed an interest in developing voluntary monitoring systems. Council staff outlined the types of tests and measures that can be used in monitoring water quality. One SWFMU Group member bought a water sampling kit and sampled water in a stream the Group was interested in. The results received were assessed by the Group. To support ongoing community monitoring, at the second workshop, Jonny Horrox, WCRC Science Team Leader, demonstrated water quality monitoring techniques in a stream near the Fox Glacier Community Hall.

Based on discussions with the FMU Group, getting a better understanding of the state of water quality in the FMU would be highly beneficial for the local community. A sufficient number of samples are required to account for variations in water quality over time. For example, clarity decreases during rainfall events, and temperature goes up around mid-afternoon.

The types of issues that can be investigated include:

- Nutrient enrichment, primarily from agriculture.
- Sedimentation associated with earthworks, stock access, and natural sources. These can all be measured on site.
- Changes in habitat due to earthworks, stock access, and natural processes, for example, aquatic bug surveys and temperature.
- Faecal contamination from stock, birds, and humans. E. coli testing is the surrogate test for this, but in order to meet lab accreditation, samples should be delivered to the lab within 24 hrs. Latency between sampling and analysis can be extended to 48 hours max, with acknowledgement of lab criteria.

Council staff proposed a voluntary water sampling plan for the local community and suggested several sites to monitor, and outlined the sampling frequency, and what and how to measure.

Environmental outcomes, objectives and recommendations on this matter are included at the front of this report.

5.5.2. Action Plan for Managing Aquatic Plant Pests (Weeds)

The SWFMU Group expressed strong concern about aquatic plant pests in some lakes and rivers in the SWFMU.

To understand the issues more fully and what can be done about them, Taylor Blyth, WCRC Biosecurity Officer, presented to the Group at its second workshop on aquatic plant pests and biosecurity work.

Biosecurity surveys were undertaken in 2021 to look at plant communities in many West Coast lakes. A couple of lakes in the SWFMU were assessed.

The highly invasive oxygen weed, *Lagarosiphon major* (referred to as *Lagarosiphon*), is of particular concern to the SWFMU Group. Small plant fragments attached to boats and trailers, eel fishing nets, excavation machinery, and angling or duck shooting gear can spread *Lagarosiphon* easily. Attempts to eradicate *Lagarosiphon* from areas where it has become established are resource intensive. But early detection of invasive aquatic weed species before they become widespread will give a greater chance of success in pest plant management and will reduce the overall costs involved.

The SWFMU Group members expressed grave concern about boat ramps being a high-risk area for new infestations of aquatic pest plant species. Members discussed and explored various options to tackle the problem; and various scenarios, including the risks of 'doing nothing' and not carrying out work to combat infestation. The Group also considered funding implications, some of which were conveyed back to DOC following the February workshop for OC support by the Group's OC observer, Anya Kruszewski.

Weed eradication methods include using herbicide sprays, but very low suspended sediment levels are required so the herbicide can be effective. Aerial spraying is an option, but its consequences need to be known first and risk managed appropriately.

The Group was particularly concerned about the spread of weeds by boats going from infested lakes to unimpacted lakes. Members recommended installing signage at boat ramps alerting 'boaties' to clean their boats, and they also suggested setting aside areas where boat users can clean their boats to avoid the spread of pest plants.

The mouth of the Hall River is a priority for the SWFMU Group as it is choked with *Lagarosiphon*, and the location poses a high risk for contaminating boats that could spread weeds to other unaffected areas.

The Group suggested exploring opportunities for funding and upskilling the local community to undertake specialised work e.g., through extending the current Jobs for Nature fund.

Environmental outcomes, objectives and recommendations on this matter are included at the front of this report.

6. Outstanding Waterbodies

The NPS-FM 2020 provides that "*the significant values of outstanding water bodies are [to be] protected*" (Policy 8) and "*Every regional council must identify outstanding water bodies (if present) within each FMU*" (Part 3.8 (3) (d)). A two-step process is required; first is to identify 'outstanding water bodies' (OWBs), and second is to protect the significant values of OWBs.

The NPS-FM defines an "*outstanding water body as a water body, or part of a water body, identified in a regional policy statement, a regional plan, or a water conservation order as having one or more outstanding values*".

The SWFMU Group explored which waterbodies might be nominated for assessment as OWBs and examined why they might be OWBs. The Group was encouraged to consider the compulsory, must consider, and other values in the NPS-FM when selecting water bodies for assessment of outstanding status.

There was trepidation amongst the Group around nominating OWBs when it might lead to more regulations that could restrict economic activity within the SWFMU; and, as a consequence, have a negative effect on local communities. There is already a substantial proportion of land within the SWFMU that is protected under various pieces of legislation (DOC land, for instance).

The Group felt that additional restrictive regulatory protection, and more 'red tape', under a OWB framework was not necessary as existing protection for waterbodies is sufficient, water quality is good, and threats to South Westland's waterways are negligible. The view was that the implications of creating OWBs needs to be much clearer and not disguised as an additional or artificial barrier to trade, e.g., OWBs should not be used to hinder farming practices for the South Westland farming community. Instead, a balance must be struck between national park and world heritage status and the ability of local communities to live comfortably, securely, and in harmony with nature. The Group chose not to nominate any waterbodies for consideration as outstanding.

There are many water bodies in the SWFMU that are similar. The only thing that makes one different from another is that its name is more recognised. For example, there are over 2000 glaciers in the southern Alps but most people could only name two, and they are not the biggest, longest, oldest or newest.

7. Threatened Species

Consistent with the NPS-FM 2020, regional councils must identify the location of freshwater habitats of threatened species within each FMU, if present. "Threatened Species" are also a compulsory value described in the NPS-FM 2020 as *"the extent to which an FMU or part of an FMU that supports a population of threatened species has the critical habitats and conditions necessary to support the presence, abundance, survival, and recovery of the threatened species. All the components of ecosystem health must be managed, as well as (if appropriate) specialised habitat or conditions needed for only part of the life cycle of the threatened species"*.

At the regional planning level, Schedule 7A of the Council's Regional Land and Water Plan lists freshwater habitats of threatened fish and bird species, but the information requires updating. Instream Consulting Ltd, led by Greg Burrell, a freshwater Ecologist, has been contracted to update Schedule 7A of the Land and Water Plan; and Greg presented his work to the SWFMU Group via zoom link. The SWFMU Group generally supports this project.

Appendix 1. The Science – Current Water Quality & Resource Use

Water takes in South Westland

The majority of resource consents for water takes by use in South Westland in 2018 are for drinking water (Figure 5); but they accounted for a relatively small water volume when compared to that required for hydroelectric power generation.

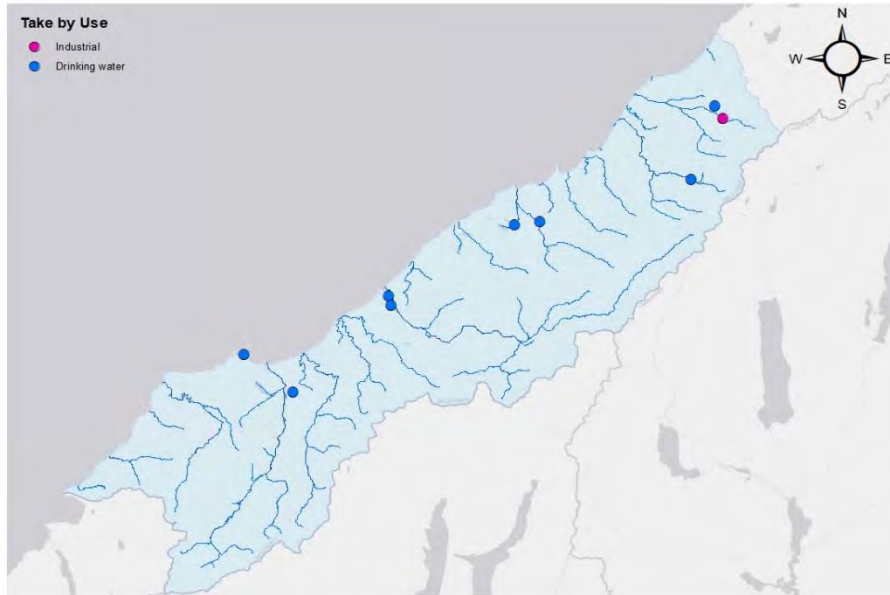


Figure 5: Consented groundwater takes by use type in the SWFMU, as at 2018

Figure 6 below shows consented groundwater takes by size in the South Westland FMU, as at 2018.

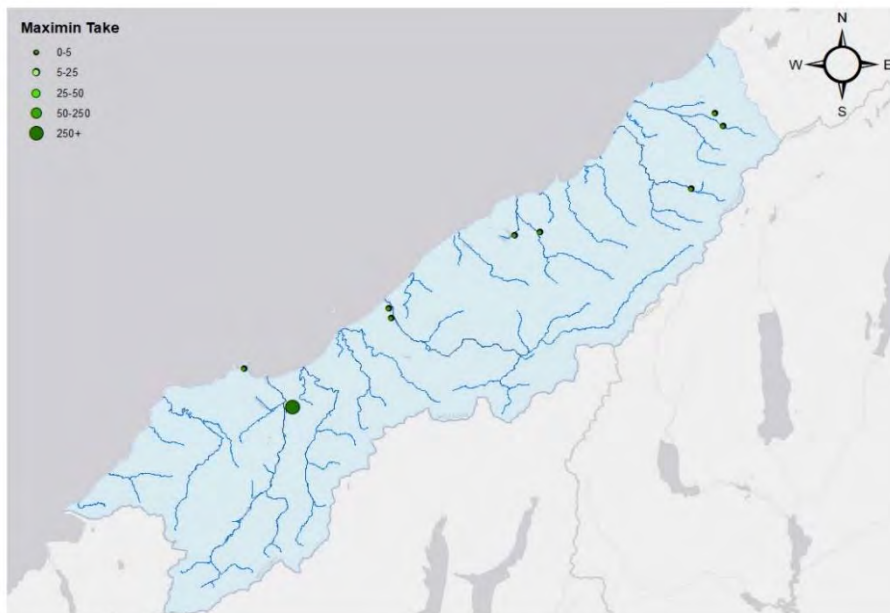


Figure 6: Consented groundwater takes by size in the SWFMU, as at 2018

The majority of consented takes in the South Westland FMU are from surface water rather than ground water (Figure 7).

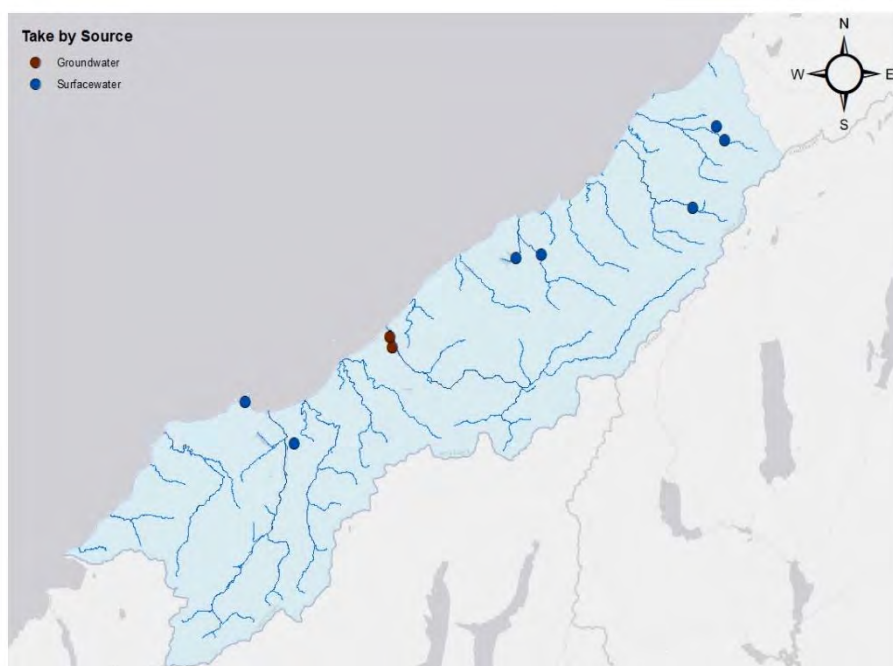


Figure 7: Consented take by source in the SWFMU, as at 2018

Overall, when compared to other FMUs on the West Coast, there are not many consented water takes in the SWFMU. This may reflect the relatively low level of land development in this FMU.

The SWFMU Group has no known issues regarding water takes, and no outcomes, objectives or recommended actions were put forward regarding them.

Lake and river health

There has traditionally been very little regular measurement of water quality in the SWFMU. NIWA has been testing water quality of the Haast River on a monthly basis since 1989, and its results form the most comprehensive river dataset in this FMU. Water quality in the Haast River has been high as indicated by the NPS-FM attribute scores for the Haast River (Figure 8). The macroinvertebrate score derived from the Quantitative Macroinvertebrate Community Index was the only attribute that scored below an A, possibly due to the high flows and the unstable nature of substrate in this large river.

	Nitrate-N	E. coli	Ammonia	Macroinvertebrates	Sediment	Phosphorus
Haast River	A	A	A	B	A	A

Figure 8: NPS-FM attribute states for the Haast River, for the last 5 years up to 2021.

Few lakes in the SWFMU are monitored regularly. Some sampling was undertaken in 2009, and in 2021 (*in press*). Lakes Paringa and Moeraki rated well in terms of nutrient status (Figure 9). Chlorophyll (an indicator of phytoplankton biomass) was slightly elevated in Lake Paringa, and low in Moeraki.

The low levels of dissolved oxygen at the bottom of both lakes was a surprise. Neither lakes are subject to significant run-off from agriculture so natural causes seem likely for low lakebed oxygen levels. Low oxygen may be driven by a combination of factors including topography, substantial depth, natural sources of organic nitrogen and carbon, and biomass inputs from introduced plants like *Elodea canadensis* and *Lagarosiphon major*.

Levels of dissolved oxygen were below the NPS-FM bottom line, which means there is potentially a risk of nutrients being released from 'lakebed' sediments. However, no other measured attributes indicated poor lake water quality.

Lake Paringa is, however, infested by the highly invasive aquatic weed lagarosiphon. This has caused significant impact to ecological and recreational values, and poses a risk to other lakes if spread.

	Date	Ammonia	Total nitrogen	Total phosphorus	Chlorophyll	Dissolved oxygen at lake bottom
Lake Moeraki	2009	A	A	A	A	A
Lake Moeraki	2021	A	A	A	A	D
Lake Paringa	2009	A	A	A	B	D
Lake Paringa	2021	A	A	A	B	D

Figure 9: NPS-FM attribute states for Lake Moeraki and Lake Paringa.

The historic lack of water quality monitoring throughout the SWFMU is due largely to a perceived lack of water quality issues in the area, and that the Council lacks the resources to cover this more remote part of the region. Agriculture tends to involve lower stocking rates throughout the catchment when compared to farmed areas in the north; and other than some small urban centres at Haast and Fox Glacier, settlements are typically small and sparse. There are a small number of tourist activities operating on the rivers and lakes.

Members of the SWFMU Group considered that water quality in the SWFMU should, for the most part, be good. However, the absence of adequate monitoring data leaves us unable to prove this by scientific means. These considerations are important when developing a framework for managing freshwater. The National Objectives Framework, or NOF, establishes the recognised framework for managing freshwater as per the NPSFM 2020.

Appendix 2. South Westland FMU Group Photo



Anya Kruszewski; Jonny Horrox; Maurice Sullivan; Rowan Sullivan; Cllr Stuart Challenger (WCRC); Dave Friend; Catherine Montague; Teresa Thorp

Other Group members: Rob Wilson, Brenda Monk, Simon Cameron, Kirstin Sandri, Cllr Ryan Kennedy (WDC)

South Westland FMU Group Photo, 23 September 2021

Report to: Resource Management Committee	Meeting Date: 8 March 2022
Title of Item: Consents Monthly Report	
Report by: Leah Templeman, Consents & Compliance Business Support Officer	
Reviewed by: Colin Helem, Consents & Compliance Manager	
Public excluded? No	

Purpose

For the Resource Management Committee to be kept informed of activities in the Consents department, and to provide an update on current matters.

Summary

This is the Consents report for February 2022 activities.

Recommendation

1. *That the March 2022 report of the Consents Group be received.*

Site Visits

No consent site visits were undertaken in the period 1 February 2022 to 28 February 2022.

Non-notified Resource Consents Granted

Eight non-notified resource consent applications were granted in the period 01 February to 28 February 2022, as follows:

RC-2022-0009 Bradley Serong & Samantha Jan Pooley Arthurstown Road – Lot 9 DP 545	To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, at Lot 9 DP 545 Arthurstown Road.
RC-2022-0005 James and Lynette O'Connor 76B Ford Road, Kokatahi (DS 287)	To discharge dairy effluent to land where it may enter water and to surface and groundwater near DS 287, Kokatahi.
RC-2022-0008 Reefton Distilling Co. Ltd 27A State Highway 69 Reefton	To discharge wastewater from the distilling process to land and where it may enter water, Reefton.
RC-2022-0002 ML Contracting Limited	To take and use surface water from dredge ponds for the purposes of exploratory alluvial gold mining within EP 60567.

Adairs Road – Mahinapua Forest, Lot
8 DP 3012

RC-2022-0003
Mark and Barbara Harrington
Wanganui River – La Fontaine Road, Site
30

To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, at Site 30 La Fontaine Road.

RC-2022-0004
Port of Greymouth
Grey River mouth and Cobden Beach.

To disturb the foreshore and seabed to clean out wave traps and repair and maintain a training wall, Grey River.

To deposit natural material in the Coastal Marine Area associated with the clearance of wave traps and the repair and maintenance of a training wall, Grey River/Cobden Beach.

To undertake earthworks within 50m of the Coastal Marine Area associated with wave traps, Grey River.

RC-2021-0179
Christine Becker
4177 Coast Road, Colville Close –
Punakaiki

To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, on Section 4 Block 1 Punakaiki Survey District.

RC-2022-0013
Greg Claridge
103 Hokitika - Kaniere Tramway,
Kaniere

To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, at Kaniere.

Changes to Consent Conditions

Four applications to change consent conditions were granted in the period 01 February 2022 to 28 February 2022:

RC-2019-0031-V1
Franz Hire & Contracting Ltd
Waiho River

Variation to reduce the volume of gravel being extracted.

RC01092-V1
Grey District Council
Grey River

Condition for impermeable new layer to a fourth new well, Grey River.

RC11121-V2
Darrin Christopher and Donna
Hampton
Goats Terrace
Blackball

A variation to increase mining area.

RCN97137-V1
Silver fern Farms Limited
Hokitika

A variation to change from a coal fired boiler to diesel fired boiler.

Notified Resource Consents

No notified resource consents were granted in the period 01 February to 28 February 2022.

No applications for limited notified resource consents were granted in the period 01 February to 28 February 2022.

Report to: Resource Management Committee	Meeting Date: 08 March 2022
Title of Item: Compliance and Enforcement Monthly Report	
Report by: Chris Barnes, Senior Compliance Officer	
Reviewed by: Colin Helem, Consents & Compliance Manager	
Public excluded: No	

Purpose

For the Resource Management Committee to be kept informed of activities in the Compliance and Enforcement department, and to provide an update on current matters.

Summary

This is the Compliance and Enforcement report for the February 2022 activities.

Recommendations

1. That the March 2022 report of the Compliance Group be received.

Site Visits

A total of 62 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	5
Mining compliance & bond release	5
Complaints	7
Dairy farm	45

This report covers the period of 27 January 2022 to 25 February 2022.

- A total of 11 complaints and incidents were recorded.

Non-Compliances

There were two non-compliances that occurred during the reporting period.

Activity	Description	Location	Action/Outcome	INC/Comp
Discharge to Water	Complaint received regarding sediment laden water from a gold mining operation flowing across the public road into a waterbody.	Goldsborough	A site visit was carried out the following day and water samples obtained. It was found the miner had temporarily diverted a small creek into his water treatment system for a short amount of time after the creek had burst its banks during the	Incident

Activity	Description	Location	Action/Outcome	INC/Comp
			recent significant weather event. Samples came back showing they were fractionally over the allowed limits. Due to the circumstances no enforcement action was undertaken and simply recorded as a non-compliance.	
Earthworks	Complaint received regarding soil and rock deposited onto an empty section. The complainant believes this will build up the land and cause flooding and stormwater issues to their property.	Ngakawau	A landowner allowed slip material from the recent severe weather event to be deposited onto their land which is within 50 metres of the Coastal Marine Area. Earthworks within 50 metres of the CMA requires a resource consent. The activity has now ceased, and the owner of the property will consider obtaining a resource consent.	Complaint

Other Complaints/Incidents

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

Activity	Description	Location	Action/Outcome	INC/Comp
Earthworks	Complaint received relating to earthworks carried out near Marsden Road within the Greymouth Earthworks Control Area	Marsden	Enquiries are ongoing.	Complaint
Dead Stock in a Waterway	Complaint regarding dead cows in a farm's waterway.	Inchbonnie	An inspection was carried out. No dead stock were located in waterbodies.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Flooding	Complaint received regarding a blocked culvert from earthworks on a neighbouring property. This is causing storm water to back up and flood the complainant's property.	Haast	The complainant is awaiting a response from the neighbouring landowner. Enquiries are ongoing.	Complaint
Earthworks	Complaint relating to earthworks being carried out in a creek that feeds a wetland.	Cape Foulwind	Site visit carried out and confirmed that no earthworks had been undertaken in the creeks or near a wetland.	Complaint
Flooding	Two separate complaints regarding flooding of properties and a road, that has been allegedly caused by a gold mining operation.	Kokiri	Enquiries are ongoing.	Complaint
Flood Protection Works	Complaint received that Deep Creek at the Arnold Valley Road Bridge was discoloured with sediment.	Kotuku	A compliance officer visited the area and found that bank reinstatement work was being carried out under permitted activity rule. The creek had begun to clear, and the work was deemed to be compliant. No further action required.	Complaint
Flooding	Complaint relating to earthworks being carried out on a neighbouring section causing the flooding of properties in Westport.	Westport	An inspection was carried out of the area which is currently being developed as a subdivision. The landowner has been asked to provide further information. Enquiries are ongoing.	Complaint
Discharge to water	Complaint relating to Red Jacks Creek flowing discoloured with sediment near the State Highway Bridge.	Ngahere	Compliance officer visited the area and found that the creek was flowing clean. The officer also checked the main tributaries to this creek and found no issues.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Discharge to water	Notification from a council staff member that Brandy Jacks Creek is severely discoloured with sediment laden water.	Totara Flat	A compliance officer visited the area and found that gravel extraction was taking place under a resource consent. This was to clear the creek from gravels washed down during the recent severe weather events. All activities were consistent with the conditions set in the resource consent. The contractor was reminded they must ensure notifications are made to the council before commencing activities.	Complaint

Formal Enforcement Action

No formal enforcement action was undertaken during the reporting period.

Mining Work Programmes and Bonds

The Council received 1 work programme during the reporting period. This work programme has been approved.

Date	Mining Authorisation	Holder	Location	Approved
14/02/2022	RC-2017-0137	Greid Mining Limited	Lawsons Flat	Yes

No bonds were received during the reporting period and no bonds are recommended for release.