

Council Members

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

Cr Debra Magner
Cr Laura Coll McLaughlin
Cr John Hill



PUBLIC COPY

Meeting of Council
(Te Huinga Tu)

Tuesday, 14 June 2022

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

and

Live Streamed via Council's Facebook Page:

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

Following the completion of the Resource Management Committee Meeting

COUNCIL MEETING

AGENDA *(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)*
 - **Mr F Dooley**
5. Confirmation of Minutes *(Whakau korero)*
 - 5.1 Extraordinary Council Meeting 3 May 2022
Matters Arising
 - 5.2 Council Meeting 10 May 2022
Matters Arising
 - 5.3 Extraordinary Council Meeting 30 May 2022
Matters Arising
6. **Chairman's Report**
7. **Chief Executive's Reports**
 - 7.1 Monthly Report
 - 7.2 LGNZ Membership
 - 7.3 Te Tai o Poutini Plan Funding
 - 7.4 Engineering cost recovery
 - 7.5 Insurance cost recovery
 - 7.6 User Fees & Charges 2023
 - 7.7 Westport Rating District Joint Committee - recommendation
 - 7.8 Rates for 2023
 - 7.9 Capital Expenditure 2023
 - 7.10 Infrastructure Governance Committee - Terms of Reference
8. **Reports**
 - 8.1 Operations Group Report
 - 8.2 Hydrology Event Report
 - 8.3 Westport Rating District Joint Committee meeting minutes
 - 8.4 Emergency Works claims
9. **General Business**
10. **Public Excluded Items**
 - 10.1 Confirmation of Confidential Minutes – Council meeting 10 May 2022
 - 10.2 Confirmation of Confidential Minutes – Extraordinary Council meeting 30 May 2022
 - 10.3 Consultant Report Resource Consents
 - 10.4 Group Life Insurance
 - 10.5 PWC report
 - 10.6 Mining Bonds
 - 10.7 IRG Projects
 - 10.8 Annual Report 2020/21

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

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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 AN EXTRAORDINARY MEETING OF COUNCIL HELD ON 3 MAY 2022 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 6:01PM.

PRESENT:

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

IN ATTENDANCE:

H. Mabin (Chief Executive), J Hutchings (Henley Hutchings, via zoom), Matt Gardner (Land River Sea Consulting Ltd, via zoom).

1. WELCOME

The Chair welcomed everyone to the meeting.

2. APOLOGIES

G Williams (consultant) and F Tumahai were noted as apologies.

Moved (Cummings/Challenger) *That the apologies be accepted.*

Carried

3. DECLARATIONS OF INTEREST

There were no new declarations of interest. As per previous declarations, Cr Coll McLaughlin advised the meeting that her father C Coll was on the Technical Advisory Group, and that she is an employee of Chris J Coll Surveying.

4. REPORT - RETROSPECTIVE FLOOD PROTECTION MAINTENANCE WORKS

H Mabin spoke to this report and took it as read. She invited John Hutchings and Matt Gardner to speak to the Council on the matters raised. J Hutchings gave a brief overview of the paper. M Gardner advised the Council that he had full faith in Gary William's design, and that Mr Williams had considerable experience and was a fellow of IPENZ.

Cr Ewen asked that in future reports, the terminology should be correctly used as 'true right' or 'true left' in relation to the river banks.

Chair Birchfield noted that Council originally agreed to do a section of stopbank downstream towards the railway embankment, but that had changed now and the work had moved upstream to Organs Island. J Hutchings confirmed that that work was going to proceed, and that the TAG was going to meet to confirm final alignment and design, and after that tendering could proceed. Geotech work is underway this week, but it is not yet ready to put on the table right now.

Cr Coll McLaughlin stated that she would be supporting all the recommendations but just had questions of clarification. She asked about the increased cost as she had a number of queries from the community on the significant increase. She asked M Gardner to clarify what the increased cost related to. He clarified that the design alignment hadn't been drawn up at that stage of initial costing, but subsequently G Williams had visited the site with the TAG, did design alignment calculations, and looked at the length of the proposed works.

Cr Ewen asked about the photos on page 9 and what happened to the vegetation. M Gardner confirmed that was flood damage, where the vegetation had been ripped out by the floods.

Cr Challenger asked whether the design was for a 100 year event. He gave the examples of Franz and Hokitika as being for less. M Gardner confirmed that it was, noting that G Williams had looked at the velocities used were assessed at 20-year, 50-year and 100-year events. M Gardner said that that was not to say that it may not sustain damage in a future event, but it had been designed for a 100 year event.

In response to a question from Cr Coll McLaughlin about whether it was possible to bring timelines forward, H Mabin advised that the timeframes were from advice given by P Birchfield, and confirmed that Ms Birchfield absolutely understood the urgency of the situation.

Cr Coll McLaughlin said that she had received questions about the proposed methods regarding whether gabion baskets were a method that was considered. She asked M Gardner to advise. M Gardner said that he had not discounted the use of gabion baskets but that typically they would be used on smaller rivers, and that the velocities in the Buller are large, with a lot of movement of rocks. This would abrade the wire, and also the river scours out so they would not sit on a firm bed. What is required in the Buller is very large rock, too large for gabion baskets, and smaller rocks if used would receive a lot of damage. They are also very labour intensive and come with significant cost. There may be certain areas where gabion baskets could be considered, but that will depend on the final design. Cr Challenger said that another issue with them was that they were susceptible to corrosion. Chair Birchfield agreed, noting that they simply would not last in the Buller.

In response to a query from Cr Coll McLaughlin about discussions with senior officials, the Chief Executive updated the Council that she had had discussions with DIA, and had endeavoured to have discussions with NEMA. She advised that she had held discussions with Kānoa but their focus was on the Council's existing IRG projects and there was no appetite to move any money from those IRG projects to these ones, and there was no additional money.

In terms of DIA, H Mabin had confirmed that the Buller Steering Group was not the right forum to take this to, as it was outside their remit. This had to therefore be included in the business case, and the hope is that central government funding might come through the business case. However there was no guarantee. H Mabin advised that she has started the conversation with NEMA around the emergency works, but as the Council does not own the assets in this situation she was unsure whether this would be successful. In the long run she felt that the business case was likely to be the only avenue for potentially sourcing central government funding.

Cr Coll McLaughlin thanked H Mabin for the work she had done on this, and sought confirmation that once the Council did the work it would become a Regional Council asset and Council would be able to claim for damage in future to those assets. H Mabin confirmed that claims to NEMA could be made for like for like, not betterment, at 60:40 split.

Cr Cummings asked about the O'Connor Home stopbank and whether it would be built on the riverbed or on the top of the bank. M Gardner confirmed his general understanding that it was to be toed in to the riverbed.

Cr Coll McLaughlin asked for confirmation that both these assets would become Council assets in future, enabling NEMA claims etc. Chair Birchfield and the Chief Executive confirmed this.

Cr Hill asked about the timeframe and whether it was realistic. H Mabin advised that she was reliant on advice from P Birchfield and that Ms Birchfield was invested in seeing it proceeding. It was confirmed that no resource consents were required and that these works were permitted activities.

Moved: (Hill / Coll McLaughlin): *that the Council:*

1. *Receive this report.*
2. *Authorise Staff to proceed with maintenance work on the bank erosion near O’Conor Home, at an estimated cost of \$923,351.*
3. *Authorise Staff to proceed with maintenance work on Organ’s Island, at an estimated cost of \$1,701,762.*
4. *Agree to fund these works by:*
 - i. *Liquidating the Catastrophe fund portion of the Investment Portfolio, valued on 2 May 2022 to be \$982,184*
 - ii. *Rollover and increase the amount of debt maturing on 26 May 2022 from \$2,013,092 to \$3,750,000 for a period of 6 months.*

Carried

The meeting closed at 6:26 p.m.

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Chair

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Date

THE WEST COAST REGIONAL COUNCIL

**MINUTES OF THE MEETING OF THE COUNCIL HELD ON 10 MAY 2022,
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH,
COMMENCING AT 11:22 A.M**

PRESENT:

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

IN ATTENDANCE:

H Mabin (Chief Executive), N Costley (Manager Strategy & Communications) (via zoom), M Schumacher (IT Support) (via zoom).

Also present: Brendon McMahon (Grey Star), member of the public

1. WELCOME

Cr Birchfield read the prayer.

2. APOLOGIES

The Chair called for apologies. There were no apologies.

3. DECLARATION OF INTEREST

The Chair called for declarations of interest. No declarations were made.

4. PUBLIC FORUM

The Chair called for any speakers for the public forum. There were no speakers.

PRESENTATION

There was no presentation.

5. CONFIRMATION OF MINUTES

5.1 Council Meeting 12 April 2022

The Chairman asked the meeting if there were any changes to the minutes of the previous meeting held on 12 April 2022. In the 'general business' section, Cr Coll McLaughlin clarified that Kiwirail did not attend the Joint Committee meeting, but she understood that discussions would be held with them at a later date.

Moved (Challenger/Cummings) *that the minutes of the Council meeting dated 12 April 2022 be confirmed as correct.*

Carried

Matters arising

There were no matters arising.

REPORTS

6. CHAIRMAN'S REPORT

The Chair took his report as read. He noted that he was getting a lot of enquiries about flood damage repair work from landowners hesitant to do works in the riverbed without getting reassurance first. He had fielded calls and gone to look at a number of jobs.

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

Carried

7. CHIEF EXECUTIVE'S REPORTS

7.1 Monthly Report

H Mabin took her report as read. In response to a question from Cr Coll McLaughlin, H Mabin outlined that the letter to Te Runanga O Ngai Tahu was from the relevant South Island Regional CEOs and Chairs requesting a meeting with Ngai Tahu, to build relationships.

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

Carried

7.2 Buller Flood Recovery Steering Committee minutes

H Mabin noted the purpose of the report was to table the April meeting minutes of the steering group. There were no questions.

Moved (Cummings/Magner) *That the Council receive and note the attachments to the report.*

Carried

7.3 LGNZ membership

This item was deferred. The Chair advised he had been contacted by LGNZ and will defer this item until next month. LGNZ will speak to Council at that meeting.

7.4 LGFA Debt Maturing 26 May 2022 (late report)

H Mabin provided copies of this report to the meeting and apologised for this being late. She advised the Council that following on from last month's meeting to increase Council's debt, a review had been undertaken

of this documentation by Russell McVeigh which she received last night, for today's meeting. She advised that this is the same process undertaken in May and November last year.

In response to a question from the Chair, H Mabin explained that the increase of approximately \$1.7m was solely for Organ's Island works, which would become a new asset in the register. The catastrophe fund was going to be liquidated for the works at O'Connor Rest Home, which is another piece of work the Council is going to undertake.

In response to a question from Cr Coll McLaughlin, H Mabin explained that Russell McVeigh required that the correct amounts were populated in the report 5 days prior to maturity, so the actual figures did not appear in the paper as yet but would do so when the documents are prepared for signing.

Cr Cummings asked what the repayments were. H Mabin explained that the LGFA repayments were interest only, and that the exact amount was unknown at this time. Interest rates are currently between 1-3%.

H Mabin advised the Council that when it borrows to complete the Westport project, Council has committed under the LTP to borrow \$10.2m and this will take Council close to, if not over, its threshold of \$20m total debt. For it to borrow more it would need to become a guarantor with LGFA, and this would provide Council with lower interest rates. This will depend on what happens with Westport works. Cr Coll McLaughlin noted they had previously discussed this and had acknowledged it as inevitable given the works that they had to do. H Mabin advised that this will be workshopped with Council at an upcoming funding workshop. The Chair said this would depend on what funding was available from central government, and Cr Ewen felt that Council was in a good position currently, with lower relative debt than other Councils.

Moved (Magner/Hill) *That the Council:*

1. *approve the issue of a \$3,750,000 zero coupon debt security to LGFA on 26 May 2022 (or such other date as agreed between the Council and LGFA) for six months, replacing Council's 7 June 2019 \$2,000,000 zero coupon debt security so that the new maturity will be 25 November 2022;*
2. *delegate authority to any two of the Chief Executive, Chair Allan Birchfield, and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to execute the following documents (subject to minor changes), to give effect to recommendation 1. above:*
 - *Security Stock Certificate (in relation to the security stock to be issued to LGFA);*
 - *Stock Issuance Certificate (in relation to the above Security Stock Certificate); and*
 - *Chief Executive Certificate.*
3. *delegate authority to any two of the Chief Executive, Chair Allan Birchfield and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to execute the Final Terms for the debt securities issued by the Council to LGFA on 26 May 2022, to give effect to recommendation 1. above; and*
4. *delegate authority to any two of the Chief Executive, Chair Allan Birchfield and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to execute such other documents and take such other steps on behalf of Council as the Chief Executive considers is necessary or desirable to execute or take to give effect to recommendation 1. above.*

Carried

7.5 LGFA Debt Maturing 30 May 2022 (late report)

H Mabin provided copies of this report to the meeting. There was no further discussion.

Moved (Cummings/Coll McLaughlin) *That the Council:*

1. *approve the renewal of a \$1,400,000 medium-term bespoke trade debt security to LGFA on 30 May 2022 (or such other date as agreed between the Council and LGFA) for five years, effectively rolling over the Council's existing 7 June 2019 \$1,400,000 zero coupon debt security so that the new maturity will be 30 May 2027;*
2. *delegate authority to any two of the Chief Executive, Chair Allan Birchfield, and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to execute the following documents (subject to minor changes), to give effect to recommendation 1. above:*
 - *Security Stock Certificate (in relation to the security stock to be issued to LGFA);*
 - *Stock Issuance Certificate (in relation to the above Security Stock Certificate); and*
 - *Chief Executive Certificate.*
3. *delegate authority to any two of the Chief Executive, Chair Allan Birchfield and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to execute the Final Terms for the debt securities issued by the Council to LGFA on 26 November 2021, to give effect to recommendation 1. above; and*
4. *delegate authority to any two of the Chief Executive, Chair Allan Birchfield and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to execute such other documents and take such other steps on behalf of Council as the Chief Executive considers is necessary or desirable to execute or take to give effect to recommendation 1. above.*

Carried

8. REPORTS

8.1 Operations Group Report

H Mabin spoke to this report. She advised that she is looking at resourcing for this area.

Cr Coll McLaughlin asked for an update on the note in the report that the verbal quotes would be confirmed in writing. Cr Magner responded that she was aware staff had obtained written confirmation from landowners about written costs per landowner. Cr Cummings asked whether there was further work that needed doing on the Wanganui River. Cr Magner advised there were two areas of emergency work, one is completed and one is underway. There is also further work needing to be scoped. She noted there will be quite a lot of work that will need to be done there. H Mabin said that they are aware that there needs to be a management plan and that this needs to be coordinated, and her understanding is that John Ellis and Gary Williams are looking at this. There is an application going in to NEMA regarding funding of emergency works that have been completed.

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

Carried

8.2 Westport Rating District Joint Committee minutes

N Costley joined the meeting via zoom. She noted the purpose of the report was to table the 3 March meeting minutes of the Joint Committee. There were no questions.

Moved (Coll McLaughlin/Hill) *Receive and note the minutes of the Westport Rating District Joint Committee meeting of 3 March 2022.*

9. GENERAL BUSINESS

There was no general business.

The Chair adjourned the meeting for the lunch break at 11:46am.

10. PUBLIC EXCLUDED ITEMS

Moved (Challenger/ Cummings) *that the public be excluded from the following parts of the proceedings of the meeting, namely, -*

- *Items 10.1 – 10.4 (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 12 April 2022	The item contains information relating to commercial matters and information that was subject to an obligation of confidence	To protect commercial information and to protect information which is subject to an obligation of confidence (s 7(2)(c) and s 7(2)(b)).
Item 10.2	Rating District merger	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).
Item 10.3	VCS Schedules of Work Approvals	The item contains information that relates to Council's commercial activities	To enable the Council to carry out, without prejudice or disadvantage, commercial activities (s 7(2)(h)).
Item 10.4	Franz Josef (Waiho River Stopbank Protection – Phase 1) contract	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).

and that:

- *Heather Mabin and Neil Selman 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.*

Carried

The meeting reconvened at 12:34pm in a public-excluded session.

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Chair

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Date

THE WEST COAST REGIONAL COUNCIL

MINUTES OF AN EXTRAORDINARY MEETING OF COUNCIL HELD ON 30 MAY 2022 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 6:14PM.

PRESENT:

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

IN ATTENDANCE:

H. Mabin (Chief Executive), R Vaughan (Acting Operations, Planning and Resource Science Manager, via zoom), N Costley (Strategy & Communications Manager), M Beagle (Greater Wellington, via zoom), M Ferguson (Corporate Services Manager, via zoom).

1. WELCOME

The Chair welcomed everyone to the meeting.

2. APOLOGIES

There were no apologies.

3. DECLARATIONS OF INTEREST

Cr Coll McLaughlin advised the meeting that she is an employee of Chris J Coll Surveying.

4. REPORT – IRG PROJECT DELIVERY TEAM

H Mabin spoke to this report and took it as read, noting it was a follow on from the workshop held the previous week. Cr Coll McLaughlin sought confirmation that this paper did not authorise direct appointment in place of tendering for contractors, noting that it was just for the panel of people that will make sure that the projects are set up on target.

M Beagle outlined that the proposal is to direct appoint a number of vendors to carry out a duty of care to establish what the programme is, such as the QS to understand exactly where Council is financially with the projects that are underway. MBIE is going to assist with procurement and commercial management, to ensure there is someone who understands contracts and to ensure they are in the correct format going forward. M Beagle would lead the programme. M Beagle advised that this is proposed for a period of 6-8 weeks, to hire an initial team to understand where Council is at financially and understand the projects and set things up, and then to proceed with Franz Josef. He has spoken to WSP who has the drawings at the moment. He will go back to them after tonight's meeting. He advised the Council that if something was not put in place soon then they would start being in a position where end dates would be breached. He reiterated that this was not appointing main contractors, only an interim team to understand the projects and what is required.

Cr Coll McLaughlin said that from a budgeting point of view this was within the approved budgets, but they would want to be informed if that situation changed. M Beagle said that he felt the budget he had put together for this was the best he could do within the timeframe but he was comfortable it would be sufficient.

Cr Cummings asked about the fees. M Beagle outlined what the budget was for, in terms of this initial phase of 6-8 weeks. Cr Cummings asked if Mr Beagle would keep an eye on the budget, and where liability lay if there was a budget blow-out. M Beagle said that Greater Wellington was not underwriting this, and that in his own projects there had been a cost saving. He said that the risk of not doing something was that Council may lose its funding. If Council is not delivering against its contractual conditions, then it may lose part or all of its funding. He said that Wellington Regional Council is not making money from this, it is more like a loss, and they are coming in to support WCRC.

Cr Cummings asked whether Council was still waiting for consents. H Mabin confirmed that they were but that some work could be commenced to get this moving forward. They need an engineer to get this moving forward but she had not yet seen a breakdown of the project budget. She reiterated that Council needed to start delivering the Franz Josef project.

Cr Hill said he did not have any questions and he was reasonably happy with the way forward. M Beagle said that there was the opportunity in 8 weeks to change the situation and set something else up if they felt it necessary. He reiterated that there was a governance committee providing oversight, and a lot of compliance with regulations etc. Cr Challenger felt that what they were doing had been clearly outlined and he was comfortable. He said would put his name forward as one of the Councillors on the subcommittee.

Cr Magner said that they had discussed the proposed subcommittee at their recent workshop. Cr Ewen said that he was not interested in being on the Committee. Cr Cummings said that there needed to be a terms of reference. M Beagle confirmed he would like the committee formalised as soon as possible so he could keep them informed of all developments straight away.

Moved: (Magner / Cummings): *that the Council:*

1. *Appoint an Infrastructure Governance Committee of Councillors Coll McLaughlin, Challenger and Cummings; and*
2. *Authorise the Chief Executive to extend the existing Memorandum of Understanding with Greater Wellington Regional Council to appoint Mike Beagle as the Programme Lead; and*
3. *Authorise the Chief Executive to enter into a Memorandum of Understanding with the Ministry of Business Innovation & Employment to appoint a Procurement and Commercial Manager; and*
4. *Authorise the Chief Executive to direct appoint a Client Technical Advisor; and*
5. *Authorise the Chief Executive to direct appoint for the Franz Josef IRG Project:*
 - a. *Maltby's as Quantity Surveyor*
 - b. *WSP as Engineer To Contract*

Carried

Items to be Considered with the Public Excluded

Moved: (Cummings / Challenger): *that the public be excluded from the following parts of the proceedings of this meeting, namely, -*

- *Items 5 & 6*

Agenda 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 5	IRG Projects Procurement Process	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).
Item 6	IRG Monthly Reports - April	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).

- Heather Mabin, Nichola Costley, Mike Beagle, Marc Ferguson and Rachel Vaughan 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.

Carried

The meeting moved in to a public-excluded session at 6:33pm.

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Chair

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Date

Report to: Council	Meeting Date: 14 June 2022
Title of Item: Chair'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 11 May – 10 June 2022.

As Chair, I attended the following meetings:

- CDEM Joint Committee, 11 May 2022
- Mayors, Chairs & Iwi forum, 11 May 2022
- Te Tai o Poutini Plan committee meeting, 17 May 2022
- Meeting with LGNZ Chair and CEO, 23 May 2022
- Westport flood protection options stakeholder meeting, 26 May 2022
- Southern Chairs RTC meeting, 30 May 2022
- Westport Rating District Joint Committee meeting, 8 June 2022
- Buller Flood Recovery steering group meeting, 9 June 2022

Recommendation

It is recommended that Council resolve to:

Receive this report.

Attachments

None.

Report to: Council	Meeting Date: 14 June 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 May 2022.

Recommendations

It is recommended that Council resolve to:

1. *Receive this report.*

Activities Undertaken

Activities undertaken during May 2022 by Heather Mabin were:

- May 4
 - Attended via Zoom the Westport Rating District Joint Committee meeting
- May 5
 - Attended via Zoom the RSHL Board Strategy day in Wellington
- May 6
 - Attended via Zoom the Regional Sector meeting in Wellington
 - Signed contract variation with Kereru Consultants for Te Tai o Poutini Plan.
- May 11
 - Attended via Zoom the West Coast CDEM Joint Committee meeting
 - Attended via Zoom the Mayors Chair & Iwi meeting
- May 13
 - Signed Memo Of understanding with Greater Wellington Regional Council for the provision of services for reviewing Infrastructure Projects.
- May 26
 - Attended the Westport Options Presentation in Westport.

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.

Attachments

Attachment 1: Letter from Hon. Minister Mahouta, re: Local Government Codes of Conduct Report, dated 28 April 2022.

Attachment 2: Report to the Minister of Local Government, *Local Government Codes of Conduct*, dated September 2021.

Attachment 3: Email dated 20 May 2022, from Heather Shotton and Hamiora Bowkett, Department of Internal Affairs, re: *Better off funding package in three waters reforms*.

28 April 2022

Brendan J Duffy
Chair of the Local Government Commission
bjcduffy@gmail.com

Tēnā koe Brendan,

Thank you for your September 2021 report on Local Government Codes of Conduct (the Report). I thank the Local Government Commission for their thorough investigation, and consider that the Report provides a comprehensive overview of the issues concerning the current codes of conduct system.

I was pleased to see the comprehensive engagement you undertook with the local government sector, ensuring the Report provides the perspectives of councils across the country and includes the views and expertise of other sector bodies.

I also thank the Commission for the nine recommendations presented for my consideration.

As you are aware, the Ministerial Review into the Future for Local Government (the Review) is currently underway. At the conclusion of the Review in April 2023, the Review Panel will present a report that will make recommendations for the future state of local government in Aotearoa New Zealand. While this significant Review is underway, it is important that any work progressed around our current system of local democracy is undertaken within the context of the Review's work programme and delivery timeframes.

I support the Commission in the establishment of an education working group

I agree with *Recommendation i* and support the Commission in the formation of a working group that will work to identify a sector specific education framework.

I am looking forward to the findings of this working group, and I believe that this is an exciting area for the Commission to undertake further work to see how they can best support the sector in strengthening local governance. Ensuring our elected members, and the council staff that support them, have access to comprehensive governance education and development resources is integral to a system of effective local democracy.

It is timely for the Commission to be undertaking this work. With the local elections taking place in October 2022, the Commission will be able to engage with stakeholders involved in all stages of the electoral process, from pre-candidacy to the induction of a new council.

While I do not expect the Commission to have compiled their findings prior to the elections, I do encourage you to identify any opportunities to support or improve existing education programmes. I believe that working closely with the sector bodies who currently provide these services and resources will be very important to the success of this research, and am encouraged that *Recommendation i* specifically highlights that this working group will seek to include a diverse range of sector stakeholders

I request that the Commission lead this working group to produce a report on these respective issues. This should be presented to me in the first half of 2023, so any changes recommended can be considered alongside the Review findings. While undertaking this work, the Commission should engage with the Review and Review Panel to understand how to best align their research and reporting with the wider review.

I will consider the Commission's recommendations for legislative change in the context of the findings of the Future for Local Government Review

Recommendations iii, iv, v, vi, viii and ix ask for my promotion of legislative change. While I support some of the findings these recommendations are based on, at this time I will not be progressing any legislative change in this area. The current timing of the Review's work programme, along with several other substantial reforms to the sector, mean that it is not feasible to progress significant and un-signalled legislative changes before the Review is completed. The findings in the Report will provide useful analysis for the work programme formulated following the end of the Review, and these legislative changes will be considered as part of any legislative changes promoted at that time.

Recommendation ii asks for the Commission to further investigate and engage with the sector about the development of standardised code, including standardised processes for around confidentiality and the handling of information.

I understand from the report that while the standardised code currently produced by Local Government New Zealand is widely used as the basis for most council's codes of conduct, the Commission is concerned by the inability to legally require councils to include certain standard provisions.

For this reason, I believe that without certainty that a standardised code of conduct will be enshrined in legislation, it is not an appropriate time to progress further work in this area. I suggest that this investigation and engagement be progressed at a later time with the other legislative recommendations.

The Commission should not progress Recommendation vii

Recommendation vii asks for the Commission to explore with the sector the appropriateness of legislative change to include repeated misconduct as grounds for removal or suspension of a member where the member is no longer able to democratically represent their electors.

I thank the Commission for the thorough discussion in the Report of the complexities of a process to remove an elected member and I acknowledge the Recommendation specifies that any further investigation in this space would have significant considerations around the risk to democratic principles.

However, in the context of the significant reforms facing the sector, I do not consider that it is appropriate to progress any work that may attempt to alter local democracy provisions. I ask the Commission to not progress this Recommendation, or any other investigation into a process that would allow for the removal on an elected member under a council's code of conduct.

Again, I thank the Commission for the report, and the work you perform to improve good local government in New Zealand, and the promotion of good practice across the sector. I am looking forward to the reports produced as a continuation of this work and how the Commission's findings will complement the significant review of the future state of local government in Aotearoa New Zealand.

Nāku noa

A handwritten signature in black ink, appearing to read 'N. Mahuta', with a stylized flourish at the end.

Hon Nanaia Mahuta
Minister of Local Government



Local Government
Commission

Mana Kāwanatanga ā Rohe

Local Government Codes of Conduct

*Ngā tikanga whanonga Kāwanatanga ā-
Rohe*

Report to the Minister of Local
Government

*Pūrongo ki te Minita Kāwanatanga ā-
Rohe*

September 2021

Mahuru 2021

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Executive Summary / He Whakarāpopototanga

1. The visibility of elected member conduct issues within local government and the difficulties in dealing with them has increased. The Commission has looked at the role of codes of conduct in local government, undertaking comprehensive engagement with the sector and stakeholders. It has heard from every council and many of the country's community boards through various avenues. This report discusses the main issues with codes and recommends ways to address them. The Commission considers there may be a timely connection between its recommendations and the work of the Future for Local Government review panel.
2. It is clear that codes of conduct sit firmly within a wider context as part of a suite of governance tools that need to be considered holistically. Through this engagement the Commission has identified a range of sector and legislative measures that could work together to support improvements to both conduct and codes.
3. Codes can only be effective in determining and addressing poor conduct if they are balanced with the opportunity to understand what constitutes good governance behaviour. Within the wider suite of governance tools then, there is a need to bolster the kind of governance skills that allow mayors and chairs to build and lead teams, and members to work effectively with each other and with council staff. The Commission recommends exploring a sector specific education framework for members and council staff, starting at the pre-candidacy stage and continuing through on-going professional development.
4. There is wide variation in how councils approach the more complex areas of codes like materiality, the complaints process, penalties, compliance, staff interactions, and social media. This frequently results in inconsistent processes and little effect on conduct. The Commission recommends these aspects of the code be standardised to be referenced in legislation in such a way that retains the scope for individual councils to agree their own shared values and principles within their code. The latter is key to embedding members' understanding of their commitments under the code.
5. Practices around informing newly elected members of the code and re-adopting codes each triennium also varies widely, despite general agreement that awareness of conduct expectations early in the triennium is fundamental to good governance. Similar considerations arose for community boards which currently are not required to adopt a code. This has informed the Commission's recommendation for legislative requirements to include codes in the statutory briefing at inaugural council meetings and in member inductions. The Commission also recommends councils be required to re-adopt their code early in the triennium, and that community boards be required to adopt their parent body's code.

6. The sector expressed the most frustration around the inability to deal effectively with grievous or repeated breaches. Many called for an ability to remove or suspend members in this situation. Unsurprisingly, there are strong feelings both for and against this notion, not least because of the risks it poses to democratic principles. Nonetheless it is a topic that generated significant discussion during this engagement. The Commission believes it warrants further exploration, enabling the complexities and risks of such a mechanism to be openly discussed and considered.
7. Given the level of engagement this work has achieved, the Commission is confident that the recommendations in this report reflect the key issues with codes of conduct in the sector. It is important to note that the individual recommendations are unlikely to work in isolation. Ultimately, the recommended legislative requirements must work in tandem with the recommended actions to support good governance behaviour.

Purpose / Te aronga

8. The Commission is an independent statutory body with three core functions:
 - Promoting good local government in New Zealand through promoting good practice in local government and providing information about local government •
Reorganisation of local authorities
 - Representation reviews.
9. As part of its focus on good governance in local government, the Commission is interested in addressing governance issues across the sector. Recently, media coverage of conduct issues within the sector has greatly increased. Comment from the sector and in the media has highlighted the difficulties the sector faces in dealing with these issues. The situation is exacerbated by a growing tendency for code of conduct complaints to be used for political gain. Ultimately, this undermines public confidence in local government and hampers councils' ability to work effectively. This has led the Commission to identify the purpose, use and effectiveness of codes of conduct as an area of concern for the sector.
10. This report outlines the Commission's engagement with the sector on the role of codes of conduct. It then makes recommendations for improving codes of conduct and other tools that support good governance practice in local government. The Commission notes the Review into the Future for Local Government (FFLG) is currently underway and is likely to result in changes to legislation. The Commission's intention is that this report may help inform those changes.

Background/ He whakamārama

Local Government codes of conduct / Ngā tikanga whanonga Kāwanatanga āRohe

11. Local government codes of conduct are one of a suite of governance tools aimed at encouraging good governance behaviour. As such, codes are intended to help councils put into practice the governance principles in the Local Government Act 2002 (the LGA), which require them to ensure that:
 - the role of democratic governance, and the expected conduct of members, is clear and understood by members and the community;
 - governance structures and processes are effective, open, and transparent;
 - they operate as a good employer; and
 - the relationship between members and management is effective and understood.¹
12. Codes of conduct were first required of councils when the LGA was enacted in 2002.² The LGA sets out what councils must cover in their codes including how members are expected to behave with each other, council staff and the public; disclosure of information; and specific legislation applicable to them in their governance roles. The latter includes the Local Authorities (Members' Interests) Act 1968 (LAMIA).
13. The LGA does not specify any penalties for local government members³ if they breach their council's code of conduct. In fact, the LGA states that "to avoid doubt, a breach of the code of conduct does not constitute an offence under this Act". LAMIA is often referred to in codes and it does provide for penalties in regard to members' participation when they have a pecuniary interest.⁴
14. The LGA is silent on the process for dealing with a complaint against a code of conduct.
15. The LGA requires local boards to adopt the parent body's code of conduct but does not require community boards to do so.
16. The Commission first sought information from councils on their codes in mid-2020. At that time, 24 of 78 councils reported receiving a total of 45 complaints against their

¹ Section 39, Local Government Act 2002

² Clause 15, Schedule 7, Local Government Act 2002

³ For ease of reference hereon, *member* has the same meaning as in the LGA (Section 5) and refers to a member of a governing body of a local authority, local board, or community board ⁴ Section 7 Local Authorities (Members' Interests) Act 1968

code since the 2019 election. Subsequent conversations with the sector suggest that the nature of conduct issues varies widely.

Initial investigation / Tūhuratanga tuatahi

17. To better understand and respond to the conduct issues the sector is experiencing, the Commission began looking into council codes of conduct in 2020. It reviewed media reporting⁴, engaged with Local Government New Zealand (LGNZ) and Taituarā (Local Government Professionals Aotearoa)⁶, and looked at what had been reported on before, including a 2006 report on codes by the Office of the Auditor-General (OAG)⁵. The Commission identified conclusions in the OAG report (2006), many of which have since been incorporated into good practice guidelines. However, they have not been strengthened any further and therefore still appear relevant, in particular:
 - Consider whether the LGA should be amended to require community boards to adopt a code of conduct
 - Consider whether the LGA should be amended to specify codes of conduct as one of the matters that must be covered in the briefing to members at inaugural meetings or as part of induction
 - Councils should re-adopt their codes at the start of each triennium to ensure buy-in and give the opportunity for rules and principles to be reconsidered and debated
 - Use of independent external people rather than members for investigating complaints
18. The OAG also touched on the lack of majority view regarding the value of developing enforcement processes and remedies or penalties for breaching the code, for incorporating into legislation. The Commission felt that this warranted further exploration.
19. The Commission also asked councils directly for information about their code content, adoption practices, and complaints since the 2019 election.
20. From this work it seems that while practices varied across councils, issues with conduct and complaints remain consistent. In December 2020, the Commission provided an interim report to the Minister of Local Government summarising its work

⁴ The Commission particularly noted the reporting on Massey University's research into anti-conflict and antimedia clauses in codes of conduct and notes that such clauses are concerning, however as of 2021 most councils have removed these from their codes. See *Local authority codes of conduct: anti-conflict and antimedia?* Strong, C. 2016

https://www.academia.edu/33725075/Local_authority_codes_of_conduct_anti_conflict_and_anti_media⁶

Formerly known as the NZ Society of Local Government Managers (SOLGM).

⁵ *Good practice guide: Local Authority codes of conduct*. Office of the Auditor-General. June 2006.

<https://oag.parliament.nz/2006/conduct/docs/conduct.pdf>

so far⁶. The report noted that the Commission intended further engagement with the sector to better understand code of conduct issues before it could consider making recommendations to the Minister of Local Government.

Further sector engagement / Te whai wāhi tonu ki te rāngai

21. Over the first half of 2021, the Commission undertook five streams of further engagement:
 - a. A request for information from chief executives on use of the LGNZ code of conduct template and any edits made, and the use of codes by any community boards.
 - b. An online qualitative survey of council chief executives and members (mayors and chairs, councillors and community/local board members). This generated 216 responses, from 54 different local authorities (including regional, district, city and unitary councils) and 24 community and local boards⁹. The overall response rate was 12.8% of members and chief executives.
 - c. An initial round of face to face discussions with mayors and chairs, and chief executives at five regional mayoral forums (Otago/Southland, Waikato, Bay of Plenty and Wellington) and the LGNZ regional sector meeting (with representatives from the five unitary authorities).
 - d. Discussions with other key sector stakeholders: The Office of the Auditor General, the Ombudsman, LGNZ and Taituarā.
 - e. A second round of face to face discussions with mayors and chairs, and chief executives at five regional mayoral forums (West Coast, Hawkes Bay, Northland, Manawatū-Whanganui and Taranaki); with members of Auckland Council's governing body; and with Auckland local board chairs.
22. The key points the Commission consulted on were:
 - Should codes of conduct be included in legislation as one of the matters to be covered in the briefing to members at inaugural meetings or as part of induction?
 - Is there value in codes being readopted at the start of each triennium?
 - Is there value in developing penalties for breaching the code for inclusion in legislation?
 - Is there a role for the Commission in the code of conduct system?
23. While the above points were a foundation for discussion, the Commission let the conversations flow naturally to get a sense of all key issues with the code of conduct

⁶ *Codes of Conduct Interim report to the Minister for Local Government*, Local Government Commission, December 2020

system. Similarly, the online survey asked whether there was anything else the respondent thought could improve codes of conduct.

24. Two sector bodies had limited or no participation in the face to face engagement, although all of them had the opportunity to respond to the surveys and requests for

⁹ 41 respondents chose not to identify their governing body, so coverage may be even broader.

further information. Of the two, the Commission discussed its codes of conduct work at the 2021 Community Board Conference but did not speak individually with the sector's 110 community boards for reasons of time and resource. Due to timing, the Commission also did not speak directly with the Canterbury Mayoral Forum although their survey responses inform this report. Should this report result in changes to legislation or actions by the sector, both parties will have further opportunities to participate.

25. The Commission has shared a draft of this report with sector stakeholders including the Office of the Auditor General, the Ombudsman, Taituarā, LGNZ, and the Department of Internal Affairs.

Engagement with Māori / Te Whai Wāhi ki te Māori

26. In preparing its recommendations to the Minister, the Commission acknowledges the Crown's responsibilities under the Treaty Article 1 Kawanatanga (Governance by the Crown), which requires policy advice informed by Māori perspectives.
27. Any work undertaken as a result of the recommendations in this report must include early and ongoing engagement with Māori in line with the Māori Crown Relations: Te Arawhiti engagement framework.

Discussion / He Kōrerorero

28. From the Commission's engagement with the sector, it seems that issues relating to codes of conduct fall into two broad categories. One relates to the wider context of supporting good governance behaviour, and one is specific to codes of conduct.

The wider context of good governance behaviour / Te horopaki whānui o ngā whanonga mana whakahaere pai

29. It became clear during discussions with the sector that codes of conduct sit firmly within a wider context, as one part of a suite of governance tools that need to be considered holistically. It also became clear that there can be a lack of confidence amongst the leadership of councils to moderate behaviour before it escalates to a code of conduct process.

30. It is fair and reasonable that any process to determine and penalise poor conduct should be balanced by providing members with the opportunity to develop a sound understanding of the behaviours expected of them. When other tools for supporting good governance behaviour are inconsistent, there is a tendency for codes of conduct to become the sole tool for managing governance behaviour. Investigations and penalties under the code do little to address the cause of that behaviour.

Furthermore, code of conduct issues can be highly visible and reflect poorly on the sector.

31. This report identifies a need for greater focus on governance skills for members and a stronger emphasis on the leadership role of mayors and chairs in supporting good conduct before behaviour deteriorates. It is likely that strengthening these broader governance tools will better support natural justice and help reduce conduct issues.

Governance skills and education / Ngā pūkenga me te mātauranga mana whakahaere

32. To govern responsibly, members need a sound understanding of their governance role and how it differs from other roles they may have held, whether in business, cultural or community groups. There is a statutory requirement for local authorities to exercise their powers for the benefit of their district or region⁷ and to comply with specific requirements when making decisions.⁸ Members are subject to further statutory requirements in the LGA and other laws such as the Local Government Official Information and Meetings Act 1987 (LGOIMA), the Local Authorities (Members' Interests) Act 1968, the Crimes Act 1961, the Secret Commissions Act 1910, and the Financial Markets Conduct Act 2013.
33. Members must be briefed on these requirements at the inaugural meeting of a council.⁹ However, a briefing does not necessarily embed an understanding of how these statutory requirements apply in practice. Such an understanding is essential to good governance.
34. The sector expressed a strong desire for encouraging good governance skills. During engagement, there was a general consensus that a code of conduct is necessary to address repeated or extreme instances of poor behaviour. However, the sector emphasised that more should be done by way of early intervention to address poor behaviours and prevent them escalating to divisive, expensive and lengthy code of conduct processes. Codes of conduct themselves could be useful tools in supporting good governance skills as is discussed later in this report, at paragraphs 47-51. At the wider governance level, early and ongoing education for members both newly elected and re-elected, is seen as key.

⁷ LGA 2002, Section 12

⁸ LGA 2002, Section 77

⁹ LGA 2002, Schedule 7, clause 21 (5(c))

35. The Commission suggests governance education and professional development can be a key tool for removing barriers to democratic participation. It should support robust democratic debate that also enables members to both express and respect a wide range of views. Importantly, governance education would also support members to engage effectively with their electors and council staff.
36. Given that there is some resistance to current training offerings, the Commission has considered the sector's views on whether governance education should be either required or incentivised. Discussions with the sector suggest that mandating governance education could be perceived as an undemocratic barrier and unnecessarily prescriptive. However, any optional governance education should be consistent across the sector if it is to support a consistent, nationwide standard of governance behaviour.
37. Governance education could be helpful for potential candidates who may be deterred by a lack of prior governance knowledge. The only legal requirement for candidates is that they are a New Zealand citizen listed on the electoral roll.¹⁰ The Commission observes that around the country there is considerable inconsistency in the information available to help candidates understand the governance role. Making optional, accessible, consistent, basic governance education available at this stage could ensure candidates have an adequate awareness of the legal and governance requirements of the position they are seeking.
38. Governance education for council candidates would reflect the fact that, when acting as a council, members are exercising public powers and must understand how to do so in accordance with the law. It could also help strengthen the governance capability of newly elected councils. A potential model for this may be the JP training process, whereby all provisional JPs are required to complete an additional step of training before they can practice.¹¹
39. More consistent, accessible governance education could also be useful for newly elected members. Sector feedback suggests some members may not understand the most effective ways to bring issues to the council table, or they may enter their new role with no formal framework for making sound governance decisions. Members also have a responsibility to their electors to work effectively, as a group and individuals, with other members regardless of political differences. Auckland Council's governance capability programme may offer a useful model for member education.
40. For experienced members, ongoing governance education would offer targeted professional development for members as they take on more senior or complex governance roles. It should serve to both refresh and deepen the existing governance

¹⁰ Section 25, Local Electoral Act 2001

¹¹ *Becoming a JP*. Royal Federation of NZ Justices' Associations.
<https://justiceofthepeace.org.nz/Page/Landing/Becoming-a-JP>

knowledge of local government decision makers, who face increasingly complex and challenging decisions for their communities.

41. A possible model for this is the process for RMA Commissioners, which provides for initial training, followed by ongoing training every three to five years. The aim of the training is to improve the knowledge of decision-makers tasked with making difficult decisions that have significant impacts on their communities.¹²
42. A separate stream of governance education for staff who support members in their governance role would ensure both parties have a shared understanding of the governance function and the nature of their roles within it. There are a range of staff at different levels of council that support members at the various stages of their governance development. As a result, governance education for staff would need to reflect this variety. Auckland Council's governance capability programme may offer a useful model for staff education.
43. The Commission is aware that LGNZ is considering a new governance training offering with a certification mark for members. This would serve to professionalise governance practice as a tangible, transferrable skill. The Commission suggests it is worth expanding on this concept to include all stakeholders in developing an improved governance education framework specific to local government, which includes staff. The aim should be to develop accessible programmes that support sector-wide consistency and good governance practice. For improved effectiveness and independence, consideration should be given to ensuring the programmes are delivered by an educator.
44. Conversations with the sector also traversed the leadership role of mayors and chairs, and committee chairs in fostering effective working relationships among their elected teams. Many mayors and chairs spoke about the value of early, informal intervention when councillors appeared frustrated or disruptive. Not all mayors and chairs have practiced or confident leadership skills to draw on however, a situation that can be exacerbated by the pressures of settling into a new role.
45. Many in the sector also agreed that while not all breaches occurred around the council table, disruptive behaviour in meetings can derail democratic debate. Poor behaviour in meetings is specifically addressed by standing orders, essentially a set of rules that require members to maintain certain standards of behaviour while also allowing for dissent and democratic debate. Rather than being a code of conduct issue, meeting behaviour should be managed by a confident, skilled chair and supporting staff with a sound understanding of standing orders.

¹² 'Making Good Decisions' The Training Assessment and Certification Programme for RMA Decision Makers. Marian Hobbs, 2004. <https://www.beehive.govt.nz/speech/%E2%80%98making-good-decisions%E2%80%99-training-assessment-and-certification-programme-rma-decision-makers>

46. Despite this, there is limited local government-specific leadership education that is consistently available to the sector. Most mayors and chairs report receiving only informal training on entering their role, in the form of learning on the job and through advice from other mayors and chairs and experienced chief executives. Similarly, as noted earlier there is a lack of ongoing education for members as they move into more senior roles such as committee chairs.
47. The Commission suggests that education in leadership skills and meeting management for mayors and chairs is a crucial gap to fill if councils are to achieve and maintain good governance practice. The ideal solution would be leadership modules incorporated into a programme of governance education developed in collaboration with the sector and provided by an educator.
48. Finally, an integral part of the discussions on encouraging good governance behaviour has been the question of resourcing. Most councils say they do not have sufficient resource in the form of expertise or budget to deliver ongoing education. The Commission notes that there are approximately 1600¹³¹⁴ local authority members in New Zealand. This is comparable to a number of government departments and provides a useful yardstick for estimating the resource required. Ultimately, the Commission suggests that committing resource to governance education will help reduce costs of the type recently committed to independent commissioners and observers for councils with entrenched governance and/or leadership issues. The question of resourcing education therefore needs further consideration by the sector and other stakeholders, including central government.
49. As an incentive for candidates and members to take up governance education, the concept of a publicly available training register held by councils may improve transparency of members' professional development and support public accountability. This would need to take account of privacy and LGOIMA requirements.
50. In summary the Commission suggests that, given the benefits of governance education at all stages of a member's development an optional, robust, sector specific education programme with high uptake is an important area of focus for the future performance of the sector.

Governance structures and support / Ngā anga me ngā tautoko mana whakahaere

51. The Commission has also heard that poor behaviour can often stem from members' frustration with the systems their council has for working together to make decisions. As councils themselves decide their decision-making structures, members should have an informed basis on which to make this decision. LGNZ has draft guidance available

¹³ Includes mayors, councillors, local board and community board members. *Local Authority Election Statistics*

¹⁴ . Department of Internal Affairs. <https://www.dia.govt.nz/Services-Local-Elections-Local-AuthorityElection-Statistics-2019>

on decision-making structures.¹⁵ It would be useful if this was incorporated into the governance education for members discussed above.

52. The sector commented that there is often also a lack of support available to members in undertaking their governance role. This can become overwhelming and lead to difficult behaviour throughout the decision-making process. The Commission is aware that councils often provide group briefings for members to assist understanding of complex issues. It may be beneficial to explore options for a more individualised level of support in understanding the intricacies of issues before making decisions. As a possible model for the sector, it would be helpful to understand whether any councils have provided such support to members, how successful it was, and how it was resourced. If this was to be explored further, it would be wise to consider the associated risks related to expectations of openness and transparency, accurate record keeping, and LGOIMA requirements.

Issues specific to codes of conduct / Ngā take hāngai ki ngā tikanga whanonga

53. More specifically in relation to codes of conduct, the Commission found that at the time of the initial survey (July 2020), 55 councils had adopted their codes since the 2019 election. Twenty-four councils had received complaints since October 2019; of which 15 had just one complaint.
54. However, discussions with the sector reveal that in many cases, a code of conduct complaint is not raised for behaviour that may in fact constitute a breach. The reasons for this include that the code is perceived to be ineffective; it is a costly resource-intensive, disruptive and time-consuming process for little meaningful outcome. There is also a strong desire to avoid the media attention and reputational damage which is often out of proportion to the issue at hand. This overshadows public awareness of councils' positive role in the community.
55. As well as the wider governance context discussed earlier in this report, the sector has highlighted several key areas of codes of conduct to address.

Legislative requirements to address the code early in the triennium / Ngā herenga ā-ture hei urupare wawe i ngā tikanga whanonga o te wā toru tau

56. In general, the sector supports legislative requirements to readopt the code at the beginning of the triennium. The sector also supports including the code in the general explanation to members required under the LGA to take place at the inaugural meeting.¹⁶ Almost 86% of survey respondents said legislation should be explicit about telling members about the council's code of conduct either at the inaugural council

¹⁵ *Guide for designing decision-making structures*. LGNZ. <https://www.lgnz.co.nz/our-work/our-policypriorities/governance/>

¹⁶ LGA 2002, Schedule 7, clause 5(c)

meetings or during the member induction if the council provides one. Just over 80% said legislation should require councils to readopt their code of conduct at the start of each triennium. They felt this would serve to benchmark, remind, and raise awareness of the behaviour expected of members at the very beginning of the triennium.

57. For those who did not support such legislative requirements, many felt that covering codes of conduct early in a term was basic good governance and should happen regardless. Some commented that briefings on a pre-existing code and/or a vote to readopt it would not necessarily address the issue of members' understanding of their commitments under the code. The latter point is important to the overarching goal of supporting good governance behaviour. For a change in legislation to have the desired effect on governance practice, it must be accompanied by appropriate education at the beginning of the triennium in the conduct expected of members.
58. Some councils report using the code as a prompt for governance training at the beginning of a triennium. Workshops to agree the shared values, behaviours and principles can be a powerful way to instil member understanding and establish a positive culture from the outset. The Commission suggests all councils would benefit from undertaking such an exercise during induction and using the outcomes to populate the relevant section of their code before re-adopting it. Currently practice around member inductions varies widely across the sector, with some councils offering comprehensive induction and some offering none. Accordingly, skills in running effective inductions should form part of the governance education offered to staff responsible for organising them.
59. The Commission also canvassed whether the declaration made by incoming members should include a reference to their council's code of conduct. Discussion on this question highlighted the symbolic value of physically signing up to a code of conduct. There was also a suggestion that providing for members to formally disagree with the code's content via a "no" vote at adoption sets a basis for future non-compliance (currently only 75% of council is required to vote for re-adoption). It is thought that including the code in the declaration would offset this. As noted earlier however, acknowledging a code of conduct whether via a briefing or a declaration does not necessarily embed understanding. Moreover, members have a democratic right to disagree with a majority decision while also being required to abide by that decision, and the Commission considers it important to preserve this.
60. Of the mechanisms discussed above, the Commission supports the sector's desire for legislative requirements to include codes of conduct in the statutory briefing at inaugural council meetings, and in member inductions. The legislation should also require councils to re-adopt their code near the beginning of a triennium but only after a suitable process for agreeing shared values and principles has been completed.

The timing of re-adoption of the code could efficiently be aligned to the requirement to provide a governance statement within six months of a triennial general election.¹⁷

Inconsistent processes / Ngā tukanga hārakiraki

61. Much of the sector's disenchantment with codes relates to inconsistency in both processes and penalties. There have been concerted efforts in the sector, particularly in LGNZ's development of a fulsome code of conduct template, to address this. However, there is no statutory requirement for standardisation of the content of codes of conduct. The effect is that while some codes specify processes for making, triaging and investigating complaints as recommended by LGNZ, many provide for these only in general terms, or as something to be established on a case by case basis. This can mean an unwieldy and time-consuming up-front exercise before the complaint itself can be addressed. Such ad hoc processes are less likely to reflect good practice and can open the way for political influence.
62. The Commission acknowledges the rationale that individual councils should be able to decide how they will manage their own behaviour. This is aligned with the tenet that codes of conduct should be based on shared values and principles that have been agreed by each councillor. Certainly, as is provided for by the LGNZ code of conduct template, codes should be flexible enough to incorporate such elements that are specific to individual councils.
63. Establishing processes aligned to good practice though, is a significant undertaking for individual councils particularly when there are gaps in staff and members' governance knowledge as discussed earlier. It seems inefficient to repeat this exercise throughout the sector at the individual council level, with variable outcomes.
64. Instead, the Commission suggests removing the need for councils to decide on the processes for making, triaging and investigating code of conduct complaints. These processes should be standardised across the sector and incorporated into legislation, ideally as a set of regulations. Setting out standardised processes would remove the inconsistency and potential for political influence that currently frustrate much of the sector. The shared values and principles, and some other parts of the code should remain for each council to agree as discussed at paragraph 53.

Independent investigations / Ngā tūhuratanga motuhake

65. During engagement, the sector repeatedly expressed a desire for independent investigations into code of conduct complaints. Key reasons for this were the issues of neutrality and employee wellbeing that arise when members are required to investigate and penalise their peers (and sometimes political opponents), or when a chief executive is required to investigate a complaint against their employer.

¹⁷ LGA 2002, section 40

66. The Commission has considered two models for bringing an element of independence to codes of conduct processes, one based on independent investigators from outside the sector and one drawing on members external to a council but from within the same region. Each has different levels of cost and independence.
67. Some codes provide for independent investigations. There is also a guideline process for this in the LGNZ code template. Conversely many codes rely on internal investigations by staff and/or a code of conduct panel of members. Some of these councils expressed reluctance to allocate budget for independent investigators, citing the expense of previous experiences where lawyers have become involved. It is also possible that councils with smaller districts may struggle to find appropriately qualified, neutral parties to act in an independent role.
68. However, the Commission suggests that where council leaders cannot resolve conduct issues early and informally, an independent investigation process is helpful to ensure the principles of natural justice are upheld, to prevent undue pressure on the chief executive, and to avoid political bias.
69. There are a number of models for conduct investigations, particularly those set out for school Boards of Trustees in the Education and Training Act 2020,¹⁸ and in the Auckland Council code of conduct. They include, variously, the process for making a complaint, steps for triage, referral to mediation or investigation, and deciding appropriate penalties or recommending penalties if a council decision is required to implement a penalty, such as demotion. They also provide for a report back to the governing body, usually for information only, and guidance around releasing the outcome to the public. Aspects of both models provide useful options for a strengthened, standardised code of conduct investigation process involving independent parties and appropriate levels of transparency.
70. Aspects of the New South Wales Local Government model code of conduct¹⁹ and the Victoria local government councillor conduct framework²⁰ may also be worth considering. Both of the latter processes were prescribed by regulation in 2020 and, while the Australian government structure differs from New Zealand in key ways, the rationale for a more prescriptive approach to codes may be worth considering for the New Zealand context.
71. While this option provides a high level of independence, it is potentially the most expensive. It is relevant here that the resource consumed by conduct complaints is a concern for councils. One chief executive of a provincial council recently tracked over

¹⁸ See Part 3, Subpart 9

¹⁹ New South Wales Office of Local Government.

<https://www.olg.nsw.gov.au/councils/governance/modelcode-of-conduct/>

²⁰ Local Government Victoria. <https://www.localgovernment.vic.gov.au/council-governance/councillorconduct-framework-and-councillor-conduct-panels>

160 staff hours committed to the conduct of one member over one triennium. Also concerning is the cost to councils when lawyers are involved in conduct issues, often amounting to tens of thousands of dollars. With that in mind, a cost-effective funding approach for councils could include requiring councils to set aside a specific budget each triennium to cover any complaints dealt with by an independent person or panel, on an as-needed basis.

Regionalised hubs / Ngā peka ā-rohe

72. Importantly, the models noted above depend on an established pool of independent mediators, conduct commissioners or referees. Although this was a strong preference of most councils, it may not be feasible for many. For this reason, the Commission is interested in the option of a regionalised complaints mechanism that draws on a pool of appropriately trained members from councils on a regional basis. Again, the new Boards of Trustees model provides a useful starting point for how a regionalised hub might work.
73. The Commission suggests that regionalisation potentially offers a resource that may not otherwise be available to individual councils, while minimising costs. It also minimises the risk of political bias although to a lesser extent than the independent investigation option discussed above. If this option is implemented, transparency is paramount to address any negative public perception associated with the sector moderating itself. It would also provide much needed consistency for the sector in addressing serious conduct issues.

Public interest vs natural justice / Ngā hiahia o te iwi ki te tika māori

74. There is a widely held view in the sector about the need to uphold the principles of natural justice and privacy equivalently with the accountability of members. In particular this relates to information about whether complaints have been made and the outcome of those complaints.
75. Publicity around code of conduct issues is problematic for the sector from a number of angles. Media interest can make code of conduct complaints a publicity opportunity for members who have campaigned on an anti-council rhetoric. It can also facilitate weaponisation of the code against individual members by other individuals or groups, whereby complaints about minor breaches are leveraged to deliberately disadvantage a member for political benefit. Although most councils do their best to avoid public comment on active conduct investigations, the same is not always true of individual councillors. The Commission suggests that this is an area where codes should set out more explicit confidentiality requirements that fulfil the principles of natural justice for all parties to a complaint, as part of a standardised complaints process.
76. Given that the public does have an interest in the accountability of members however, it is important that the result of an investigation is made public except where there is good reason not to. Although some have argued that members are held accountable

every three years at election, the Commission suggests the public has a right to greater transparency from their elected representatives.

77. To this end, codes should specifically provide for the proactive release of investigation outcomes to the public in a timely manner and consistent fashion, in line with the requirements of LGOIMA. The Commission suggests this requires assistance and guidance from the Privacy Commissioner and the Ombudsman to inform guidelines that are robust and well-canvassed across sector stakeholders.

Penalties and democratic principles / Ngā hāmene me ngā mātāpono manapori

78. Some frustration emerged in discussions about penalties for breaches of the code. In the experience of many councils, penalties for proven breaches are inconsistent, difficult to enforce, and do not support behaviour change.
79. There is a desire to strike a balance between penalties that address poor governance behaviour and preserving democratic participation, particularly if penalties are legislated or made binding. In this regard, there is a sense that penalties need to balance the general principle of freedom of expression guaranteed under New Zealand law. For clarity, it would be useful for a standardised code to include a brief outline of how freedom of expression as guaranteed by the New Zealand Bill of Rights Act 1990 applies in Aotearoa,²¹ including the limits placed on this by other statutes such as the incitement provisions of the Human Rights Act 1993.
80. There is general consensus, and the Commission agrees, that any penalty should be relative to the specific breach in both nature and scale. At the minor end of the scale, the sector has suggested verbal or written warnings and/or a requirement for verbal or written apologies. Most thought that more serious breaches warrant temporary or permanent demotion, e.g. loss of position as Chair or Deputy Chair of council committee, or suspension from committees with an associated reduction in pay. This seems a reasonable and relative scale of penalties. The Commission suggests that it should be developed further in consultation with stakeholders and applied consistently across the sector in a standardised code to add a much-needed element of certainty to the outcomes of code of conduct processes. To ensure good practice, the scale of penalties should be periodically reviewed.
81. The question of financial penalties in the form of fines or cost recovery was also raised during engagement. There are several issues with this type of penalty. Members' pay varies hugely across the sector. Fines or orders to pay investigation costs may be a deterrent but could also be unduly harsh given the limits on some members' ability to pay. Financial penalties may also act as leverage in the undesirable situation of members targeting each other for political rather than conduct reasons. Financial penalties can also be difficult to enforce, creating additional work for a council and

²¹ Section 14, New Zealand Bill of Rights Act 1990

doing little to improve governance behaviour. The Commission does not consider financial penalties to be a workable option.

82. Bearing in mind the intent to promote good governance practice and the principles of natural justice, the Commission considers any penalties should also include a mechanism to improve future behaviour. This aligns with the sector's suggestions that members in breach be required to undertake personal or professional development related to the behaviour change required, e.g. governance skills, social media training, or an anger management course. A restorative justice process guided by a trained facilitator is also an appropriate option. Whatever the method, the desired outcome is that all parties emerge from the process with their mana intact.
83. It is perhaps a measure of the frustration around conduct that many in the sector suggested the most grievous or repeated breaches should be met with suspension or removal of a member from office.
84. While the LGA does provide for removal or suspension of a member, the criteria are very specific and not related to governance misconduct.²² Further, many feel this conflicts with the principle that members are elected democratically and therefore should only be removed by the same mechanism. Instead it is hoped that improving governance behaviour by addressing governance skills and conduct issues early will significantly improve behaviour and reduce the number and seriousness of breaches.
85. The Commission acknowledges one possible avenue is exploring the appropriateness of legislative change to include repeated misconduct as grounds for removal or suspension of a member, if their ongoing conduct is such that they are no longer able to democratically represent their electors. Such a step carries significant risk and must be approached with great caution. Members are answerable to their community and it is crucial that any process to remove a member preserves this line of accountability as far as possible.
86. The Commission suggests that this avenue be investigated further. Given the complexity and risk of such a mechanism, the investigation would need to consider specific criteria for what constitutes an inability to democratically represent electors, who would have the power to remove a member, and by what process. A core aim of the investigation must be to identify the inherent risks to democratic principles and governance and how to safeguard against them. To support robustness and transparency the investigation should be done in consultation with the sector and stakeholders.

Role of the Local Government Commission / Te Mahi a te Mana Kāwanatanga ā-Rohe

87. When asked about independent investigations, many of the sector's comments identified the Commission as potentially replacing the chief executive's role in a code

²² Schedule 7, Part 1 LGA

of conduct process. However, given that the Commission has a statutory role in promoting good governance practice across the sector, in general it should remain arms-length from individual conduct complaints and investigations.

88. That said, the Commission is an independent body with both a statutory role in promoting good governance in the sector, and an understanding of how codes apply in the daily life of councils. This means it is well placed to undertake a number of supporting functions for council codes of conduct. If a standardised code of conduct investigation process is legislated, whether by amendment or regulation, the Commission could appropriately identify and administer a list of suitable mediators and investigators to act as independent parties in code of conduct issues. The Commission's statutory status make it the appropriate body to administer such a list if independent processes are formalised. The Commission's role could include connecting individuals from the list with specific complaints to manage availability and ensure councils' needs are met in a timely way.
89. The Commission may also have a role in the provision of an independent quality assurance for codes. One of the most frequently requested roles for the Commission was advice regarding codes and breaches. In terms of the consistency of codes and providing a level of confidence for councils, a requirement for an independent assessment of codes that deviate from a standardised model would be useful. It is important to note that the Commission may hold this role but even if it assesses a code, any individual complaint and investigation process remains subject to investigations by the Ombudsman and the Auditor General.
90. While it may be inappropriate for the Commission to have a role in conduct investigations at the level of an individual complaint, its independence and mandate to promote good governance gives it a unique position in the sector. If after further exploration, the sector supports a stepped process leading to the possible removal of a member by the Minister as discussed above, it may be appropriate for the Commission to act as the independent body in that process.

Enforcement / Te uruhi

91. Penalties under codes of conduct are usually non-binding. If a member found in breach refuses to action a penalty, such as an apology, there is little a council can do. It is not uncommon for councillors to be elected on an anti-council rhetoric which can be bolstered by media coverage of code of conduct complaints. In that situation, complaints can become a "badge of honour" for some and poor behaviour is reinforced. It can be an expensive process (especially for smaller councils) to investigate and resolve a complaint when penalties rarely support the desired behaviour change. al damage is also an issue for some councils particularly when individual members repeatedly breach the code, and this becomes the focus of any media coverage relating to the council.

92. The difficulty of enforcing penalties prompted the survey question about whether legislation should include penalties for breaches of the code. The Commission also canvassed this in face to face discussions. 68% of survey respondents supported legislated penalties to help ensure greater adherence to the code, and to provide a deterrent. Of the 32% who did not support legislated penalties, many felt penalties should be determined at the local level, or that it would further open the code up to weaponisation. Others felt it may disincentivise potential candidates or make members afraid to speak up.
93. The Commission suggests the sector's reasons for wanting penalties included in legislation illustrate a strong desire to strengthen the code. Certainly the Commission agrees that standardised penalties are necessary but suggests these should be incorporated into a standardised code of conduct template rather than legislation. This would allow for periodic review of standardised penalties, and flexibility in recommending a penalty appropriate to the misconduct and the behaviour change required. It should therefore be for sector stakeholders to work collaboratively to develop and periodically review a standardised scale of penalties available to councils.
94. In terms of legislative change, it would be of greater benefit to set out a standardised complaints and investigation process in legislation as discussed earlier in this report. When the requirement for codes was first set in legislation, it was considered that specifying penalties could be problematic in terms of members' accountability to the electorate and members deciding penalties for other members²³. However the LGA includes a statutory provision for members to comply with the code²⁴. It would be consistent with this requirement for the legislation to also require members to comply with penalties under the code. This may help address the difficulties councils currently have with compliance.

Materiality / Ngā tikanga tātari

95. During engagement, the Commission repeatedly heard that a lack of distinction between minor and serious breaches creates the potential for codes to be weaponised. The potential for complaints about minor breaches to be leveraged for political benefit is exacerbated by the fact that *materiality* is a key aspect of determining the scale of a breach, yet it is not clearly defined anywhere. This opens the way for abuse and weaponisation of codes against individual members.
96. The risk of weaponization is of particular concern because codes of conduct do not usually include the ability to appeal a decision on a complaint. The only avenues for review are a complaint to the Ombudsman or a judicial review, which are usually confined to matters of procedure. The risks of weaponization becomes even more pronounced if penalties are binding. However, another key concern for the sector is

²³ *Good practice guide: Local Authority codes of conduct*. Office of the Auditor-General. June 2006.

<https://oag.parliament.nz/2006/conduct/docs/conduct.pdf>

²⁴ Clause 15, Schedule 7, Local Government Act 2002

the reputational damage and drain on resources that lengthy code of conduct processes entail. Adding an appeal process to codes of conduct risks exacerbating this by creating ongoing opportunities for re-litigation of the same issue.

97. Instead of an appeal mechanism, the Commission suggests a more specific definition of materiality together with independent investigations and standardised penalties should significantly reduce the potential for weaponisation of the code. Such a definition should be developed in consultation with sector stakeholders, should address materiality in the context of local government codes of conduct and include not just examples but key features of material breaches.
98. The ability to complain to the Ombudsman or seek a judicial review of a code of conduct decision on procedural grounds remains available to all parties to a complaint.

Content gaps / Ngā āputa ihirangi

99. Our initial survey of council chief executives sought information on use of the LGNZ code of conduct template. Sixty six of 78 local authorities use part or all of the LGNZ template. Most (50) have made some edits and described these in the survey. These findings together with more in depth face to face discussions, have highlighted areas of the code that need updating or expanding.

Health, safety and wellbeing / Hauora, haumaru me te oranga

100. The sector is concerned about increasingly poor behaviour towards council staff and increasing pressure on them by members. Indeed, the member-staff relationship is a high-risk area for councils given their obligations to be a good employer. Specific statutory requirements for local authorities to be good employers are set out in the LGA. Local authorities are also subject to the requirements of the Employment Relations Act 2000 and the Health and Safety at Work Act 2015, both in the employment of a chief executive and in the chief executive's employment of staff.
101. The power imbalance and the requirement for staff to remain politically neutral in their roles means they are often unable to defend themselves, or to respond to public commentary members make about them. The forums also repeatedly highlighted the difficult position of a chief executive who must ensure the wellbeing of their staff as a good employer while maintaining an effective relationship with the governors.
102. Again, the Commission notes the sector has made considerable efforts to guide the behaviour of members towards staff. LGNZ's template code provides a good starting point for councils and highlights the legal risks to council of poor behaviour by members towards staff. In particular the template code provides for the chief executive to establish protocols for member-staff interactions. The Commission considers there is a need to bolster good practice guidelines in this area including specific features of appropriate and inappropriate behaviour, for inclusion in a

standardised code. This is also an important element of governance education for both staff and members.

Social media use / Te whakamahi pae pāhopori

103. A significant area of concern is the lack of adequate guidance for members' behaviour on social media. Freedom of expression is an important pillar of democratic debate. It is also important to highlight that members are subject to the Harmful Digital Communications Act 2015, and to statutory restrictions on what information they can share under legislation, such as LGOIMA and the Privacy Act 2020. Further, members are public figures and as such, need to recognise that the public will not necessarily distinguish between their governance and personal communications.
104. While the LGNZ template provides sound guidance on social media use, the Commission suggests there is a need to establish more detailed good practice guidelines for members specific to social media. These should make it clear that members' behaviour online is governed by the code to the same extent as it is in offline interactions. Guidelines should also provide specific examples of ways members can make the distinction between their governance and personal capacities clear for their audience. Again, this guidance should form part of governance education for members and staff and ideally, be incorporated in a standardised code or in each council's media policy appended to the code.

Greater clarity around pecuniary and non-pecuniary interests / He māramatanga kehokeho ake o ngā take moni, moni-kore rānei

105. There are two main issues with conduct around interests. The first issue is that of member understanding. Most codes cover pecuniary interests and the associated legal requirements in some detail. However, there is typically much less clarity around real or perceived non-pecuniary interests. This may be because more general interests are a nuanced and often subjective area. And while it is for the member themselves to identify and declare their own interests, it can be difficult for less experienced members to understand where a non-pecuniary interest comes into play. The Commission suggests that codes need greater explanatory detail and examples of non-pecuniary interests.
106. Secondly, even when members are perceived or known to have a financial interest, councils cannot compel them to withdraw from participating. This is because under LAMIA only the member themselves can identify their interests. While it is an offence for members to participate in decisions where they have a financial interest, the same does not apply for non-pecuniary interests. As the OAG has pointed out, this can mean members put the council's decision-making at risk of judicial review by assuming they can safely participate even when they have a non-pecuniary (or less often, a

pecuniary) interest.²⁵ The concept of interests is another important element of governance education.

107. While LAMIA rules out the possibility of compelling members to withdraw due to an interest, the Commission suggests more can be done to support members regarding their interests and to improve transparency. A possible mechanism is to allow for a specific process where a conduct complaint relates to an alleged conflict of interest. The process could require members to seek advice from a politically neutral governance specialist identified by staff, which is then shared with the member and the council. While this does not compel a member to withdraw, it offers a level of confidence and transparency around their decision to participate or withdraw. Auckland Council's code provides for this and may be a useful starting point for incorporating into a standardised code.

Community Boards / Ngā Poari ā-Hapori

108. Although the LGA does not require community boards to adopt a code, 34 councils with community boards have had, or intend to have, those community boards adopt their code of conduct. Community boards operate in the space between councils and the community, with some having delegated powers alongside their essential purpose of representing quite specific communities within a district.
109. Although their activities can be less formal than council or committees, they are nonetheless made up of members. The Commission's experience in this area suggests that community board members and their actions would benefit from an understanding of good governance practice and the transparency that a code supports. Accordingly, there is merit in setting a legislative requirement for community boards to adopt their governing body's code of conduct. To support good governance practice it follows that community board members should also have access to the same governance education for new members discussed earlier in this report.

Conclusion and recommendations / Kupu whakakapi me ngā tūtohunga

110. The sector wants to strengthen the presence and effect of codes, but for legislative requirements to support good governance behaviour they must be accompanied by other measures that support good practice.

²⁵ *Local government: Results of the 2016/17 audits*. Office of the Auditor General.
<https://oag.parliament.nz/2018/local-govt/part6.htm>

111. Earlier, this report acknowledged the work of the FFLG review panel. The Commission appreciates that the Minister may wish to link the following recommendations with the work programme for the FFLG review.
112. The individual changes discussed in this report are unlikely to work in isolation. The tools for supporting good governance behaviour act as a suite and must be considered holistically.
113. Accordingly, and noting that this may align with the Future for Local Government panel's work, the Commission recommends that the Minister of Local Government:
 - i. tasks the Local Government Commission to establish and lead a working group to identify a sector specific education framework, giving consideration to:
 - a. membership that includes diverse representation from the sector and stakeholders, either as members or independent observers, including the OAG, the Ombudsman, Taituarā, LGNZ and its Te Maruata committee
 - b. undertaking a needs analysis of the education and professional development of diverse election candidates, first term members, experienced members, mayors and chairs, and the staff who support them
 - c. developing an education programme that covers pre-candidacy, candidacy, induction and ongoing professional development for members, mayors and chairs
 - d. developing an education programme for staff who support members through the various stages of their governance development
 - e. accessible and cost-effective education delivery methods
 - f. options for resourcing the development and delivery of governance education
 - ii. tasks the Local Government Commission to form a working group of sector stakeholders to produce a standardised code to be referenced in legislation which includes sections as follows:
 - a. explicit confidentiality requirements for all parties to a complaint as part of a standardised complaints process
 - b. a process for the proactive release of investigation outcomes to the public informed by focussed discussions with the Privacy Commissioner and the Ombudsman
 - c. an explanation of how freedom of expression as guaranteed by the New Zealand Bill of Rights Act 1990 applies in Aotearoa, including the limits placed on this by other statutes such as the incitement provisions of the Human Rights Act 1993

- d. a reasonable and relative scale of penalties to be applied consistently across the sector, including mechanisms to improve future behaviour such as personal or professional development, the option of a restorative justice process including a periodic review of such penalties and mechanisms
 - e. a detailed definition of materiality in the context of local government codes of conduct, including both examples and key features of material breaches
 - f. further develop good practice guidelines for members' interactions with staff, including specific features of appropriate and inappropriate behaviour
 - g. more detailed good practice guidelines for members specific to social media
 - h. a specific process where a conduct complaint relates to an alleged conflict of interest requiring members to seek advice from a politically neutral governance specialist identified by staff, which is then shared with the member and the council
- iii. includes in legislation a requirement for codes of conduct to form part of the statutory briefing at inaugural council meetings, and member inductions where provided
 - iv. includes in legislation a requirement for councils to re-adopt the code near the beginning of a triennium but only after a suitable exercise for agreeing shared values and principles has been completed, and considers aligning the timing of this with the requirement set out in the Local Government Act 2002 for a governance statement, and tasks the Local Government Commission with providing an assurance assessment of individual councils' codes
 - v. includes in legislation, either by amendment or regulation, standardised processes for making, triaging and investigating code of conduct complaints, including
 - a. explicit confidentiality requirement for all parties to a complaint
 - b. appropriate levels of transparency on conclusion of an investigation, informed by stakeholder engagement
 - c. whether the investigation process included in legislation should involve independent parties or a regionalised pool of members
 - vi. if the investigation process included in legislation involves independent parties:
 - a. requires councils to set aside a specific budget each triennium to cover any complaints dealt with by an independent person or panel on an as-needed basis

- b. mandates the Local Government Commission to identify and administer a list of suitable mediators and investigators to act as independent parties in code of conduct issues
- vii. tasks the Local Government Commission to explore with the sector the appropriateness of legislative change to include repeated misconduct as grounds for removal or suspension of a member where the member is no longer able to democratically represent their electors, noting that such an investigation would consider:
 - a. specific criteria for what constitutes the inability of a member to democratically represent their electors
 - b. the risks to democratic principles and good governance inherent in the removal of a member and how to mitigate them
 - c. who would have the power to remove a member
 - d. possible processes for the removal of a member
- viii. includes in legislation a requirement that members comply with penalties for breaches of their council's code of conduct
- ix. includes in legislation a requirement for community boards to adopt their parent body's code of conduct

From: [Deanna Lysaght](#)
To: [Heather Mabin](#)
Subject: Clarification of concerns raised regarding better off funding agreement
Date: Friday, 20 May 2022 14:49:55
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)

This email is from an external sender. Please be careful with any links or attachments.

45 Pipitea Street
Wellington
Phone 0800 25 78 87
dia.govt.nz

20 May 2022

Heather Mabin
Chief Executive
West Coast Regional Council

Tēnā koe Heather,

We are writing to respond to questions and feedback we have received from councils since the recent announcement of the Government's "better off" funding package as part of the Three Waters Reforms.

Better off funding

The better off funding package will enable councils to invest in their communities and help them prepare for the future. This includes opportunities to accelerate projects that build resilience to climate change and other natural hazards, deliver infrastructure for housing development and support community wellbeing.

The funding can also support projects already within council long-term plans, so they can be brought-forward, scaled-up and enhanced.

Freedom to express views on the reforms

We acknowledge the importance of councils being able to independently express their views of the reform programme. The Funding Agreement for the better off package does not preclude councils from doing this ^[1].

Additionally, we want to encourage councils and the public to make submissions on the Water Services Entities Bill when it goes to Select Committee in the middle of this year.

Workloads

Councils have talked to us about resources available and the demands on council staff to

participate in the reform processes. We understand the importance of councils being able to manage these competing demands and maintain business-as-usual and are happy to discuss any issues you may be having in this regard.

The underlying principle of the Agreement is co-operation for the benefit of communities across New Zealand. This includes engaging with the National Transition Unit (NTU) as we collate specific information that is essential to the transition to the new Water Services Entities. We are working to ensure our requests are simple and straightforward.

We are aware that a key issue, which several councils have asked for further clarity about, is financial support for transition activities. We will be in a position to provide information about this in the next few weeks.

Accessing the better off funding

Councils can apply for the first \$500 million of Crown funding from the Three Waters reform better off support package now, by submitting an online Funding Proposal. The remaining \$1.5 billion is available from 1 July 2024.

If councils choose not to apply for tranche one funding, or do not take up the full amount available, then these funds will remain available to councils in tranche two, from 1 July 2024.

You can find out more about how to apply [here](#). The process is designed to be simple and straightforward. Crown Infrastructure Partner relationship managers are available to answer any questions you may have about access to the funding. We will also update [this webpage](#) with answers to frequently asked questions as we receive them from councils.

We look forward to the opportunities ahead to engage with you directly, but if you want to get in touch or have any feedback in the meantime, please contact us at threewaters@dia.govt.nz.

Ngā mihi,



Heather Shotter
**Executive Director, Three Waters
National Transition Unit**

Hamiora Bowkett
**Executive Director, Three Waters
Reform**

Cc: Allan Birchfield

^[1] For the avoidance of doubt publicly criticising or expressions opinions on reform would not represent a breach of the funding agreement.

Report to: Council	Meeting Date: 14 June 2022
Title of Item: LGNZ Annual Membership	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose is to table to the adjourned item from the 10 May 2022 meeting regarding Council's annual membership of New Zealand Local Government Association (Inc) (known as LGNZ).

Report Summary

The annual membership fee for LGNZ is due. By tabling this invoice to Council, this allows an opportunity to discuss the value of being part of this group.

Recommendations

It is recommended that Council resolve to:

Approve the payment of the membership fee, \$34,313.82 (GST excl.).

Background

WCRC has been a member of LGNZ since April 2013.

Current situation

The annual subscription for this membership is more than \$1 per head for each person living on the West Coast.

Considerations

Implications/Risks

Attendance at LGNZ events would be as non-members, however WCRC Councillors and staff would not be excluded from events.

Significance and Engagement Policy Assessment

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

Financial implications

Current budget – budgeted cost

Future implications – TBC

Legal implications

There are no legal implications arising from this decision.

Attachments

Attachment 1: New Zealand Local Government Association (Inc) Invoice 1623

Attachment 2: Email from President Stuart Crosby, *Amplifying local voice – From your President*, dated 8/04/2022

TAX INVOICE

West Coast Regional Council
PO Box 66
Greymouth
Greymouth 7840
NEW ZEALAND

Invoice Date
10 Apr 2022

Invoice Number
INV-1623

GST Number
49455479

New Zealand Local
Government Association Inc
(trading as Local Government
New Zealand)
P O Box 1214
Wellington 6140

Description	Quantity	Unit Price	Amount NZD
Annual LGNZ Membership Subscription	1.00	34,313.82	34,313.82
For the year 01 April 2022 to 31 March 2023			
Subtotal			34,313.82
TOTAL GST 15%			5,147.07
TOTAL NZD			39,460.89

Due Date: 20 May 2022

Payment can be made directly to the following account:
New Zealand Local Government Association Inc
01-0527-0008244-00
ANZ North End, Wellington
SWIFT Code: ANZBNZ22

Any enquiries to:
office@lgnz.co.nz or 04 9241200

✂

PAYMENT ADVICE

To: New Zealand Local Government Association Inc
(trading as Local Government New Zealand)
P O Box 1214
Wellington 6140

Customer	West Coast Regional Council
Invoice Number	INV-1623
Amount Due	39,460.89
Due Date	20 May 2022
Amount Enclosed	

Enter the amount you are paying above

Attachment 2

From: [President](#)
Cc: [Susan Freeman-Greene](#)
Subject: Amplifying local voice – From your President
Date: Friday, 8 April 2022 10:09:28 AM

This email is from an external sender. Please be careful with any links or attachments.

Kia ora colleagues

LGNZ's policy and advocacy work is the heartbeat of everything we do for you. As well as developing evidence-based positions – in consultation with you and underpinned by on-the-ground experience – we reflect your views back to the government of the day. We also help you digest government policy and what it means for you and your community.

Today I want to give you an overview of what we're doing to amplify local voice across the current wave of reform. Because we recognise that amplifying your unique communities' voices is one of local government's most critical roles.

Reflecting on the Central Government/Local Government Forum

But first a quick update on National Council's regular gathering with the Prime Minister and Cabinet Ministers, which happened last Friday afternoon. While our discussion focused on the combined weight of reform facing the sector, the 1.5-hour session was wide-ranging. Key points from National Council included:

- The breadth and weight of change is having a significant impact on local government. We need to see how all of the individual reform programmes will come together as a cohesive whole. We discussed some practical ways forward to achieve this and better support councils.
- Local government acknowledges the need for change in how three waters services are delivered – and National Council is committed to the reform's objectives around delivering better water services to New Zealanders. But there continues to be discontent around the model, which needs to change in response to LGNZ's and our sector's concerns. We look forward to the Minister announcing decisions on the Governance Working Group recommendations – and we're pleased to see both the Rural Water Supplies and Planning Technical Working Groups progressing their work. Better communication to the public about the actual facts of the reform – and why it's needed – is critical.
- We are united in our Treaty obligations and how they are they are reflected in a partnership approach to the reforms – and the need to explain what that really means, including sharing lived examples from our sector.
- An active and inclusive local democracy is a critical underpinning for any Future for Local Government reforms. We want this review to look closely at how local and central government can work together in a more joined up way, particularly at the local level.

Making sure resource management reform reflects local voice

Major reforms to the resource management system are currently underway. We're worried that local voice will be eroded with the proposed shift to a regional planning model, and we've repeatedly raised that as a concern.

To help ensure our voice is heard loud and clear, we brokered the Resource Management Reform Steering Group, which has worked with the sector to develop a paper outlining an alternative way forward. Now that group is working with Ministry for the Environment officials to identify exactly how local voice can be better fed into the new regional planning system.

LGNZ fundamentally believes placemaking should sit with councils, which means councils should retain significant responsibility for the planning decisions that relate to their city, district or region. We will continue to advocate for this position. We also appreciate that many councillors feel overwhelmed by the technical nature of the RM reform conversation – and will be running some tailored info sessions to help you get up to speed.

A vision for the future

Thanks for all your input via our recent workshops – it was fabulous to talk so positively about the future. You told us councils want to work with their communities to create a vision for what that community should look and feel like. And that central government could work more closely with councils to support that vision. Here's [a summary of what we heard at the workshops](#).

Our policy work on FFLG is strongly underpinned by the concept of localism, which is all about giving people more influence over the decisions that affect their community and their daily lives. Localism means collaborative partnerships that bring together the capacity and resources of the centre with the place-based knowledge and connections of communities – to address deep-seated local issues.

We'll continue to engage with sector as our FFLG policy work progresses – and we're engaging with the independent Panel too. That's because we want to see a place-based approach to decision making and public services – rather than a one-size-fits-all approach. Flexibility is critical.

Making submissions count

There's a huge range of other issues on our policy agenda. We use your input to create submissions on anything from carbon forestry, recycling and climate change (emissions reductions and adaptation), to emergency management, transport and health. These submissions are designed to help central government understand local issues and the implications of policy decisions at the local level.

When central government wants the local government perspective, they come to us first. We help connect central government agencies with councils – so that officials hear directly from you about the impact their work will have at the local level. It's critical that LGNZ and central government hear a range of views from across the motu.

A lot of our work is flagging to central government agencies the impact of policy decisions on councils. Every council is unique and understanding that wide range of impacts is critical. I strongly encourage you to keep an eye out for opportunities to feed into our submissions. Hearing from you means we can more strongly make the case for what communities need to thrive. Whether it's via Sector or Zone meetings, workshops and zooms, individual conversations and emails, or written submissions, the range of views we gather informs our policy work.

Thank you to everyone who's shared their thoughts with me on these emails. Just a reminder to take our survey of elected members, which will help better tailor the support we provide. [Take the survey](#)

Next week I'll touch on our campaign to get more people voting this year, our diversity and inclusion work, and planning for induction post October.

Ngā mihi

Stuart

president@lgnz.co.nz

Report to: Council	Meeting Date: 14 June 2022
Title of Item: Te Tai o Poutini Plan Funding	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to seek Council's approval to borrow \$1M from LGFA for funding the Te Tai o Poutini Plan (TTPP) ongoing costs.

Report Summary

Through an Order in Council in 2019, Council became responsible for the compilation of a combined district plan that would replace the three district council's District Plans. With this responsibility came the right to levy rates on the region to fund the process.

This paper seeks approval from Council to borrow \$1M from LGFA for this purpose which in turn will be funded by the accumulation of surpluses during the nine financial years from 2023 to 2031.

Recommendations

It is recommended that Council resolve to:

1. Approve Staff to activate the process to borrow \$1,000,000 from LGFA.

Issues and Discussion

Background

An Order in Council issued in 2019 transferred the obligation for a combined district plan to WCRC, see clause 6 below.

Local Government Reorganisation Scheme (West Coast Region) Order 2019

6. *Transfer of Statutory Obligations By clause 6 of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018:*

a. The obligations of each of Buller, Grey and Westland district councils under section 73 and Schedule 1 of the RMA for there to be a district plan at all times for each district and for the preparation, notification, adoption, NEW ZEALAND GAZETTE 1 periodic amendment and review of the district plan, are transferred to the West Coast Regional Council; and

b. The transferred obligations under subclause 6(a) for the preparation, notification, adoption, periodic amendment and review of new district plans will be met by the preparation, notification, adoption, periodic amendment and review of a combined district plan for the Buller, Grey and Westland districts under section 80 of the RMA;

This included the establishment of the Te Tai o Poutini Plan (TTPP) Committee, see clause 8 below:

8. *Establishment of Tai Poutini Plan Committee*

(1) A joint committee is created between the four West Coast councils and local iwi known as the Tai Poutini Plan Committee.

(2) The Tai Poutini Plan Committee is a permanent joint committee and is not subject to powers of discharge or reconstitution by the four West Coast councils under the Act.

(3) The West Coast Regional Council must delegate to the Tai Poutini Plan Committee its combined district plan obligations under clause 6(1) of the Local Government Reorganisation (West Coast Region) Final Proposal Order 2018.

(4) The purpose and terms of reference for the Tai Poutini Plan Committee are to: a. prepare and notify a combined district plan; b. hear and consider (including thorough subcommittees as necessary and appropriate) all submissions received on the draft combined district plan; c. adopt a final combined district plan; d. monitor implementation of the combined district plan and the need for any amendments; and e. undertake amendments and reviews of the combined district plan, or ensure these are undertaken, as required.

With the transfer of this responsibility, WCRC has the right to fund the costs of the TTPP through a rate, see clause 13 below:

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

(1) Subject to clause 13(2), the costs for there to be a combined district plan and for preparing, notifying, adopting, periodically amending and reviewing the combined district plan will be funded by the West Coast Regional Council by a rate set in relation to all rateable land within the West Coast Region.

Current situation

With time, WCRC has increasingly been carrying the cost of the TTPP each financial year as the costs of the Committee accumulate from year to year.

It is projected that by 30 June 2022, the deficit amount will be approximately \$1,000,000, see table below.

Revenue	
To 1 July 2019	\$0
1 July 2019 - 30 June 2020	\$600,000
1 July 2020 – 30 June 2021	\$527,239
1 July 2021 – 30 June 2022	\$500,000
Total Revenue	\$1,627,239
Expenses	
To 1 July 2019	\$172,492
1 July 2019 - 30 June 2020	\$557,917
1 July 2020 – 30 June 2021	\$740,580
1 July 2021 – 30 June 2022 Forecast	\$1,100,000 - \$1,243,105
Total Expenses	\$2,570,989 - \$2,714,094
Variance (Deficit)	\$943,750 - \$1,086,855

The need to borrow to fund the TTPP was considered during the Long-term Plan 2021-31 process (refer Attachment 1).

To address the impact on Council's cash flow, Management propose that Council borrow \$1,000,000 from LGFA for a term of 9 years @ 2.94% interest.

Considerations

Implications/Risks

The financial risk for Council if an amount is not borrowed, will be an increased need to utilise overdraft facilities between rates strikes to fund TTPP costs.

Significance and Engagement Policy Assessment

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

Tangata whenua views

Not applicable.

Financial implications

Current budget - Nil

Future implications – revitalised cashflow that offsets the deficit to date and a funding source for borrowings.

Attachments

Attachment 1: Long Term Plan 2021/31 - 10 year budget TTPP

Attachment 1 - TTPP 10 year budget included in the LTP

TTPP Fast Track Budget	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	29/31
Income		500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000	500,000
Fixed costs											
WCRC overheads		150,000	150,000	150,000	150,000	50,000	50,000	50,000	50,000	50,000	50,000
Employee cost		250,000	250,000	250,000	250,000	50,000	50,000	50,000	50,000	50,000	100,000
Consultant Planner		100,000	50,000	50,000	20,000	0	0	0	0	0	100,000
Governance		65,000	16,000	16,000	8,000	8,000	8,000	8,000	8,000	8,000	8,000
Poutini Ngai Tahu		50,000	50,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
TTPP website		5,000	10,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Isovist e-plan platform		10,833	10,833	10,833	8,000	8,000	8,000	8,000	8,000	8,000	8,000
		630,833	536,833	498,833	458,000	138,000	138,000	138,000	138,000	138,000	288,000
Variable costs											
Research		590,000	0	0	0	0	0	0	0	0	0
Engagement Travel & accom		15,000	5,000	3,000	500	500	500	500	500	500	500
Workshops & events		3,000	3,000	0	0	0	0	0	0	0	3,000
Design & printing		5,000	5,000	0	0	5,000	0	0	0	0	3,000
Media costs		25,000	15,000	5,000	2,500	5,000	0	0	0	0	0
Mail outs		20,000	20,000	0	0	0	0	0	0	0	0
Legal		50,000	0	50,000	0	0	0	0	0	0	0
Hearings		0	200,000	0	0	0	0	0	0	0	0
Mediation		0	0	50,000	50,000	0	0	0	0	0	0
Environment Court		0	0	0	0	100,000	0	0	0	0	0
		708,000	248,000	108,000	53,000	110,500	500	500	500	500	6,500
Funding costs											
Interest		55,491	50,423	45,254	75,883	65,676	55,264	44,645	33,813	22,764	11,495
Total costs		1,394,324	835,256	652,087	586,883	314,176	193,764	183,145	172,313	161,264	305,995
Net surplus / (deficit)		(213,000)	(894,324)	(335,256)	(152,087)	(86,883)	185,824	306,236	316,855	327,687	194,005
		1,000,000									
Accumulated surplus / (deficit)		(213,000)	(107,324)	(442,580)	(594,666)	(681,549)	(495,725)	(189,489)	127,366	455,053	793,789

Report to: Council	Meeting Date: 14 June 2022
Title of Item: Engineering Cost Recovery Charges for 2023	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to seek clarification from Council on the Engineering Cost Recovery Charges for 2023 adopted in the Long-term Plan 2021-2031 (the LTP).

Report Summary

By adopting the LTP Council determined the budget for ten years, including the increments from year to year. The Annual Plan process for 2023 requires Staff to review the adopted budget for the 2023 financial year and clarify whether there are any significant changes required.

This paper seeks clarification on Engineering Cost Recovery Charges for the 2023 financial year, known as Year 2 of the LTP, for inclusion in the Annual Plan 2023.

Recommendations

It is recommended that Council resolve to:

1. Approve the Engineering Cost Recovery Charges as adopted in the Long-term Plan 2021-2031 to be applied to the Rating Districts' rates for the 2023 financial year.

Issues and Discussion

Background

Embodied in the adopted LTP were the following percentage increments to be applied to operating expenditures that were not set by contracts. See extract from pg. 94 below:

Cost changes.	Inflation will increase costs to Council and there will be insufficient revenue.	Low ▼	Cost changes have been included in the financial projections. Cost changes are as per BERL estimates. Revenue estimates have also been adjusted using the same BERL index. Interest and depreciation expenses in this LTP have not had cost change inflation applied. Investment income in this LTP has not had cost change inflation applied. Index adopted																						
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During the compilation of the draft Annual Plan 2023, Staff established that the increment had also been applied to the expected Engineering Cost Recovery Charges for Year 2 of the LTP that form the Rates to be charged to the Rating Districts.

Council presented two options to the Community during the LTP consultation process, then determined to that a modified Option Two Schedule for the recovery of Engineering costs from the Rating Districts should be applied in 2022. See table below.

Rating District	Value of asset as at 30/06/21	Option 1	Option 2 (Modified)
		Fixed fees per Rating District	
Saltwater Creek / New River	\$0	\$500	\$250
Neil's Beach	\$0	\$500	\$250
Hokitika Seawall	\$4,302,788	\$35,000	\$35,000
Karamea	\$8,950,961	\$12,500	\$7,500
Rapahoe	\$0	\$500	\$250
Kowhitirangi	\$5,526,272	\$7,500	\$3,750
Coal Creek	\$3,267,129	\$7,500	\$3,750
Franz Josef	\$13,275,032	\$35,000	\$35,000
Greymouth Floodwall	\$15,438,938	\$35,000	\$35,000
Hokitika Southside	\$925,540	\$2,500	\$1,250
Inchbonnie	\$4,100,677	\$7,500	\$3,750
Kongahu	\$1,412,309	\$2,500	\$1,250
Matainui Creek	\$90,602	\$500	\$250
Mokihinui	\$2,098,312	\$2,500	\$1,250
Nelson Creek	\$4,016,763	\$7,500	\$3,750
Okuru	\$997,200	\$2,500	\$1,250
Punakaiki	\$4,160,618	\$20,000	\$15,000
Raft Creek	\$338,328	\$2,500	\$1,250
Redjacks	\$995,500	\$2,500	\$1,250
Taramakau	\$10,726,503	\$12,500	\$7,500
Vine Creek	\$2,647,692	\$7,500	\$3,750
Waitangitoana	\$3,796,510	\$7,500	\$3,750
Wanganui	\$18,808,551	\$20,000	\$15,000
Whataroa	\$923,075	\$2,500	\$1,250
Westport *	\$0	\$35,000	
Total	\$106,799,300	\$269,500	\$182,250
* Not applicable in the 2021-22 financial year			

Current situation

The Engineering Cost Recovery Charges for LTP Year 2 were increased by 2.3% on those charged in the 2022 financial year. Recent advice received by local authorities from the annual Strategic Pay review identified an average pay increase of 4.45% across the public sector.

Management now seeks clarification from Council as to whether the 2.3% increment to Engineering Cost Recovery Charges that was embedded in the LTP should be actioned.

In line with the Strategic Pay review, a 4.5% increase has also been included for Council's consideration, see Attachment 1.

Considerations

Implications/Risks

The main risk is financial and Council not meeting its budgeted recovery of costs from the Rating Districts.

Significance and Engagement Policy Assessment

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

Tangata whenua views

Not applicable

Financial implications

Current budget - NA

Future implications – potential to not meet budget in 2023

Attachments

Attachment 1: Table of Proposed Engineering Cost Recovery Charges for 2023

Rating District	2021 Rates	LTP Yr 2 (2.3% increase)	4.5% increase
	Fixed fees per Rating District		
Saltwater Creek / New River	\$250	\$256	\$261
Neil's Beach	\$250	\$256	\$261
Hokitika Seawall	\$35,000	\$35,805	\$36,575
Karamea	\$7,500	\$7,673	\$7,838
Rapahoe	\$250	\$256	\$261
Kowhitirangi	\$3,750	\$3,836	\$3,919
Coal Creek	\$3,750	\$3,836	\$3,919
Franz Josef	\$35,000	\$35,805	\$36,575
Greymouth Floodwall	\$35,000	\$35,805	\$36,575
Hokitika Southside	\$1,250	\$1,279	\$1,306
Inchbonnie	\$3,750	\$3,836	\$3,919
Kongahu	\$1,250	\$1,279	\$1,306
Matainui Creek	\$250	\$256	\$261
Mokihinui	\$1,250	\$1,279	\$1,306
Nelson Creek	\$3,750	\$3,836	\$3,919
Okuru	\$1,250	\$1,279	\$1,306
Punakaiki	\$15,000	\$15,345	\$15,675
Raft Creek	\$1,250	\$1,279	\$1,306
Redjacks	\$1,250	\$1,279	\$1,306
Taramakau	\$7,500	\$7,673	\$7,838
Vine Creek	\$3,750	\$3,836	\$3,919
Waitangitoana	\$3,750	\$3,836	\$3,919
Wanganui	\$15,000	\$15,345	\$15,675
Whataroa	\$1,250	\$1,279	\$1,306
Westport	\$35,000	\$35,000	\$35,000
Total	\$217,250	\$221,442	\$225,451

Report to: Council	Meeting Date: 14 June 2022
Title of Item: Insurance Cost Recovery Charges for 2023	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to seek clarification from Council on the Insurance Cost Recovery Charges for 2023 adopted in the Long-term Plan 2021-2031 (the LTP).

Report Summary

By adopting the LTP Council determined the budget for ten years, including the increments from year to year. The Annual Plan process for 2023 requires Staff to review the adopted budget for the 2023 financial year and clarify whether there are any significant changes required.

This paper seeks clarification on Insurance Cost Recovery Charges for the 2023 financial year, known as Yr 2 of the LTP, for inclusion in the Annual Plan 2023 that form part of the rates charged to the Rating Districts.

Recommendations

It is recommended that Council resolve to:

1. Approve the Insurance Cost Recovery Charges as adopted in the Long-term Plan 2021-2031 to be applied to the Rating Districts' Rates for the 2023 financial year.

Issues and Discussion

Background

Embodied in the adopted LTP -31 were the following percentage increments to be applied to operating expenditures that were not set by contracts. See extract from pg. 94 below:

Cost changes.	Inflation will increase costs to Council and there will be insufficient revenue.	Low ▼	Cost changes have been included in the financial projections. Cost changes are as per BERL estimates. Revenue estimates have also been adjusted using the same BERL index. Interest and depreciation expenses in this LTP have not had cost change inflation applied. Investment income in this LTP has not had cost change inflation applied. Index adopted																						
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During the compilation of the draft Annual Plan 2023, Staff established that the increment had also been applied to the expected Insurance Cost Recovery Charges for Year 2 of the LTP that form the Rates to be charged to the Rating Districts.

Council presented two options to the Community during the LTP consultation process, then determined that the Option Two Schedule for the recovery of Insurance costs from the Rating Districts should be applied in 2022. See table below.

Rating District	Value of asset as at 30/06/21	Option 1 100% Recovery	Option 2 70% Recovery
		Prorata premium per Rating District	
Canavans Knob	\$0	\$0	\$0
Hokitika Seawall	\$4,302,788	\$6,043	\$4,230
Karamea	\$8,950,961	\$12,572	\$8,800
Kowhitirangi	\$5,526,272	\$7,762	\$5,433
Coal Creek	\$3,267,129	\$4,589	\$3,212
Franz Josef	\$13,275,032	\$18,645	\$13,051
Greymouth Floodwall	\$15,438,938	\$21,684	\$15,179
Hokitika Southside	\$925,540	\$1,300	\$910
Inchbonnie	\$4,100,677	\$5,759	\$4,032
Kongahu	\$1,412,309	\$0	\$0
Matainui Creek	\$90,602	\$127	\$89
Mokihinui	\$2,098,312	\$2,947	\$2,063
Nelson Creek	\$4,016,763	\$5,642	\$3,949
Okuru	\$997,200	\$1,401	\$980
Punakaiki	\$4,160,618	\$5,844	\$4,091
Raft Creek	\$338,328	\$475	\$333
Redjacks	\$995,500	\$1,398	\$979
Taramakau	\$10,726,503	\$15,065	\$10,546
Vine Creek	\$2,647,692	\$3,719	\$2,603
Waitangitoana	\$3,796,510	\$5,332	\$3,733
Wanganui	\$18,808,551	\$26,417	\$18,492
Whataroa	\$923,075	\$1,296	\$908
Total	\$105,386,991	\$148,016	\$103,611

Current situation

The Insurance Cost Recovery Charges for LTP Year 2 were increased by 2.3% on those charged in the 2022 financial year.

Recent advice received from AON regarding the likely cost of Council's Insurance in 2023 will be an increase of 7.5% on November 2021. Renewal of Insurance is due in November 2022.

In relation to the Insurance premium applied to infrastructure, the values of these assets are revised each year and then reviewed by AON. AON then uses these values to determine the insurance premium. This increase in value and corresponding increase in the applicable premium that relate to the Rating Districts has not been factored in the blanket application of a 2.3% to calculate Year 2 of the LTP charges.

Management now seeks clarification from Council as to whether the 2.3% increment to Insurance Cost Recovery Charges that was embedded in the LTP should be actioned.

In line with AON's advice, a 7.5% increase has also been included for Council's consideration, see Attachment 1.

Considerations

Implications/Risks

The main risk is financial and Council not meeting its budgeted recovery of costs from the Rating Districts.

Significance and Engagement Policy Assessment

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

Tangata whenua views

Not applicable

Financial implications

Current budget - NA

Future implications – potential to not meet budget in 2023

Attachments

Attachment 1: Table of Proposed Insurance Cost Recovery Charges for 2023

Rating District	2021 Rates	LTP (2.3% increase)	7.5% increase
	Prorata premium per Rating District		
Canavans Knob	\$0	\$0	\$0
Hokitika Seawall	\$4,230	\$4,327	\$4,547
Karamea	\$8,800	\$9,002	\$9,460
Kowhitirangi	\$5,433	\$5,558	\$5,840
Coal Creek	\$3,212	\$3,286	\$3,453
Franz Josef	\$13,051	\$13,351	\$14,030
Greymouth Floodwall	\$15,179	\$15,528	\$16,317
Hokitika Southside	\$910	\$931	\$978
Inchbonnie	\$4,032	\$4,125	\$4,334
Kongahu *	\$0	\$0	\$0
Matainui Creek	\$89	\$91	\$96
Mokihinui	\$2,063	\$2,110	\$2,218
Nelson Creek	\$3,949	\$4,040	\$4,245
Okuru	\$980	\$1,003	\$1,054
Punakaiki	\$4,091	\$4,185	\$4,398
Raft Creek	\$333	\$341	\$358
Redjacks	\$979	\$1,002	\$1,052
Taramakau	\$10,546	\$10,789	\$11,337
Vine Creek	\$2,603	\$2,663	\$2,798
Waitangitoana	\$3,733	\$3,819	\$4,013
Wanganui	\$18,492	\$18,917	\$19,879
Whataroa	\$908	\$929	\$976
Total	\$103,611	\$105,996	\$111,384

* Kongahu drainage system is not insured, so attracts no insurance premiums

Report to: Council	Meeting Date: 14 June 2022
Title of Item: User Fees & Charges for 2023	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to seek clarification from Council on the User Fees & Charges for 2023 adopted in the Long-term Plan 2021-2031 (the LTP).

Report Summary

By adopting the LTP Council determined the budget for ten years, including the increments from year to year. The Annual Plan process for 2023 requires Staff to review the adopted budget for the 2023 financial year and clarify whether there are any significant changes required.

This paper seeks clarification on User Fees & Charges for the 2023 financial year, known as Yr 2 of the LTP, for inclusion in the Annual Plan 2023.

Recommendation

It is recommended that Council resolve to:

1. *Approve the User Fees & Charges as adopted in the Long-term Plan 2021-2031 to be applied to charges in the 2023 financial year.*

Issues and Discussion

Background

When the LTP was adopted, Council determined the budget for ten years, including the increments from year to year.

Embodied in the adopted LTP were the following percentage increments to be applied to operating expenditures that were not set by contracts. See extract from pg. 94 below:

Cost changes.	Inflation will increase costs to Council and there will be insufficient revenue.	Low ▼	Cost changes have been included in the financial projections. Cost changes are as per BERL estimates. Revenue estimates have also been adjusted using the same BERL index. Interest and depreciation expenses in this LTP have not had cost change inflation applied. Investment income in this LTP has not had cost change inflation applied. Index adopted																						
			<table border="1"> <thead> <tr> <th>Year</th> <th>Local Government Cost Index (published by BERL for SOLGM)</th> </tr> </thead> <tbody> <tr> <td>2021/22</td> <td>Baseline</td> </tr> <tr> <td>2022/23</td> <td>2.3%</td> </tr> <tr> <td>2023/24</td> <td>2.1%</td> </tr> <tr> <td>2024/25</td> <td>2.2%</td> </tr> <tr> <td>2025/26</td> <td>2.3%</td> </tr> <tr> <td>2026/27</td> <td>2.1%</td> </tr> <tr> <td>2027/28</td> <td>2.2%</td> </tr> <tr> <td>2028/29</td> <td>2.2%</td> </tr> <tr> <td>2029/30</td> <td>2.3%</td> </tr> <tr> <td>2030/31</td> <td>2.1%</td> </tr> </tbody> </table>	Year	Local Government Cost Index (published by BERL for SOLGM)	2021/22	Baseline	2022/23	2.3%	2023/24	2.1%	2024/25	2.2%	2025/26	2.3%	2026/27	2.1%	2027/28	2.2%	2028/29	2.2%	2029/30	2.3%	2030/31	2.1%
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In 2022, User Fees & Charges were significantly increased due to the fact that they had not been reviewed for a number of years. During the compilation of the draft Annual Plan 2023, Staff established that the increment had also been applied to the expected revenue from User Fees & Charges.

Current situation

The User Fees & Charges for LTP Year 2 were increased by 2.3% on those charged in the 2022 financial year.

	2021-22	Options		2.3% incr GST incl.	Rounded GST incl.
		2.30%	Rounded		
LGOIMA					
Staff time	\$ 160.00	\$ 163.68	\$ 164.00	\$ 188.23	\$ 188.60
Photocopying - black & white	\$ 0.10	\$ 0.10	\$ 0.10	\$ 0.12	\$ 0.12
Photocopying - colour	\$ 0.20	\$ 0.20	\$ 0.20	\$ 0.24	\$ 0.23
Resource Consents					
Land use and associated consents dry gravel bed	\$ 800.00	\$ 818.40	\$ 818.00	\$ 941.16	\$ 940.70
Land use and associated consents river protection works	\$ 1,280.00	\$ 1,309.44	\$ 1,309.00	\$ 1,505.86	\$ 1,505.35
Discharge permits for dairy effluent discharges	\$ 1,280.00	\$ 1,309.44	\$ 1,309.00	\$ 1,505.86	\$ 1,505.35
Land use consent	\$ 1,280.00	\$ 1,309.44	\$ 1,309.00	\$ 1,505.86	\$ 1,505.35
Land use consent and associated consents for land based alluvial gold mining operations	\$ 1,920.00	\$ 1,964.16	\$ 1,964.00	\$ 2,258.78	\$ 2,258.60
Coastal permits	\$ 1,280.00	\$ 1,309.44	\$ 1,309.00	\$ 1,505.86	\$ 1,505.35
All other resource consents	\$ 1,280.00	\$ 1,309.44	\$ 1,309.00	\$ 1,505.86	\$ 1,505.35
Consent Administration		\$ -			
Application for a change or cancellation of consent conditions	\$ 640.00	\$ 654.72	\$ 655.00	\$ 752.93	\$ 753.25
Application for a Certificate of Compliance or an Existing Use Certificate	\$ 640.00	\$ 654.72	\$ 655.00	\$ 752.93	\$ 753.25
Application to extend the lapsing period for a consent	\$ 640.00	\$ 654.72	\$ 655.00	\$ 752.93	\$ 753.25
Transfer of consents from a consent holder to another	\$ 160.00	\$ 163.68	\$ 164.00	\$ 188.23	\$ 188.60
Request for a change to consent holders name	\$ 160.00	\$ 163.68	\$ 164.00	\$ 188.23	\$ 188.60
Transfer existing water permit between sites within a catchment					
Non-notified	\$ 160.00	\$ 163.68	\$ 164.00	\$ 188.23	\$ 188.60
Applications to prepare or change a policy statement or plan				\$ -	\$ -
Minimum estimated fee	\$50,000.00	\$51,150.00	\$51,150.00	\$58,822.50	\$58,822.50
Land information Memorandum (LIM)					
All applications	\$ 320.00	\$ 327.36	\$ 327.00	\$ 376.46	\$ 376.05
Annual Charges					
Annual consent holder administration fee	\$ 100.00	\$ 102.30	\$ 102.00	\$ 117.65	\$ 117.30
Whitebait stands annual monitoring fee*	\$ 175.00	\$ 175.00	\$ 175.00	\$ 201.25	\$ 201.25
Water takes fixed annual fee	\$ 100.00	\$ 102.30	\$ 102.00	\$ 117.65	\$ 117.30
Inspection and Monitoring Charges					
Dairy farm inspection and monitoring fee	\$ 640.00	\$ 654.72	\$ 655.00	\$ 752.93	\$ 753.25
Small to medium sized mining monitoring fee	\$ 640.00	\$ 654.72	\$ 655.00	\$ 752.93	\$ 753.25
Large scale fixed mining monitoring fee	\$ 960.00	\$ 982.08	\$ 982.00	\$ 1,129.39	\$ 1,129.30
Forestry operations fixed monitoring fee	\$ 640.00	\$ 654.72	\$ 655.00	\$ 752.93	\$ 753.25
Gravel extraction monitoring fee	\$ 480.00	\$ 491.04	\$ 491.00	\$ 564.70	\$ 564.65
Permitted activity assessment for onsite wastewater (no site visits)	\$ 250.00	\$ 255.75	\$ 256.00	\$ 294.11	\$ 294.40
Permitted activity assessment for onsite wastewater with site	\$ 480.00	\$ 491.04	\$ 491.00	\$ 564.70	\$ 564.65
Maritime Activities					
Hourly charge out	\$ 160.00	\$ 163.68	\$ 164.00	\$ 188.23	\$ 188.60
Room Hire					
Council Chambers hourly	\$ 40.00	\$ 40.92	\$ 41.00	\$ 47.06	\$ 47.15
Council Chambers half day	\$ 150.00	\$ 153.45	\$ 153.00	\$ 176.47	\$ 175.95
Council Chambers full day	\$ 250.00	\$ 255.75	\$ 256.00	\$ 294.11	\$ 294.40
Council Chambers after hours	\$ 50.00	\$ 51.15	\$ 51.00	\$ 58.82	\$ 58.65
Small meeting rooms hourly	\$ 30.00	\$ 30.69	\$ 31.00	\$ 35.29	\$ 35.65
Small meeting rooms half day	\$ 100.00	\$ 102.30	\$ 102.00	\$ 117.65	\$ 117.30
Small meeting rooms full day	\$ 180.00	\$ 184.14	\$ 184.00	\$ 211.76	\$ 211.60
Small meeting rooms after hours	\$ 50.00	\$ 51.15	\$ 51.00	\$ 58.82	\$ 58.65

*Due to the late adoption of the LTP, the application of the increased fee for Whitebait stands was delayed to the 2023 financial year.

To mitigate against requiring another significant increase in the future, Management recommends regular annual reviews of the Fees & Charges so that small increments can be applied, when required.

Management now seeks clarification from Council as to whether the 2.3% increment to Fees & Charges that was embedded in the LTP should be actioned. An alternative rounded rate has been included for Council's consideration.

Considerations

Implications/Risks

The main risk is financial and Council not meeting its budgeted revenue targets.

The Council's Revenue and Financing Policy sets out the policy for cost recovery from user charges. The LTP and proposed Annual Plan budgets are consistent with achieving the requirements of this Policy.

If Council sought to change the fees at this stage then there may be additional consultation requirements associated with this. For example, in the case of setting fees under the Resource Management Act, section 36 of the RMA requires that the Council must consult with the community using the special consultative procedure under the Local Government Act. The fees schedule proposed in this paper has undergone this consultation in the LTP process. Any changes to RMA fees at this stage would need to undergo further consultation.

Significance and Engagement Policy Assessment

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

Tangata whenua views

Not applicable.

Financial implications

Current budget - NA

Future implications – potential to not meet budget in 2023.

Attachments

Attachment 1: User Fees & Charges Schedule, adopted 5 October 2021.

USER FEES AND CHARGES SCHEDULE

Abstract

This document sets out the West Coast Regional Council's draft user fees and charges for the 2021/22 financial year.
5 October 2021

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Introduction

The user fees and charges schedule is reviewed annually. Fees and charges that require formal adoption under section 150 of the Local Government Act 2002 may be consulted on in conjunction with a long term or an annual plan. The fees set out in this schedule will come into effect on adoption of the Long-Term Plan 2021-31 and will continue until superseded. A copy of this User Fees and Charges Schedule will also be published on Council's website.

These User Fees and Charges take effect from 1 July 2021.

Councils are permitted to collect fees from private users of public resources, and to recover all or a portion of the costs for a range of services it performs in relation to those resources.

The law acknowledges that some of the costs associated with administering the private use of public resources have a community benefit, and should therefore be met from the general rate. For example, the West Coast Regional Council (the Council) grants resource consents that allow organisations and individuals the private benefit to use public resources such as air, water or the coast. Where the benefits associated with consents are solely to applicants, they pay the associated costs in full. Where benefits accrue more widely – such as in the case of environmental monitoring – then a portion of the costs is met through rates.

This document sets out the policies, fees and charges that are collected by the Council from private beneficiaries for a range of services it performs.

The fees and charges set out in this document are consistent with the Council's Revenue and Finance Policy, which sets out the funding and cost recovery targets for each Council activity.

This document is set out in three parts:

- Part One: General principles and policies
- Part Two: Policies on charging and fees for specific activities and functions
- Part Three: Schedule of fees and charges

1. General principles and policies

1.1 Principles

1.1.1 Charges must be lawful

The Council can only levy charges which are allowed by legislation. Section 13 of the Local Government Official Information and Meetings Act 1987 enables the Council to charge for providing information sought under the provisions of the Act or the Official Information Act 1982.

Section 36 of the Resource Management Act 1991 (RMA) enables the Council to fix charges for its various functions (refer to Section 2.2).

Section 150 of the Local Government Act 2002 enables the Council to fix charges payable under its bylaws and charges for the provision of goods, services, or amenities in accordance with its powers and duties, for example recovering the costs of responding to environmental incidents, and inspecting dairy farms operating under permitted activity rules for discharges to land.

Section 444(2) of the Maritime Transport Act 1994 allows the Council to fix reasonable charges for its activities/services relating to “Tier 1 sites”.

Section 243 of the Building Act 2004 enables the Council to impose fees or charges for performing functions and services under the Act.

Section 135 of the Biosecurity Act 1993 enables the Council to recover its costs of administering this Act and performing the functions, powers and duties provided for in this Act by such methods it believes on reasonable grounds to be the most suitable and equitable in the circumstances.

1.1.2 Charges must be reasonable

The sole purpose of a charge is to recover the reasonable costs incurred by the Council in respect of the activity to which the charge relates. Actual and reasonable costs will be recovered from resource users and consent holders where the use of a resource directly incurs costs to the Council.

Some charges imposed on consent holders are based on the full costs of the Council’s administration and monitoring of their consents.

1.1.3 Charges must be fair

Charges must be fair and relate to the consent holders’ activities. The Council can only charge consent holders to the extent that their actions have contributed to the need for the Council’s work.

The Council must also consider the benefits to the community and to consent holders when setting a charge. It would be inequitable to charge consent holders for resource management work done in the interests of the regional community and vice versa.

Whenever possible, the Council will look for opportunities to streamline and improve processes to ensure that consent processing and compliance monitoring functions continue to be cost effective and efficient.

1.1.4 Charges must be uniformly applied

Charges will not vary greatly within classes of activities within the context of the scale of the activity, except where environmental incidents and non-compliance with consent conditions incur additional supervision costs.

1.1.5 Charges must be simple to understand

Charges should be clear and easy to understand, and their administration and collection should be simple and cost effective.

1.1.6 Charges must be transparent

Charges should be calculated in a way that is clear, logical and justifiable. The work of the Council for which costs are to be recovered should be identifiable.

1.1.7 Charges must be predictable and certain

Consent applicants and resource users are entitled to certainty about the cost of their dealings with the Council. The manner in which charges are set should enable customers to evaluate the extent of their liability.

Resource users need to know the cost of obtaining and maintaining a consent in order to manage their business and to plan for future growth and development. Charges should not change unnecessarily; any charges must be transparent and fully justified.

1.1.8 The Council must act responsibly

The Council should implement its user fees and charges schedule in a responsible manner. Where there are significant changes in charges, the Council should provide advance warning and give consent holders the opportunity to make adjustments.

1.1.9 Resource use

The changes in this document support preferred resource use practices which as a consequence require less work to be undertaken by the Council.

1.2 General policies

1.2.1 Time periods

The policies, formulae and charges set out in this document apply each year from 1 July to the following 30 June, or until replaced by new charges adopted during the annual plan or long term plan as prescribed by the Local Government Act 2002.

1.2.2 Annual charges

Annual charges shall apply from 1 July to the following 30 June each year, or until amended by the Council.

1.2.3 Goods and Services Tax

The charges and formulae outlined in this document are exclusive of GST, except where noted otherwise.

1.2.4 Debtors

All debtors' accounts will be administered in accordance with this policy and outstanding debts will be pursued until recovered.

1.2.5 A minimum annual charge

A minimum annual charge as set out in Section 3.5.1 to all consents other than bore permits, sewage discharge permits for individual dwellings, and new consents granted after 1 March each year when the minimum annual charge will be waived for the remainder of that financial year.

1.3 Policy on remission of charges

In general, all fees and charges set out in this document are to be met by the person who has invoked the service or activity that the fee or charge relates to (for example, the consent applicant in the case of consent processing services or the consent holder in the case of consent administration or monitoring).

Where a person seeks to have any fee or charge set out in this document remitted that person may make an application in writing to the Corporate Services Manager for the remission of the charge setting out in detail the applicant's case which may include financial hardship, community benefit or environmental benefit.

Where the application/consent relates to a structure, the remission of any charge will only be considered if that structure is available at no charge for public use.

Waivers or remissions issued for charges may be subject to review, as this policy may be reviewed.

Decisions on application for waivers or remissions shall be made by the Corporate Services Manager, who may remit a charge in part or full, or decline the application. No further consideration of the application will be undertaken following issue of the final decision, except in relation to an objection against additional charges under section 357B of the Resource Management Act.

Subject to the terms of each particular remission, any remission of standard charges shall be reviewed every three years from the date of issue.

The Council can fix charges for recovering costs for consent processing, administration and monitoring under section 36 of the Resource Management Act 1991. The Council can also require the person liable for such a charge to pay an additional charge, where the fixed charge is inadequate to recover reasonable costs in respect to the service concerned (s36(5)RMA). The person receiving the additional charge has the right to object to the charge under section 357B of the Act and subsequently appeal to the Environment Court against the decision of the objection. Decisions on objections not resolved at staff level will be made by independent commissioners. The Council also has the absolute discretion to remit the whole or any part of a charge made under section 36 (s36AAB(1)of the RMA).

2. Policies on charging and fees for specific activities and function

2.1 Provision of information and technical advice

The Council recognises that it has a significant advisory and information role. The Council has the right under legislation, to recover the costs of providing certain information.

2.1.1 Information provided under the RMA – consents, hearings etc.

Pursuant to the Local Government Act, and sections 36(1)(e) and (f) of the Resource Management Act, the Council may charge for the provision of information as follows:

2.1.1.1 Reasonable charges will be made to cover the costs of making information and documents available, for the provision of technical advice and consultancy services. These costs will include:

1. Staff costs related to making the information available, i.e. the standardised officer fee of \$160 + GST (refer Section 3.2)
2. Any additional costs incurred, for example, photocopying.

2.1.1.2 Consistency, distance, location – all time after the first half hour, and any disbursements involved in providing information that confers a private benefit on the recipient(s) shall be recovered by way of invoicing the cost in line with the policy set out above. The policy is consistent with that applied in local government, except when information is requested under the Local Government Official Information Act (refer section 2.1.2).

There is no concession for time or distance travelled by the Council Officer to provide technical information. No such concession is provided by other technical consultants.

Information given by telephone is to be treated exactly the same as information provided at an interview.

2.1.1.3 Advise the cost in advance – officers must warn the person seeking information in advance, that a cost will be incurred after the first half hour, and the cost per hour to be charged. This process allows the applicant to weigh the value of his/her requirements, and will effectively control the amount of information sought and deflect frivolous requests.

The provision of information should be charged separately from the cost of processing any future resource application.

2.1.1.4 Community and environmental groups – where an organisation clearly gains no economic or private benefit for its members from the information sought, then the free time available is also half an hour, and will be treated on the same basis as requests under the Local Government Official Information and Meetings Act (refer to section 2.1.2) unless a regulation or plan provides otherwise. Additional time and disbursements may be charged for, as a reasonable control mechanism, to avoid frivolous or indulgent requests at the ratepayers' cost. These requests should be referred to a least a Manager for a decision on charging.

2.1.1.5 Educational information and materials, and consent holders – when Council officers are involved in Resource Management Act workshops or public promotion aimed at increasing the public's awareness of the Resource Management Act consent procedures, the Councils environmental role, liaison on planning issues etc., there is a benefit to the greater community as well as the people attending.

Information provided in this context clearly falls within the educational role of the Council and is not charged for.

2.1.1.6 Consent holders – all consent holders are entitled to information arising from the monitoring of their consents, including district Councils and other corporate bodies. Other information sought by district Councils is to be assessed on individual merit, and referred to the group manager for a decision.

2.1.3 Information provided under the Local Government and Official Information and Meetings Act

The Local Government and Official Information and Meetings Act enables the public to have access to official information held by local authorities because this is good for accountability and effective participation. However, official information and deliberations are protected to the extent that this is consistent with public interest and personal privacy. More information about the Act, including how to make a request for public information and why it may be declined, is on the Office of the Ombudsman's website.

Section 13 of the Act provides for the recovery of the cost of making information available under the Official Information Act. However, there are some exceptions to this, for example, the Council cannot charge the Inland Revenue Department for its information requests. The current charges are set out in Section 3.1 of this User Fees and Charges Schedule.

Note: under section 13(1) of the Official Information Act, Council has 20 working days to make a decision (and communicate it to the requestor) on whether Council is granting or withholding the information, including how the information will be provided and for what cost. Council will also tell the requester that they have the right to seek a review by the Ombudsman of the estimated charge. If the charge is substantial the requester may refine the scope of their request to reduce the charge. Council may request a minimum estimated fee to be paid under the Official Information Act and the 2002 Charging Guidelines issued by the Secretary for Justice. Council will recover the actual costs involved in producing and supplying information of commercial value. In stating Council's fee schedule, Council reserves discretion to waive a fee if the circumstances of the request suggest this is appropriate, for example in the public interest or in cases of hardship.

2.2 Resource Management Act 1991

2.2.1 Introduction

Under Section 36(1) of the Resource Management Act 1991, the Council may charge for costs associated with the following:

1. Processing resource consent applications, including requests made by applicants or submitters under Section 100A of the Act.
2. Reviews of consent conditions
3. Processing applications for certificates of compliance and existing use certificates
4. The administration and monitoring of resource consents
5. Carrying out state of the environment reporting
6. Applications for the preparation of, or changes to, regional plans or policy statements
7. For providing information in respect of plans and resource consents and the supply of documentation (also refer to Section 2.1.1).

2.2.2 Performance of action pertaining to charges

With regard to all application fees and amounts fixed under Section 36(1) of the RMA, the Council need not perform the action to which the charge relates until the charge has been paid in full (RMA, Section 36AAB(2)) except if section 36(1)(ab)(ii), 36(ad)(ii) or 36(cb)(iv) apply.

2.2.3 Applications for resource consents, reviews of resource consent conditions, certificates of compliance and existing use certificates

2.2.3.1 *Applicants will be charged for the reasonable costs*, including disbursements, of receiving and processing applications for resource consents, reviews of resource consent conditions under Sections 127 and 128 of the RMA or certificates of compliance and existing use certificates. These include:

- a. *Minimum estimated initial fee* on application as set out in Section 3.3. These are minimum charges for resource consent applications and are charges ‘fixed’ under Section 36(1) of the RMA (they are therefore not subject to objection rights). All consent processing costs which exceed the minimum estimated initial fee are considered to be additional charges pursuant to Section 36(5) of the RMA and these may be progressively charged on a monthly basis or invoiced at the end of the consenting process. Prior to consideration to the application, the Chief Executive Officer is authorised to require an additional minimum estimated initial fee of up to \$20,000 for complex applications.
- b. *Hearings* – the costs of pre-hearing meetings and hearings will be charged to the applicant. The costs of Councillors who are members of hearing committees (panel) will be recovered as determined by the remuneration Authority. Staff costs and hearing panel members’ fees, or the reasonable costs of independent (non-Councillor) commissioners, at formal hearings will be charged,

Charges relating to joint hearings will be apportioned by the authorities involved, according to which authority has the primary role of organising the hearing.

Where a hearings panel has directed that expert evidence is pre-circulated then all persons who are producing such evidence shall be responsible for providing the prescribed number of copies of such evidence to the Council. In the event that the Council needs to prepare copies of such evidence the person producing the evidence will be charged for the copying.

Submitters that request that independent hearing commissioners under Section 100a of the RMA will also be charged a portion of the cost of those hearing commissioners in accordance with Section 36(1)(ab).

- c. *External cost disbursements* will also be charged; for example, advertising, legal and consulting advice, laboratory testing, hearing venues and incidental costs.
- d. *Withdrawn applications* are subject to the minimum fees set out in Section 3.3 as appropriate, or the actual costs of the work completed to the date of withdrawal (whichever is greater).

2.2.3.2 *The final costs of processing each resource consent application* will be based on the minimum initial estimated fee, the standardised Officer rate for any costs above the minimum estimated average fee at the rate set out in Section 3.2 and disbursements. In the event that consultants are used to assist the Council in processing resource consent applications, the actual costs of the consultants will be used in calculating the final costs.

2.2.3.3 *Where an application is for multiple activities involving more than one type of consent*, minimum estimated initial fees are required for each type. However, the Council may determine that there are packages of consent applications that do not require individual minimum estimated initial fees for each consent type.

2.2.3.4 *The consent holder will be invoiced the amount of the minimum estimated fee for reviews of consent conditions at the time the review is initiated by the Council.*

2.2.4 Administration, monitoring and supervision of resource consents

2.2.4.1 *Administration* covers how the Council records and manages the information it has on the resource consents it grants. The Council is obliged to keep “records of each resource consent granted by it” under Section 35(5)(g) of the RMA, which must be “reasonably available [to the public] at its principal office (section 35(3) of the RMA. The Council keeps this information on hard copy files or electronic databases. The costs of operating and maintaining these systems are substantial.

The minimum annual resource consent charge set out in 3.6 recovers some of the costs of administration of resource consents.

2.2.4.2 *Monitoring* is the gathering of information to check consent compliance and to ascertain the environmental effects that arise from the exercise of resource consents. The Council is obliged to monitor “the exercise of the resource consents that have effect in its region” under Section 35(2)(d) of the RMA.

2.2.4.3 *Supervision* covers functions that the Council may need to carry out in relation to the ongoing management of resource consents. This can include the granting of approvals to plans and other documentation, review and assessment of self-monitoring results provided by the consent holder, provision of monitoring information and reports to consent holders, meetings with consent holders relating to consent compliance and monitoring, and participation in liaison and/or peer review groups established under consent conditions or to address issues relating to the exercise of resource consents.

In determining charges under Section 36 of the RMA, the Council has given consideration to the purpose of the charges and the Council’s functions under the Act. It is considered that consent holders have both the privilege of using resources and responsibilities for any related effects on the environment. It is the Council’s role to ensure that the level of effects is managed, monitored and is acceptable, in terms of sustainable management and the community’s values. The annual charges for administration, monitoring and supervision of resource consents are based on the assumption that those consents will be complied with and exercised in a responsible manner.

Annual resource consent (management) charges will be based on a minimum charge plus charges for consent monitoring and/or supervision undertaken by Council staff. Where appropriate, a portion of costs associated with State of Environment monitoring or resources used by consent holders is also collected, for example, the costs of running Council’s hydrological sites, water quality monitoring networks and associated surveys such as macroinvertebrate and fish monitoring. This particularly applies to water take consents, both surface and groundwater.

2.2.5 Invoicing non-scale fees

2.2.5.1 The majority of large-scale activities or activities with high potential adverse effects (where annual monitoring costs exceed \$1,000 + GST) will be monitored, the results recorded/reported and subsequently invoiced to the consent holder on an actual and reasonable cost basis.

2.2.5.2 Invoices will be generated once the costs of any work have exceeded a prescribed sum. This will be determined by the scale of the activity. Costs will be invoiced in a timely manner during the progress of the work to ensure that large amounts of costs do not accrue, unless otherwise authorised by the consent holder.

2.2.6 Timing

2.2.6.1 Invoicing of consent annual charges will be in the quarter following the adoption of the Long Term Plan or Annual Plan by the Council or after monitoring of the consent has been undertaken (post billing).

2.2.6.2 In some cases, such as consents relating to short-term activities, invoicing of charges may be deferred until after the Council has completed all, or a significant portion, of its planned monitoring of a consent.

2.2.6.3 Where any resource consent for a new activity is approved during the year and will be liable for future annual charges, the actual costs of monitoring activities will be charged to the consent holder subject to Section 2.2.7.4 below.

2.2.6.4 In any case, where a resource consent expires, or is surrendered, during the course of the year and the activity or use is not ongoing, then the associated annual charge will be based on the actual and reasonable costs of monitoring activities to the date of expiry or surrender, and also the administrative/monitoring costs incurred as a result of the expiry/surrender of the consent.

2.2.6.5 Where a resource consent expires during the course of the year but the activity or use continues and requires a replacement consent, then the annual charges will continue to be applied.

2.2.7 Setting of annual resource consent (monitoring) charges

2.2.7.1 Basis of charges

1. The charges reflect the nature and scale of consented activities. In general, those activities having greater actual or potential effects on the environment require greater supervision and monitoring from the Council. In setting these charges, the Council has duly considered that their purpose is to recover the reasonable costs in relation to the Council's administration, monitoring and supervision of resource consents and for undertaking its functions under Section 35 of the RMA.
2. In respect of the Council's administration role, a standard minimum annual charge will apply to cover some of the costs of operating and maintaining its consents-related information systems.
3. Where appropriate, a proportion of the costs of monitoring the state of environment (Section 35(2)(a)) is incorporated in the charge to the consent holder. In such cases, the Council has had particular regard to Section 36AAA(3)(c), that is, the extent that the monitoring relates to the likely effects of the consent holder's activities or the extent that the likely benefit to consent holders exceeds the likely benefit of the monitoring to the community. The costs to the Council associated with this activity may be shared between consent holder and the community. This recognises that there is value and benefit to the community of work the Council undertakes with respect to monitoring the state of the environment. In the Council's judgement this is a fair and equitable division.
4. To date, a State of Environment charge has been incorporated into the annual charges applying to consents for water takes, known as the water take user charge. With the increased requirements on the Council as a result of the Essential Freshwater Package there is an increasing need to have a

separate State of Environment charge associated with water takes of 5 litres per second. This will be reviewed and considered in preparation for the 2022/23 Annual Plan.

5. A set fee of \$0.15 per cubic metre on the consented gravel take volume will apply on all consents to fund monitoring for the broader impacts of gravel takes, for example river cross-sections, beach surveys, research and analysis.

2.2.8 Additional monitoring/supervision charges

2.2.8.1 Where non-compliance with resource consent conditions is encountered, or not programmed, additional monitoring is necessary the costs will be recovered in addition to the set annual charge.

2.2.8.2 The purpose of additional supervision charges is to recover costs of additional supervisory work that is required to be undertaken by Council when people, including consent holders, do not act in accordance with consents or Council's rules relating to resource use.

2.2.8.3 Additional supervision charges relate to those situations where consent conditions are not being met or adverse effects are resulting from the exercise of a consent; or unauthorised activities are being carried out.

2.2.8.4 When consent non-compliance or an unauthorised activity is found, the person is, if possible, given the opportunity to remedy the situation and is informed that costs of additional supervision will be recovered. Such activity may also be subject to infringement notices, enforcement orders or prosecutions.

2.2.8.5 Charges for additional supervision will be calculated on an actual and reasonable basis.

2.2.8.6 The costs that make up the charge will include:

1. Labour costs: standardised officer fee (refer Section 3.2) actual recorded time spent, including travel time, in following up the non-compliance matter or unauthorised activity; plus
2. Any sampling and testing costs incurred; plus any equipment costs (excluding vehicle running costs) associated with the monitoring of the non-compliance; plus
3. Any external costs incurred (e.g. external consultants, hire of clean-up equipment).
4. For consent holders only, no additional supervision charge will be applied when the annual charges for their consents are sufficient to cover the costs incurred in following up their consent non-compliance.

2.2.9 Charges for emergency works

Under Section 331 of the RMA, the Council may charge for the costs associated with any emergency works required for the:

1. Prevention or mitigation of adverse environmental effects;
2. Remediation of adverse effects on the environment; or
3. Prevention of the loss of life, injury, or serious damage to property.

The costs charged will be the actual and reasonable costs incurred by Council to do the works.

Charges for labour are outlined in Section 3.2.

2.2.10 Changes in resource consent status

1. Where any resource consent is approved during the year, and will be liable for annual charges, the actual costs of monitoring activities will be charged to the applicant. The annual minimum fee will continue to apply per the Council's policy in section 2.2.7.2.
2. For large-scale activities where a resource consent expires, or is surrendered, during the course of the year and the activity or use is not on-going, then the associated annual charge will be based on actual and reasonable costs incurred to the date of expiry or surrender, including costs incurred as a result of monitoring and administration activities with the expiry or surrender of the consent. The annual minimum fee will continue to apply.
3. Where a resource consent expires during the course of the year but the activity or use continues and is subject to a replacement process, then the annual charges will continue to apply.

2.2.11 Charges set by regional rules

2.2.11.1 When developing a regional plan, the Council may create regional rules to prohibit, regulate or allow activities. These rules may specify permitted activities, controlled activities, discretionary activities, non-complying activities, prohibited activities and restricted coastal activities.

2.2.11.2 Permitted activities are allowed by a regional plan without a resource consent, if the activity complies with any conditions, which may have been specified in the plan. Conditions on a resource consent may be set in relation to any matters outlined in Section 108 of the RMA. They may include a specific condition relating to a financial contribution (cash, land, works and services) for any purpose specified in a plan.

2.2.11.3 The Council therefore reserves the right to set other charges pursuant to regional rates in regional plans. These charges will include staff costs for giving evidence in a New Zealand court; matters pertaining to actions required under the Maritime Transport Act 1994 or Biosecurity Act and any other regulated activities. Any new charges would be notified through the public process required for a regional plan prior to its approval.

2.2.11.4 Actual and reasonable costs will be charged for fees set by regional rules. These costs include:

1. Staff costs – officers actual recorded time at the standardised rate
2. Hearings – the costs of pre-hearing meetings and hearings will be charged to the applicant. Council members' hearing costs will be recovered as determined by the Remuneration Authority. Staff costs and committee members' fees or the actual costs of independent commissioners at formal hearings will be charged.
3. For applications relating to restricted coastal activities, the applicant will also be charged the Council's costs of the Minister of Conservation's representative. Charges related to joint hearings will be apportioned by the authorities involved, according to which authority has the primary role of organizing the hearing.
4. External costs, disbursements, are additional to the above charges, for example advertising, consulting and legal advice, laboratory testing, hearing venues and incidental costs.

2.2.12 Preparing or changing a policy statement or plan

2.2.12.1 Any person may apply to the Council for the preparation or change to a regional plan. Any Minister of the Crown or any territorial authority of the region may request a change to a policy statement.

2.2.12.2 When considering whether costs should be borne by the applicant, shared with the Council, or borne fully by the Council, the following will be taken into account:

1. the underlying reason for the change; and
2. the extent to which the applicant will benefit; and
3. the extent to which the general community will benefit.

2.2.12.3 For the receipt and assessment of any application to prepare or change a policy statement or plan, actual and reasonable costs will be recovered. The charging policies are outlined below:

1. All applicants will be required to pay a minimum estimated initial fee set out in Section 3.3 based on the expected costs of receiving and assessing the application, up to but not including the costs of public notification. Actual and reasonable costs based on the hourly rate set out in Section 3.2 and disbursements will be included in the minimum estimated initial fee. Any additional costs incurred in processing the application will be invoiced to the applicant.
2. For any action required to implement a decision to proceed with the preparation or change to a policy statement of plan, a minimum estimated initial fee as set out in Section 3.4 shall be made for the costs of public notification. This will be followed by a case-by-case assessment of where the costs shall fall. Any costs charged will be invoiced monthly from the date of public notification.

Prior to public notification, an estimate of total costs will be given to the applicant. The applicant will have the option of withdrawing the request on receipt of notice of the estimated costs.

Withdrawn requests are subject to payment of the actual and reasonable costs of relevant work completed to the date of withdrawal.

2.2.13 National Environmental Standards for Plantation Forestry

Under regulation 106 of the National Environmental Standards for plantation forestry, the Council may charge for monitoring of permitted activities specified by regulations 24, 37, 51 and 63(2) of the standards. This monitoring will be charged in accordance with sections 1.1 and 1.2 of this charging document. Charges will cover the travel and inspection time of the officer(s) undertaking the inspection (as per Section 3.2), as well as any sampling costs where required.

2.2.14 National Environmental Standards for Freshwater

Under Part 4 of the standard, the Council may charge for monitoring of permitted activities covered by the Standard. These will be charged in accordance with sections 1.1 and 1.2 of this charging document. Charges will cover the travel and inspection time of the officer(s) undertaking the inspection (as per Section 3.2) as well as any sampling costs where required.

2.3 Local Government Act 2002 (land and resources)

The charges for the following Council activities/services have been set according to Section 105 of the Local Government Act:

2.3.1 Monitoring/inspections of permitted activities

Charges are payable to recover the costs of inspections of permitted activities to determine compliance with the permitted activity rules in the regional plans. The inspections are conducted in order that adequately carries out its functions and responsibilities under Sections 30, 35 and 36 of the RMA.

2.3.1.1 Inspections for farm dairy effluent discharges, small-medium and large scale mining operations, and forestry activities

1. Actual and reasonable cost of any specific water quality testing and/or time spent on enforcement action required will be charged in addition to the cost of site visit/inspection.
2. Where there is a need for two officers to attend, the cost of both officers will be recovered.
3. The charges are listed in Section 3.6.

2.3.1.2 Other permitted activities

1. The costs of the site visit/inspections, plus the reasonable cost of any specific water quality testing and/or enforcement action required will be charged.
2. The costs of monitoring RMA regulations that do not specifically provide for cost recovery will be charged at actual staff times as set out in Section 3.2.

2.3.2 Environmental incidents

Where a person (or persons) carries out an activity in a manner that does not comply with Sections 9, 12, 13, 14, 15, 315, 323, 328 or 329 of the RMA, The Council will charge that person (or persons) for the actual and reasonable cost of any inspection/investigation it undertakes in relation to the activity. This cost may include:

1. Time spent by Council staff identifying and confirming the activity is taking or has taken place.
2. Time spent by Council staff identifying and confirming the person(s) responsible for causing or allowing the activity to take place or to have taken place.
3. Time spent by Council staff alerting and informing the person(s) of their responsibilities in relation to the activity, including any guidance or advice as to how any adverse effects of the activity might be managed.
4. Costs of any specific testing of samples taken.
5. Costs of professional services contracted to assist in the inspection/investigation of the activity.
6. Clean up costs and materials.

Where an incident occurs on a site that 'holds' a resource consent and a breach of consent conditions is confirmed, then this section does not apply. Any actual and reasonable costs incurred in the investigation of the incident will be recovered as additional consent monitoring charges.

2.3.3 Investigation of land for the purposes of identifying and monitoring contaminated land

The Council is responsible for identifying and monitoring contaminated land under Section 30(1)(ca) of the RMA. Council will recover the costs of inspection. This may include:

1. Actual time spent by Council staff undertaking any site visit (including preparation, travel, time on site, administration and any required follow-up activity) (refer Section 3.2).
2. Costs of any specific testing of samples taken.

2.4 Maritime activities

2.4.1 Charges for maritime-related incidents (Local Government Act 2002)

These charges are made to recover the costs incurred by the Council as a result of staff responding to any incident that causes or may have the potential to cause, adverse environmental effects. The response action taken by Council staff may include, but will not be limited to, monitoring, inspection, investigation, clean-up, removal, mitigation and remediation works. Actual costs for consumables, plant and equipment used/hired during a response will also be charged in addition to staff hours (as set out in Section 3.2) as appropriate.

2.4.2 Charges for Marine Tier 1 oil transfer sites (Maritime Transport Act 1994)

2.4.2.1 Maritime Rule Part 130B requires that the operator of an oil transfer site obtain the approval for a site marine oil spill contingency plan from the Director of Maritime New Zealand. The power to approve these plans has been delegated from the Director of Maritime New Zealand. The power to approve these plans has been delegated by the Director to the Chief Executive Officer (sub-delegated to Council employees) of the West Coast Regional Council in an Instrument of Delegation pursuant to Section 444(2) of the Maritime Transport Act 1994.

2.4.2.2 Section 444(2) of the Maritime Transport Act 1994 allows the Council to charge a person a reasonable fee for:

1. Approving Tier 1 site marine oil spill contingency plans and any subsequent amendments.
2. Inspecting Tier 1 sites and any subsequent action taken thereafter in respect of preparation on inspection reports or reporting non-conformance issues.

2.4.2.3 *Fee* – the Council will charge an officers actual recorded time charged at the standardised hourly rate as set out in Section 3.2.

2.5 Building Act 2004

2.5.1 Land Information Memorandum

2.5.1.1 Section 243 of the Building Act 2004 specifically allows for the Council to impose a fee or charge for issuing a land information memorandum (LIM).

2.5.1.2 Costs incurred beyond the fee are to be recovered on the basis of actual and reasonable costs incurred by the Council.

2.5.1.3 The minimum estimated fee is payable upon application for the LIM.

2.5.1.4 Should the LIM be withdrawn after processing has commenced, the applicant may receive a partial refund.

2.5.2 Dams

Under section 244 of the Building Act 2004, Council has decided to transfer the Building Act function for consenting dams to Environment Canterbury. Fees will be charged in accordance with the Fees and Charges policy set by Environment Canterbury. All fees and charges for consent processing will be invoiced directly to the applicant by Environment Canterbury.

2.6 Biosecurity Act 1993

2.6.1 Regional Pest Management Plan

2.6.1.1 Section 135 of the Biosecurity Act provides regional Council with options to recover the costs of administering the Act and performing the functions, powers and duties under a pest management plan or pathway management plan. This recovery must be in accordance with the principles of equity and efficiency. Section 135 of the Biosecurity Act authorises the recovery of costs by such methods that they believe to be the most suitable and equitable in the circumstances, including fixed charges, estimated charges, actual and reasonable charges, refundable or non-refundable deposit paid before the provision of the service, charges imposed on users of services or third parties, and cost recovery in the event of non-compliance with a legal direction.

2.6.1.2 Request for work

An authorised person may request any occupier to carry out specified works or measures for the purposes of eradicating or preventing the spread of any pest in accordance with the West Coast Regional Pest Management Plan.

2.6.1.3 Legal directions

An authorised person may issue a legal direction to any occupier to carry out specified works or measures for the purposes of eradicating or preventing the spread of any pest in accordance with the West Coast Regional Pest Management Plan. The legal direction shall be issued under Section 122 of the Biosecurity Act and specify the following matters:

1. The place in respect of which works or measures are required to be undertaken;
2. The pest for which the works or measures are required;
3. Works or measures to be undertaken to meet the occupier's obligations;
4. The time within which the works or measures are to be undertaken;
5. Action that may be undertaken by the management agency (generally the Council) if the occupier or occupiers fail to comply with any part of the direction;
6. The name, address, telephone number and email address of the management agency and the name of the authorised person issuing the legal direction.

2.6.1.4 Failure to comply with a legal direction

Where a legal direction has been given to an occupier under the West Coast Regional Pest Management Plan, and the occupier has not complied with the requirements of the legal direction within the time specified, then the Council may enter onto the place specified in the legal direction and carry out, or cause to be carried out, the works or measures specified in the legal direction, or such other works or measures as are reasonably necessary or appropriate for the purpose of giving effect to the requirements of the legal direction.

2.6.1.5 Recovery of costs incurred by the management agency

Where the Council undertakes works or measures for the purposes of giving effect to the requirements of a request for work or a legal direction, it shall recover the costs incurred from the occupier pursuant to Sections 128 and 129 of the Biosecurity Act and may register the debt as a charge against the certificate of title for the land. Refer to Section 3.2 for the fee structure covering the staff costs.

2.6.1.6 Failure to pay

Section 136 of the Biosecurity Act provides for regional Councils to apply a penalty to charges under the Biosecurity Act that remain unpaid for more than 20 working days since the charge was demanded in writing. Council will apply a penalty of 10% of unpaid charges to the debt incurred, after a period of 20 working days from the due date stated on the original invoice. In addition to this, 10% will be applied for every completed period of six calendar months that the debt remains unpaid (six month period will be calculated from the 21st day of the charge remaining unpaid).

3. Schedule of fees and charges

3.1 Local government official information

In some cases, the Council is permitted to charge for the provision of official information. Requesters will be advised in advance if the Council decides to apply a charge.

For staff time	\$ excluding GST
First half hour	No charge
Per hour (after the initial free half hour)	\$160
For resources	
Photographs	At cost
Black and white photocopying – A4	10c
Colour photocopying – A4	20c

3.2 Staff charge out rates

Charges are applicable for a range of services performed by Council staff:

- Processing of consents under the Resource Management Act 1991
- Environmental and consent monitoring of:
 - Large-scale activities
 - Permitted activities
 - National Environmental Standards
 - Complaint/Incident response where the complaint is found to be substantiated
- Exercises and training for oil spill exercises and training, standard staff charge out rates apply
- Technical assessments and administration of functions under the Building Act 2004
- Mari-time related incidents
- Provision of commercial or residential property related information, consultation, advice or consent.

The hourly charge out rate has been standardised to a rate of \$160/hour regardless of the staff member (e.g., administration officer, consents or compliance staff member, engineer or manager). The change in charge may result in a greater or lesser bill compared to the previous variable rate. Note that this rate also includes mileage fees. Council considers this standardised rate to cover actual and reasonable costs, and is fair in that those who benefit bear the costs (to avoid being subsidised by the general ratepayer).

Description	Hourly rate \$ excluding GST
Standardised staff charge out rate	\$160

Notes:

- Where there is a need for two or more staff to attend a site visit, the costs of all staff will be recovered.
- The charge out rate also includes the costs of mileage.

3.3 Resource consent applications – minimum estimated initial fee

The following schedule of minimum estimated initial fees is the minimum an applicant can expect to pay. The final fee may be greater than this depending on the volume of work and associated costs to obtain the consent.

Description	Minimum estimated initial fee \$ excluding GST	Minimum estimated initial fee \$ including GST
Resource consents		
Land use consent and associated consents for dry bed gravel extraction	\$800	\$920
Land use consent and associated consents for river protection works	\$1,280	\$1,472
Discharge permits for dairy effluent discharges	\$1,280	\$1,472
Land use consent	\$1,280	\$1,472
Land use consent and associated consents for land based alluvial gold mining operations	\$1,920	\$2,208
Coastal permits	\$1,280	\$1,472
All other resource consents	\$1,280	\$1,472
Consent administration		
Application for a change or cancellation of consent conditions	\$640	\$736
Application for a Certificate of Compliance or an Existing Use Certificate	\$640	\$736
Application to extend the lapsing period for a consent	\$640	\$736
Transfer of consents from the consent holder to another (payable by the person requesting the transfer)	\$160	\$184
Request for a change to consent holders name (payable by the person requesting the change)	\$160	\$184
Transfer existing water permit between sites within a catchment		
Non-notified	\$160	\$184
Hearings		
Hearing costs (per hearing day per committee member) at hourly rates set by the Remuneration Authority* or the actual costs of Independent Commissioners * Determination dated 1 July 2006 of consent hearing fees payable and defining the duties covered by the fee or excluded, currently \$80 per hour (Committee Member) and \$100 per hour (Chairman).	(Per RA)	
Requests by applicants and/or submitters for independent commissioner(s) to hear and decide resource consent applications as provided for by S100A(2) of the RMA:		
<ul style="list-style-type: none"> • In cases where only the applicant requests independent commissioner(s), all the costs for the application to be heard and decided will be charged to the applicant. • In cases where one or more submitters requests independent commissioner(s), the Council will charge as follows: <ul style="list-style-type: none"> - The applicant will be charged for the amount that the Council estimates it would cost for the application to be heard and decided if the request for independent commissioner(s) had not been made; and - The requesting submitters will be charged equal shares of any amount by which the cost of the application being heard and decided in accordance with the request exceeds the amount payable by the applicant outlined above. 		
Notwithstanding the above, in cases where the applicant and any submitter(s) request independent commissioner(s) all the costs for the application to be heard and decided will be charged to the applicant.		

Note: Approved resource consents attract annual charges. Refer Section 3.6.

Photocopying costs for information provided under the RMA – consents hearings etc.

Per page	\$ excluding GST			
	Colour A4	Colour A3	Black A4	Black A3
	0.20	0.20	0.10	0.10

Note:

- Double-sided is equivalent to two pages.
- Labour costs also to be recovered as per Section 3.2.

3.4 Application to prepare or change a policy statement or plan

Fees are required to be paid at the time of submitting applications.

Description	Minimum estimated initial fee \$ excluding GST
Minimum estimated initial fee required for preparation or change to a plan	\$50,000
Minimum estimated initial fee required for preparation or change to a policy statement	\$50,000

Note: in the event that the charges fixed under this special order are inadequate to enable the Council to recover its actual and reasonable costs for carrying out its functions the Council will render an additional charge pursuant to section 36(3) of the Resource Management Act 1991.

3.5 Building Act 2004

3.5.1 Land Information Memoranda (LIM)

Estimated value of work	\$ excluding GST
All applications	\$320

Note: Should the LIM be withdrawn after processing has commenced, the applicant may receive a partial refund.

3.5.2 Building consents and certificates of approval

Under section 244 of the Building Act 2004, Council has decided to transfer the Building Act functions for consenting dams to Environment Canterbury. Fees will be charged in accordance with the fees and charges set by Environment Canterbury. All fees and charges for consent processing will be invoiced directly to the applicant by Environment Canterbury.

3.6 Annual charges

Once a resource consent is granted under Section 3.3, an annual consent administration fee is set. Refer to the following table for the schedule of annual charges.

Description	Annual fee \$ excluding GST	\$ including GST
Annual Consent holder administration fee	\$100	\$115
Whitebait stands annual monitoring fee*	\$175	\$201.25
Water takes fixed annual monitoring fee**	\$100	\$115

*For 2021, the annual whitebait fee was charged at \$150 + GST. This fee will increase to \$175 + GST from the 2022-23 season.

**This fee will apply to anyone that holds a resource consent for the consumptive take of water of 5 litres per second or greater.

Note: These charges cover the annual compliance required for the activity (for example site visit). If additional staff time is required to address any non-compliance with consent conditions or additional costs (for example, engineer costs) these will be applied as per Section 3.2.

3.7 Inspection and monitoring charges

Description	Charge \$ excluding GST	\$ including GST
Dairy farm inspection and monitoring set fee	\$640	\$736
Small to medium scale mining fixed monitoring fee (includes coal mining, alluvial gold mining, quarries and black sand mining)	\$640	\$736
Large scale fixed monitoring mining fee (includes coal mining, alluvial gold mining and quarries)	\$960	\$1,104
Forestry operations fixed monitoring fee	\$640	\$736
Gravel extraction monitoring fee (exclusive of 3.8 Consented Gravel Take fee)	\$480	\$552
Permitted activity assessment for onsite wastewater (no site visit)	\$250	\$287.50
Permitted activity assessment for onsite wastewater with site visit	\$480	\$552

Note: Any follow up site visits due to non-compliance, or inspections not covered by a set fee, will be charged at the officer hourly rate of \$160 + GST.

Any specific water quality testing and/or enforcement action required will be charged in addition to the inspection fee.

3.8 Consented gravel take fee

A fixed annual fee of \$0.15 per cubic metre on the consented gravel take volume will apply on all consents.

3.9 Maritime activities

		\$ GST exclusive
<p>Maritime Rule Part 130B requires that the operator of an oil transfer site obtain the approval for a site marine oil spill contingency plan from the director of Maritime New Zealand. The power to approve these plans has been delegated by the director to the Chief Executive Officer (sub-delegated to Council employees) of the West Coast Regional Council in an instrument of Delegation pursuant to Section 444(2) of the Maritime Transport Act 1994.</p> <p>A minimum fee will apply.</p> <p>Section 444(2) of the Maritime Transport Act 1994 allows the Council to charge a person a reasonable fee for:</p>		
a.	Approving Tier 1 site marine oil spill contingency plans and any subsequent amendments	\$160/hr
b.	Renewal of Tier 1 site marine oil spill contingency plan, where staff time is less than one hour	\$160/hr
c.	Inspecting Tier 1 sites and any subsequent action taken thereafter in respect of preparation of inspection reports or reporting on non-conformance issues	\$160/hr
<p>Time will be charged at the officers actual recorded time charged at an hourly rate comprising actual employment costs plus a factor to cover administration and general operating costs.</p>		

3.10 Biosecurity

Notice of direction

The time taken in issuing a notice of direction under the Biosecurity Act 1993, will be charged to the owner or occupier at actual recorded time at the relevant hourly staff charge rate as set out in Section 3.2 of this schedule. This includes time related to investigations prior to issuing a notice of direction and in subsequent monitoring for compliance with a notice (refer Section 2.6).

3.11 Miscellaneous charges

3.11.1 Room hire charge –

Description	\$ excluding GST	\$ including GST
Council Chambers		
- Hourly rate		\$40
- Half day (4 hours)		\$150
- Full day (8:00am – 5:00pm)		\$250
- After hours rate – per hour		\$50
Small meeting rooms		
- Hourly rate		\$30
- Half day (4 hours)		\$100
- Full day (8:00am – 5:00pm)		\$180
- After hours rate – per hour		\$50

Bookings will be subject to the availability of a meeting room. Priority will be given to Council business. Council's preference is to use Zoom software for conferencing and our Zoom connectors are able to interface with standard telephone networks and H 232 standards based conferencing facilities. We can also use Skype, Teams or some other systems with prior arrangement. Each room includes quality camera, audio equipment and large single display.

Each room has power, wifi, whiteboard and a kitchen or kitchenette.

3.11.2 Photocopying and printing -

Per page	\$ excluding GST			
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- Double-sided is equivalent to two pages.
- Labour costs also to be recovered as per Section 3.2.

Report to: Council	Meeting Date: 14 June 2022
Title of Item: Westport Rating District Joint Committee - Recommendation	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to table to Council a recommendation from the Westport Rating District Joint Committee (the Joint Committee) meeting held on 8 June 2022.

Report Summary

At the Joint Committee meeting on 8 June 2022, there were a series of matters determined that relate to the proposed Westport Flood Protection Scheme (the Scheme) that will be constructed by Council. The Buller District Council and West Coast Regional Council will submit a business case to Hon. Minister Mahuta by 30 June 2022 that seeks to secure co-investment in this Scheme, plus a range of other flood resilience solutions for the Westport area.

This paper seeks Council's endorsement of the recommendations made by the Joint Committee regarding the Scheme.

Recommendations

It is recommended that Council resolve to:

1. *Approve inclusion in the business case to be submitted to the Hon. Minister Mahuta for the purposes of securing co-investment the following:*
 - A. *Design 'service levels' of the preferred Westport flood risk mitigation scheme be based on:*
 - *1:100 ARI protection along the length of the proposed flood risk mitigation structure extending down the true left of the Orowaiti River and estuary from the Stephens Road rail embankment to the coast.*
 - *RCP6 protection along the length of the proposed flood risk mitigation structure extending up the Buller River's 'true right' bank from the coast, inland and then around toward the Stephens Road rail embankment.*
 - B. *Subject to consent, use of property agreements, funding, Iwi review and consultation requirements - to apply the following Westport flood risk mitigation scheme design and alignment guidelines:*
 - *A combination of concrete wall, single board walls and double earth filled walls, with the use of each being selected to best suit site-specific circumstances.*
 - *Rock wall repair works for bank protection near O'Connor Home and Organ's Island.*
 - *Embankments and walls - with an alignment, heights, and other design parameters to reflect the results of modelling and hydrological effectiveness research carried out by Land River Sea Consulting Ltd, Christchurch (May 2022) and advice provided by G & E Williams Consultants Ltd (June 2022).*

- *Extension of the flood risk mitigation embankment at Carter’s Beach eastward (toward the Buller River) along Schadick Avenue, to include houses along this road and the airport.*
 - *Revegetation of the relic-meander channel land on the true right of the Buller River near Organ’s Island.*
- C. *Agree there is limited merit in the inclusion of the following flood risk mitigation structural solutions:*
- I. *Providing flood risk mitigation structures around the Snodgrass peninsula;*
 - II. *Dredging the Buller River to manage floods;*
 - III. *Excavating a cut to allow the direct sea-exit of the Orowaiti River;*
 - IV. *Excavating a causeway on the Snodgrass peninsula;*
 - V. *Constructing culverts at the Railway embankment at Stephens Road or on the embankment adjacent to the Orowaiti State Highway bridge.*
- The Buller District Council and West Coast Regional Council continue to advocate for climate change adaptation options for people not protected as part of the non-structural actions included in the Westport flood risk mitigation business case.*
- D. *Include an estimated \$26 million cost of the preferred Westport flood risk mitigation scheme.*
- E. *Seek a 75:25 split with central government financial assistance / co-investment is required to improve the resilience of the Westport community against flood risks.*

Issues and Discussion

Background

During the consultation process of the Long-term Plan 2021-31 (the LTP) Council decided to include Option Two for Westport:



This decision was subject to further consideration of the submissions made by the community and an assessment of adverse impacts. A Technical Advisory Group (TAG) was established to undertake this work and other preliminary matters for progressing Option Two.

Current situation

On 8 June the findings from TAG's preliminary work were tabled to the Joint Committee for consideration. The Joint Committee considered the following resolution presented in John Hutchings paper (Refer Attachment 1):

2. Receive this report and the report from Gary Williams '*Buller River Westport Flood Mitigation*' June 2022.
3. Receive the Technical Advisory Group advice about the preferred design, alignment, constructability, costs, and other matters related to consideration of Westport structural and nature-based options for mitigating Westport flood risks.
4. Agree the design 'service levels' of the preferred Westport flood risk mitigation scheme be based on:
 - I. 1:100 ARI protection along the length of the proposed flood risk mitigation structure extending down the true left of the Orowaiti River and estuary from the Stephens Road rail embankment to the coast.
 - II. RCP6 protection along the length of the proposed flood risk mitigation structure extending up the Buller River's 'true right' bank from the coast, inland and then around toward the Stephens Road rail embankment.
5. Agree, for recommendation to the West Coast Regional Council, and subject to consent, use of property agreements, funding, Iwi review and consultation requirements - to apply the following Westport flood risk mitigation scheme design and alignment guidelines:
 - I. A combination of concrete wall, single board walls and double earth filled walls, with the use of each being selected to best suit site-specific circumstances.
 - II. Rock wall repair works for bank protection near O'Connor Home and Organ's Island.
 - III. Embankments and walls - with an alignment, heights, and other design parameters to reflect the results of modelling and hydrological effectiveness research carried out by Land River Sea Consulting Ltd, Christchurch (May 2022) and advice provided by G & E Williams Consultants Ltd (June 2022).
 - IV. Extension of the flood risk mitigation embankment at Carter's Beach eastward (toward the Buller River) along Schadick Avenue, to include houses along this road the airport.
 - V. Revegetation of the relic-meander channel land on the true right of the Buller River near Organ's Island.
6. Agree there is limited merit in the inclusion of the following flood risk mitigation structural solutions:
 - I. Providing flood risk mitigation structures around the Snodgrass peninsula;
 - II. Dredging the Buller River to manage floods;
 - III. Excavating a cut to allow the direct sea-exit of the Orowaiti River;
 - IV. Excavating a causeway on the Snodgrass peninsula;
 - V. Constructing culverts at the Railway embankment at Stephens Road or on the embankment adjacent to the Orowaiti State Highway bridge.

7. Agree to the recommendation that an estimated \$26 million cost of the preferred Westport flood risk mitigation scheme be included in the business case seeking co-investment with central government.
8. Agree a 75:25 split with central government financial assistance / co-investment is required to improve the resilience of the Westport community against flood risks.
9. Agree the matters included in this report be recommended to the West Coast Regional Council and Buller District Council as part of their consideration of the business case seeking co-investment from central government for Westport flood risk mitigation and resilience.

In relation to point 5 above, the Joint Committee agreed an additional recommendation regarding Snodgrass Road, namely that:

- The Buller District Council and West Coast Regional Council continue to advocate for climate change adaptation options for people not protected as part of the non-structural actions included in the Westport flood risk mitigation business case.

These decisions form the basis of the recommendation from the Joint Committee to Council regarding the Scheme to be constructed.

Considerations

Implications/Risks

The main risk to Council from this paper is reputational. By endorsing the recommendation from the Joint Committee Council will mitigate this risk.

Significance and Engagement Policy Assessment

The recommended options for the Westport Flood Protection Scheme differ significantly to the options consulted on during the LTP process. Once an outcome has been received regarding the amount of central government funding, Council will determine which alignment it will pursue.

Given the findings of TAG to date, the potential changes in the levels of service and the estimated cost of the Scheme, it is envisaged that this will trigger matters in this policy that will require Council to undertake a public consultation process.

Tangata whenua views

Francois Tumahai, Te Rūnanga o Ngāti Waewae, is a member of the Joint Committee and Iwi will be involved in the review of any consents relating to aspects of the Scheme.

Views of affected parties

Council is planning to commence meeting with potential impacted landowners to discuss aspects of the Scheme. The views of affected parties will be canvassed as part of the consenting processes.

Financial implications

Current budget - NA

Future implications – this will be determined once Cabinet has considered the business case and a final outcome regarding co-investment has been decided.

Attachments

Attachment 1: Westport Rating District Joint Committee paper, *Westport Flood Protection*, presented by John Hutchings 8 June 2022.

ATTACHMENT 1 - WESTPORT RATING DISTRICT JOINT COMMITTEE PAPER

Report to: Westport Rating District Joint Committee	Meeting Date: 8 June 2022
Title of Item: Westport Flood Protection – update on option assessment, design considerations, funding implications and related process matters	
Report by: John Hutchings	
Reviewed by: Hugh McMillan, Chairperson	
Public excluded? No	

Report Purpose

To seek recommendations from the Westport Rating District Joint Committee (Joint Committee) on Westport flood risk mitigation structural and nature-based options, estimated costs, design considerations, funding implications and related process matters.

To inform the West Coast Regional Council’s Annual Plan and the content to be included in a business case to Government for co-investment in Westport’s resilience against flood risks.

Report Summary

Extensive climate change scenario, option and risk-assessment analysis has been carried out by expert flood risk modelling and flood risk mitigation engineers and consultants. Using the findings of this work, a Technical Advisory Group (TAG) has recommended preferred structural and nature-based solutions best able to contribute to the mitigation of the effects of Westport flood risks (the ‘Westport flood risk mitigation scheme’).

This report also provides information about the design, alignment, ‘use of property’ matters, resource management, construction, project management and cost elements of TAG’s preferred Westport flood risk mitigation scheme. Recommendations are then made to enable the content of this report to be progressed for inclusion in a business case seeking central government co-investment in the proposal.

Recommendations

It is recommended the Westport Rating District Joint Committee resolve to:

1. Receive this report, and the report from Gary Williams ‘*Buller River Westport Flood Mitigation*’ June 2022.
2. Receive the Technical Advisory Group advice about the preferred design, alignment, constructability, costs, and other matters related to consideration of Westport structural and nature-based options for mitigating Westport flood risks.
3. Agree the design ‘service levels’ of the preferred Westport flood risk mitigation scheme be based on:
 - I. 1:100 ARI protection along the length of the proposed flood risk mitigation structure extending down the true left of the Orowaiti River and estuary from the Stephens Road rail embankment to the coast.
 - II. RCP6 protection along the length of the proposed flood risk mitigation structure extending up the Buller River’s ‘true right’ bank from the coast, inland and then around toward the Stephens Road rail embankment.

4. Agree, for recommendation to the West Coast Regional Council, and subject to consent, use of property agreements, funding, Iwi review and consultation requirements - to apply the following Westport flood risk mitigation scheme design and alignment guidelines:
 - I. A combination of concrete wall, single board walls and double earth filled walls, with the use of each being selected to best suit site-specific circumstances.
 - II. Rock wall repair works for bank protection near O’Conor Home and Organ’s Island.
 - III. Embankments and walls - with an alignment, heights, and other design parameters to reflect the results of modelling and hydrological effectiveness research carried out by Land River Sea Consulting Ltd, Christchurch (May 2022) and advice provided by G & E Williams Consultants Ltd (June 2022).
 - IV. Extension of the flood risk mitigation embankment at Carter’s Beach eastward (toward the Buller River) along Schadick Avenue, to include houses along this road and the airport.
5. Agree there is limited merit in the inclusion of the following flood risk mitigation structural solutions:
 - I. Providing flood risk mitigation structures around the Snodgrass peninsula;
 - II. Dredging the Buller River to manage floods;
 - III. Excavating a cut to allow the direct sea-exit of the Orowaiti River;
 - IV. Excavating a causeway on the Snodgrass peninsula;
 - V. Constructing culverts at the Railway embankment at Stephens Road or on the embankment adjacent to the Orowaiti State Highway bridge.
6. Agree to the recommendation that an estimated \$26 million cost of the preferred Westport flood risk mitigation scheme be included in the business case seeking co-investment with central government.
7. Agree a 75:25 split with central government financial assistance / co-investment is required to improve the resilience of the Westport community against flood risks.
8. Agree the matters included in this report be recommended to the West Coast Regional Council and Buller District Council as part of their consideration of the business case seeking co-investment from central government for Westport flood risk mitigation and resilience.

Background

BUSINESS CASE

The West Coast Regional Council (WCRC) and Buller District Council (BDC) have been invited to prepare a business case seeking central government co-investment in actions that will increase the resilience of the Westport community against flood risks. The matters to be covered in this business case were defined in correspondence forwarded to WCRC and BDC from Hon Nanaia Mahuta in March 2022.

PARA FRAMEWORK

Structural and nature-based solutions are proposed to be canvassed in the business case alongside other non-structural and planning-based actions. Avoiding flood risks, retreating or re-locating away from the flood risk and or improving response systems to accommodate flood risks will also be considered (figure one – the PARA framework). Operating in unison, these measures will assist the Westport community to build resilience against future flood events.

The focus of this report is on the proposed structural and nature-based flood risk mitigation measures to be included in the business case.

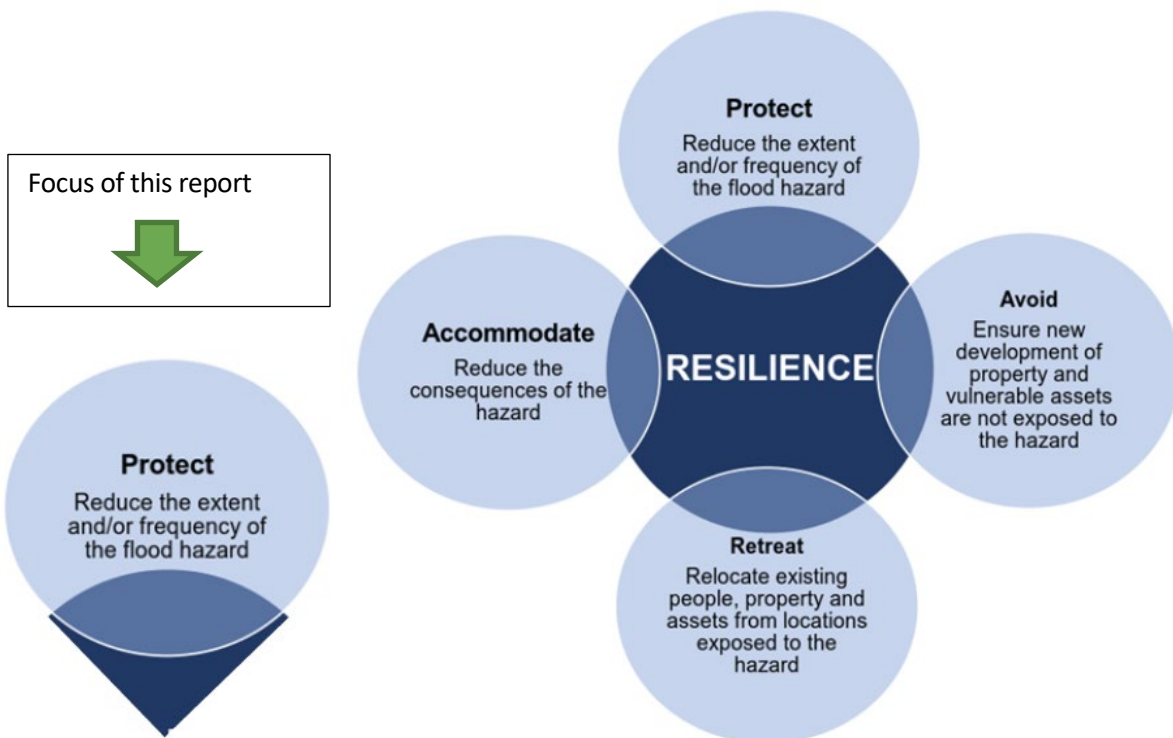


Figure one: The PARA framework

Several principles underpin the PARA framework. These will be applied within the proposed business case:

- *We cannot protect every single bit of Westport.* It is simply not feasible or affordable.
- *It is unlikely that we will be able to build our way out of this forever.* While it makes sense in the short term to build some embankments and structural defences, in the long run we are unlikely to be able to afford, or want, to do this forever.
- *Embankments and walls do not eliminate all the risk.* In agreeing on preferred structural and nature-based solutions, we need to be very clear that embankments and walls will not 'solve the problem'. No engineer will ever give a guarantee that the structures will not be overtopped – especially with more climate related weather events now certain.
- *We need to act with urgency.* While some of the non-structural interventions are long term and do not need to be deployed for some years, the structural defences cannot wait.

CHALLENGE TO BE ADDRESSED

The 'challenge' to be addressed within the Westport flood risk mitigation proposal may be described as in figure two. This model has been approved by the Buller Recovery Steering Group (the Steering Group) – comprising officers and officials from local and central government, and Mana Whenua.¹

¹ Consistent with the recommendations outlined in the letter from Minister Mahuta, a Steering Group was established. Their purpose, among other things, is to guide the development of the business case seeking central government investment in managing flood risks in Westport.

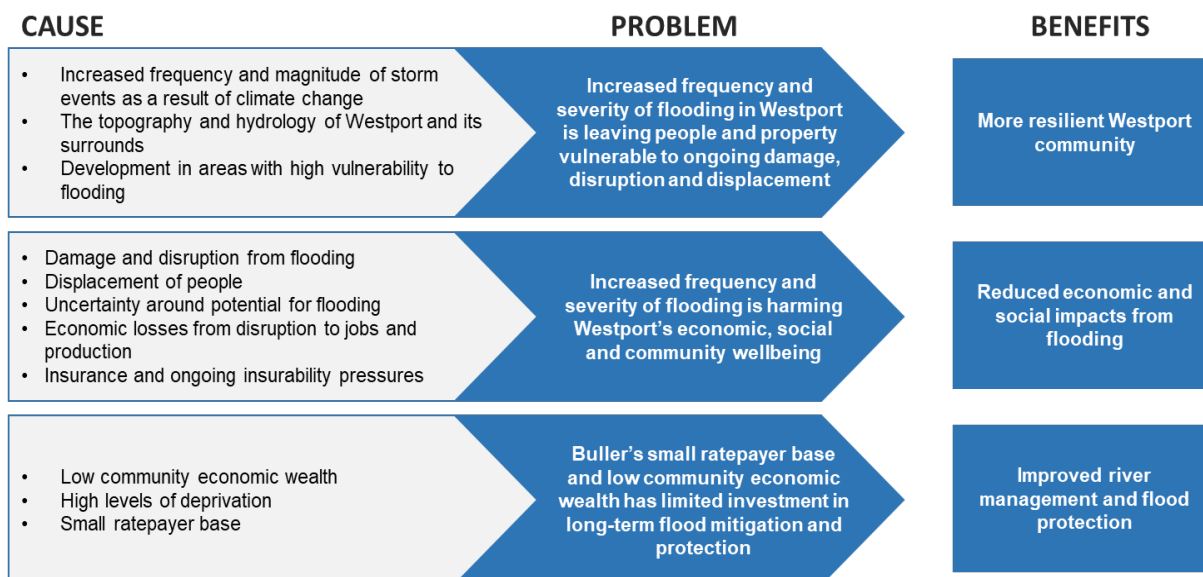


Figure two: the challenge to be addressed

OBJECTIVES

The Steering Group set four objectives to guide consideration of flood risk mitigation initiatives. The Steering Group's objectives (figure three) have been used by the TAG to help assess flood risk mitigation scheme options. Options that did not meet these objectives were not taken forward for further analysis.

Objectives
<i>Reduce the extent, frequency, and consequences of flooding from severe weather events on the Westport community, recognising and providing for the likely impacts of climate change</i>
<i>Minimise increasing or transferring flood risk to other areas within the Buller catchment or wider region</i>
<i>Improve the ability of the Westport community to prepare for, continue functioning during and after, and recover quickly from flooding events</i>
<i>Minimise the long-term financial burden of flood mitigation and protection on the Westport, Buller community.</i>

Figure three: Steering Group objectives

The Steering Group also defined a set of 'critical success attributes' essential to successful delivery of the project.

- **Strategic fit:** How well the option meets agreed objectives and service needs and how well the option aligns with WCRC and BDC strategies and plans and wider national and governmental objectives or directions.

- Value for money: How well the option maximises the return on investment (benefits over costs).
- Capacity and capability to deliver: How well the option matches the ability of agencies and service providers to deliver it and how well the option appeals to suppliers.
- Affordability: How well the option meets likely availability of funding and how well it matches other funding constraints.
- Achievability: How well the option is likely to be delivered in the current environment and how well the option matches the level of skills required for successful delivery.

Alongside the Steering Group's objectives, the above 'critical success factors' were kept foremost in mind by the TAG as it considered the structural and nature-based options for flood risk mitigation in Westport.

CONTEXT

The Buller River has the largest flood flow (for a given frequency of recurrence) of all rivers in New Zealand. The West Coast Regional Council (WCRC) has investigated flood mitigation scheme 'proposals' since the mid-2010s.

Land River Sea Consulting Ltd² was commissioned by WCRC in 2014 to undertake hydraulic modelling of the Buller River system. This was to identify the likely extent of flooding in the Westport area, for a range of return period events. It was also to investigate potential flood mitigation options.³

The 'Westport 2100 Working Group' was formed late in 2018. Its recommendations were forwarded to WCRC and BDC in September 2019.

The draft 2021-31 WCRC Long-term Plan (LTP) provided details on two options for flood risk mitigation at Westport:

- Option one: Development of partial stopbanks and a flood wall scheme at an estimated cost of \$3.4m.
- Option two: Development of an extensive stopbank and flood wall scheme at an estimated cost of \$10.2m.⁴

The majority (71%) of those who submitted on the draft LTP, from within the Westport Rating District, supported Option two.

Following the extreme flooding that occurred in July 2021, BDC and WCRC requested co-investment from central government for risk mitigation structures capable of reducing Westport flood risks. In response, Minister Mahuta invited the Councils to prepare a business case. Among other things, the Minister requested this business case demonstrate how climate change would be addressed within proposed flood mitigation measures.

In December 2021, the TAG was established by WCRC to assist with identifying flood risk mitigation options. The work of the TAG was greatly assisted by further modelling carried out by Land River Sea

² Land River Sea Consulting Ltd is a Christchurch-based company led by Matthew Gardner. They have been extensively involved in providing flood risk mitigation advice to WCRC for over ten years.

³ The Buller Working Group was formed in 2014/2015. This was a joint working committee of BDC and WCRC. The Group consulted with the community and investigated a wide range of potential mitigation options. This included clearing the Orowaiti Overflow and dredging the Buller and Orowaiti Rivers. External experts provided advice to Group. In 2017, the Group put forward five options to the community. These options included the 'ring bank' option included in the WCRC 2021-31 LTP, as well as a cut to the sea at the Orowaiti River mouth.

⁴ We note these were preliminary estimates based on limited pricing information and without contingency built in. Construction price index and the inflation occurring since these costs were first estimated, has also caused these base costs to increase.

Consulting Ltd. This modelling covered the effects of different flood frequency / magnitude scenarios and the flow management opportunities arising from more than seven different flood risk mitigation options. The modelling also considered the effects of a full range of future climate change scenarios.

The TAG's work was also greatly assisted by flood risk mitigation advice provided by Gary Williams from Otaki based company G & E Williams Consulting.⁵

TAG also considered the likely resource consent, stormwater interface, co-benefit, environmental, property and other 'technical assessment' matters arising from the construction of flood risk mitigation structures / nature-based solutions. In addition, they considered the cost, construction (and constructability), design, alignment, and preferred height of embankment options.

WCRC's decisions about urgent flood risk mitigation works

Based on a recommendation from the TAG to the Westport Rating District Joint Committee in March 2022, on 3 May 2022, WCRC unanimously agreed to invest \$2.6m to undertake urgent Buller riverbank rock protection works at Organ's Island and at the upper O'Connor Home sites. These works are to repair previously damaged and outflanked historic rock bank protection structures.

Protection at these sites will assist to maintain the current Buller River alignment and hence assist to protect the Westport 'ring embankment and walls' envisaged as being constructed as part of more general flood risk mitigation at Westport.⁶

With the assistance of consultants Davis Ogilvie and Partners Ltd, geotechnical investigations and related design work is also being progressed for the proposed embankment area extending from the Toki Bridge to the O'Connor Rest Home. Work on this aspect of the project was slowed slightly while the Land River Sea Consulting Ltd modelling work was completed. The TAG now expects draft design work from Davis Ogilvie and Partners Ltd to be completed in early July 2022.

'Service levels' expected from Westport flood mitigation structures

The TAG has recommended the structures to provide flood mitigation for Westport be designed to meet the following 'service level'⁷ expectations:

- For the full length of the 'true right' bank Buller River leg of the embankment and extending back toward the Orowaiti River as far as Stephens Road: sufficient to protect Westport from flows arising from a flood event occurring under a 100-year ARI / RCP6⁸ climate change scenario.
- For the 'true left' Orowaiti leg of the embankment extending from Stephens Road to the sea: sufficient to protect Westport from flows arising from a flood event with a 1:100 ARI, under a historic climate regime.⁹

⁵ Gary Williams has been providing flood risk mitigation advice to regional councils throughout New Zealand for over 40 years.

⁶ A third less urgent and smaller area of Buller riverbank rock protection has been proposed by TAG for a location near the O'Connor Rest Home. The cost of this additional work has been included in the total cost calculated for the overall Westport flood risk mitigation scheme.

⁷ 'Service level' means the flood mitigation expectations to be provided by the embankment structures.

⁸ 'ARI': Annual Return Interval. 'RCP' – Representative Concentration Pathway' to indicate one potential 'middle of the range of probability' future scenarios for climate change (NB this scenario is based on an expectation of greenhouse gas concentrations increasing for a time and then stabilising).

⁹ 'Historic climate regime' is the term used to describe flow and sea level conditions unaffected by climate change. In the Westport data referenced in this report 'Historic Climate' has used flow statistics based on flood events up to July 2021.

Figure 12 in the attachment prepared by Gary Williams describes the intended location of where these 'service levels' will apply.

TAG's reasons for recommending a lower standard for flood risk mitigation in the area adjacent to the Orowaiti Estuary are based on a consideration of the:

- Less dangerous nature of flooding at this location compared to the Buller River.
- Reduced cost of \$650,000 compared to the complete 'ring bank' RCP6 flood mitigation option.
- Reduced environmental impacts compared to the RCP6 mitigation option.
- Comparatively constrained footprint available for construction at this location.
- A general desire to not extend flood mitigation structures into the estuary.
- Availability of the longer-term option of upgrading the proposed structure to a higher standard.
- Amenity impacts of the RCP6 option compared to the 1:100 flood risk mitigation structures.

Favoured flood risk mitigation structures

WESTPORT FLOOD MITIGATION STRUCTURES - OVERVIEW

The TAG investigations included several alternative alignments and flood risk mitigation standards. The costs (both financial and environmental) and benefits varied for the different options. Details are provided in the '*Buller River Westport Flood Mitigation*' report prepared by Gary Williams attached separate to this report.

The TAG's consideration of options were also strongly influenced by the modelling work undertaken by Matthew Gardner from Land River Sea Consulting Ltd, Christchurch.¹⁰

The selection process considered the:

- Risk and hydraulic effectiveness of different options.
- Relative likelihood of flooding.
- Consequences of flooding and the value of 'flood risks' avoided.
- Property ownership and occupation rights, resource consent, cost, and environmental impacts of flood risk mitigation structures on homes and infrastructure including roads, bridges, and the rail network.
- Construction implications.

Having applied these assessment criteria, seven favoured options were identified. These favoured options have the following general characteristics:

- A combination of concrete wall, single board walls and double earth filled walls, with the use of each being selected to best suit site specific circumstances.
- Rock wall repair works for bank protection near O'Connor Home (two sections) and Organ's Island.
- Embankments and walls with alignment, heights, and other design parameters to reflect the results of modelling and hydrological effectiveness research carried out by Land River Sea Consulting Ltd, and design considerations put forward by G & E Williams Consulting Ltd.

¹⁰ The Land River Sea Consulting Ltd modelling report will be available later in June 2022.

- Extension of the flood risk mitigation at Carter’s Beach to the east along Schadick Avenue to include houses along this road and to provide additional flood risk resilience to the critical lifeline utility services provided by the airport.¹¹

WESTPORT ‘RING BANK’ OPTIONS

Two favoured ‘ring bank’¹² options (figures four and five) have been put forward by the TAG. The TAG have expressed reluctance to recommend a preference between these options because they viewed the decision between the two to be more political than technical.¹³ The matters that may be considered by WCRC and BDC when making a final decision between these two options may include:

- Cost differences (Option two is a little over \$2m cheaper).
- Number of houses and area protected (Option two provides protection to a larger area than option one).
- Risk of further urban intensification taking place within the larger protection area (Option one provides a bigger area within which urban development may occur – unless prevented by rules in Te Tai o Poutini Plan (TTPP), the combined district plan for the West Coast).

The TAG suggest, following WCRC and BDC consideration of TAG’s two preferred options, a final recommendation be included in the co-investment business case.

NATURE BASED FLOOD RISK MITIGATION OPTIONS

Revegetation of a relic Buller River meander near Organ’s Island:

The area of land on the true right of the Buller River near Organ’s Island includes the old channel of the Buller River.¹⁴ The TAG propose this area be revegetated as a wide area of native riparian forest.¹⁵ The TAG proposed this would be established over three phases of five years each. The area would thereby provide a vegetative filter and moderator of flood overflows down the Orowaiti River and estuarine system.

An additional benefit of this proposal is that – as this vegetation is established, the hard control of the rock lining could be relaxed, with the river thereby able to move within this wider space, prior to its re-entry into the sharp bend downstream at the valley side bluff. Re-vegetation would also reduce long-term rock maintenance costs of the flood mitigation scheme, while allowing a more natural river movement within a forested floodplain environment.

While there are some property issues to resolve, this revegetation is likely to generate co-benefits for indigenous flora and fauna, and carbon sequestration, and could potentially attract external sources of funding.

Re-alignment of Abattoir Creek

The current alignment and grade of Abattoir Creek was identified by the TAG as contributing to the unwanted re-direction of flood flows toward areas of Westport urban development. The TAG propose the grade of the bed of Abattoir Creek be altered to divert more flow away from this ‘at risk’ area of urban development.

¹¹ The 244 properties at Carter’s Beach have a net capital value of about \$81m (information supplied by J. Bell WCRC). The Carter’s Beach flood mitigation structures are estimated to cost \$1.7m for the section immediately around the beach and \$2.25m for the length extending past the Westport Airport (information supplied by Gary Williams – both at RCP6). This information suggests the cost benefit of investment at this location is attractive.

¹² ‘Ring bank’ is a generic term used to describe the structure proposed for around the town of Westport.

¹³ Both options will provide the same ‘service level’.

¹⁴ This land is currently administered by LINZ and leased for grazing. The lease comes up for renewal in June 2022. WCRC is liaising with LINZ.

¹⁵ See Figure 14 in the attachment prepared by Gary Williams.



Figure four – TAG favoured 'ring bank' option one

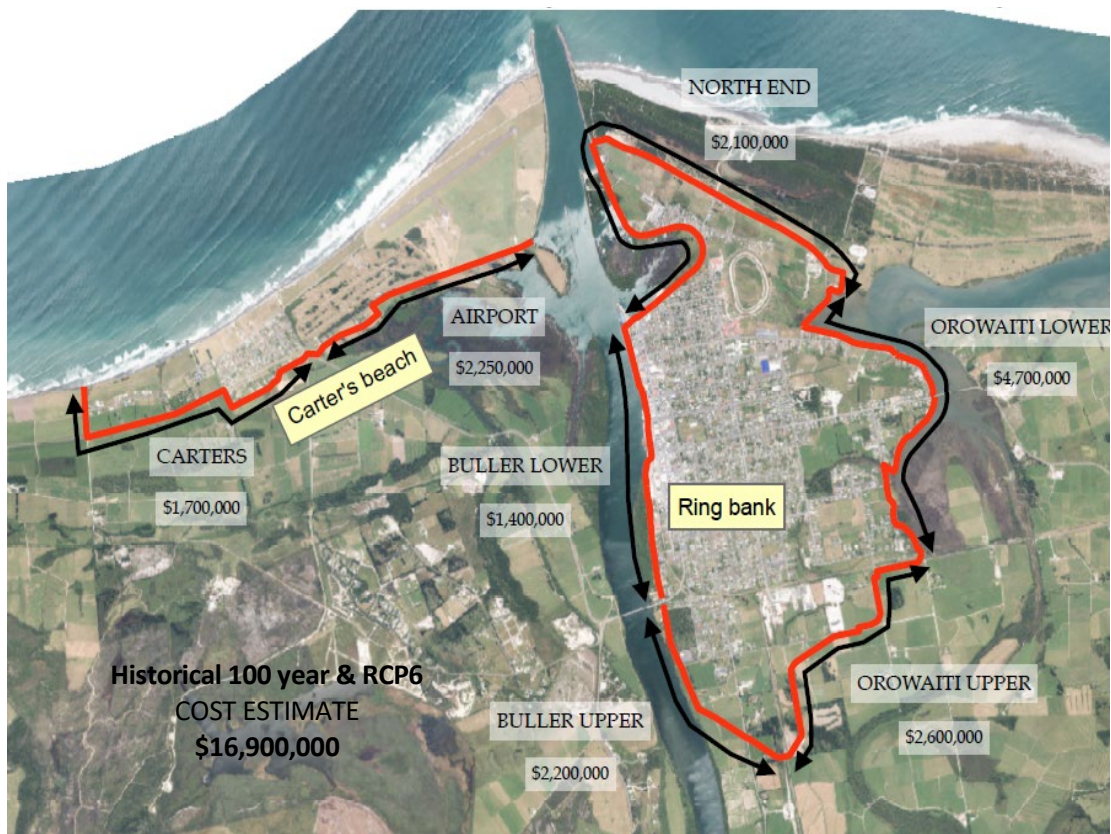


Figure five – TAG favoured 'ring bank' option two

Flood risk mitigation options not favoured by TAG

DREDGING OF THE BULLER RIVER

It has been suggested that flood risk to Westport could be mitigated by more extensive dredging of the bed of the lower Buller River.

The extraction of gravel material from the bed of the river has been investigated and reported on by Matthew Gardner¹⁶.

Matthew Gardner and Gary Williams informed the TAG that:

- The Buller River has the power, in large flood events, to determine its own bed levels and bed profile and will scour and deposit bed material to suit its very high magnitude sediment transport capacity.
- The Buller River channel, along its lower reaches and out to the river mouth bar, has been dredged for harbour development and maintenance purposes for many years. Rock tide walls have been used to confine flows in the main channel. This work indicates little effect on the bar or on channel depths occurred.
- Dredging / gravel extraction is costly and without commercial demand for the aggregate, dredging will come at significant ongoing cost.
- The benefits of gravel extraction are also unreliable, with small river floods having the ability to replace extracted gravel overnight.

DIRECT CUT TO THE SEA FROM THE OROWAITI ESTUARY

An 'overflow cut' option was put forward for consideration by the TAG. The proposed cut was suggested as best located where the Orowaiti Estuary bends to the east. The proposed cut was envisaged as allowing flow to go directly out to the sea, through the spit.¹⁷

Advice provided to the TAG by Gary Williams is the long length of a cut between the estuary and the current coastline, and the lack of hydraulic grade would make any overflow option at this location inefficient.¹⁸ Further, Mr Williams informed the TAG that:

- The cut would have to be wide and shallow to have sufficient capacity while still fitting the level limitations of the estuary and sea.
- The tidal range i.e. the difference between the height of the water in the estuary and the sea level at MHWS at this location, gives rise to a small useable height range across the spit.
- Maintenance of the cut would need to be relatively constant, with associated costs.
- An opening in this area would increase the risk of sea surge and tsunami hazards to residents of Westport.

¹⁶ 'Buller River Gravel Extraction Recommendations,' Gardner 2020.

¹⁷ The changes in the profile of the coastline and in the Orowaiti estuary over time, because of the coastal protrusion of the harbour moles, were demonstrated in slides presented by Matt Gardner at the Councillor briefing held on 26 May 2022

¹⁸ The complexity of Orowaiti 'cut' options are summarised in a report commissioned by WCRC in 2015. <https://www.wcrc.govt.nz/repository/libraries/id:2459ikxj617q9ser65rr/hierarchy/Documents/Publications/Natural%20Hazard%20Reports/Buller%20District/Westport/Orowaiti%20Cut%20%28Westport%20Flood%20Protection%29%20-%20Niwa%20recommendation%20May%202015.pdf>

FLOOD RISK MITIGATION STRUCTURES AT SNODGRASS

The option of providing flood mitigation structures at Snodgrass was fully explored by the TAG. This option was not favoured because the:

- Snodgrass area would remain inherently vulnerable, under present climatic conditions – and even more so, under climate change-induced sea level rise / increased storm intensity conditions.
- Snodgrass area is not made worse-off by the structural protection of Westport.
- Low-lying areas around the Orowaiti Estuary will be directly affected by any sea level rise, due to the consequent rise in groundwater levels back from the sea.
- Cost benefit of investment is not as attractive as the investments in the Westport ‘ring bank’ or at Carter’s Beach.¹⁹
- Construction of flood risk mitigation structures at Snodgrass would significantly increase water levels for upstream properties over a length of 6km with resultant adverse impacts on affected landowners.
- Resource consents for a structural solution may be difficult to obtain because the:
 - Toe of any embankment would extend into the estuary.
 - Public access would become increasingly restricted.
 - The structure may need to be of significant height thus creating unwanted amenity impacts for residents and visitors to this area.
 - Flow would be diverted to the true left side of the Orowaiti estuary causing a need for structures at this ‘other ‘Westport town’ side of the estuary to require additional height – with consequent cost and amenity implications.

OTHER OPTIONS NOT-FAVOURED

Other options not favoured by TAG included:

- Excavating a causeway on the Snodgrass peninsula. The TAG investigated the effects of constructing a floodway along the lowest lying area of land in the Snodgrass area. The idea explored was whether this would provide a relief area from flood flows upstream of the State Highway 67 causeway. More particularly, the TAG explored whether excavation of the causeway could eliminate the transport restriction flooding effect that occurs on the embankment access road to the State Highway and whether an excavation could lower upstream flood levels, and hence lower the cost of flood defences at other locations. Despite these potential benefits, the TAG found that the:
 - Benefits in terms of lower flood levels in the Orowaiti were relatively small.
 - Costs would be high because:
 - Bridging or constructing a set of box culverts would be required for floodwaters to pass under the State Highway.
 - There is a substantial area immediately downstream of the State Highway that has been filled in and this fill would have to be removed at considerable cost.
 - There are several homes located on or near the proposed causeway.

¹⁹ The cost of the structures at Snodgrass has been estimated to be \$2.3m (1:100). The capital value of the 34 properties at Snodgrass has been calculated to be close to \$13m.

- Constructing culverts at the Railway embankment at Stephens Road. The railway embankment across the Orowaiti river at Stephens Road acts as a weir control on overland flood flows. This Railway embankment was severely damaged by flood flows in the recent overflow flood events. Existing bridge/culvert openings are small compared to the length of the embankment restriction. Despite these factors, the option of constructing culverts at the Railway embankment at Stephens Road was not favoured by TAG because the:
 - Flood impacts of the small existing openings are localised due to the poor hydraulic linkage across Stephens Road to the low wetland area below the railway line.
 - An enlarged waterway capacity could have significant long-term benefits for KiwiRail, but these would neither hinder nor significantly benefit broader flood risk management.
 - KiwiRail may see fit to apply, at its own discretion, for a resource consent to enlarge the opening at Stephens Road sometime in the future.

- Constructing culverts on the embankment adjacent to the Orowaiti State Highway bridge: Removing this hydraulic restriction was assessed by the TAG. It was not favoured because it would:
 - Have little flood mitigation effect as the causeway was mostly ‘drowned-out’ in large flood events.
 - Not generate sufficient cost / benefit.
 - Need to take place in a sensitive area of estuarine mud flats thereby likely making resource consent for this work difficult to acquire.

Design, construction, maintenance, staging / phasing, and asset management

DESIGN, CONSTRUCTION, MAINTENANCE

General ‘concept designs’ and the rationale for the Westport flood risk mitigation embankment and wall construction, are described in the attached report from engineer Gary Williams. Figures 3 and 4 included in a second attachment to this report provide a sketch of the likely appearance and proposed location of concrete, single board-wall, and double earth-filled walls.

Additional information about the ‘constructability’ of the proposed scheme, its physical and carbon footprint, maintenance, structural failure implications, and the adaptability of the proposed structures to accommodate more resilience against future climate change scenarios, are also addressed in the attached report prepared by Mr Williams.

In addition, the report from Mr Williams notes the current propensity of the Buller River to concentrate its erosive influence toward the true right bank near Westport. Mr Williams advises that further future bank protection work, and on-going maintenance of existing rock protection measures, will be required.

PHASING / STAGING OF PROPOSED CONSTRUCTION

A preliminary staging proposal for the proposed flood defences is described in figure 17 of Mr Williams’s attachment. This recommended staging has been based on a qualitative assessment of risk. The approach applied by Mr Williams considers a risk matrix made up of the following variables: likelihood of flood occurrence; consequences of flood occurrence; constructability (relative ease of construction); and consent-ability.

With this risk matrix in mind, Mr Williams recommends the first stage of construction should be focused on the inland portion of the scheme. The proposed embankment structure next to the Buller River is viewed as the number one priority.

Total construction of the proposed flood risk mitigation scheme is expected to take three years.

In addition, before construction can commence, process matters will need to be resolved. These include securing appropriate project management skills, confirming funding (including a decision from Cabinet about 'co-investment'), consultation with affected parties and landowners, acquiring resource consents and securing property access, confirming 'rights' for land occupation by scheme structures, completing final design, and tendering for the supply of services and materials. These processes may take 8-12 months.

Resource consent, environment, Te Ao Māori and property matters

RESOURCE CONSENT, ENVIRONMENT, AND TE AO MĀORI

Draft advice on resource consent and environmental matters associated with the options for the Westport flood risk mitigation scheme was provided to the TAG by Landmark Lile Ltd and those officers from WCRC with responsibility for developing TTPP. This advice covered the following matters:

- Te Ao Māori perspectives on the scheme proposal should be viewed by the TAG as requiring strong respect. These perspectives are to be included as part of the development of the draft business case. They are to be considered by BDC and WCRC before the business case is approved.
- Under the current Buller District Plan the scheme would be a permitted activity.
- Under the proposed TTPP, it is likely (after reconciliation) the area inside the proposed 'ring bank' part of the scheme will be identified in a 'Westport Hazard Overlay.' Within this overlay area subdivision is proposed to become a discretionary activity. New building freeboard heights may also be proposed.
- Under the WCRC's Regional Land and Water Plan, earthworks and vegetation removal in the riparian area is a restricted discretionary activity. In other areas, earthworks are a controlled activity. (The advice to the TAG suggests that with appropriate offsets and careful management, consent should be grantable).
- Under the Regional Coastal Plan, any activity falling within the Coastal Marine Area is a discretionary activity. In all but two small areas, the proposed embankment is likely to avoid the Coastal Marine Area. (In these small areas, TAG propose the toe of the proposed embankment may provide an opportunity to plant reeds and other vegetation suited to extending the area available for inanga spawning).
- An area defined as a 'regionally significant wetland' is located near the proposed embankment at Carter's Beach. Activities within 100 metres of this wetland are non-complying. (TAG propose to 'refine' the alignment of the embankment at this location to reduce the effect and risk of encroaching on the protected wetland).
- Several properties on the true left bank of the Buller River may be 'affected' by flood level increases. These effects require consideration of the length and height of the Buller River embankment located on 'true right' of the Buller River, as a discretionary activity. (The TAG propose the agreement of affected property owners at this location be sought – with appropriate amelioration before works are undertaken).

- Some minor earthwork areas may have contaminated soil. (The TAG advise that careful site management should be applied at these locations).

In summary, the advice provided to the TAG on resource consent and environmental matters suggests that with careful site management practices, design refinements and strong consultative processes etc. there is a low risk of the proposal not receiving resource consent.

In addition to the above resource consent matters, the TAG draw the Joint Committee’s attention to the following:

- Preliminary discussions have taken place with Waka Kotahi about the effects of the embankment on peak flood flows on State Highway bridges. As part of their future asset management planning, Waka Kotahi have been encouraged to give a higher priority to the works required to increase the clearance height at the Buller River State Highway bridge.
- Embankment design and construction between the Toki and State Highway bridges will need to be integrated with the design and construction of the proposed enhancements to the Westport cycleway. Discussions are underway to achieve this objective.
- As noted elsewhere in this report, ‘amenity’ considerations have been considered as part of the process of selecting the alignment, height, and construction (concrete, single wall, or double wall) of the proposed embankment. At some locations, viewing platforms and other measures to enhance appreciation of the Orowaiti Estuary and Buller River will be constructed.

PROPERTY MATTERS

The total length of the proposed Westport flood risk mitigation embankment and walls is approximately 20km. Around 50% of this is on public property, 43% is on private property and 7% is on KiwiRail property (see figure six).

Around 36 private properties will have embankments or walls on their property. Many of these are farmed / grazed. Nine are lifestyle blocks. An additional 15-20 private properties will have the embankment or walls located on reserve land near their houses.

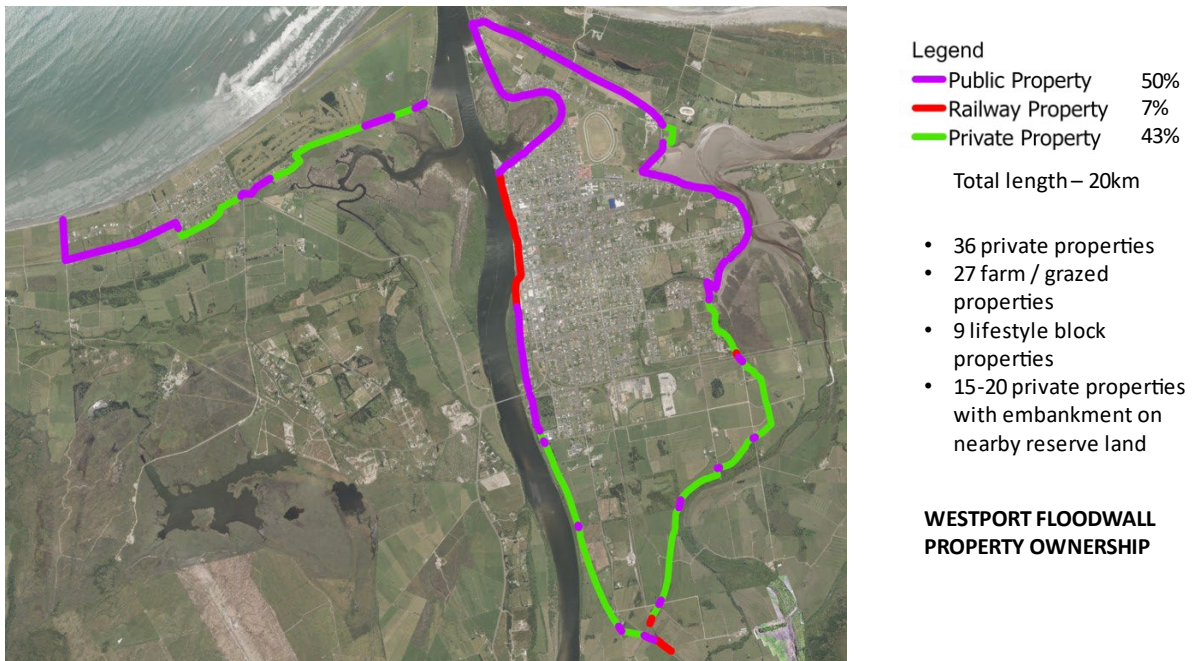


Figure six: Location and ownership of affected properties

As noted above, the agreement of all parties affected by the proposed structures will be required before construction can commence. This agreement will need to be formally recorded for resource consent, asset management, occupation, and access purposes.

The 'consultation' challenge currently faced by BDC and WCRC is the flood risk mitigation scheme can only be viewed – at this stage in the process, as a 'proposal.' This status will prevail until such time as funding is secured.

An active consultation process is proposed with both directly and indirectly affected parties as soon as this funding is confirmed. The significance of the project is also such that the special consultative procedures defined in the Local Government Act 2022 will be triggered. These require formal processes to be applied by the WCRC before the project proper commences. More information on the consultation process is included in the report 'Consultation Matters' on the Agenda for this Joint Committee meeting.

Estimated costs

Details about the basis of calculating preliminary flood scheme costs are included in the report prepared by Gary Williams. The diagrams attached to the report prepared by Mr Williams display comparative cost information for the various scheme sections and options considered by the TAG. The total estimated cost of proposed flood mitigation measures, as shown on Figure 16 of Mr Williams' attachment – inclusive of the larger town 'ring bank' embankment option, the Organ's Island revegetation and the Buller River rock repair works), is just under \$24 million.

The report prepared by Mr Williams recommends the cost of the structural and nature-based elements of the proposed scheme be stated as \$25 million. Of importance, Mr Williams notes:

- The massive uncertainty currently troubling all capital works and supply chains in New Zealand, and for local government especially.
- Costs have been estimated on a contract schedule basis, with a preliminary estimate of unit costs and volumes, not as an engineer's estimate for tendering purposes.
- Costs to obtain landowner access agreements, for construction and on-going maintenance, have been included, but this only covers the likely costs for willing party agreements.
- Costs include a percentage for engineering fees.
- Consent and other approval costs are not included.
- Costs of the Buller River rock works are based on a final design with a 10% contingencies allowance.
- Costs have been included for the flap-gates, culvert adjustments and other works to enable good management of the interface between the proposed flood risk mitigation structures and stormwater.

PROCESS COSTS

Preliminary work has been undertaken to estimate the cost of community engagement, acquiring resource consents, negotiating property agreements and general council project management. These costs may total \$1 million.

In addition, provision will need to be made for the cost of interest, depreciation / maintenance of the flood risk mitigation structures. Excluding interest, these may cost between 1% to 2.5% per annum of the final cost of the structures. This will be an operating cost that will flow directly to rates unless the assets are not depreciated.

STORMWATER

The 'cost summary' information used in the diagrams provided by Mr Williams includes stormwater management costs. BDC have advised (pers. comm, CEO of BDC, 3 May 2022) this information may have underestimated the cost of the scheme infrastructure, such as flap-gates and enhanced culverts, required to ensure an efficient interface with the stormwater systems within the 'town' part of Westport.²⁰

The final estimated cost of the scheme of \$25 million, as recorded in the report prepared by Mr Williams, is viewed by Mr Williams as sufficient to accommodate this potential underestimate.²¹

Cost benefit

WCRC commissioned NIWA to apply their 'RiskScape' model to analyse the direct damage of flooding effects on Westport arising from several climate change and flood magnitude scenarios.²² NIWA's report concludes that under an ARI100 / RCP6 flooding scenario²³ approximately \$212 million of damages is estimated to occur to Westport buildings²⁴. (NB the cost of the July 2021 flooding was estimated at \$100m).

The work of NIWA thereby confirms significant cost benefits will arise from the investment of \$25 million in the proposed Westport flood risk mitigation scheme.

The work undertaken by NIWA was further confirmed in a report prepared for WCRC by Infometrics.²⁵ The Infometrics report states...*'(page 4) the analysis in this report, although based on rather patchy data, clearly shows that (the) stopbank option recommended by the Technical Advisory Group...is highly cost effective...(page 15)... the case for pursuing (this option)...could not be clearer.'*

Business case

MATTERS TO BE ADDRESSED IN THE BUSINESS CASE

As noted earlier in this report, a business case is being prepared seeking central government co-investment in a full spectrum of Westport flood risk mitigation and community resilience building measures. A draft, and then a final version, of the proposed business case will be considered later in the month by both BDC and WCRC.

Among other things, the business case will present information about the strategic, financial, management, economic and commercial reasons for central government co-investing in Westport. It will also include information about how the matters raised in the correspondence from Hon Nanaia Mahuta have been satisfied and how the objectives and 'critical success factors' for the project – as established by the Westport Recovery Steering Group, have been satisfied.

²⁰ TAG are aware that major Westport stormwater upgrades may become part of the future work programme of the proposed new 'three waters' entity.

²¹ Land River Sea Consulting Limited's Matthew Gardner has advised that BDC may wish to consider commissioning detailed modelling of the long-term stormwater and groundwater changes expected in Westport because of climate change.

²² 'Direct Damage Analysis for Scenario Flooding in Westport', NIWA, May 2022

²³ This is the scenario recommended and used by TAG to guide the design of its preferred flood risk mitigation scheme

²⁴ The cost of damages increases to \$333 million if roads and the rail network were included in these calculations.

²⁵ 'Real Options Analysis of Strategies to Manage Risks to Westport from Climate Change', Infometrics, May 2022

STRATEGIC FIT

A draft report has now been prepared for the WCRC summarising the 'strategic' reasons for central government co-investment²⁶. This draft report describes Westport's context, natural hazards, the operating environment, and the degree to which there is a 'strategic fit' between the:

- Case for Westport receiving funding from central government for a flood risk mitigation scheme; and the
- Current related central government, Te Uru Kahika²⁷, Buller District Council (BDC), West Coast Regional Council (WCRC) and other agency policy settings and actions.

A summary of this 'strategic' report is attached as attachment one to this report. It confirms there is strong alignment between the proposed project and wider national or sectoral priorities, goals, priorities, policy decisions, other multi-agency programmes and with the WCRC and BDC strategic intentions and business strategies.

CO-INVESTMENT COST-SHARE?

The business case will also include a final section describing the proportion of the total long-term costs sought from central government to help build Westport community's resilience against flood risks. Precedents will be drawn upon to help develop this final section of the business case. The strategic report referenced above notes that:

- The 55 'shovel ready' flood risk mitigation projects funded²⁸ in 2021 by central government, as part of their Covid recovery programme, received a cost share of between 60% (for comparatively wealthy regions) and 75% (for less wealthy regions).
- Prior to the early 1990s, the capital cost of substantial river management and flood protection schemes was commonly supported at levels of 50% to 75% by central government. Maintenance and operating costs were supported at rates of around 25%.^{29, 30}

These precedents suggest there is more than adequate grounds for WCRC and BDC to seek a 25:75% split with central government financial assistance / co-investment (75% from central government) to improve the resilience of the Westport community against flood risks.

Conclusion

The TAG's proposed Westport flood risk mitigation scheme strongly satisfies the objectives and critical success factors identified by the Steering Group.

Risks

There are significant risks for WCRC and BDC as they navigate their way through the path toward investing in Westport flood risk mitigation and community resilience building. These risks have been identified throughout this report. Critical amongst these risks are achieving majority community support for the

²⁶ 'Resilience against flood risks at Westport - Co-investment business case: Context and 'Strategic Fit,' HenleyHutchings, May 2022.

²⁷ Te Uru Kahika is the collective of regional and unitary district / city councils throughout Aotearoa New Zealand.

²⁸ A total of \$217m of funding was provided toward 55 projects with a total cost of \$313 million.

²⁹ The difficult financial period in the 1980's and the application of 'Rogernomics' dealt a blow to this necessary investment.

³⁰ A review of documents from the time suggests this national support typically amounted to over \$114m per annum in today's dollars.

proposal and uncertainty about available funding. These risks should not detract from the most serious risk of all – that nothing happens, and Westport is flooded yet again.

Significance and Engagement Policy Assessment

The matters addressed in this report are of high significance. Positive and fulsome community and affected-party engagement and consultation is clearly recognised as critical to the success of the proposal.

Details about proposed engagement and communication processes are addressed elsewhere in this agenda.

The most important point to note at this stage of the process is that aspects of the preferred scheme, as described in this report, will not have certainty until such time as co-investment funding is secured from central government. Until that time, the proposal should be viewed simply as a ‘proposal’. After co-investment funding is secured, then WCRC and BDC intend to apply very robust consultation and engagement processes.

Tangata whenua views

Iwi representatives are voting members of both the Buller Recovery Steering Group and the Westport Rating District Joint Committee. A report is expected shortly recording Te Ao Māori perspectives on the proposal. The results of this report will be woven into the business case for the proposal for consideration by BDC and WCRC later this month.

Financial implications

The matters raised in this report have significant financial implications for WCRC, BDC and the ratepayers of Westport, and potentially the wider West Coast.

Communications

If the matters raised in this report are approved, a Q and A and associated media material will be released, under the signatures of the CEOs of WCRC and BDC.

Attachments

1. ‘Buller River, Westport Flood Mitigation, Engineering Report’ G E Williams Consultants, June 2022
2. Figures and diagrams prepared by G E Williams Consultants, June 2022 to support the above report.

Appendix one: Executive summary from a report prepared by HenleyHutchings (May 2022) 'Resilience against flood risks at Westport, Co-investment business case, Context and 'Strategic Fit.'

There is a compelling 'strategic fit' case for Westport to be the recipient of co-investment funding for a flood protection scheme.

Geography: Westport is a small town situated at the base of one of the largest catchment areas in New Zealand. The town is built on a narrow floodplain, sandwiched between two rivers and the sea. This location makes the town highly susceptible to flooding.

Natural hazards: Liquefaction, earthquakes / tectonic movements, and coastal accretion compound Westport's natural hazard risk-scape.

Flooding and flood protection: Flooding is the number one natural hazard in Aotearoa. New Zealand now faces, on average, one major flood event every eight months. Flood protection schemes are the first line of defence.

Climate change: Sea level rise and higher flood flows (because of 9-19% more rainfall by 2100) compound Westport's flood risk.

Crown assets: For the past three decades, Crown-owned and related assets have received flood protection at a cost to regional and targeted local ratepayers, with little contribution from the Crown. Crown assets located in Westport have a value of over \$1 billion.

Socio-economic status of Westport: The underpinning economy of the Buller district remains strong but urban Westport is ranked nationally in the 92nd percentile for deprivation.

Buller District Council and West Coast Regional Council: Both councils have a small and widely distributed rating base. The two councils are capable of governing and managing necessary flood protection programmes but the ability of their communities to fund these on their own, alongside other programmes, is significantly constrained.

Previous work on flood protection in Westport: West Coast Regional Council – together with the Buller District Council, have been exploring Westport flood risk mitigation options since 2014. A significant 'Westport 2100' report was prepared in 2021. This recommended a 'ring embankment' around the town of Westport.

Other regional council flood protection research: Research undertaken by regional councils (January 2022) establishes a strong case for central government co-investment in flood protection schemes.

Insurance sector: Insurance in places like Westport will start to become unavailable or very expensive. The insurance sector itself has signalled that in coming years, future insurers are not likely to take on customers in areas prone to flooding.

Government's 30-year Infrastructure Plan: The Plan records the average annual costs of responding to flood events now exceeds \$50 million. While necessary, this is sub-optimal expenditure compared to preventative investment.

Productivity Commission: The Commission's report on local government funding identified 'national interests' and the 'benefit principle' as clear pointers for central government contributing to flood protection schemes.

RM reforms: These reforms clearly point to the need for a stronger natural hazard focus to the national planning framework.

- Spatial planning will greatly assist to define where New Zealanders are best to live, work and play; where we are best to put our infrastructure; where rivers and the coast should be permitted to run unhindered by structures; where biodiversity may flourish; where natural hazards will have unwanted effects and, most importantly; where, and how we build resilience into our rural and urban communities.
- The proposed Climate Change Adaptation Act will help define how a staged managed retreat process may operate and be funded, and how a dynamic adaptive management approach may be applied.
- The proposed Natural and Built Environments Act will contain clear statements of desired environmental (natural and built) planning outcomes, a national planning framework, and clear and fulsome national instruments. It will also better define the respective resource management accountabilities of central and local government.
- The Climate Emergency Response Fund has been established, with an initial focus on decarbonisation initiatives but no certainty yet about how it may assist the regional sector with fraught 'managed retreat' and other measures capable of building community resilience against flood / coastal risks.

Precedent central government co-investment decisions: In the past, (prior to the early 1990s), the capital cost of substantial river management and flood protection schemes was commonly supported at levels of 50% to 75% by central government.

Shovel ready funding: In 2021, regional councils throughout New Zealand received \$217m toward 55 'shovel ready' flood protection projects. Funding was provided at a 75% ratio for projects in those regions viewed as having comparatively high levels of deprivation. The proposed Westport flood protection scheme may well have been included in this programme but, at the time, it was not regarded as 'shovel ready'.

Previous Cabinet decisions: The July 2021 Cabinet report contains principles that clearly support co-investment in flood risk management at Westport.

Report to: Council	Meeting Date: 14 June 2022
Title of Item: Rates for 2023	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to seek clarification from Council on the Rates for 2023 adopted in the Long-term Plan 2021-2031 (the LTP).

Report Summary

By adopting the LTP Council determined the budget for ten years, including the increments from year to year. The Annual Plan process for 2023 requires Staff to review the adopted budget for the 2023 financial year and clarify whether there are any significant changes required.

This paper seeks clarification on Rates for the 2023 financial year, known as Yr 2 of the LTP, for inclusion in the Annual Plan 2023.

Recommendations

It is recommended that Council resolve to:

1. Approve the Rates as adopted in the Long-term Plan 2021-2031 to be applied in the 2023 financial year; and
2. Approve the Rates for the Westport Rating District of;
 - o \$2.23 per \$100,000 Capital value for Pre-Construction work; and
 - o \$5.34 per \$100,000 Capital value for preparatory work for the Westport Flood Protection Scheme.

Issues and Discussion

Background

When the LTP was adopted Council determined the budget for ten years, including the increments from year to year.

Embodied in the adopted LTP were the following percentage increments to be applied to Rates, see extract below from page. 52:

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.

The LGCI referred to being the 2.3% included in the table below from page 94 of the LTP. This means that the Rates increment for 2023 was 10% plus 2.3% LGCI, therefore the adopted LTP includes a 12.3% general rates increase for 2023.

Cost changes.	Inflation will increase costs to Council and there will be insufficient revenue.	Low ▼	Cost changes have been included in the financial projections. Cost changes are as per BERL estimates. Revenue estimates have also been adjusted using the same BERL index. Interest and depreciation expenses in this LTP have not had cost change inflation applied. Investment income in this LTP has not had cost change inflation applied.
Index adopted			
		Year	Local Government Cost Index (published by BERL for SOLGM)
		2021/22	Baseline
		2022/23	2.3%
		2023/24	2.1%
		2024/25	2.2%
		2025/26	2.3%
		2026/27	2.1%
		2027/28	2.2%
		2028/29	2.2%
		2029/30	2.3%
		2030/31	2.1%

Current situation

Management now seeks clarification from Council as to whether a 12.3% increment to Rates that was embedded in the LTP should be actioned. Or whether Management should revisit this matter and only increment Rates by 10% for the 2023 financial year.

In addition to this matter, the proposed Rates for the Westport Rating District were tabled at the Westport Rating District Joint Committee, see Attachment 1. These are now tabled to Council for approval.

Considerations

Implications/Risks

The main risk is financial and Council not meeting its budgeted revenue targets.

Significance and Engagement Policy Assessment

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

Tangata whenua views

Not applicable

Financial implications

Current budget - NA

Future implications – potential to not meet budget in 2023

Attachments

Attachment 1: Westport Rating District Joint Committee paper, *Re: Proposed Rates for 2023*, presented by Heather Mabin on 8 June 2022.

Report to: Westport Rating District Joint Committee	Date: 8 June 2022
Title of Item: Rating recommendation 2023	
Report by: Heather Mabin – Chief Executive, West Coast Regional Council	
Reviewed by: Hugh McMillan, Chairperson	
Public excluded? No	

Report Purpose

The purpose of this paper is to table for consideration the Rates to be levied on the Westport Rating District for 2023 for the pre-construction work on the Westport Flood Protection Scheme Project (the Project) and estimated cost of ongoing preparatory work prior to commencing construction.

Report Summary

Local authorities are required to adopt both a long-term plan every three years and annual plans for the years between the long-term planning cycles. By 30 June 2022, West Coast Regional Council (WCRC) must adopt its proposed rates to be levied on all rate payers in 2023.

In line with the consultation process WCRC undertakes with each Rating District, this paper outlines the proposed Rates to be levied on the Westport Rating District in 2023.

Draft Recommendations

It is recommended that Westport Rating District Joint Committee resolve to:

- Consider the Rates to be levied on the Rating District for 2023, namely;
 - \$2.23 per \$100,000 Capital value for Pre-Construction work; and
 - \$5.34 per \$100,000 Capital value for preparatory work for the Westport Flood Protection Scheme.
- Note the Engineering cost recovery levy of \$35,000.

Issues and Discussion

Background

In line with the consultation process necessary under the Local Government Act 2002, WCRC proposed two Options for the Westport Rating District in their Long-term Plan 2021-31 (LTP 2021-31) Consultation Document.

Option One was:

Option 1 - Preferred



Development of partial stopbanks and flood wall scheme estimated at \$3.4 million.

But what will that cost me?

\$25.93 per \$100,000 of Capital Value per year, commencing in 2022/23.

Pre-construction

\$1.35 per \$100,000 of Capital Value per year, commencing in 2022/23.

Maintenance

Any flood protection scheme will require maintenance, administration and insurance, however these costs are unknown at this point.

And Option Two:

Option 2
Development of an extensive stopbank and flood wall scheme estimated at \$10.2 million.
But what will that cost me? \$77.78 per \$100,000 of Capital Value per year, commencing in 2022/23.
Pre-construction \$2.28 per \$100,000 of Capital Value per year, commencing in 2022/23.
Maintenance Any flood protection scheme will require maintenance, administration and insurance, however these costs are unknown at this point.

After consideration of the submissions, WCRC adopted Option Two. It was determined in LTP 2021-31 that the Project was to be funded by a loan from LGFA, to be repaid over a number of years by the Westport Rating District.

WCRC strikes its rates in September each year which are then charged to ratepayers in two equal instalments. To date, WCRC has committed to funding \$2.6M expenditure on immediate urgent works at Organs Island and on a scour on the Buller River adjacent to O'Connor Home. These costs are not being funded by Westport Rating District. Instead, Council determined at an Extraordinary Council meeting on 3 May 2022 that these works would be funded by the 'cashing up' the catastrophe fund portion of the investment portfolio and increase a rollover of Council debt.

To undertake further preparatory work for the Project, WCRC needs to levy rates on the Westport Rating District.

The LTP 2021-31 determined an Engineering cost recovery to be levied on each Rating District. The exception being, the Westport Rating District who were to have this levy of \$35,000 applied for the first time in 2023. Minutes of the decision read:

Topic 3 – Engineer, and other rating district services, cost recovery

- Option 1 – Recover \$287,000 of the cost of administering the rating districts from the rating districts, with the remaining portion to be met from the general rate
- Option 2 – Recover \$232,250 of the cost of administering the rating districts from the rating districts, with the remaining portion to be met from the general rate

Amended Table:

	Value of asset as at 30/06/21	Option 1	Option 2
		Fixed fee to be prorated across rating district	
Saltwater Creek/New River	-	\$500	\$250
Neil's Beach	-	\$500	\$250
Matanui Creek	\$90,602	\$500	\$250
Rapahoe	-	\$500	\$250
Hokitika Southside	\$925,540	\$2,500	\$1,250
Mokihinui	\$2,098,312	\$2,500	\$1,250
Raft Creek	\$338,328	\$2,500	\$1,250
Okuru	\$997,200	\$2,500	\$1,250
Whataroa	\$923,075	\$2,500	\$1,250
Kongahu	\$1,412,309	\$2,500	\$1,250
Red Jacks	\$995,500	\$2,500	\$1,250

Vine Creek	\$2,647,692	\$7,500	\$3,750
Coal Creek	\$3,267,129	\$7,500	\$3,750
Inchbonnie	\$4,100,677	\$7,500	\$3,750
Kowhitirangi	\$5,526,272	\$7,500	\$3,750
Taramakau	\$10,726,503	\$12,500	\$7,500
Karamea	\$8,950,961	\$12,500	\$7,500
Nelson Creek	\$4,016,763	\$7,500	\$3,750
Waitangitoana	\$3,796,510	\$7,500	\$3,750
Wanganui	\$18,808,551	\$20,000	\$15,000
Punakaiki	\$4,160,618	\$20,000	\$15,000
Hokitika Seawall	\$4,302,788	\$35,000	\$35,000
Greymouth Floodwall	\$15,438,938	\$35,000	\$35,000
Westport*	-	\$35,000	\$35,000
Franz Josef	\$13,275,032	\$35,000	\$35,000
Total	\$106,799,300	\$269,500	\$217,250

*Not applicable in the 2021-22 financial year.

H. Mabin requested that Council notes that Westport will not be rated in this current financial year, therefore their engineering costs and that management revisited the allocation to Nelson Creek and Waitangitoana rating districts.

Moved (Coll McLaughlin / Ewen)

That Council proceeds with amended Option 2 (70% to be paid by the rating districts and 30% from the general rate).

Carried

As a result of this annual levy, WCRC Staff costs have not been included in the Westport Rating District and Flood Protection Scheme Project detailed in the separate paper, *Westport Rating District - Financial Report to 30 April 2022*.

Current situation

By 30 June 2022, WCRC will have incurred pre-construction costs of at least \$150,000. It is therefore proposed that WCRC levy the Rating District for the \$2.28 per \$100,000 of capital value in 2023, as detailed in the LTP 2021-31 Consultation Document.

Pre-construction costs

To prepare to undertake the preferred protection scheme option, Council proposes to undertake the survey and design work in the 2021/22 financial year. A flood modelling review will also be required to ensure the flood protection scheme meets the recommended level of service consulted on. Estimated pre-construction costs of \$150,000 would be recovered through a targeted rate in the 2022/23 year.

The final cost and magnitude of the capital works that is required to construct the Flood Protection Scheme will be dependent on the outcome of the business case to be submitted to Hon. Minister Mahuta by the Buller District Council and WCRC, due 30 June 2022.

The decisions that are made after receiving Cabinet's ruling on the request for funding in the business case, will then inform the detail of the annual plan of works for the Westport Rating District.

To keep the work on the Project moving forward, WCRC has budgeted an additional \$700,000 for preparatory work (over and above the internally funded \$2.6M on immediate urgent works at Organ's Island and O'Connor Home) in the 2023 financial year. These costs include ongoing project management, design, land tenure and consent costs.

Therefore, in line with the detail in the LTP 2021-31 Consultation Document, it is proposed that a Rate of \$5.34 per \$100,000 of Capital value be levied on the Rating District to fund this loan.

This equates to 7% of the \$77.78 per \$100,000 capital value, depicted above, for the Option two \$10.2M spend, e.g. preparatory expenditure of \$700,000.

Implications/Risks

The main risk to WCRC is the financial impact of carrying un-funded costs. In its decision on 3 May 2022 to fund immediate urgent works of \$2.6M WCRC has taken on this risk, the potential mitigation being a positive outcome regarding co-investment from Cabinet.

The proposed Rates in this paper are in line with WCRC's LTP 2021-31 consultation process that included receiving submissions, Hearings and deliberating to determine final outcomes.

Significance and Engagement Policy Assessment

The final Flood Protection Scheme asset will require an amendment to WCRC's policy.

Report to: Council	Meeting Date: 14 June 2022
Title of Item: CAPEX spend for 2023	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to seek approval from the Council regarding the capital expenditure to be included in the Annual Plan 2023.

Report Summary

The purpose of an Annual Plan is to identify any significant changes in levels of service and/or financial expenditure in comparison to those adopted in the Long-term Plan 2021-31 (the LTP). With the delays in expenditure on assets, Council is requested to confirm a carry forward of approved budget from 2022 to 2023 then a consequent deferral of planned 2023 capital expenditure to 2024.

This paper tables the proposed capital expenditure to be included in the Annual Plan 2023.

Recommendations

It is recommended that the Council resolve to:

1. *Approve the carry forward of unspent budget from 2022 to 2023 of \$14,188,344 that consists of:*
 - a. *Flood Protection and Control systems of \$14,076,538; and*
 - b. *Other Assets of \$111,796*
2. *Approve the deferral of \$12,224,635 planned 2023 Flood Protection and Control systems capital expenditure to 2024;*
3. *Approve the inclusion in the Annual Plan 2023 of a total of capital expenditure of \$15,710,788 that consists of;*
 - a. *Flood Protection and Control systems of \$14,776,538; and*
 - b. *Other Assets of \$934,240.*

Issues and Discussion

Background

In the Long-term Plan 2021-31 (LTP 2021-31) Council resolved to spend \$14.5M on capital items in 2022 and \$13.8M in 2023.

Current situation

Carry forward of Unspent Capital Expenditure

In May, Management presented the proposed carry forward of unspent budget to the Risk & Assurance Committee. The total to be carried forward is \$14,188,344 that consisted of \$14,076,538 on Flood Protection and Control systems, see table 1 below, and \$111,796 on Other Assets, see table 2 below.

Table 1 includes the \$2.6M Immediate urgent works for Westport approved by Council at the Extraordinary meeting on 3 May 2022. These works are classified by nature as maintenance, however,

for the purposes of the overall cost of the Westport Flood Protection Scheme, are integral to constructing the asset so will be treated as capital expenditure.

Given that a significant amount of expenditure will be carried forward to 2023 from 2022, it is assumed that \$12.2M of planned 2023 spend will need to then be deferred to 2024 (Column 2022/23 C/fwd) as a consequence, see table 3 below.

Table 1: Flood Protection and Control Systems Expenditure 2022

	Actual Dec-21 YTD 2021/22	Forecast 2nd 1/2 Year 2021/22	Forecast Full Year 2021/22	LTP Full Year 2021/22	Variance Full Year 2021/22	2021/22 Proposed Carryforward
Flood Protection and Control Network	1,230,427	1,769,573	5,625,113	13,811,405	8,186,292	11,451,425
IRG - Franz Josef	435,142	625,811	1,060,953	7,043,863	5,982,910	5,982,910
IRG - Greymouth	12,520	18,005	30,525	2,047,651	2,017,126	2,017,126
IRG - Hokitika	520,266	748,236	1,268,502	4,719,891	3,451,389	3,451,389
IRG - Westport	-	-	-	-	-	-
Rating Districts	262,499	377,521	640,020	-	(640,020)	-
Westport (non-IRG) Stage 1	-	-	-	-	-	-
Organs Island	-	-	1,701,762	-	(1,701,762)	1,701,762
Scour at O' Connor Home	-	-	923,351	-	(923,351)	923,351
TOTAL	1,230,427	1,769,573	5,625,113	13,811,405	8,186,292	14,076,538

Table 2: Other Assets Expenditure 2022

		Actual Dec-21 YTD 2021/22	Forecast 2nd 1/2 Year 2021/22	Forecast Full Year 2021/22	LTP Full Year 2021/22	Variance Full Year 2021/22	2021/22 Proposed Carryforward
Other	Level of Service	7,790	-	7,790	-	(7,790)	-
Environmental Science - Air Quality	Replacement	-	-	-	70,000	70,000	70,000
Environmental Science - Water Quality	Replacement	-	20,000	20,000	20,000	-	-
Hydrology	Replacement	31,883	18,117	50,000	100,000	50,000	41,796
Hydrology	Level of Service	10,804	37,400	48,204	40,000	(8,204)	-
IT Equipment	Replacement	74,588	45,000	119,588	58,000	(61,588)	-
IT Software (Intangibles)	Replacement	-	71,061	71,061	100,000	28,939	-
Emergency Management	Replacement	-	-	-	-	-	-
Emergency Management	Level of Service	-	-	-	-	-	-
Emergency Management	Replacement	-	-	-	-	-	-
WCRC Vehicle Replacements	Replacement	-	46,000	46,000	90,000	44,000	-
VCS-Plant Replacements	Replacement	-	-	-	-	-	-
VCS-Vehicle Replacements	Replacement	-	225,932	225,932	180,000	(45,932)	-
TOTAL		125,065	463,510	588,575	658,000	69,425	111,796

Annual Plan 2023

It has also been estimated that there will be an estimated \$700,000 to be spent on the Westport preparatory works due to the recommendations by the Technical Advisory Group and the likely timeline of the Project, given the business case submission, potential need for public consultation and compliance requirements.

Table 3: Flood Protection and Control Systems Expenditure 2023

	Original LTP Budget 2022/23	Plus 2021/22 C/fwd	Less 2022/23 C/fwd	Plus Budget Revisions	Revised Annual Plan 2022/23	Variance to LTP 2022/23
Flood Protection and Control Network	12,924,635	14,076,538	(12,224,635)	-	14,776,538	928,552
IRG - Franz Josef	5,180,817	5,982,910	(5,180,817)	-	5,982,910	802,093
IRG - Greymouth	324,540	2,017,126	(324,540)	-	2,017,126	1,692,586
IRG - Hokitika	2,019,278	3,451,389	(2,019,278)	-	3,451,389	1,432,111
IRG - Westport	-	-	-	-	-	-
Rating Districts	2,850,000	-	(2,850,000)	-	-	(2,850,000)
Westport (non-IRG) Stage 1	2,550,000	-	(1,850,000)	-	700,000	(1,850,000)
Organs Island	-	1,701,762	-	-	1,701,762	1,701,762
Scour at O' Connor Home	-	923,351	-	-	923,351	-
TOTAL	12,924,635	14,076,538	(12,224,635)	-	14,776,538	928,552

Management propose to include \$14,776,538 expenditure on Flood protection and Control systems in the Annual Plan 2023. This is an increase of \$928,552 on the LTP budget.

Managers revised budgeted expenditure on Other Assets for 2023 and identified the need to include a new spend of \$200,000 for further earthquake strengthening of the Paroa Building. At the Risk & Assurance Committee meeting on 24 May 2022, it was decided that the spend on the Paroa Building should be deferred to the Long-term Plan 2024-34.

In addition, at the Risk & Assurance Committee meeting, the VCS Business Plan was tabled that outlined the need for Council to address a bait storage issue by March 2023. Alterations to the shed at Jacks Road were recommended for consideration and the suitability of the Jacks Road location given its proximity to the railway line were mentioned. Management will review this matter and bring a recommendation back to Council.

Table 4: Other Assets Expenditure 2023

	Original LTP Budget 2022/23	Plus 2021/22 C/fwd	Less 2022/23 C/fwd	Plus Budget Revisions	Revised Annual Plan 2022/23	Variance to LTP 2022/23
Other	-	-	-	-	-	-
Environmental Science - Air Quality	-	70,000	-	-	70,000	70,000
Environmental Science - Water Quality	20,460	-	-	-	20,460	-
Hydrology	102,300	41,796	-	(59,080)	85,016	(17,284)
Hydrology	40,920	-	-	74,080	115,000	74,080
IT Equipment	59,334	-	-	-	59,334	-
IT Software (Intangibles)	368,280	-	-	-	368,280	-
Emergency Management Equipment	-	-	-	10,000	10,000	10,000
Emergency Management Equipment	-	-	-	-	-	-
Emergency Management Vehicles	-	-	-	100,000	100,000	100,000
WCRC Vehicle Replacements	184,140	-	-	(129,140)	55,000	(129,140)
VCS-Shed	-	-	-	-	-	-
VCS-Plant Replacements	-	-	-	-	-	-
VCS-Vehicle Replacements	51,150	-	-	-	51,150	-
TOTAL	826,584	111,796	-	(4,140)	934,240	107,656

Management propose to include \$934,240 in the Annual Plan 2023. This is an increase of \$107,656 on the LTP budget.

Considerations

Implications/Risks

The main risks embedded in this paper are financial and reputational. If Council does not speed up the delivery of its IRG Projects, funding by MBIE may be withdrawn.

In addition, the risk of not securing central government funding for Westport would have a detrimental impact on ability of Council to provide a viable flood protection outcome for the originally planned \$10.2M.

Significance and Engagement Policy Assessment

As assets are constructed this policy will need to be revised.

Tangata whenua views

Not applicable.

Views of affected parties

Not applicable.

Financial implications

Current budget – underspend of approved CAPEX budget.

Future implications – To be determined.

Legal implications

The preparation of the Annual Plan is in line with the requirements of the Local Government Act 2002.

Report to: Council	Meeting Date: 14 June 2022
Title of Item: Infrastructure Governance Committee – Terms of Reference	
Report by: Heather Mabin, Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to table to Council the draft Terms of Reference for the Infrastructure Governance Committee.

Report Summary

At the Extraordinary meeting held on 30 May 2022, Council resolved to appoint an Infrastructure Governance committee to oversee the significant program of infrastructure construction that will be undertaken over the next three years.

The draft Terms of Reference that will apply to this committee are tabled for Council's approval.

Recommendations

It is recommended that Council resolve to:

1. *Adopt the WCRC Infrastructure Governance Committee Terms of Reference.*

Issues and Discussion

Background

Under the Local Government Act (LGA) the Council is able to appoint committees and subcommittees. The LGA provides that the Council may delegate to a committee or other subordinate decision-making body, any of its responsibilities, duties, or powers except—

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

Current situation

At its meeting of 30 May 2022, the Council resolved to appoint an Infrastructure Governance Committee. Members appointed were Councillors Coll McLaughlin, Challenger and Cummings. The next step is for the Council to adopt the terms of reference and delegations within which the committee will operate.

Considerations

Implications/Risks

The establishment of Committees is an efficient way to enable governance oversight and decision-making in a timely manner, while retaining appropriate decision-making frameworks, reporting and accountability in relation to the exercise of any delegated matters. The Committee is subject to the control of the full Council and will be reporting to Council on the matters before it.

Significance and Engagement Policy Assessment

The decision to adopt a terms of reference for the Committee is not in itself a significant one. However the amounts that will be expended to construct new infrastructure are significant to Council. There are currently no issues within this report which trigger matters in this policy, however, the steps undertaken to complete the programme of work may trigger issues in the future.

Tangata whenua views

Not applicable.

Financial implications

Current budget - NA

Future implications – clear lines of delegated authority need to be implemented that allow timely consideration of financial decisions whilst complying with the parameters of delegation.

Legal implications

The establishment of the committee has been undertaken in accordance with the LGA. The Committee will comply with the Standing Orders and other statutory requirements including meeting agendas and record keeping.

Attachments

Attachment 1: Draft Terms of Reference – *to be circulated separately*

Report to: Council	Meeting Date: 14 June 2022
Title of Item: Operations Monthly Works Report	
Report by: James Bell – Engineering Officer, Paulette Birchfield – Area Engineer, Lillian Crozier - BSO	
Reviewed by: Rachel Vaughan , Acting Planning, Science and Innovation Manager	
Public excluded? No	

Purpose

The purpose of this report is to provide Council with an overview of the works undertaken during the month of May 2022, and other activity undertaken by the Operations Team.

Report Summary

Council Engineers have undertaken River Protection works on behalf of the Wanganui Rating District, and works at Nelson Creek. This report also gives 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 April 2022.

Recommendations

It is recommended that Council resolve to:

1. *Receive this report.*

Issues and Discussion

Rating Districts

Nelson Creek

River	Nelson Creek	Location:	Nelson Creek – top end of scheme works.
Rating District	Nelson Creek Rating District	Asset	Rock spur #124 (360 tonnes)
WCRC Officer:	Paulette Birchfield		
Contact Person:	Bruce Jones		
Date of File Note:	25 May 2022		

In April 2022 Council was notified by Bruce Jones that a scour had formed in a section of the stop bank at the top end of the scheme. The erosion had occurred immediately upstream of a rock spur which was now acting as a hook groyne and directing the main flow of the creek into the stop bank.

The stop bank has a wide crest width at this point so the erosion scour will not require rebuilding out with gravel, but it does need to be armoured and the main flow diverted away. The now isolated spur should be pulled back and reformed as it is now protruding too far into the channel.



Photo 1. Cleared access to erosion scour

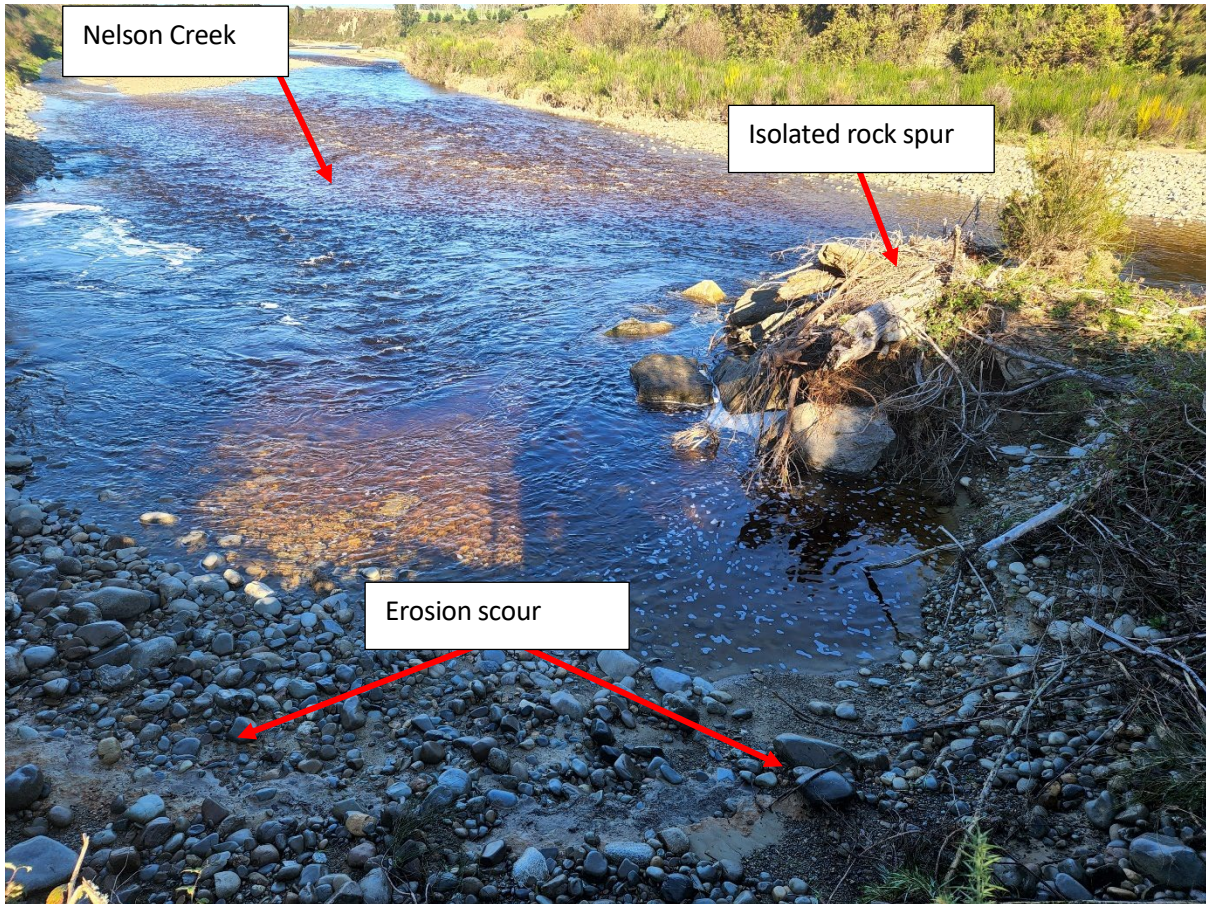
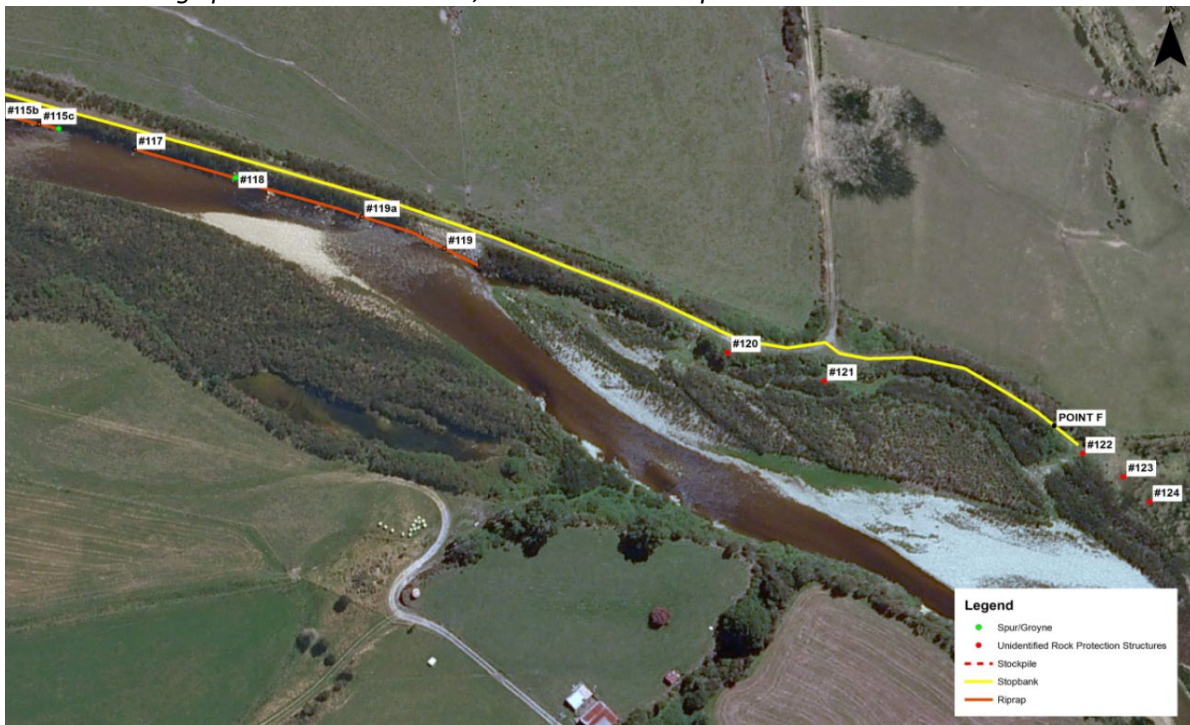


Photo2. Looking upstream. Erosion scour, and isolated rock spur



Scale: 1,250
 Projection: Transverse Mercator
 Datum: NZGD 2000
 Created: 01/10/2014
 Printed: 02/10/2014

**Nelson Creek Rating District
 Infrastructural Assets
 Sheet1**

Figure 1. Asset map showing approximate location of spur #124.



Figure 2. Location of erosion scour

Wanganui Rating District

Repairs and rock lining of a section of stop bank that was damaged last month has been completed. Works to reinstate the stop bank cost a total of \$33,368.00 GST Exclusive and was completed by Arnold Contracting and South Westland Earthworks under hourly rate.

Rock lining the repaired section of stop bank cost a total of \$113,186.00 using approximately 2000T of rock that was stockpiled on site, as well as 3636T of rock supplied to site totalling approximately 5650T of rock.



Image: Damage to stop bank before repair works started



Image: Repaired and rock riprapped stop bank on the true left of the Wanganui River

Reinstatement of the stockpiled rock that has been used in the recent weather events is under way and will be completed in the first week of June. Below are the locations and quantities of the stockpiles.



A small section of riprap repair has also been completed on the tail of a large hook groyne with an estimated 400T of rock placed.



Image: repaired section of riprap on the tail of a large hook groyne

Quarries

Quarry Rock Movements for the period of April 2022

(Excluding Royalty Arrangements)

Quarry		Opening Stockpile Balance	Rock Sold	Rock Produced	Closing Stockpile Balance
Camelback	Large	18970.52	0	0	18970.52
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		19,420.52	0	0	19,420.52

Other Sales

There were no other sales in the period.

IRG Project updates

Westport Flood Protection

Hydrological modelling report has been received and will be put up on the website. The new site at Bucklands Peak was completed in February to give data on the Upper Buller flood network. The project has reached practical completion however a review of communication resilience has indicated that the communications system should be upgraded to satellite for three of the sites in the Buller District.

Greymouth Floodwall Upgrade

The physical geotechnical work to assess the condition of the existing stop bank is almost complete, with ongoing monitoring in place using newly installed piezometers. A draft report has been received and is currently being reviewed by Council. An interpretation report of the draft geotechnical work is due for completion in June.

Hokitika Flood & Coastal Erosion Protection

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

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 – **COMPLETED – lodged week of 28 March 2022**
- A technical review of the application by an independent party has been completed and the consent authority to preparing a request for further information.
- A Community consultation process will begin in June to better inform the Community on the application. This may avoid the need for public notification.
- Independent Commissioner decision due July 2022.

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 been engaged to carry out 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 February 2022.

Resource Consent Process:

- Construction plans to be finalised with the Westland District Council and NZTA
- Resource consent application to be prepared for Iwi review and comments
- Lodge consent

Franz Josef (Stage One)

Consents have been lodged and further information requests met. Staff are working with affected parties to get their approval in order to progress the resource consents.

In line with Mike Beagle's presentation to Council on 10 May 2022, Maltby's have been appointed as the Quantity Surveyor and WSP as the Engineer To the Contract.

Report to: Council	Meeting Date: 14 June 2022
Title of Item: Flood report for event 20 April 2022	
Report by: Rose Beagley, Acting Hydrology Team Leader	
Reviewed by: Rachel Vaughan , Acting Planning, Science and Innovation Manager	
Public excluded? No	

Purpose

The purpose of this report is to provide Council with the Hydrology information from the weather event of 20 April 2022.

Report Summary

Council Hydrology staff have reviewed the information from Council's monitoring stations, and other contributors to the river and rainfall network. This information has been reviewed and summarised to give an overview of where the rainfall fell, how the rivers behave and if the weather warnings gave sufficient indication on the actual event.

Recommendations

It is recommended that Council resolve to:

1. *Receive this report.*

Issues and Discussion

MetService issued watches and warnings for 20 April 2022 for areas including the West Coast Region. This triggers the flood alarm, and the hydrology and rivers team discuss if a flood response is necessary.

From the event, the Hokitika catchment received the most recorded rainfall, and the river responded rapidly, rising to peak at a flow with an annual return interval (ARI) of approximately 11.1 years. Other monitored Westland catchments – the Haast, Waiho and Whataroa – also received high rainfall totals, though did not reach flows as significant as the Hokitika.

The Buller, Grey, Karamea and Mokihinui rivers did not exceed their annual flood flows, so the rainfall and peak river flow/level data have been included in the summary tables only.

Attachments

Attachment 1: Hydrology 20 - 21 April 2022 Event Report

20th to 21st April 2022 Event Report

WCRC Hydrology - RB

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1. Event summary

On the 20th and 21st of April 2022, a warm and moist northerly air flow spread over southern and central New Zealand, ahead of an active front.

MetService issued watches for the Canterbury High Country, Nelson and Southern Lakes, and warnings (orange) for Buller, Westland, Fiordland, and Nelson (West of Motueka), with the highest intensities and totals forecast for the Westland area south of Otira.

Heavy Rain Warning for Westland - Orange

Issued: 9:30am Wednesday, 20th April 2022

Area: Westland south of Otira

Valid: 12:00pm Wednesday to 11:00pm Thursday

Expect 250 to 330 mm of rain to accumulate about the ranges, with 100 to 150 mm elsewhere. Peak rates of 30 to 40 mm/h tonight and early Thursday, then 20 to 30 mm/h Thursday afternoon and evening, mostly about the ranges with thunderstorms possible.

The Hokitika catchment received the most recorded rainfall, and the river responded rapidly, rising to peak at a flow with an annual return interval (ARI) of approximately 11.1 years.

Other monitored Westland catchments – the Haast, Waiho and Whataroa – also received high rainfall totals, though did not reach flows as significant as the Hokitika.

The Buller, Grey, Karamea and Mokihinui rivers did not exceed their annual flood flows, so the rainfall and peak river flow/level data have been included in the summary tables only.



Staff gauge at the Hokitika Rv at Kaniere Bridge site at 09:45am 21st April (peak was at 09:40am)

1.1. Rainfall and river summaries

Data period: 12:00 20th April to 23:00 22nd April 2022

Table 1: minimum and maximum rainfall totals and hour intensities per catchment. With the NIWA owned Westport EWS and Cropp Rv at Waterfall sites respectively recording the overall minimum and maximum intensities and totals.

Catchment	Rainfall intensity				Total rainfall (mm)	
	30 minute (mm/0.5hr)		Hourly (mm/hr)		Minimum	Maximum
	Minimum	Maximum	Minimum	Maximum		
Buller	2.1	27.6	4.2	48.3	21	297
Grey	4.6	22.7	6.9	37.3	40	150
Haast	9	15	11.5	24.6	108	257
Hokitika	8.5	37	15.4	67.5	70	628
Karamea	6.9	9.8	10.7	17	32	50
Mokihinui	9.9		17.6		133	
Waiho	7	18	14	28.5	76	261
Whataroa	18		23		197	

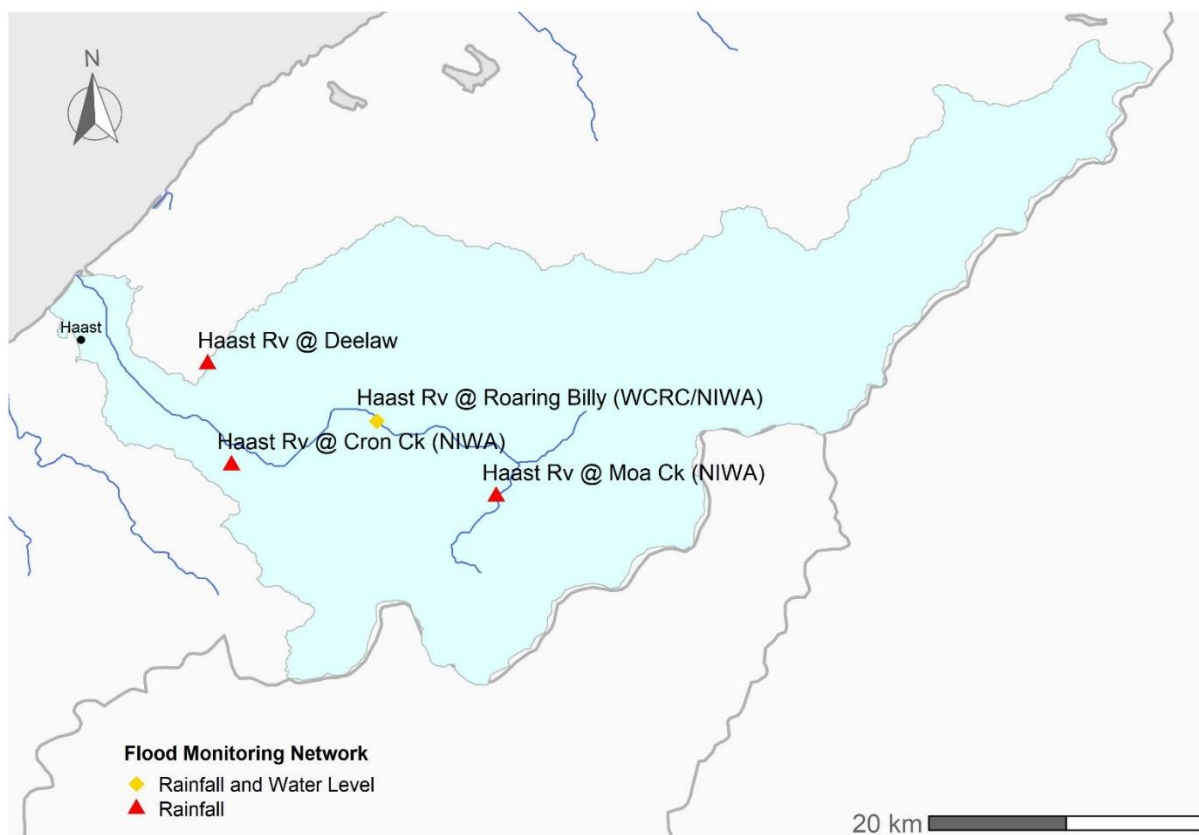
Table 2: peak level and flow and annual return interval per river monitoring station.

River / Location of main gauge	Date and time of peak	Peak level (mm)	Peak flow (m3/s)	Estimated return period (years)
Buller River / Te Kuha	21-04-2022 11:45	6502	2394	< 1.0
Grey River / Dobson	21-04-2022 19:50	3136	1790	< 1.0
Haast River / Roaring Billy	21-04-2022 06:45	4496	2077	1.0
Hokitika River / Gorge*	21-04-2022 06:25	5670	2704	11.1
Karamea River / Gorge	21-04-2022 16:35	2513	429	< 1.0
Mokihinui River / Welcome Bay	21-04-2022 13:15	3775	748	< 1.0
Waiho River / SH Bridge	21-04-2022 04:00	8490	N/A	N/A
Whataroa River / SH Bridge	21-04-2022 04:00	4649	1783	1.05

* Combined record of Colliers and Gorge flow data. Note several significant events missed in the 80s and 90s.

3. Westland

3.1. Haast River



3.1.1. River flows and levels

Monitoring site	Date and time of peak	Peak water level (mm)	Peak flow (m3/s)	Return period
Haast Rv at Roaring Billy	21-04-2022 06:45	4496	2077	1.0

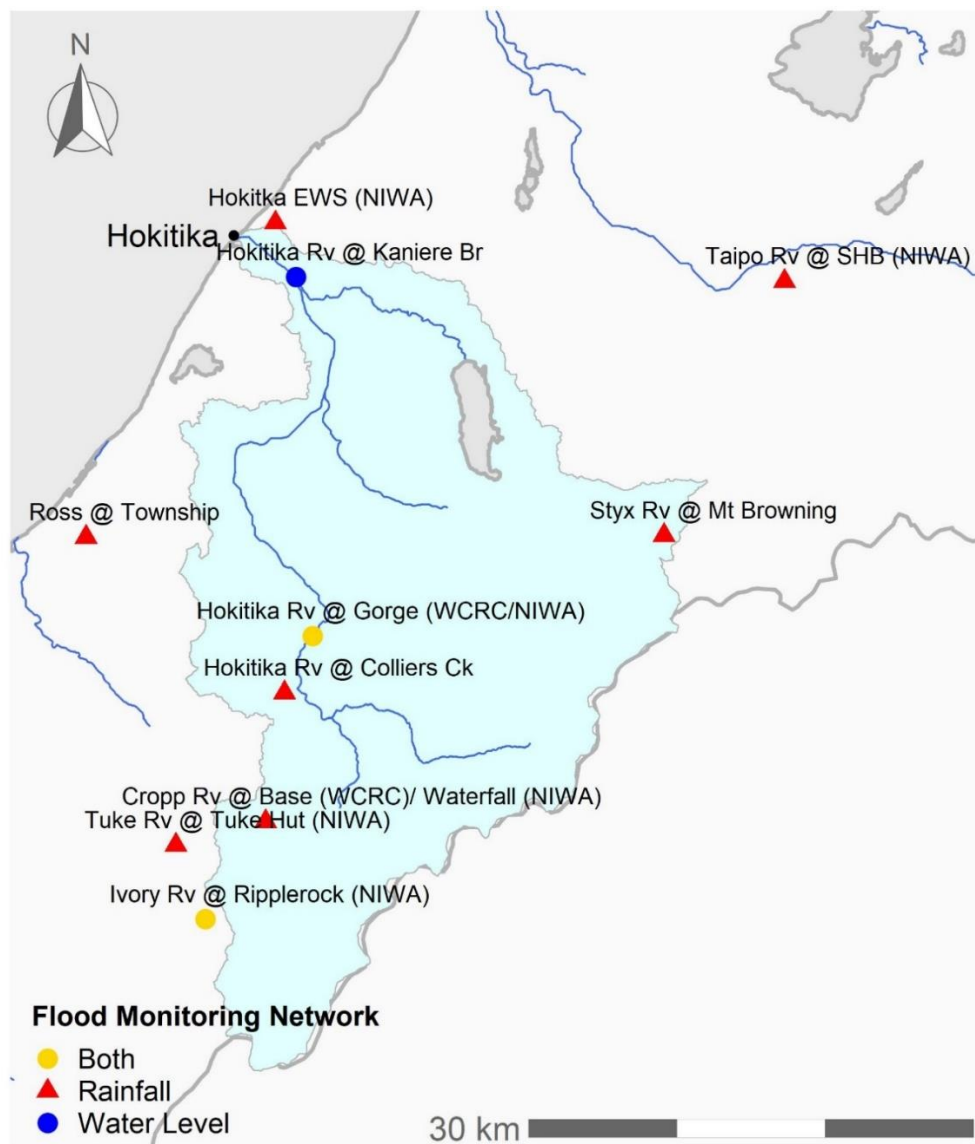
3.1.2. Rainfall intensities and totals

Site	Maximum rainfall (mm)								
	30min	1hr	2hr	6hr	12hr	24hr	48hr	72hr	Total
Deelaw	14.2	24.6	39.2	62.7	77.2	140.8	166.6	166.6	167
Roaring Billy	13.3	23.5	35.7	78.5	127.4	205.1	256.7	256.7	257
NIWA SITES									
Cron Ck	15	20	32	66	97.5	167.5	211.5	211.5	212
Moa Ck	9	11.5	17.5	34	48	91.5	107.5	107.5	108

ARI (years)	2.33	5	10	20	50	100	200
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2.33 year annual return intervals not exceeded at any of the four sites for this event.

3.2. Hokitika River



The Hokitika catchment received significantly more rain than what was forecast by MetService, with the NIWA alpine sites recording totals of up to 628mm and maximum intensities of up to 67.5mm/hr in the forecast period. As a result of this, and despite the prolonged period of low flows preceding this event due to minimal rainfall throughout March and April, the Hokitika River rose rapidly.

The gorge site recorded a peak of 5.670m (2704m³/s) at 06:25am on the 21st April, with the downstream Kaniere Bridge site recording a peak of 5.102m a few hours later at 09:40am.

Fortunately on the 21st, low tide at the Hokitika River mouth was at 08:00am, just shy of the peak flow at the Kaniere site, and by 14:20pm (high tide), the river had dropped almost a meter to 4.269m. Further, rainfall in the township had eased by around 07:00am.

Observations were completed by Jo Paterson and Rose Beagley around the time of peak flow at the Kaniere bridge site, and John Porteous of NIWA was contracted to conduct a radar gun gauging from the Kaniere Bridge.

3.2.1. River flows and levels

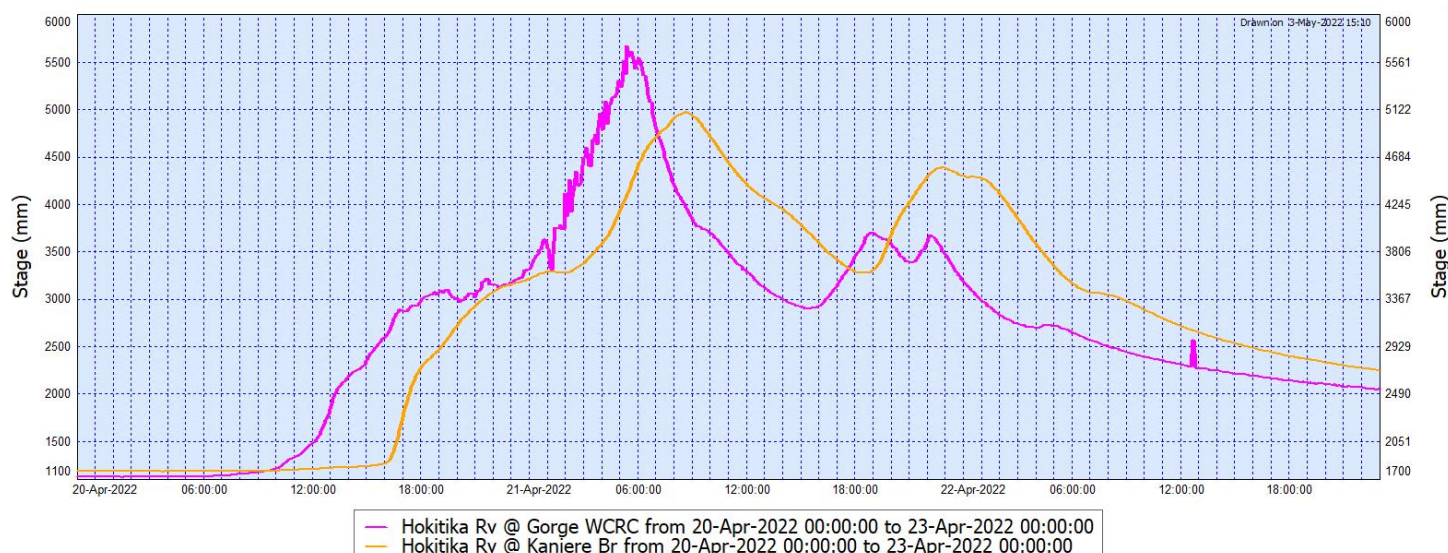
The peak flow at the Kaniere Bridge site will not necessarily equate to the peak flow at the gorge as water will not all come down the river at the same time because of the distance traveled and also the braided nature of the river. Instead, the Kaniere Bridge site will experience prolonged high flows which will roughly equate to a similar volume at the Gorge (excluding the Kokatahi contribution), but the instantaneous peaks will not be the same.

Monitoring site	Date and time of peak	Peak water level (mm)	Peak flow (m3/s)	Return period
Hokitika Rv at Kaniere Bridge	21-04-2022 09:40	5102	*	N/A
Hokitika Rv at Gorge	21-04-2022 06:25	5670	2704	11.1
Kokatahi Rv at Middle Terrace Rd**	N/A	N/A	N/A	N/A

* Radar gun velocity gaugings were completed after the peak at 1050 – 1110am (1381m3/s) and 1200 – 1215pm (1261m3/s).

** To be installed 2022/23

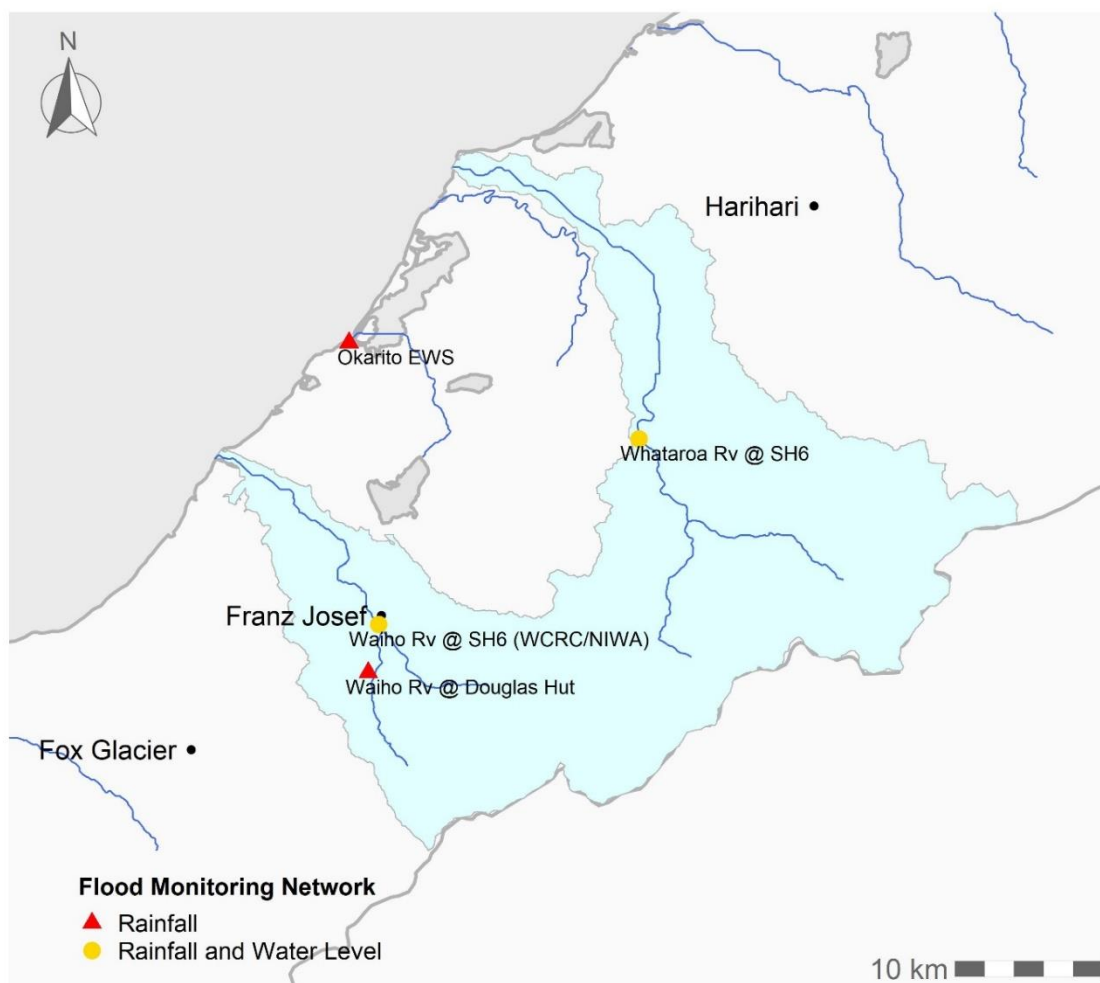
3.2.2. Rainfall intensities and totals



Site	Maximum rainfall (mm)								
	30min	1hr	2hr	6hr	12hr	24hr	48hr	72hr	Total
Cropp Base	19.8	36.5	64.7	155.1	224.5	305	403	403	403
Hokitika Colliers	23.4	35.8	54.2	116.5	176.7	256.5	327.5	327.5	327
Hokitika Gorge	32	44.4	56	83.3	117	161.3	197.5	197.5	198
Ross	8.5	15.4	21.8	51.6	67.6	87.2	101	101	101
Styx Mt Browning	17.3	32	48.5	109.4	157.1	264.2	371.3	371.3	371
NIWA SITES									
Cropp Waterfall	37	67.5	113	255.5	351	497	627.5	627.5	628
Hokitika EWS (ARI n/a)	9.7	19.4	22.8	38.6	45.2	61.8	69.6	69.6	70
Ivory Ripplerock	22.5	41	72	172	239.5	309.5	374	374	374
Tuke Hut	28.5	50	88	198	322	456.5	580	580	580

ARI (years)	2.33	5	10	20	50	100	200
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3.3. Waiho and Whataroa Rivers



3.3.1. River flows and levels

Monitoring site	Date and time of peak	Peak water level (mm)	Peak flow (m ³ /s)	Return period
Waiho Rv at SH6	21-04-2022 04:00	8490	N/A	N/A
Whataroa Rv at SHB	21-04-2022 04:00	4649	1783	1.05

3.3.2. Rainfall intensities and totals

Site	Maximum rainfall (mm)								
	30min	1hr	2hr	6hr	12hr	24hr	48hr	72hr	Total
Waiho SH6	14.4	23.6	35.9	72.5	109	156.3	187.5	187.5	188
NIWA SITES									
Okarito EWS (ARI n/a)	7	14	25	36.2	42.2	74.2	75.8	75.8	76
Waiho Douglas	18	28.5	45	92.5	142.5	218	261	261	261
Whataroa SHB	18	23	36	67	95	157.5	197	197	197

ARI (years)	2.33	5	10	20	50	100	200
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2.33 year annual return intervals not exceeded at any of the four sites for this event.

A - Rainfall summary table

Catchment	Rainfall site	Maximum rainfall intensity		Total rainfall (mm)	
		mm/30min	mm/1hr		
Buller	Buller Rv at Bald Hill	6.5	11	34	
	Buller Rv at Longford (TDC)	4	6.5	38	
	Buller Rv at Three Channel Flat	7	9	78	
	Inangahua Rv at Brunner Range	7.2	9.7	109	
	Inangahua Rv at Landing	10.1	16.3	93	
	Maruia Rv at Springs junction	7.6	12	63	
	Matakitaki at Horse Terrace Br (TDC)	21	21	90	
	Ohikanui Rv at Buckland Peaks	27.6	48.3	297	
	Orikaka Rv at Plateau Stm	11	17.7	129	
	Reefton at Township	10.9	13.3	49	
	Westport EWS (NIWA)	2.1	4.2	21	
	Grey	Ahaura Rv at Gorge	6.8	10.5	40
		Arnold Rv at Moana	22.7	37.3	118
Grey Rv at Conical Hill		4.6	6.9	52	
Grey Rv at Haupiri		17.8	28.1	66	
Grey Rv at Ngahere		4.6	8.1	61	
Grey Rv at Waipuna		12.5	20.3	61	
Grey Rv at WCRC Office		10	12.7	53	
Greymouth Aero EWS (NIWA)		6.7	13.4	45	
Mawheraiti Rv at Atarau Bridge		11.3	15.5	50	
Pigeon Creek CWS (NIWA)		20.6	23.4	130	
Sirdar Ck at Paparoa		10.6	16.9	150	
Haast		Haast Rv at Cron Ck (NIWA)	15	20	212
		Haast Rv at Deelaw	14.2	24.6	167
	Haast Rv at Moa Ck (NIWA)	9	11.5	108	
	Haast Rv at Roaring Billy	13.3	23.5	257	
Hokitika	Cropp Rv at Base OTA	19.8	36.5	403	
	Cropp Rv at Waterfall (NIWA)	37	67.5	628	
	Hokitika EWS (NIWA)	9.7	19.4	70	
	Hokitika Rv at Colliers Ck	23.4	35.8	327	
	Hokitika Rv at Gorge	32	44.4	198	
	Ivory Rv at Ripplerock (NIWA)	22.5	41	374	
	Ross at Township	8.5	15.4	101	
	Styx Rv at Mt Browning	17.3	32	371	
	Tuke Rv at Tuke Hut (NIWA)	28.5	50	580	
Karamea	Karamea Rv at Garibaldi	9.8	14	50	
	Karamea Rv at Township	6.9	10.7	32	
Mokihinui	Mokihinui Rv at Stoney Ck	9.9	17.6	133	
Waiho	Okarito EWS (NIWA)	7	14	76	
	Waiho Rv at Douglas Hut (NIWA)	18	28.5	261	
	Waiho Rv at SH6	14.4	23.6	187	
Whataroa	Whataroa Rv at SHB (NIWA)	18	23	197	

B - MetService warnings

18th April 2022 Monday – 15:26

Situation

A low to the west of the upper North Island directs a moist and unstable northeasterly flow over the upper North Island. A Heavy Rain Warning remains in force for Northland and the Watch for heavy rain for the Coromandel Peninsula has been upgraded to a Warning. Heavy Rain Watches are in force for eastern parts of Auckland north of Orewa, Great Barrier Island and Bay of Plenty west of Tauranga. A moist northerly flow with embedded fronts is expected to bring heavy rain to many areas on Wednesday and Thursday. A Watch for heavy rain has been issued for Fiordland, Westland south of Otira and the headwaters of the Canterbury and Otago lakes and rivers. People are advised to stay up to date with the latest forecasts in case any changes are made.

Heavy Rain Watch for Westland, Canterbury High Country, Southern Lakes, Fiordland

Issued: 3:25pm Monday, 18th April 2022

Area: Fiordland, Westland south of Otira and the headwaters of the Canterbury and Otago lakes and rivers.

Valid: 11:00am Wednesday to 11:00pm Thursday

Periods of heavy rain. Rainfall amounts may approach warning criteria. Note that Warning amounts of rain are considered likely and this Watch will probably be upgraded to a Warning.

18th April 2022 Monday – 20:17

Issued at: 8:17pm Monday, 18th April 2022

Situation

A low to the west directs a moist and unstable northeasterly flow over the upper North Island. A Heavy rain Warning remains in force for Northland and the Coromandel Peninsula. Heavy rain Watches are in force for eastern parts of Auckland north of Orewa, Great Barrier Island and Bay of Plenty west of Tauranga. A moist northerly flow with embedded fronts is expected to bring heavy rain to many areas on Wednesday and Thursday. A Watch for heavy rain has been issued for Fiordland, Westland south of Otira and the headwaters of the Canterbury and Otago lakes and rivers. Further Watches and Warnings are likely to be issued closer to the event. People are advised to stay up to date with the latest forecasts in case any changes are made.

Heavy Rain Watch for Westland, Canterbury High Country, Southern Lakes, Fiordland

Issued: 8:16pm Monday, 18th April 2022

Area: Fiordland, Westland south of Otira and the headwaters of the Canterbury and Otago lakes and rivers.

Valid: 11:00am Wednesday to 11:00pm Thursday

Periods of heavy rain. Rainfall amounts may approach warning criteria. Note that Warning amounts of rain are considered likely and this Watch will probably be upgraded to a Warning.

19th April 2022 Tuesday – 09:13

Situation

A warm and moist northerly flow spreads over New Zealand on Wednesday, ahead of an active front forecast to bring about a change to cooler west to southwesterlies across the South Island on Thursday. Heavy northerly rain precedes the front, with Heavy Rain Watches and Warnings now in force for northern and western parts of the South Island during Wednesday and Thursday. People are advised to keep up to date with the latest forecasts in case any changes are made, or further areas are added.

Heavy Rain Watch for Buller, Westland

Issued: 9:12am Tuesday, 19th April 2022

Area: Buller, and Westland about and north of Otira

Valid: 7:00pm Wednesday to 12:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may reach Warning criteria.

Heavy Rain Watch for Canterbury High Country

Issued: 9:12am Tuesday, 19th April 2022

Area: The headwaters of the Canterbury lakes and rivers, about and south of Arthurs Pass

Valid: 10:00am Wednesday to 11:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Watch for Nelson

Issued: 9:12am Tuesday, 19th April 2022

Area: The Richmond Range and Rai Valley area, also northwestern parts of the Marlborough Sounds

Valid: 12:00am Thursday to 7:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may reach Warning criteria.

Heavy Rain Watch for Southern Lakes

Issued: 9:12am Tuesday, 19th April 2022

Area: The headwaters of the Otago lakes and rivers

Valid: 10:00am Wednesday to 9:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Warning for Fiordland - Orange

Issued: 9:12am Tuesday, 19th April 2022

Area: Fiordland north of Breaksea Sound

Valid: 10:00am Wednesday to 12:00pm Thursday

Expect 110 to 160 mm of rain to accumulate. Peak rates of 20 to 30mm/h expected Wednesday evening to early Thursday morning. Thunderstorms possible.

Heavy Rain Warning for Nelson - Orange

Issued: 9:12am Tuesday, 19th April 2022

Area: Tasman west of Motueka

Valid: 6:00pm Wednesday to 6:00pm Thursday

Expect 110 to 160mm of rain to accumulate, mainly about the ranges. Peak rates of 20 to 30 mm/h from Wednesday morning. Thunderstorms possible.

Heavy Rain Warning for Westland - Orange

Issued: 9:12am Tuesday, 19th April 2022

Area: Westland south of Otira

Valid: 10:00am Wednesday to 11:00pm Thursday

Expect 150 to 220 mm of rain to accumulate about the ranges, with 80 to 110 mm elsewhere. Peak rates of 20 to 30 mm/h from Wednesday evening, mainly about the ranges. Thunderstorms possible.

19th April 2022 Tuesday – 19:36

Situation

A warm and moist northerly flow spreads over New Zealand on Wednesday, ahead of an active front forecast to bring about a sharp change to cooler southwesterlies across the South Island on Thursday. Heavy northerly rain precedes the front, with Heavy Rain Watches and Warnings now in force for northern and western parts of the South Island during Wednesday and Thursday. Note that rainfall intensities in some regions, for example Westland could be high enough to cause surface flooding, slips and possible road closures. People are advised to keep up to date with the latest forecasts in case any changes are made, or further areas are added.

Heavy Rain Watch for Buller, Westland

Issued: 7:35pm Tuesday, 19th April 2022

Area: Buller, and Westland about and north of Otira

Valid: 7:00pm Wednesday to 12:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may reach Warning criteria.

Heavy Rain Watch for Canterbury High Country

Issued: 7:35pm Tuesday, 19th April 2022

Area: The headwaters of the Canterbury lakes and rivers, about and south of Arthurs Pass

Valid: 10:00am Wednesday to 11:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Watch for Nelson

Issued: 7:35pm Tuesday, 19th April 2022

Area: The Richmond Range and Rai Valley area, also northwestern parts of the Marlborough Sounds

Valid: 12:00am Thursday to 9:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may reach Warning criteria.

Heavy Rain Watch for Southern Lakes

Issued: 7:35pm Tuesday, 19th April 2022

Area: The headwaters of the Otago lakes and rivers

Valid: 10:00am Wednesday to 9:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Warning for Fiordland - Orange

Issued: 7:35pm Tuesday, 19th April 2022

Area: Fiordland north of Breaksea Sound

Valid: 10:00am Wednesday to 6:00pm Thursday

Expect 120 to 180 mm of rain to accumulate. Peak rates of 20 to 30mm/h expected Wednesday evening to early Thursday morning and again Thursday afternoon. Thunderstorms possible.

Heavy Rain Warning for Nelson - Orange

Issued: 7:35pm Tuesday, 19th April 2022

Area: Tasman west of Motueka

Valid: 8:00pm Wednesday to 6:00pm Thursday

Expect 110 to 160mm of rain to accumulate, mainly about the ranges. Peak rates of 20 to 30 mm/h from Wednesday morning. Thunderstorms possible.

Heavy Rain Warning for Westland - Orange

Issued: 7:35pm Tuesday, 19th April 2022

Area: Westland south of Otira

Valid: 10:00am Wednesday to 11:00pm Thursday

Expect 180 to 280 mm of rain to accumulate about the ranges, with 100 to 150 mm elsewhere. Peak rates of 20 to 30 mm/h from Wednesday evening, mainly about the ranges. Thunderstorms possible.

20th April 2022 Wednesday – 09:13

Situation

A warm and moist northerly flow spreads over southern and central New Zealand today and Thursday, ahead of an active front. Heavy Rain Watches and Warnings are in force for northern and western parts of the South Island, and for Mount Taranaki. The heaviest falls are likely in Fiordland, and the ranges of Westland and Buller, where surface flooding, slips and road closures are possible. People are advised to keep up to date with the latest forecasts in case any changes are made, or further areas are added.

Heavy Rain Watch for Canterbury High Country

Issued: 9:30am Wednesday, 20th April 2022

Area: The headwaters of the Canterbury lakes and rivers, about and south of Arthurs Pass

Valid: 2:00pm Wednesday to 11:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Watch for Nelson

Issued: 9:30am Wednesday, 20th April 2022

Area: The Richmond Range and Rai Valley area, also northwestern parts of the Marlborough Sounds

Valid: 4:00am Thursday to 10:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Watch for Southern Lakes

Issued: 9:30am Wednesday, 20th April 2022

Area: The headwaters of the Otago lakes and rivers

Valid: 2:00pm Wednesday to 9:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Warning for Buller, Westland - Orange

Issued: 9:30am Wednesday, 20th April 2022

Area: Buller, and Westland about and north of Otira

Valid: 1:00am Thursday to 2:00am Friday

Expect 110 to 160 mm of rain about the ranges, and 60 to 90 mm about the coast. Peak intensities of 20 to 30 mm/hr Thursday morning, mostly about the ranges with thunderstorms possible.

Heavy Rain Warning for Fiordland - Orange

Issued: 9:30am Wednesday, 20th April 2022

Area: Fiordland north of Breaksea Sound

Valid: 2:00pm Wednesday to 5:00pm Thursday

Expect 150 to 200 mm of rain to accumulate. Peak rates of 20 to 30 mm/h expected this evening to early Thursday morning and again Thursday afternoon. Thunderstorms possible.

Heavy Rain Warning for Nelson - Orange

Issued: 9:30am Wednesday, 20th April 2022

Area: Tasman west of Motueka

Valid: 1:00am Thursday to 7:00pm Thursday

Expect 100 to 150 mm of rain to accumulate, mainly about the ranges. Peak rates of 20 to 30 mm/h from Thursday morning. Thunderstorms possible.

Heavy Rain Warning for Westland - Orange

Issued: 9:30am Wednesday, 20th April 2022

Area: Westland south of Otira

Valid: 12:00pm Wednesday to 11:00pm Thursday

Expect 250 to 330 mm of rain to accumulate about the ranges, with 100 to 150 mm elsewhere. Peak rates of 30 to 40 mm/h tonight and early Thursday, then 20 to 30 mm/h Thursday afternoon and evening, mostly about the ranges with thunderstorms possible.

20th April 2022 Wednesday – 20:04

Situation

A warm and moist northerly flow lies over southern and central New Zealand ahead of an active front forecast to move across the South Island later on Thursday and Friday followed by a cooler west to southwest flow. Heavy Rain Watches and Warnings are in force for northern and western parts of the South Island, and for Mount Taranaki. The heaviest falls are likely in Fiordland, and the ranges of Westland and Buller, where surface flooding, slips and road closures are possible. People are advised to keep up to date with the latest forecasts in case any changes are made, or further areas are added.

Heavy Rain Watch for Canterbury High Country

Issued: 8:03pm Wednesday, 20th April 2022

Area: The headwaters of the Canterbury lakes and rivers, about and south of Arthurs Pass

Valid: 8:00pm Wednesday to 11:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Watch for Nelson

Issued: 8:03pm Wednesday, 20th April 2022

Area: The Richmond Range and Rai Valley area, also northwestern parts of the Marlborough Sounds

Valid: 4:00am Thursday to 10:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Watch for Southern Lakes

Issued: 8:03pm Wednesday, 20th April 2022

Area: The headwaters of the Otago lakes and rivers

Valid: 8:00pm Wednesday to 9:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Warning for Buller, Westland - Orange

Issued: 8:03pm Wednesday, 20th April 2022

Area: Buller, and Westland about and north of Otira

Valid: 1:00am Thursday to 1:00am Friday

Expect 110 to 160 mm of rain about the ranges, and 60 to 90 mm about the coast. Peak intensities of 20 to 30 mm/hr Thursday morning and early afternoon, mostly about the ranges with thunderstorms possible.

Heavy Rain Warning for Fiordland - Orange

Issued: 8:03pm Wednesday, 20th April 2022

Area: Fiordland north of Breaksea Sound

Valid: 8:00pm Wednesday to 6:00pm Thursday

Expect a further 120 to 160 mm of rain to accumulate on top of what has already fallen. Peak rates of 20 to 30 mm/h expected from this (Wednesday) evening to early Thursday morning and again Thursday afternoon. Thunderstorms possible.

Heavy Rain Warning for Nelson - Orange

Issued: 8:03pm Wednesday, 20th April 2022

Area: Tasman west of Motueka

Valid: 1:00am Thursday to 7:00pm Thursday

Expect 100 to 150 mm of rain to accumulate, mainly about the ranges. Peak rates of 20 to 30 mm/h from Thursday morning. Thunderstorms possible.

Heavy Rain Warning for Westland - Orange

Issued: 8:03pm Wednesday, 20th April 2022

Area: Westland south of Otira

Valid: 8:00pm Wednesday to 11:00pm Thursday

Expect 250 to 300 mm of rain to accumulate about the ranges, with 100 to 150 mm elsewhere. Peak rates of 30 to 40 mm/h overnight tonight (Wednesday) through to Thursday morning, then 20 to 30 mm/h Thursday afternoon and evening, mostly about the ranges with thunderstorms possible.

21st April 2022 Thursday – 09:39

Situation

A warm and moist northerly flow lies over New Zealand ahead of an active front. This front is forecast to move across the South Island this evening (Thursday) and early Friday morning, then over the North Island during Friday morning and afternoon, followed by a cooler west to southwest flow. Heavy Rain Watches and Warnings are in force for northern and western parts of the South Island, Mount Taranaki and also parts of Northland, Auckland, Waikato and Coromandel Peninsula. The heaviest falls are likely in Fiordland, the ranges of Westland and Buller, also about the Richmond and Bryant ranges, Rai Valley and northwest Marlborough Sounds. People are advised to keep up to date with the latest forecasts in case any changes are made, or further areas are added.

Heavy Rain Watch for Canterbury High Country

Issued: 9:38am Thursday, 21st April 2022

Area: The headwaters of the Canterbury lakes and rivers, about and south of Arthurs Pass

Valid: 9:00am Thursday to 11:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Watch for Southern Lakes

Issued: 9:38am Thursday, 21st April 2022

Area: The headwaters of the Otago lakes and rivers

Valid: 9:00am Thursday to 9:00pm Thursday

Periods of heavy rain and possible thunderstorms. Rainfall amounts may approach Warning criteria.

Heavy Rain Warning for Buller, Westland - Orange

Issued: 9:38am Thursday, 21st April 2022

Area: Buller, and Westland about and north of Otira

Valid: 9:00am Thursday to 1:00am Friday

Expect a further 90 to 120 mm of rain to accumulate about the ranges, on top of what has already

fallen, and 50 to 75 mm elsewhere. Peak rate of 25 to 40 mm/hr this morning and afternoon, mostly about the ranges. Thunderstorms possible.

Heavy Rain Warning for Fiordland - Orange

Issued: 9:38am Thursday, 21st April 2022

Area: Fiordland north of Breaksea Sound

Valid: 9:00am Thursday to 6:00pm Thursday

Expect a further 30 to 50 mm of rain to accumulate on top of what has already fallen. Peak rates of 15 to 25 mm/h expected late morning and afternoon. Thunderstorms possible.

Heavy Rain Warning for Nelson - Orange

Issued: 9:38am Thursday, 21st April 2022

Area: Tasman west of Motueka

Valid: 9:00am Thursday to 7:00pm Thursday

Expect a further 80 to 110 mm of rain to accumulate on top of what has already fallen, mainly about the ranges. Peak rates of 20 to 30 mm/h late morning and afternoon. Thunderstorms possible.

Heavy Rain Warning for Nelson - Orange

Issued: 9:38am Thursday, 21st April 2022

Area: The Richmond and Bryant ranges and Rai Valley area, also northwestern parts of the Marlborough Sounds

Valid: 9:00am Thursday to 10:00pm Thursday

Expect 70 to 100 mm of rain. Peak rates of 15 to 25 mm/h this afternoon and early evening. Thunderstorms possible.

Heavy Rain Warning for Westland - Orange

Issued: 9:38am Thursday, 21st April 2022

Area: Westland south of Otira

Valid: 9:00am Thursday to 11:00pm Thursday

Expect a further 90 to 140 mm of rain to accumulate about the ranges, on top of what has already fallen, with 50 to 75 mm elsewhere. Peak rates of 20 to 30 mm/h, mostly about the ranges. Thunderstorms possible.

21st April 2022 Thursday – 20:48

Situation

A warm and moist northerly flow lies over the North Island ahead of a front that should move eastwards across the Island tonight (Thursday) and during Friday. The front is then followed by a cooler west to southwest flow. Heavy Rain Watches remain in force for Mount Taranaki, southern parts of Northland, Auckland, Waikato and Coromandel Peninsula, and now also for Bay of Plenty and Gisborne. There is a lot of uncertainty with regards to the amount of rain that may fall and the exact area affected, but rainfall amounts may reach warning criteria in localised parts of these regions. People are advised to keep up to date with the latest forecasts in case any changes are made.

Cancellations

Heavy Rain Watch for Canterbury High Country
Heavy Rain Watch for Southern Lakes

Heavy Rain Warning for Buller, Westland - Orange
Heavy Rain Warning for Fiordland - Orange
Heavy Rain Warning for Nelson - Orange
Heavy Rain Warning for Nelson - Orange
Heavy Rain Warning for Westland - Orange

Report to: West Coast Regional Council	Meeting Date: 14 June 2022
Title of Item: Westport Rating District Joint Committee Minutes	
Report by: Nichola Costley – Manager Strategy and Communications	
Reviewed by: Heather Mabin	
Public excluded? No	

Report Purpose

The purpose of this report is to table the minutes from the Westport Rating District Joint Committee's meetings on 11 April 2022 and 4 May 2022.

Report Summary

Council is represented by Chair Birchfield, Cr Coll McLaughlin and Cr Hill on the Joint Committee.

This paper presents the confirmed minutes from the April and May meetings for Council's reference.

Recommendations

It is recommended that Council resolve to:

1. *Receive and note the minutes of the Westport Rating District Joint Committee meeting of 11 April 2022.*
2. *Receive and note the minutes of the Westport Rating District Joint Committee meeting of 4 May 2022*

Attachments

Attachment 1: Minutes of the Westport Rating District Joint Committee, 11 April 2022.

Attachment 2: Minutes of the Westport Rating District Joint Committee, 4 May 2022.

Attachment 1

Minutes of the Westport Rating District Joint Committee

Monday 11 April 2022 – 1.00pm

By Zoom and livestreamed via West Coast Regional Council

Present:

Hugh McMillan (Chair), Allan Birchfield (Chair, West Coast Regional Council), Jamie Cleine (Mayor, Buller District Council), Laura Coll McLaughlin (Clr, West Coast Regional Council), John Hill (Clr, West Coast Regional Council), Phil Rutherford (Clr, Buller District Council), Jo Howard (Clr, Buller District Council), Dan Moloney (Westport Area Community Representative), Jodi Murray (Westport Area Community Representative), James Caygill (Waka Kotahi NZ Transport Agency), Francois Tumahai (Te Rūnanga o Ngati Waewae)

Apologies:

Heather Mabin (Chief Executive, West Coast Regional Council)

In attendance:

Sharon Mason (Chief Executive, Buller District Council), Randal Beal (Staff, West Coast Regional Council), John Hutchings (Henley Hutchings), Nichola Costley (Staff, West Coast Regional Council), Rachel Vaughan (West Coast Regional Council) Tayla Carson (Landmark Lile)

1. Welcome

F. Tumahai opened the meeting with a karakia. Chair McMillan welcomed members to the meeting

2. Apologies

Moved (J. Caygill /Clr Howard) that these apologies be accepted.

Carried

3. Declarations of interest

Asked for any additional declarations of interest to those noted at the last meeting.

Moved (Clr Coll-McLaughlin/Mayor Cleine) that these declarations be noted.

Carried

4. Confirmation of minutes

Moved (Clr Rutherford/D. Moloney) that the Joint Committee adopt the minutes of the Westport Rating District Joint Committee meeting on 3 March 2022.

Carried

Matters arising

No matters arising.

5. Update on recommended emergency works

R. Beal provided an update on the recommended emergency works that the Joint Committee approved at the last meeting. Council has approved, in principle all of the works identified, however they have requested further financial information as this is work additional to what had been consulted on. Geo-tech investigations will be undertaken by Davis Ogilvy. The contract is currently with the WCRC CE for signing. Work will commence in May with a report back end of May.

Organ's Island realignment. Have a draft realignment to proof this Wednesday as part of the TAG. The TAG will also review the draft modelling runs completed by Land, River Sea on Thursday.

Chair Birchfield said that he had the impression the rockwork was to start quickly and questioned the delay. R. Beal said that the Council wanted accurate budget to approve the works. Chair Birchfield noted his disappointment and will raise this at Council tomorrow to try and push this on.

Mayor Cleine sought clarity that the project would go out to tender for this work and this would firm up the costs for the Regional Council? R. Beal said this was correct. Council has estimated budgets but if going to look at the total impact then not talking about just these emergency works but also the new information that came through in March which includes the representative concentration pathways (RCPs) – these options are discussed in later reports. There are bottom line implications that will result from the final decision.

Clr Coll-McLaughlin questioned the geotechnical investigations that are necessary. Would like to see some pace but understand that if going to do it have to do it right. With regard to the Orowaiti overflow by Organs Island, what geo-tech investigation is occurring here? Have decades of knowledge that the rock there does its job. At the moment with the break Westport is at risk. R. Beal explained that the geo-technical works is related to the stage 1 works proposed. The Organs Island/Overflow we needed the draft alignment which now have, but it also requires ground-truthing which is what the TAG will be doing on Wednesday. Clr Coll-McLaughlin said that there is a lot of community interest in the Overflow. Recognise that it is an urgent piece of work which is different to the new stopbanks.

Clr Rutherford said that it was unclear what works were talking about in this paper but it now appears to addressing the requirements to start the floodwall construction. R. Beal explained that the report focuses on the Davis Ogilvy work to prepare for stage 1 – new stopbank from Toki Bridge. The Organs Island verbal update is separate and this is the work will be doing in person on Wednesday.

Clr Howard said that need to ensure that follow the correct tender process so there is a clear financial budget. R. Beal wanted to clarify that when engineers put up emergency work recommendations, these works are done primarily on an hourly rate as it needs to be done immediately due to threatening property or create major hazard risks in the time it takes to go through a tender process. The way this is managed internally is that it is not fair to ask contractors to give us any more than an estimate. We work in partnership with the contractor and manage any issues as they arise. It is a different process to putting out full design and volumes for a contract to tender.

Chair McMillan clarified that if the works are designated as emergency works then they are undertaken at an hourly rate but this is to be done through a full tender process. R. Beal explained that in order to do the work with a full understanding of budget implications then have to go through a tender process. Chair McMillan asked whether it is now not considered as emergency works? R. Beal said that under the implications/risks in the report, staff still believe the same level of risk exists. In terms of hourly rate versus tendered rate, without the geo-tech information cannot give them the information they need to know dig out quantities etc., which is a large part of the cost.

Chair Birchfield said that he thought this work was urgent. Get the rock pulled back and the new rock put in place. Get it done as per the hourly rate. Have been doing this type of work for years. Can't see there being much difference. Want to see the work undertaken as emergency works and done by the hour if have too. Chair McMillan asked whether needed to go back to the Regional Council and emphasis that these are emergency works. R. Beal said that it was very to staff that the Organ's Island work needs to be proceeded with immediately. Staff will use their delegations process to get three quotes and get on with it. There is a Council meeting tomorrow that could ask Council for delegated approval to get that underway.

Clr Coll-McLaughlin believe the holdup for the overflow is the alignment. This work stream is in play, and once the alignment is confirmed then can proceed with seeking the quotes to undertake this work. Fears have been allayed in that the urgency to get the works done is recognised by staff.

R. Beal asked whether the Joint Committee want the final alignment and the quotes back to the Committee before presenting to Council. Chair McMillan said that at the last meeting they voted to get these works completed and this still stands. Once have the information then the work is proceed with as per the mandate from the last meeting. S. Mason suggested the Regional Council Chief Executive to clarify offline the process with emergency works going forward.

Clr Howard clarified the two processes (tender and an hourly rate). What are the differences in the two approaches to the timeframe? R. Beal explained that are talking about two different pieces of works. Building the flood protection structure including with geo-tech investigation and design should be done through a tender, Organs Island is a more quantifiable project which can be priced on the site and believe they would be comfortable to provide estimated prices with some tender tags for the unknowns at the time of tendering.

Clr Coll-McLaughlin noted that she has had some contact with local contractors that have been watching the project with interest. Emphasise that need to make this process as robust and transparent as possible. There may be a need for more than three or a weighted consideration for local contractors.

Mayor Cleine said that need to be careful as to the role of this Committee as talking about decisions the Regional Council need to make around their table. Have made it clear that the Organs Island work is urgent and the Toki Bridge work is less urgent and can run through a more thorough process. Regional Council has the tools to progress this.

S. Mason pointed out that need to be careful as to who has the authority to make decisions in terms of which committee. Unsure of the Regional Council's procurement policy, but will need to consider urgency of undertaking the works, value to ratepayers and weigh up between progressing with an hourly rate or going for an RFP.

Chair McMillan summarized that this is a Regional Council decision. Recommended at the last meeting the proposal for emergency works. The Regional Council said yes but want some costs around that. The work that is required to support this has been identified. There is a Council meeting tomorrow so we leave it to them.

Moved (Mayor Cleine/Clr Howard) that the Joint Committee resolve to note this report

Carried

6. Drainage and culverts report

R. Beal presented the report. Investigations into improving drainage of flood waters have been undertaken. Believe that drainage issues need to be addressed as the same time as looking at flood protection structures. These would need to be truthed with the final design and alignment.

Clr Birchfield stated that internal drainage is an issue and asked who has this responsibility for this. R. Beal said that he does not believe that the main arterial drains are being maintained by anyone. This does not include private farm drains. Clr Birchfield asked who was going to do this work. R. Beal said that this needs to be part of what is considered. Not talking just about culverts but also flood gates and stop bank inflows.

Mayor Cleine said that he does not think can separate these and needs to be considered as part of the overall planning. Mayor Cleine queried what would an approximate cost of this work be? R. Beal said that this information would be brought back to the Joint Committee once have confirmed final design and RCP's and better understand the cost implications. Thirty-one additional culvert, as well as one way flaps, this will not be cheap. Mayor Cleine stated that there is absolutely no way can have one without the other.

Clr Coll-McLaughlin said that it was good to be having the discussion about drainage and flood protection because as pointed out cannot have one without the other. For something like this scheme where there is a Rating District and a targeted rate and are considering bringing in drainage, there is arbitrary delineation of responsibility of duties for stormwater maintenance between the District Council and Regional Council. If we were to be rating for some form of stormwater maintenance – is it possible, and does it require a transfer of duties? R. Beal said this is a matter for the two the Councils to determine. Consider how it is currently being rated for, work already in a work programme and who is best placed to manage it. If additional to what is already in place needs to be a discussion as to who is best placed to do it and manage it. Have had comments that drainage and flood protection go hand in hand. Provided it isn't urban stormwater Council should definitely be having that conversation.

Clr Rutherford stated that has a concern around stormwater management. If the RPC 6 is the preferred model, there will be huge implications for our low-lying coastal areas through sea-level rises. This has been discussed in one of the previous papers and how will impact on flood protection. One of the impacts of sea level rise will be groundwater levels. There are parts of Westport that fall within the area of the floodwalls, seeking comment as to the implications of dealing with stormwater from low-lying areas, subject to increased groundwater levels as can easily be in the situation of pumping the ocean back into the ocean. R. Beal said that have just received the NIWA advice in mid-March so are currently not in a situation to make a comment on it at the moment. P. Birchfield said that any water pushing up would not be flowing quickly. Would need to have some robust pumps in place. Clr Rutherford clarified that was not referring to the level of water in the river but the increase in sea level will contribute to groundwater levels and this will impact some of our low-lying areas of

Westport close to the sea. This water will have to be constantly pumped out and want to know how this is being considered as part of the floodwall design. Clr Birchfield stated that the sea level would not rise and to not worry about it.

Clr Howard noted her concern around the drains and culverts and the environmental impacts. Is there consideration in the design about fish passage? The Cats Creek area is affected by the push from the tide. Any time there has been drain clearance this has resulted in sediment and whether need to encourage planting of reeds or grasses to stabilize the Orowaiti bed.

D. Moloney said there has been huge amount of interest from the community in drains and culverts. Some clarity around who is responsible for what will help. There has been a suggestion whether the angle of the drains would assist with water not being pushed back up? P. Birchfield have had students from Canterbury University to consider the vortex effect. However there is not a lot of flow against the bank so in a flood, the fastest flow is in the centre so unfortunately this does not work.

J. Murray clarified whether any new drains and culverts added to the system would be covered by the Rating District, but queried what should already be being maintained? R. Beal commented that the Regional Council does not have a rate struck to maintain the drains identified in the paper so this work would be additional to what was consulted on if the decision was made for the Regional Council to deliver on this. S. Mason said that Buller District Council looks after the stormwater and wastewater and there is a maintenance package currently there. Wanted to pull this back to a more strategic level which is for the two Councils to develop a complementary design package that encompasses stormwater, wastewater and flood protection. That design package will form part of the application to go to government. There will need to be 'skin in the game' from both Councils and do not lose sight that there is the bigger programme of works around the three waters reform. This will look quite different as the existing drain and stormwater system is not set up

J. Hutchings noted the importance of any drains and stormwater systems, particularly where they interface with a flood protection scheme structure, need to be costed and designed up. Will need to consider where these assets lie in the three waters management and flood management area.

Moved (Clr Hill/Clr Rutherford) that the Joint Committee resolve to receive this report.

Carried

7. Land tenure investigations update

Chris Coll was unable to join the Committee meeting today, R. Beal presented it on his behalf. Have been reviewing the land tenure for the areas that were identified at the last meeting for emergency works.

Clr Birchfield queried what area this referred to. R. Beal clarified that thus is the Organs Island area, O'Connor Home and down to the Toki Bridge area. Clr Birchfield said that it was probably better to bring this up to the Council meeting tomorrow to proceed with these works with urgency.

Clr Coll-McLaughlin said that this is a topic that have been asked a number of questions about. Excited that are at this point. Believe it is one of the trickiest part of the process and how to manage this.

Clr Rutherford stated that this will have implications for final cost outcomes and will be keen to see what these implications are once they have been determined.

Moved (Clr Birchfield /Clr Coll-McLaughlin) that the Joint Committee resolve to receive this report.

Carried

8. Land River Sea modelling investigations update

R. Beal noted that M. Gardener was an apology today. This is an update on the progress made in the modelling space since the last meeting. Have been working to include in the modelling the new science received in March. R. Beal said that RCP 6 is most likely to be recommended by the TAG, but they are considering all the options before the final recommendation is made to the Committee. R. Beal discussed some of the various models and implications. Part of this is likely to be proceeding with what was consulted on last year but allowing for an increase in height in the future to cater to impacts of sea level rise. When looking at the various options there are some significant implications that come up. These need to be assessed and are all draft investigations at the moment. Should the airport, identified as a critical asset, is to be moved there are limited locations for where it can go. Would like further discussion on option 6. Identified that for Carters Beach and the current location of the airport, would want to extend the floodwall to the Buller on the true left. The airport is a critical lifeline and the modelling showed that this was likely to be needed. Once have confirmed a recommendation will need to sit down with individual property owners, including those outside of the scheme, to consider the implications and coming up with solutions to those issues. The TAG also raised that there is a need to consider a future location for the airport. This needs to be progressed so land can be protected under the planning rules.

Mayor Cleine said that it is clear that there are implications across the scenarios and it is good to see these being assessed. From his local knowledge looked as if the Snodgrass Cut was a winner. R. Beal noted that he had neglected to discuss the Snodgrass cut. Are doing the modelling for it. It does have potential for the short term but would require bridging.

Clr Coll-McLaughlin thanked R. Beal for the work he has been doing. Pleased that have a lot of options to look at. Found people thought the LTP consultation was the final alignment. Instead this was getting the mandate from the community to progress a flood protection scheme. With regard to the timelines, will the TAG bring options back to the Joint Committee in April or May? R. Beal explained that Wednesday is critical for considering a number of matters. Believe that are on track to have a final alignment for the business case. Clr Coll-McLaughlin asked about the Orowaiti causeway and the embankment are a real issue, have NZTA and KiwiRail been brought into these conversations and aware of these options. R. Beal said that they are aware of what looking but have not had an in-person meeting with them yet. Once have final alignment confirmed will be able to progress this.

Clr Hill asked that if M. Gardner is available next month it would be good to have him attend the meeting and speak further to it particularly in regards to the RCP. R. Beal said that it would be expected to be included in the design package that central government would contribute too.

Clr Rutherford raised concerns around the various RCP that have been considered. BDC have been working on some of this internally with the Council coming up with a climate change adaptation strategy. Would hope that all of the different impacts will be factored into the various models e.g. increased stormwater, drainage etc. R. Beal said that there is always an option, if allow for this at the start of the project, to be able to raise the height of the structure. This assists with the affordability of the project. May not go the extra 300mm now due to budgetary, or other reasons, but as long as allow for future height increases that is the best can aim for for the future. Clr Rutherford said that it was not the height he was concerned about but whether the other factors of stormwater and drainage had been considered and the effects the various scenarios could have on the scheme. R. Beal clarified that with the various scenarios looking at, need to get the base and width right. Cannot

add height if do not get this right. Once have this right then believe that stormwater matters will be future-proofed. Buller District Council engineers are involved in the TAG and will be able to provide more information around stormwater management.

Clr Howard requested more information on RCP6 around the airport location and how much would flood protection extend the life for this asset and what is the timeline for the impact for sea level rise for the airport. With technology improvements will an airport with runways be required in the future. Matters to consider for future strategic planning. R. Beal said that this has been discussed by the TAG. Believe that it will not be an incremental rate of rise but more likely to be in fits and starts. The airport is a critical lifeline for a number of reasons. Would be surprised if did not recommend Carters Beach to be extended as per the map on page 31. In terms of the timeline that will be part of the cost benefit analysis. Difficult to put a date as to when the level of protection can no longer be achieved.

J. Murray stated that is was good to see the different models and scenarios being run. It will be a challenge to get the right height, the incremental increase to wall height is a good idea.

Moved (J. Murray/D. Moloney) that the Joint Committee resolve to receive this report.

Carried

9. Business case for central government support - update

J. Hutchings provided a progress report on the business case development. Confident that can deliver this within the timeframe.

Clr Birchfield queried the affordability of the whole thing. Made a suggestion that funding could come also come from Development West Coast.

Clr Coll-McLaughlin has been considering the question as to why Westport is 'special'. Is there an option for some form of integrated catchment management to slow down the flow of water from its source. J. Hutchings responded that there is a lot of indigenous vegetation and this approach is unlikely to occur in comparison to catchment areas of urban or arable land.

Clr Hill wanted to thank J. Hutchings that the report is on track. It is up to the Joint Committee to reassure the community that there is a lot going of work going on and progress is being made. Chair McMillan agreed that there is a lot of work that is happening, can see from the agenda how much has happened. The final part will be the building of the walls which wont happen tomorrow but when done needs to be done correctly.

Clr Rutherford asked whether by the time the final plan comes to be submitted will there be additional costs attached to it? Given that will then know more about these costs and how will they fit into the Regional Council's Annual Plan process. Will it require further consultation given there are ratepayers that sit outside the protected area. What is the potential for things to change if significantly different to the LTP? J. Hutchings answered that the Regional Council had tested a scheme and landed on \$10.2 million. The impact of the storms in February, as well as the hangover of impacts from last year, will have an impact. Will need to look at the cost implications and effects, and the level of affordability going forward.

Clr Howard said that she would like to see more financial information being brought to this table. Not just for the big-ticket items but also the costs incurred through the design work. Generally everything that is balanced against the Special Rating District.

Moved (Clr Birchfield/D. Moloney) that the Joint Committee resolve to receive this report.

Carried

10. District plan designations for Westport protection works

R. Vaughan, Acting Planning and Science Manager for the Regional Council presented the report on designations for protection infrastructure. Applying the designation for these works and once work was given effect to, would be able to lift some of the flood protection zoning requirements and make things more lenient.

Clr Birchfield stated that he was concerned that Te Tai o Poutini Plan (TTPP) would restrict the building of the flood protection structure compared to now. R. Vaughan explained that it was not necessarily just the TTPP that could restrict construction. It could also be other legislation. A designation would allow for this work to be undertaken even if there were legislation changes. It is a strategic tool and guarantees this protection structure in the future.

Mayor Cleine asked what the difference was between consultation for a designation as opposed to a resource consent. R. Vaughan explained that for a designation to be added to a plan then there is a consultation process around this. For any future works, or extension, then they are not subject to a further notification process. Mayor Cleine asked how people would be consulted with given do not currently have a final alignment. R. Vaughan explained that would not go down the designation process yet as the details on alignment and land tenure have not yet been finalized.

Clr Coll-McLaughlin queried the resolution. As it stands at the moment is to insert a designation in the BDC Plan and then the TTPP. Optimistic that would get it in the BDC Plan but may get it in the TTPP. Thinking of the funding of the work to do this. It is a BDC specific project and how should this be funded. Would be uncomfortable in approving this without having a resolution from BDC ensuring that everyone involved is involved. R. Vaughan responded that there is a change to the resolution. The Order in Council that requires the Regional Council to be responsible for district plan functions too. The Order in Council does not apply to designation process but for planning. The designation process allows the Regional Council to process it if the Schedule 1 process is used. If the designation process is agreed by this Committee, then the designation will be part of the TTPP process, otherwise it would need to be processed by BDC.

Clr Rutherford noted his support of the suggestion. It looks as if this will help with expediting the construction of the walls once know alignment. Concerned at potential costs falling on BDC. Believe concerns raised around risk are probably at the low end of the scale as those interested in this are likely to be those interested in the whole scheme itself.

Clr Howard wanted to check the query of the note in the paper. Concerned that this decision would need to go back to the Buller District Council. R. Vaughan explained that this has been discussed within the Planners group as part of the TTPP process. The Schedule 1 process allows it to be processed as part of the TTPP process. The other pathway in the RMA is for designations outside of the planning process when there is already an operative plan. Because there is a plan in this process it would be expedient putting it through this process. J. Cleine said that he was satisfied that their planning team were all over this as part of the hazardscape planning and that it would flow through the TTPP process.

Clr Howard questioned the consultation process. R. Vaughan explained that this would be notified as part of the TTPP process. Any affected parties such as landowners would be individually notified if they were directly affected as well public adverts in the papers. More than just the public process.

Moved (Clr Birchfield/J. Murray) that the Joint Committee resolve to:

1. receive this report;
2. direct the Regional Council to lodge a notice of requirement to insert a designation in the Buller District Plan, and subsequently TTPP, for all parts of the protection works.

Carried

11. Matters of community interest

D. Moloney presented feedback received from the community. Some of the matters highlighted have been addressed in the reports presented to the Committee. The matters identified highlight the issue of who is responsible for the creeks that run through the various properties. R. Beal explained that there is no rating district set up for the maintenance of these pathways. As raised in a previous paper there could be an option to include these areas. Council had released information following the February event for farmers on what could be done to protect land.

Clr Birchfield noted his thanks to R. Beal and the work he has done.

Clr Coll-McLaughlin said that have had people make contact about the damage that has occurred post July and February. It is upsetting not to have many options to help. The Engineers have provided a lot of good advice but we cannot bring in machinery and rock. Have had concern raised where works upstream have not adhered to their consented conditions. The Regional Council does have a role in this space. For acts of God and natural disasters, there does not feel like there is much Council can do. Unfortunately, just do not have the budget to do much more than provide advice.

Clr Rutherford wanted to thank D. Moloney for keeping his finger on the pulse of the community. Want to thank R. Beal on behalf of the community for the work he has done. Clr Howard reiterated this thanks to R. Beal.

Moved (Clr Coll-McLaughlin /Clr Howard) that the Joint Committee resolve to receive this report.

Carried

12. General Business

Mayor Cleine sought clarity on the handover for R. Beal going forward. R. Beal explained that in regards to the TAG, the sponsor for the TAG will change to either J. Hutchings, M. Gardener or C. Coll. They all have experience and existing relationships in place. As long as the TAG work does not stall then this will protect the project going forward.

Chair McMillan officially expressed his thanks on behalf of the Committee for Randal's work on this project. Personally believe that good progress is being made and this project is moving ahead.

Meeting closed at 2.56

Attachment 2

Minutes of the Westport Rating District Joint Committee

Wednesday 4 May 2022 – 1.00pm

By Zoom and livestreamed via West Coast Regional Council

Present:

Hugh McMillan (Chair), Allan Birchfield (Chair, West Coast Regional Council), Jamie Cleine (Mayor, Buller District Council), Laura Coll McLaughlin (Clr, West Coast Regional Council), John Hill (Clr, West Coast Regional Council), Phil Rutherford (Clr, Buller District Council), Jo Howard (Clr, Buller District Council), Dan Moloney (Westport Area Community Representative), James Caygill (Waka Kotahi NZ Transport Agency)

Apologies:

Francois Tumahai (Te Rūnanga o Ngati Waewae), Jodi Murray (Westport Area Community Representative)

In attendance:

Heather Mabin (Chief Executive, West Coast Regional Council), Sharon Mason (Chief Executive, Buller District Council), Matt Gardner (Land River Sea Consulting Ltd), John Hutchings (Henley Hutchings), Nichola Costley (Staff, West Coast Regional Council)

1. Welcome

Chair McMillan welcomed members to the meeting.

2. Apologies

Moved (D. Moloney/Clr Howard) that these apologies be accepted.

Carried

3. Declarations of interest

Chair McMillan asked for any additional declarations to be declared.

Moved (Mayor Cleine/Clr Coll McLaughlin) that these declarations be noted.

Carried

4. Confirmation of Minutes

Clr Coll McLaughlin noted a correction to F. Tumahai's name in the welcome and addition to his name in the present list.

Moved (Clr Rutherford/Clr Coll-McLaughlin) that the Joint Committee adopt the minutes of the Westport Rating District Joint Committee meeting on 3 March 2022.

Carried

5. Shift in priorities for flood protection

J. Hutchings provided a verbal update on this item and referred to the Regional Council paper adopted on Tuesday night. Noted the change to how the works are referred to. These retrospective works (adjacent to Organs Island and erosion near O’Conor Home) are not emergency works as per the NEMA definition where they provide funding assistance ‘like for like’.

In regards to the Stage 1 part of the ring embankment around Westport, the TAG have continued with the alignment, cost and design work on this. Davis Ogilvy have been working hard on the Geotech and working hard on the more detailed design. Work has been slightly out of sync with the getting the design and underlying information. Have also needed to ensure the alignment and design could be aligned with the proposed cycleway. Due to this, the emphasis went from the ring embankment back to the erosion and scour works of Organs Island and along the bank of O’Conor Home. These are described as adjunct work to the greater piece of work being considered by the Joint Committee being constructed down the track. If do not manage the river correctly then will have greater problems in the future, and keeping the river in its bed.

M. Gardener said that he does not see it as a significant change but a slight juggling round of timeframes. The design is taking a little longer, working in with the cycleway. Geotech work is underway. Were unable to put up in the few weeks had, but this will be coming up as soon as it is done. The erosion works are a significant cost. These are estimates done on size. Do not know the full volume of rock required until the work is completed. Ongoing river protection works are needed. This river has the largest flow and flood flow in New Zealand. There is likely to be ongoing maintenance required, and this is integral to any river management scheme, particularly where there is an urban settlement alongside.

Clr Birchfield asked with regard to the minutes, have been considering the internal drainage of Westport. Do not think this can be handled within the flood protection provided by the Regional Council and believe that it needs to be handled the District Council. Regional Council will have to make provision in the flood bank for culverts and gates but the internal stormwater is getting too big for this project.

Mayor Cleine commented on what had been presented to the Regional Council and noted that the scope had expanded on the advice of Mr Williams which will provide a more enduring and robust solution to what was originally thought was needed there. J. Hutchings said that the site visit brought that home. The length of rock required to prevent erosion at either end was greater than expected and the type of rock required has led to the costs being greater than expected. M. Gardener said the drone imagery informed the original design. No detailed design had been completed before that previous estimate.

Mayor Cleine agreed in part to the comments made by Clr Birchfield for stormwater. It is not necessarily the urban stormwater that will be part of the floodwall package but they will be a key element to the wider work underway. This Committee is dealing with the assets that will be owned by the Regional Council once they are built, but there are parts of stormwater management integral to this. The full stormwater package will need to form part of the business case. Important that

everyone understands the work streams that are underway for Cabinet support. J. Hutchings explained that the business case will need to include the cost of the interface between the embankments and drains, culverts and the stormwater system. In regards to Westport's big scale stormwater system there is work to be done. When it needs to go through the wall flood gate and flap structures will be required. Costings are being done for both the urban and rural environment. The last meeting considered how many of those interface points would be required for the rural environment. The costings will be completed for the business case.

From the Regional Council meeting the night prior, Clr Coll McLaughlin noted that where the urgent work is being done these will become assets of the Regional Council. Becoming WCRC assets they come under the Council's insurance. Then if there is future damage there is an opportunity to claim 60% from NEMA to recover like for like. Historically they have never been assets of the regional council and with no rating district in Westport there has been no means to access funding from NEMA following the July flood event. There has been no programme of ongoing inspection or maintenance of these structures to know how they were faring. With the Committees and Councils of today, have now come to the best place possible with these pieces of infrastructure. There are still river works that sit outside of the new scheme. Can work be undertaken to identify any piece of old catchment board works and bring these onto the books and in the asset register so inspection can be undertaken to provide pathways for insurance in the future? J. Hutchings said that the Treasury framework for the business case development requires us to satisfy management system elements. Critical in there is assets on a register with a regime to enable maintenance and insurance so that Central Government knows that they can be sustained into the long term. Adjunct works have, and will continue, to provide critical flood protection roles. The Regional Council have contracted assistance from Greater Wellington with developing the asset management system. J. Hutchings will follow up to ensure that it provides the comprehensiveness that is being sought.

Clr Hill said that he attended the extraordinary meeting to approve the funding, and wanted to ensure that the community understands what has been approved. Council has committed to putting a report into the media and wants to see this happen.

Clr Rutherford noted that the Regional Council originally consulted on a \$10.2m project. There has been an additional \$2.7M added to this cost which has been temporality funded by the Regional Council while await the outcome of the business case. Believes this group has a mandate on behalf of the rating district and wanted to understand the ultimate exposure for ratepayers. If the Government does not contribute funding will the rating district eventually have to bear these additional costs? H. Mabin explained that these works have been funded through the cashing up of Council's catastrophe fund. Have been asked what will happen when there is another catastrophe. This is something Council will have to consider at the time. The last time the fund was used was when Franz Josef was affected in 2019 until the insurance claim funding came through. Organs Island was not part of the consideration of Option 2 when Council consulted on the ring bank. It has been suggested the works will form part of the assets for the rating district but at no time has it been suggested that the rating district will have to fund this. Hope to know at the end of six months how much Government will fund. If not, Council will need to consider how this debt is faced going forward. It is a critical piece of infrastructure that needs to be done at Organs Island. Us doing this will lessen the impact of any future flood. Clr Rutherford noted his concerned of the financial exposure for rating district and sought confirmation that the impact on the rating district is limited to the \$10.2M. H. Mabin confirmed that is the understating and decision at this time. There has been no discussion about the Rating District funding these additional works.

Clr Howard asked for clarification around the proposed cycleway referred to. In addition to this, the Kawatiri Cycle Club are seeking assurance that they will be consulted and involved in the process. M. Gardener said the TAG have been working together on the final preferred alignment in the realisation that there will still need to be detailed negotiation with landowners and groups such as the Cycle Club. Suggest that these points be taken back to Davis Ogilvy to ensure they are aware of these points and who they need to speak to. Clr Howard noted that it had been mooted that there was cycleway and walkways proposed for the stopbanks but these are now being planned? M. Gardner said that this is being considered closely and how this can be brought into the design.

D. Moloney noted that he was happy to see this work progress and that some form of timeframe had been put in place. This is what people had been asking for. The option of doing nothing would cost a lot more if had another flood. D. Moloney noted his congratulations to M. Gardener, J. Hutchings and the Regional Council Team.

Clr Coll McLaughlin made a follow-up query in regard to the cycleway comment noting that there may be some cases where it is practicable for the stopbank to have a dual purpose, but also that there may be some locations that this is not feasible or appropriate. However, if doing so would jeopardise the project going ahead then this needs to be taken into account. Want to ensure that are not setting an expectation that the entire stopbank will become a cycleway. Clr Birchfield wanted to note that this is a stopbank to protect the town not a cycleway and would not like to see any additional cost to make this a cycleway fall on the ratepayer. Need to separate the two. Clr Birchfield also noted that had yet to go out for tender. Be said that there is possibility to complete the works for \$10M. M. Gardner clarified that the cycleway was of limited reach down-stream of the Buller River. It will integrate with what is already there. This does not preclude opportunities in the future should it be appropriate.

Moved (Mayor Cleine/J. Caygill) that the Joint Committee receive the verbal report.

Carried

6. Matters of community interest

D. Moloney noted that there are a lot of people in the community who are very concerned when it rains. The Council meeting last night will reassure a lot of people, and the timeline in place for these works.

D. Moloney asked whether there are works that can be undertaken on a voluntary basis, for example Cats Creek. Unsure who is responsible.

Chair McMillan said that it depends on whose land it is on. There will be health and safety implications attached to undertaking any work. S. Mason recommended an offline discussion to be held on this matter. S. Mason noted her appreciation of community goodwill and offers of assistance. There are challenges around work of this type given health and safety requirements and the frameworks that have to work through.

S. Mason suggested the development of a Q&A around some of the questions that have been raised so are able to respond appropriately. Would be useful to have a shared site for some of these questions so people can see the answers. S. Mason said that will keep this an ongoing matter as will depend on when various things are happening.

Clr Coll McLaughlin noted that the Council has also received communications from residents who have been concerned around drains, particularly Cats Creek and other areas, and where the responsibility may lie. Clr Coll McLaughlin noted that she will share the information have found around this matter to D. Moloney and S. Mason.

Clr Howard noted that this report highlighted the misinformation that is still circulating around the community. Queried when the business case has been developed whether a public meeting can be held to help people understand what is happening and provide an opportunity for them to be involved.

Clr Rutherford noted that the background work Clr Coll McLaughlin was very valuable and that it is critical to understand who is responsible for the maintenance of these 'assets', culverts, drains. Important for the Joint Committee to understand this so know who to address matters with, whether it is the Regional Council or the District Council.

Mayor Cleine commented on the comms raised by Clr Howard noting that there is work ongoing in this space across the Steering Group, Regional Council and District Council to ensure that comms are aligned between the organisations. There will be packages of comms coming out later this month. Firstly, the work around Matts modelling information and the background as to why this is happening. This will be followed by a meeting on 26 May where the technical solutions will be presented to the Councils and Committees. Will be in a position quickly after this to show the community what will be happening and the timelines for this.

Moved (Clr Rutherford/Clr Coll McLaughlin) that the Joint Committee resolve to receive this report.
Carried

7. General business

H. Mabin provided more information to those matters raised by Mayor Cleine. Will be holding a stakeholder engagement session where the TAG will present each of the options, the reasoning behind them and then the reasoning for the final option recommended. The stakeholders include both Councils, the Steering Group and Joint Committee. It will be a closed-door meeting and will ensure that all stakeholders involved will hear the same message at the same time and understand the reasoning for these. Meeting details yet to be clarified.

P. Rutherford asked H. Mabin for financial information around this project. Is there a dedicated cost centre for these works? Is it possible to have current information on costs spent to date?

H. Mabin noted that there is a dedicated cost centre. Will need to have a clear split between the costs for the \$2.7M to date and for the Rating District. The Rating District is only responsible for the capital asset. Some of the costs incurred to date may be expenses and not pertinent to the Rating District. Will have this financial information available for the next Committee meeting.

8. Close of meeting

Chair McMillan thanked all members of the Joint Committee and closed the meeting at 1.51pm.

Report to: Council	Meeting Date: 14 June 2022
Title of Item: 2-5 & 9-10 February events emergency works claims	
Report by: Rachel Vaughan, Acting Planning and Resource Science Manager	
Reviewed by: Heather Mabin, Chief Executive	
Public excluded? No	

Report Purpose

To update the Council on the claims that will be going to NEMA after the February flood events.

Report Summary

In the 2-5 & 9-10 February events, there was damage to Franz Josef, Wanganui, Taramakau and Little Wanganui Rating District's protection works. This report is a summary of the claims to be made to NEMA in terms of emergency recovery-related works.

Recommendations

It is recommended that Council resolve to:

1. *Receive the report.*

Issues and Discussion

The Government, in accordance with Section 33 of the Guide to the National CDEM Plan, will fund eligible recovery-related costs incurred by a local authority. Eligible recovery costs will be 60 per cent funded by the Government (*above the local authority's threshold*) and 40 per cent funded by the local authority. E.g. Essential infrastructure recovery repairs.

Local Authority *threshold for reimbursement* is outlined in Section 33.4.2 of the Guide to the National Civil Defence Emergency Management Plan 2015, states that:

Government policy is to reimburse 60 percent of other eligible response costs, combined with essential infrastructure recovery repair costs, above a threshold of 0.002 percent of net capital value in the case of regional councils.

NEMA have a claims process that ensure all local authority claims are considered fairly. WCRC staff have had an initial meeting with NEMA staff to discuss the pending claims for the damage that occurred during the 2-5 & 9-10 February events.

WCRC staff are currently working with a local contractor to put together claims for the damage that occurred during the 2-5 & 9-10 February events.

In table 1 is a summary of West Coast Regional Council claims to NEMA. WCRC are expecting a favourable claim for the amount of \$401,324.80, or 60% of claimable costs.

Table 1 Summary of NEMA Claims

2-5 & 9-10 February Event

		NEMA Excess	NEMA	NEMA Payout
Franz Josef RD	6,024.50	\$983.46	\$3,614.70	2,631.2416
Wanganui RD	657,250.16	\$107,291.59	\$394,350.10	287,058.5052
Taramakau RD	98,600.00	\$16,095.78	\$59,160.00	43,064.2248
Little Wanganui RD	157,000.00	\$25,629.18	\$94,200.00	68,570.8244
	918,874.66	150,000		401,324.80

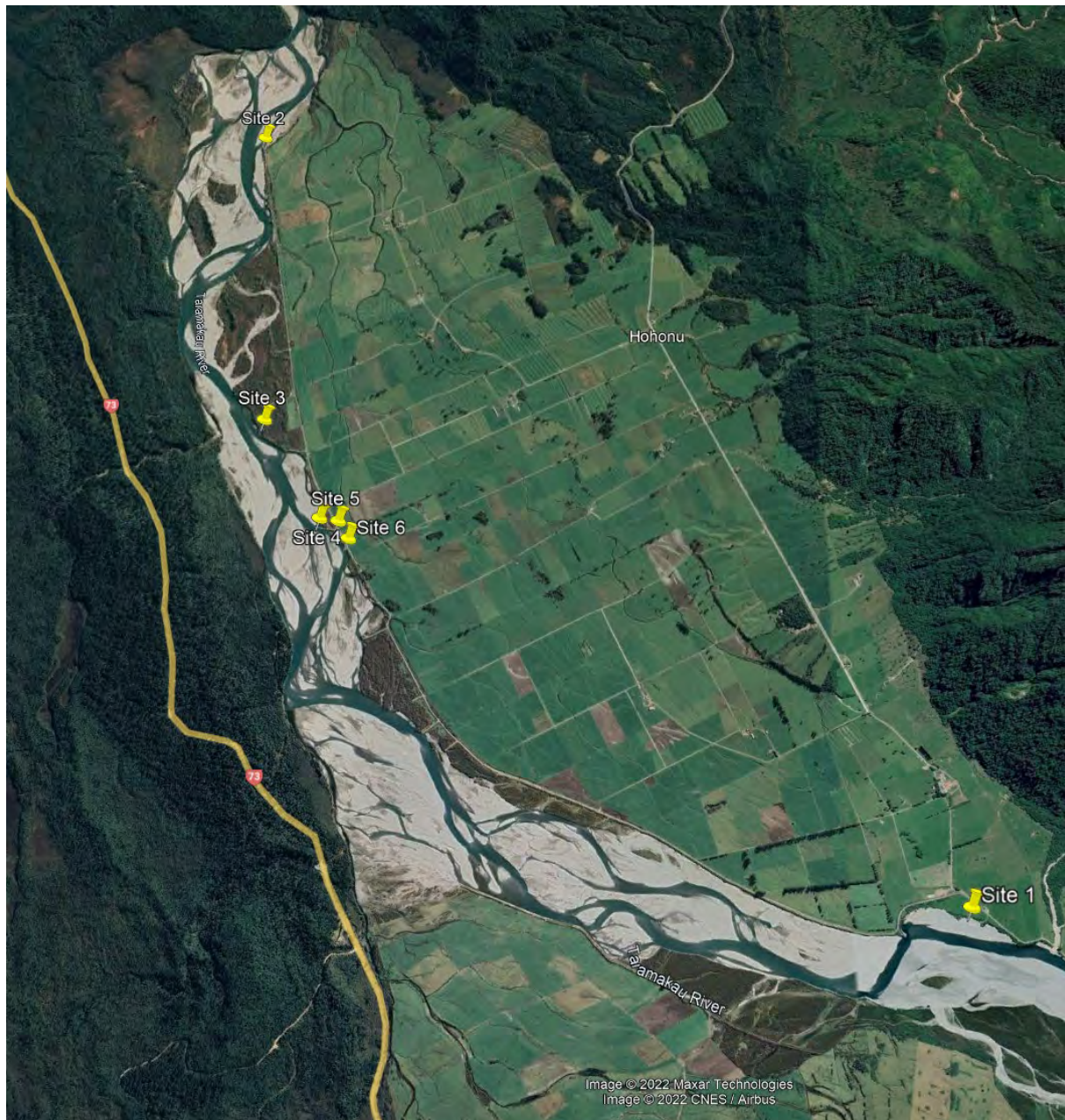
Attachments

Attachment 1: South Westland report

Attachment 1 - South Westland Report

Taramakau Rating District

The Taramakau Rating District sustained flood related damage to six sites on the flood control scheme. Remedial works have been completed by placing 3,560 tonnes of rock throughout the damaged sites at a total cost of \$98,600 + GST. This work has brought the scheme back to the same level of service as before the floods.



Locations of Flood damaged sites



Site 1 - Damage to Asset #88 requiring 240 tonnes of rock to remedy



Site 2 – Damaged to Asset #126 to #100 requiring 440 tonnes of rock to remedy



Site 3 – Damaged to Asset #21 requiring 1,040 tonnes of rock to remedy



Site 4 – Damaged to Asset #33 requiring 280 tonnes of rock to remedy
 Site 5 – Damage to Asset #31 to 35 requiring 780 tonnes of rock to remedy
 Site 6 - Damage to Asset #35 to 37 requiring 780 tonnes of rock to remedy

Wanganui Rating District



Site 1 - Raymonds Stopbank



Replace existing damaged flood control works and replace with new rock lined stopbank

Estimate - \$385,000.00+GST



Site 2 - Blackburns Large Hook Groyne



Place approximately 500 tonnes of rock to damage sections on the tail of the hook groyne

Estimate - \$385,000.00+GST

Site 3 - Blackburns Small Hook Groyne



Place rock at to damaged sections of old hook groyne

Estimate - \$56,791.50+GST

Site 4 - Blackburns Stopbank

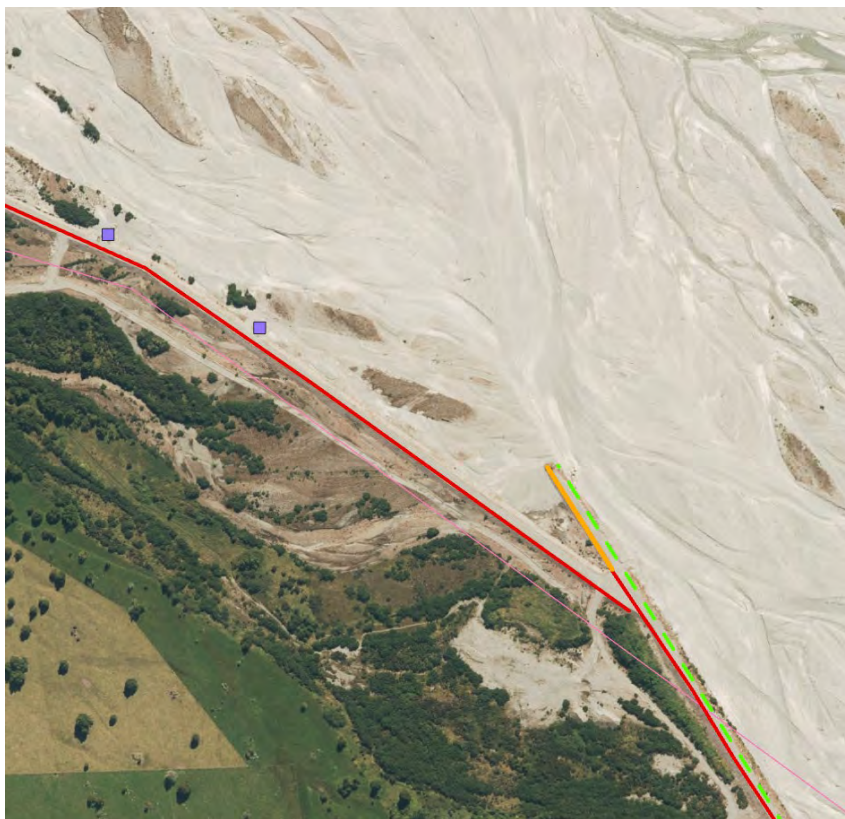


Reinstate stopbank after flood damage and replace rock riprap

Estimate - \$203,053.00+GST



Franz Josef Rating District



Reinstate stopbank and rock groyne after flood damage

Estimate - \$6,024.50+GST



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 – 10.8 (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 10 May 2022	The item contains information relating to commercial matters and information that was subject to an obligation of confidence	To protect commercial information and to protect information which is subject to an obligation of confidence (s 7(2)(c) and s 7(2)(b)).
Item 10.2	Confirmation of Confidential Minutes – Extraordinary Council meeting 30 May 2022	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).
Item 10.3	Consultants – Resource Consents	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).
Item 10.4	Group Life Insurance	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).
Item 10.5	PWC Report	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).
Item 10.6	Mining Bonds	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).
Item 10.7	IRG Projects	The item contains information relating to commercial matters	To protect commercial information (s 7(2)(b)).
Item 10.8	Annual Report 2020/21	The item contains information which is subject to an obligation of confidence	To protect information that is subject to an obligation of confidence (s 7(2)(c)).

I also move that:

- Heather Mabin, Marc Ferguson, Colin Helem, and Rachel Vaughan 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; and
- The Minutes Clerk also be permitted to remain at the meeting.