

**AGENDA AND SUPPORTING PAPERS  
FOR COUNCIL'S APRIL MEETINGS**

**TO BE HELD IN THE OFFICES OF THE WEST COAST REGIONAL COUNCIL  
388 MAIN SOUTH ROAD, GREYMOUTH**

**TUESDAY, 14 APRIL 2009**

**The programme for the day is:**

<b>10.30 a.m:</b>	<b>Resource Management Committee Meeting</b>
<b>On completion of RMC Meeting:</b>	<b>Council Meeting</b>
<b>1 pm RMC Workshop</b>	<b>Land and Water Plan Lake Brunner</b>

# **RESOURCE MANAGEMENT COMMITTEE**

## **THE WEST COAST REGIONAL COUNCIL**

Notice is hereby given that a meeting of the **RESOURCE MANAGEMENT COMMITTEE** will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Paroa, Greymouth on **Tuesday, 14 April 2009**

P. EWEN  
CHAIRPERSON

S. MORAN  
Planning and Environmental Manager  
C. DALL  
Consents and Compliance Manager

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<b><u>AGENDA NUMBERS</u></b>	<b><u>PAGE NUMBERS</u></b>	<b><u>BUSINESS</u></b>
<b>1.</b>		<b>APOLOGIES</b>
<b>2.</b>	1 – 3	<b>MINUTES</b> 2.1 Confirmation of Minutes of Resource Management Committee Meeting – 10 March 2009
<b>3.</b>		<b>PRESENTATION</b>  Mr Jim O'Regan – Understanding Beech Forestry (10 Minutes)
<b>4.</b>		<b>CHAIRMAN'S REPORT</b>
<b>5.</b>		<b>REPORTS</b>
		<b>5.1 Planning and Environmental Group</b>
	4 – 6	5.1.1 Planning & Environmental Manager's Monthly Report
	7 – 9	5.1.2 DoC Response to Submissions – Draft West Coast Conservation Management Strategy
	10 – 27	5.1.3 Draft submission on Resource Management (Simplifying and Streamlining) Amendment Bill
		<b>5.2 Consents and Compliance Group</b>
	28 – 30	5.2.1 Consents Monthly Report
	31 – 36	5.2.2 Compliance & Enforcement Monthly Report

**THE WEST COAST REGIONAL COUNCIL**

**MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE  
HELD ON 10 MARCH 2009 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,  
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.**

**PRESENT:**

P. Ewen (Chairman), R. Scarlett, D. Davidson, B. Chinn, A. Robb, T. Archer, A. Birchfield, R. Barber (arrived 10.38)

**IN ATTENDANCE:**

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), S. Moran (Planning & Environmental Manager), C. Dall (Consents & Compliance Manager), A Mahuika (Minutes Clerk),  
The Media

**1. APOLOGIES**

**Moved** (Archer / Robb) *that the apology from T. Scott be accepted.*

*Carried*

**2. MINUTES**

**Moved** (Chinn / Birchfield) *that the minutes of the previous Resource Management Committee meeting dated 9 February 2009, be confirmed as correct.*

*Carried*

**Matters Arising**

There were no matters arising from the minutes.

**3. CHAIRMAN'S REPORT**

The Chairman reported that he attended tender openings for stopbank repairs. He also attended the Ivan Talley Rescue launch and various other public functions.

Cr Ewen and Cr Scarlett attended the Regional Land Transport Committee meeting earlier in the month.

Cr Ewen reported that he assisted with negotiating a reduction in the audit fees from Audit New Zealand.

**Moved** (Ewen / Archer) *that the Council receive this report.*

*Carried*

**5. REPORTS**

**5.1. PLANNING AND ENVIRONMENTAL GROUP**

**5.1.1 PLANNING AND ENVIRONMENTAL MANAGER'S MONTHLY REPORT**

S. Moran spoke to his report. He advised that Variation 1 (Wetlands) – Proposed Land & Riverbed Management Plan appeal closed on 17 February. Four parties have lodged appeals. A pre hearing conference is scheduled for the 6<sup>th</sup> of April.

S. Moran reported submissions close on the 27<sup>th</sup> of March for the Proposed Coastal Plan Change 2. Proposed Resource Management Act Amendments: S. Moran reported that he has received information from Local Government New Zealand regarding this matter and has have provided preliminary comments to LGNZ. S. Moran advised that the Hon. Chris Auchinvole chairs the Select Committee that considers the submissions on this matter.

S. Moran attended the Civil Defence Officers and Managers meeting on 11 February with representatives from the four councils. He stated this was a very useful meeting. A civil defence exercise is scheduled for the 18<sup>th</sup> of September.

S. Moran reported that Tai Poutini Polytechnic is now the new service provider for the Road Safety Coordinating Committee.

S. Moran drew attention to the results for contact recreation sampling. Seven Mile and the Orowaiti Lagoon Picnic area were the only areas that registered a low risk during the reporting period.

Cr Archer asked if there are public awareness campaigns or signage in place in areas where water in rivers have been found to be unsafe for recreation. C. Ingle clarified the protocol currently in place whereby the Regional Council takes responsibility for sampling and any further action after the results are to hand is then taken by the District Council and Community Public Health.

**Moved** (Davidson / Chinn) *that the report be received.*

*Carried*

### **5.1.2 DRAFT WEST COAST REGIONAL LAND TRANSPORT PROGRAMME 2009-12**

S. Moran spoke to this report. He advised submissions will be open for one month.

**Moved** (Archer / Robb) *that Council approve the draft Regional Land Transport Programme for consultation.*

*Carried*

## **5.2 CONSENTS AND COMPLIANCE GROUP**

### **5.2.1 CONSENTS MONTHLY REPORT**

C. Dall spoke to this report. He advised that the hearing for Meridian Energy Limited's proposed Mokihinui River Hydro Power Scheme will reconvene on 15 April.

C. Dall reported that the submission period for applications lodged by Hydro Development Limited for a proposed hydro power scheme on the Stockton Plateau at Granity has closed. 49 submissions were received with the majority being in support of the proposal.

C. Dall reported that the hearing for the consent application for the boiler discharge at the Greymouth Aquatic Centre was not required as the three submitters whom wished to be heard withdrew their submissions.

C. Dall reported that Mr Phillip Paterson has withdrawn his application for an Enforcement Order against Council.

**Moved** (Archer / Davidson) *that the March 2009 report of the Consents Group be received.*

*Carried*

### **5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

C. Dall reported that it has been a relatively quiet month. He stated that approximately 80% of dairy sheds inspected were found to be compliant.

C. Dall advised that OceanaGold were fully compliant during the reporting period. Pike River Coal advised that there have been three non-compliant discharges from Pond 1, relating to their discharge limit but in terms of receiving water quality compliance limit there were no environmental effects.

C. Dall advised that there has been no formal enforcement action taken during the reporting period.

**Moved** (Archer/Scarlett)

1. *That the March 2009 report of the Compliance Group be received.*
2. *That the Council recommends to Crown Minerals that the bond for ML 323280 can be released.*

*Carried*

**5.2. GENERAL BUSINESS**

The meeting closed at 11.20 a.m.

.....  
Chairman

.....  
Date

## **THE WEST COAST REGIONAL COUNCIL**

Prepared for: The Resource Management Committee  
Prepared by: Simon Moran – Planning & Environment Manager  
Date: 3 April 2009

Subject: **PLANNING & ENVIRONMENT MANAGER'S MONTHLY REPORT**

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### **RMA PLANNING**

#### Wetland Variation.

The Environment Court held pre hearing conference (PHC) in Greymouth on April 6. The purpose of the PHC is to determine how the matter will proceed within the Court system. Most parties have suggested mediation.

#### Coastal Plan Change 2

The further submission period closed on 27 March with four further submissions received. The submissions were from F Inta, West Coast Tai Poutini Conservation Board, Department of Conservation and Federated Farmers.

### **Civil Defence and Emergency Management (CDEM)**

#### Civil Defence Emergency Management Group Meeting

The CDEM Group (made up of the Mayors and Chair of the Regional Council) met on 6 March. Items discussed included the recent review undertaken by Ministry for Civil Defence Emergency Management (MCDEM) on the West Coast CDEM Capability and Capacity. Two key matters were put forward for consideration by the Group. This included a coordinated training approach between the three District Councils and when appropriate, the Regional Council, and provision for strategic projects. The Co-ordinating Executive Group (CEG) will work towards identifying potential projects, some of which may be identified when the review of the Group Plan is undertaken.

The Group also approved the new Controller appointments for the districts (Kevin Beams and Doug Griffin for Grey; and Robin Reeves for Westland) as well as the Group Recovery Plan.

#### West Coast Engineering Lifelines Group

The West Coast Engineering Lifelines Group met on 17 March. The main topics covered included:

- **Lifeline Response Protocols**  
Dave Brunson, the National Lifelines Coordinator, took the Group through a brief exercise on how to apply the Lifeline Response Protocols which have been developed to assist the flow of information during an event. Final comments are being gathered on this for it to be adopted at the next meeting.
- **National Updates on Fuel and Fast Moving Consumer Goods (FMCG)**  
Mark Constable from the Ministry for Civil Defence Emergency Management (MCDEM) provided an update on the progress being made at the national level in regards to both the fuel and FMCG sectors. Progress is slow but there is now traction being gained particularly for fuel. National Contingency Plans will be developed for both sectors and the Group has undertaken to write to the Director requesting that the West Coast be used as an example on how to continue service in these sectors as an Appendix to the Plan.
- **Fuel – Identification of Critical Customers**  
Following on from the work that was undertaken in the Fuel Storage Report, a fuel supply prioritisation and rationing protocol is being developed. The rationale behind the protocol is that service stations will operate under 'business as usual' for as long as possible until

the nature of the event dictates that controls are required for the distribution of fuel. A list of 'critical customers' is being developed for each of the districts.

The next Lifelines meeting has been scheduled for 20 October 2009 to enable a debrief to take place following Exercise Ru Whenua on 18 September.

#### Test of the National Warning System

A test of the National Warning System took place at 7.12am 26 March. This was responded to as required by the Group recipients (Nichola Costley and Simon Moran).

The test followed a Tsunami Alert issued on the 20<sup>th</sup> of March following the earthquake in Tonga.

### **Transport**

#### Amendments to the Transport Funding

The Minister of Transport has announced amendments to the Government Policy Statement (GPS) which are to assist in improving and simplifying land transport funding. The key amendments include:

- Increasing the funding for State Highway activities by around \$1b over the next three years;
- Removing provisions for implementing regional fuel taxes;
- Implementing an additional national fuel tax of 6c/litre in two installments over the following two years;
- Change in focus in GPS from outcome targets to a list of impacts that the government wishes to achieve which are expected to contribute to economic growth and productivity; and,
- Signaling a number of Routes of National Significance in the vicinity of the five largest urban centres for further development.

LGNZ are coordinating a response from Councils on the amendments to the GPS and staff have made several comments on the proposed changes. Of particular importance to this Council is raising the issue of what will happen to the current 5c/litre tax (R funding) when the collection period ends in 2014/15. Continued collection of this for each region is extremely important for smaller regions to enable flexibility and discretion for roading activities at a local level.

In general, NZ Transport Agency staff have advised that the changes to the GPS are not anticipated to have a significant impact on the West Coast Regional Land Transport Programme currently out for consultation. Further information will be forthcoming as it is released by the Ministry and NZ Transport Agency.

### **RESOURCE SCIENCE**

#### Hydrology / Floodwarning

There were no floods during the reporting period.

#### Water Quality

Resource Science staff are underway with a project aiming at gaining a better understanding of water chemistry in many of our West Coast lakes. This program includes re-sampling of Lakes Kaniere and Haupiri, which were sampled previously in 2007. Very little data has ever been collected from the majority of our lakes and baselines will provide an important benchmark for future comparisons.



## Water Quality at Contact Recreation Sites:

Risk to Bathers					
Site	Nov 08	Dec 08	Jan 09	Feb 09	Mar 09
Buller River @ Marrs Beach	⊗	☺	☺	☺	☺
Buller River @ Shingle Beach	☺	☺	☺	☺	☺
Orowaiti Lagoon @ Picnic Area	⊗	⊗	☺	☺	⊗
Rapahoe Beach @ End of Statham St	☺	☺	☺	☺	☺
Seven Mile Creek @ SH6 Rapahoe	☺	☺	☺	☺	☺
Nelson Creek @ Swimming Hole Reserve	☺	☺	☺	☺	☺
Grey River @ Taylorville Swimming Hole	☺	☺	☺	☺	☺
Cobden Beach @ Bright St West end	☺	☺	☺	☺	☺
Blaketown Beach @ S Tiphead	☺	☺	☺	☺	☺
Blaketown Lagoon @ Slipway Beach	☺	☺	☺	☺	☺
Arnold River @ Blairs Rd No. 2 Bridge	☺	☺	☺	☺	☺
Arnold River @ Kotuku Fishing Access	☺	☺	☺	☺	☺
Crooked River @ Te Kinga	☺	⊗	☺	☺	☺
Lake Brunner @ Cashmere Bay Boat Ramp	☺	☺	☺	☺	☺
Lake Brunner @ Iveagh Bay	☺	☺	☺	☺	☺
Lake Brunner @ Moana	☺	☺	☺	☺	☺
Hokitika Beach @ Hokitika	☺	☺	☺	☺	☺
Kaniere River @ Kaniere Kokatahi Rd	☺	☺	☺	☺	☺
Lake Kaniere @ Hans Bay Boat Ramp	☺	☺	☺	☺	☺
Lake Kaniere @ Hans Bay Jetty	☺	☺	☺	☺	☺
Lake Kaniere @ Sunny Bight	☺	☺	☺	☺	☺

### Key:

- ⊗ **Moderate to High Risk** >550 *E.coli*/100ml or >280 *Enterococci*/100ml
- ☺ **Low Risk**  
260-550 *E.coli*/100ml or 140-280 *Enterococci*/100ml
- ☺ **Very Low Risk**  
<260 *E.coli*/100ml or <140 *Enterococci*/100ml

### **RECOMMENDATION**

*That this report is received.*

Simon Moran  
Planning and Environmental Manger

## THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee  
Prepared by: Lillie Sadler – Policy Analyst  
Date: 26 March 2009

Subject: **DoC RESPONSE TO SUBMISSIONS – DRAFT WEST COAST  
CONSERVATION MANAGEMENT STRATEGY**

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### **Purpose**

To update the Council on progress with DoC's draft West Coast Conservation Management Strategy (CMS).

### **Background**

Hearings on submissions on the draft West Coast CMS finished in February 2008. Since then, the Department has been considering the points raised in submissions and hearing evidence.

The Department has now released its responses to the submissions. A table is attached to this report summarising the main points in the Council's submissions, and the Department's response.

The amended draft CMS was considered by the West Coast Tai Poutini Conservation Board at their February 2009 meeting, and the Board recommended it be forwarded to the New Zealand Conservation Authority for their approval.

There are no further opportunities for submitters to appeal the Conservation Board or Conservation Authority's decisions.

### **RECOMMENDATION**

*That this report be received.*

Simon Moran  
Planning and Environmental Manger

**SUMMARY OF MAIN POINTS IN WEST COAST REGIONAL COUNCIL SUBMISSION  
AND DOC RESPONSE – WEST COAST DRAFT CONSERVATION MANAGEMENT  
STRATEGY**

<b>What we asked for</b>	<b>DoC's response</b>
Criteria for significance to be consistent with SNA criteria and criteria that councils are using to identify significant ecological values on non-DOC land.	Not included because purposes of DOC legislation and RMA differ, meaning that assessment matters and decision-making outcomes may be different. At an operational level, the Department seeks to ensure a consistent approach is taken when circumstances permit.
Reference included to the Department contributing towards the achievement of Community Outcomes in LTCCP's.	Sentence included.
Include reference to the Regional Pest Plant Management Strategy and joint pest plant control work done between DOC and WCRC.	Reference included.
Delete reference to marine reserve formation and MPA process, as these are separate to the CMS.	References deleted.
Amend sections on vegetation clearance to refer to positive actions taken to minimize adverse effects, e.g. rules in council's plans.	References to local authorities work and voluntary riparian planting projects are in other sections of the CMS.
Include a policy that provides for Council to install and maintain flood warning and hazard monitoring equipment.	Explanation to Policy 1, section 3.6.5.2 amended to clarify that the policy relates to aircraft landings to service utilities. Policy 7 also amended to note that road access may be available to local authorities to carry out their functions.
Delete the timeframe of death of a concession holder as a means of cancelling concessions and removing private baches from DOC estate.	Section amended to recognise historic and cultural values of long-standing baches, limit inappropriate, exclusive private use of accommodation facilities, and encourage owners to allow public use of facilities. No new private facilities should be authorised. Temporary whitebait shelters and maimais permitted subject to conditions.
Add a policy that where effects of gravel extraction are dealt with by another agency, DOC won't duplicate regulatory process.	No. Consideration under one Act doesn't negate the need for consideration under the other Act.
Add statement that DOC will avoid duplicating compliance monitoring on activities in river and lakebeds.	Concern is broadly covered in other policies. Operationally, the Department will coordinate with Regional Council wherever practicable.
Add a policy that the Department will take into account the public good nature of quarries on conservation land.	All quarry applications need to be assessed under the Crown Minerals Act. There is provision for the Minister to consider other relevant matters. A Desired Outcome has been changed to: "...provision of public goods or services....are enabled".

<p>Add the term "significant" to outcomes of actively protecting/managing natural values, to reflect other policies for actively managing distinctive, rare, threatened or representative habitats and ecosystems, which have high conservation values.</p>	<p>No. The CMA purposefully avoids use of the term "significance"; all conservation values are significant to a certain degree. The outcomes describe whether the status quo will be maintained or improved.</p>
<p>Add outcomes that the Department will exchange or dispose of land identified as low conservation value to enable the economic viability of the local community.</p>	<p>No. Applications are assessed on a case by case basis. The CMS doesn't attempt to assess conservation land as of high or low value. A sentence is added: "Business opportunities....consistent with conservation outcomes are enabled."</p>

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Resource Management Committee Meeting – 14 April 2009  
Prepared by: L Sadler, Policy Analyst  
Date: 1 April 2009

Subject: **DRAFT SUBMISSION ON RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT BILL 2009**

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**Purpose**

To seek approval from the Resource Management Committee of the draft submission on the Resource Management (Simplifying and Streamlining) Amendment Bill 2009 (the Bill).

**Background**

The Bill was prepared in an attempt to modify local government roles and processes under the Act to make them more efficient and reduce unnecessary costs and delays.

**Submission**

A draft submission was circulated to the Resource Management Committee prior to being lodged before the closing date of 3 April. Some minor changes were made to the draft, and a copy is attached to this report. The main points in the submission are:

- Support removal of the Minister of Conservation's role for approving RCA's, and seek deletion of Restricted Coastal Activity status.
- Seek removal of the provision authorising the Minister of Conservation to approve regional coastal plans.
- Oppose a new clause authorising the Minister of Conservation to require a review of regional coastal plans.
- Seek changes to provisions which will mean that when a plan is reviewed and renotified, permitted activities under sections 11-15 of the Act will revert back to needing consent.
- Support removal of the further submission stage in plan development processes, and restricting appeals on plans to points of law only.
- Seek removal of the 10 year timeframe for reviews of regional plans.
- Seek a change to the new clause requiring hearings to be closed within 10 days of being adjourned, so that the timeframe for closure is based on the length of the hearing.
- Seek change to enable consent authorities (as well as applicants) to request a direct referral of an application to the Environment Court.

Local Government New Zealand have lodged a submission on the Bill. Staff had input into development of the LGNZ submission, and while we support most of it, there are some additional comments we wish to make about how parts of the Bill will affect this Council carrying out its RMA functions in the West Coast context.

**RECOMMENDATION**

*That Council approve the submission on the Resource Management (Simplifying and Streamlining) Amendment Bill 2009.*

Simon Moran  
Planning and Environmental Manger

## WEST COAST REGIONAL COUNCIL'S SUBMISSION ON THE RESOURCE MANAGEMENT (SIMPLIFYING AND STREAMLINING) AMENDMENT BILL 2009

### General Comment

Thank you for the opportunity to submit on the Resource Management (Simplifying and Streamlining) Amendment Bill 2009.

We support the intent of the Bill, where the new provisions will reduce costs to ratepayers for undertaking Council's planning and consent functions.

We have participated in the development of the Local Government New Zealand (LGNZ) submission, and we generally support most of their submission but wish to make the following comments which are either additional to, or differ from, the views expressed in the LGNZ submission:

<b>Relevant clauses of the Bill</b>	<b>General Comments</b>	<b>Decision sought</b>
<p><b>Changes to Act</b></p> <p><b>Environmental Protection Authority</b></p> <p>Clause 21(2) sets out functions the Minister can delegate to the EPA, to call-in for matters of national importance (sections 144, 145, 147)</p>	<p>Clause 21(1)(o) enables the Minister of Conservation to delegate approval of regional coastal plans to the EPA. We note that the ability to delegate this function has not changed, as the old provision still enabled the Minister to delegate (to the CEO of DOC). However, if the Minister still has the power to delegate approval of Coastal Plans (now to the EPA) then where is the efficiency gain in having either the Minister or the EPA sign off on this plan in the first place. This is not required for any other regional plans, and in our experience there was little benefit in the Minister of Conservation and their Department giving final approval to our Coastal Plan. The Department had considerable input into the Coastal Plan's development as a consulted party, a submitter, and an appellant. The Minister's approval simply delayed being able to make the Plan operative, in case the Minister wanted to make last minute changes, which he did not.</p>	<p>Delete the need to have any Minister or the EPA approve regional coastal plans.</p> <p>Also refer to our comments on the clauses for Restricted Coastal Activities.</p>
<p><b>Applications that can be lodged with the EPA - Matters of "national importance"</b></p>	<p>The EPA will need to be well resourced in the event that it is faced with dealing with several called-in matters at the same time. Although the EPA may be able to use consultants to assist it in dealing with these matters, it must be recognised that New Zealand has a relatively</p>	

<p>Clause 93 inserts new sections 141AA to 141AAI. These set out application procedure, noting that matters of national importance may, depending on the recommendation to the Minister, be determined by the EPA or the local authority.</p>	<p>small pool of appropriately qualified consultants and inevitably there will be potential conflict of interest situations to deal with, particularly given an array of consultants are often engaged in preparing consent applications for large projects. Although this does not need to be addressed in the legislation, it is raised as an issue that needs to be considered when establishing the EPA.</p> <p>If appeals on decisions can only be on points of law then this amendment excluding Councils from requesting a call-in may be fine. However, if the scope for appeals remains broad then this amendment means Councils will be forced to represent themselves at Environment Court hearings at the ratepayers expense on applications that were always destined to be relitigated in the courtroom. A good example of this is the consent application for the Mokihinui River hydro scheme. This Council requested it be called in due to the likely high costs of appeals being borne by ratepayers. The request was declined, and although the decision has not yet been released, it is anticipated that either the applicant or a submitter/submitters will lodge an appeal. While a large component of the consent processing costs are recoverable from the applicant, a proportion of the costs is still borne by ratepayers.</p> <p>S141AA(1) only gives the applicant the discretion to lodge a matter with the EPA. The WCRRC considers that Consent Authorities should also be able to lodge a matter with or pass on a consent application to the EPA. It is noted that both an applicant and a local (consent) authority may request the Minister to intervene on a matter under s141A. See also our comments on direct referral of consent applications to the Environment Court.</p>	<p>Delete s280A to keep the scope for appeals to points of law.</p> <p>If section 280A is retained, then amend section 141AA(1) to enable consent authorities to be able to lodge a matter with the EPA.</p>
<p><b>Appointment of Board of Inquiry to determine matter of national importance</b>  Clause 103 includes requirement that final report is prepared no later than 9 months after public notice. Also sets out local authority</p>	<p>The WCRRC supports the imposition of a time limit on producing final reports. However, consent authorities currently dealing with major consent applications must make decisions on those applications within 15 working days after the conclusion of a hearing or a maximum of 70 working days from the date that the application is received. Although the clock is stopped for matters such as s92 requests when calculating the number of working days it takes to process the application and, therefore, in practice the total time it takes to process a major consent application often exceeds 70 working days. We question why the time</p>	<p>Explain why a Board of Inquiry has a longer timeframe to produce a final report on a consent application.</p> <p>Amend the timeframes for BoI and consent authorities to remove the discrepancy in the timeframes.</p>

<p>obligations.</p> <p><b>Minister of Conservation</b>          Clause 20 amends section 28 to remove the Minister of Conservation's functions relating to restricted coastal activities.</p> <p>Clause 19 inserts new section 25B(2) which authorises the Minister of Conservation to direct a regional council to commence a review of the whole or any part of its regional coastal plan.</p>	<p>period for a Board of Inquiry to make a final report is different to that for local authorities making decisions on consent applications, particularly given the intent of the Bill.</p> <p>We support the new Clause 20 removing the Minister's role for signing off on RCA's.</p> <p>We are opposed to the continued inclusion in the RMA of RCA's. The continued acceptance of RCAs in the legislation serves no useful purpose, and is inconsistent with the streamlining to improve processes that is intended in these reforms. The following comments from our submission to the NZCPS explain why and demonstrate its irrelevance:</p> <p><i>"We are fundamentally opposed to having Restricted Coastal Activities for activities that can be assessed as discretionary activities (especially now with all the extra guidance in the NZCPS on protection of natural character)."</i></p> <p><i>Coastal activities with potentially significant or irreversible adverse effects don't need RCA status or the Minister to point this out to regional councils. Natural character can be 'preserved' through the consents and plan processes.</i></p> <p><i>The Department of Conservation indicates the Minister's interest through submissions and appeals on plans and consent applications. The RCA process is an unnecessary addition of time, effort, and costs, and is not efficient at all.</i></p> <p><i>In the case of the RCA consent for the rock protection wall extension to the existing rock wall at Punakaiki, the Hearing Commissioners released their decision in May 2007 to the Minister. The timeframe for the Minister to sign off the consent decision was extended three times, and 'new' matters were raised on the first two occasions. The reasons for the delays and further matters raised were, in our view, unjustified and did not add substantial value to the Commissioners original decision. The consent decision was finally released in February 2008. This is an unreasonable delay which is contrary to section 21 of the</i></p>	
		<p>Retain the amendment to section 28(c).</p> <p>Reference to the Minister of Conservation deciding consent applications in the existing section 58(e) will need to be deleted.</p> <p>Reference to the Minister monitoring the effect and implementation of coastal permits should be deleted.</p> <p>Delete RCAs from the Act.</p>



*Act, and highlights the fact that requiring the Minister's signoff is not altogether beneficial. We doubt very much that the Punakaiki rock wall was of national interest.*

*Another example of where RCA status was unnecessary were retrospective consents sought for rock protection walls near Bruce Bay, which had to be constructed under emergency works provisions to stop the state highway being eroded. A Hearing had to be arranged with a Department-appointed commissioner, which was quite unnecessary as there were only two submissions lodged, one supporting the rock wall, and one raising matters that could have been dealt with without a hearing. The RCA process added clearly unnecessary costs of having an extra commissioner, and all commissioners travelling to the remote location for a site visit.*

*Since no monitoring of the efficiency or effectiveness of RCA's has been done by central government, this makes the efficiency and effectiveness assessment in the recent NZCPS review invalid in our view."*

We disagree with the review of RCA's being dealt with in phase 2 of the RMA review. It needs to be addressed firstly in the RMA review process. There is sufficient information available in submissions and hearing evidence in the NZCPS to inform the RCA debate now, and this should be considered in this review.

We do not understand why section 28(d) is retained, that is, why does the Minister of Conservation keep the role of monitoring the effect and implementation of coastal permits (i.e. RCA's) when he is no longer deciding on them? We also do not understand the reference to section 31A.

Refer to the section headed "Minister able to direct RC and TA to commence a review of plan" for our comments on the new section 25B.

<b>Development of national RMA instruments</b>		
<b>Relevant clauses of the Bill</b>	<b>Comments</b>	<b>Decision sought</b>
<p><b>Changes to Act</b></p> <p><b>Amendments to strengthen references to National Policy Statements and National Environment Standards</b></p> <p>Clauses 9, - 15 – changes to Part 3</p>	<p>We support inclusion of the references to national policy statements and NES's. However, the amendment also removes the reference to regional plans, which will generate more work for regional councils every time a plan is reviewed. All regional councils have existing plans that provide for S 13(1) and S 15(1) activities as permitted activities, but this amendment will mean that when those plans are renotified after 10 years the permitted rules will not apply. The activities will be innominate, and the presumption in the Act is restrictive, meaning a consent will be required.</p> <p>Every 10 years we will start all over again with people having to apply for consent until the renotified plan is operative. The use of the new S 86A(2) exclusions cannot be justified because the Act provides greater protection than the permitted activity rule. The exclusions only work for the reverse presumption of S 9 which is enabling.</p> <p>This will not work unless the existing plan is only withdrawn when the proposed plan is made operative rather than the current situation where the operative plan is withdrawn at the time the new one is proposed.</p> <p>Deleting section 86A will not solve the problem if sections 9-15 still have references to "proposed plans" omitted from them.</p> <p>Regarding section 14, noise cannot be prescribed in plans, only provided for by NES's and consents. A NES for noise needs to be developed soon, as plan changes will be required for current rules.</p> <p>See also our comments on changes to the existing section 9.</p>	<p>Leave in the references to "relevant regional plan" and "proposed regional plan" in these clauses.</p> <p>Amend the new section 86A so that existing plans are withdrawn when a proposed plan is made operative.</p>
<p><b>Changes to Ministers Powers in relation to National Policy Statements</b></p>	<p>The main change that repeals 46A(3) means that if a proposed NPS or NES requires changing regional plans, the Minister can choose the full process with BoI and hearings, or a shorter process without a BoI and hearings. The change removes a restriction on the Minister stopping</p>	

<p>Clause 46 inserts new section 51A Minister may withdraw all or part of a proposed national policy statement after considering the report and recommendations made by a board of inquiry</p> <p>Clause 47 amends section 52 so that Minister can consider BOI report on NPS and change or withdraw NPS</p> <p>Clause 41 repeals 46A (3) and allows Minister to use alternative process (under section 46A(1)(b)) where NPS includes provision relating to 55(2A) (b).</p> <p><b>National Policy Statements</b> Clause 48 repeals section 55 (2) &amp; (2A). Sets out local authority's duties to amend Plans if NPS directs</p>	<p>him from choosing the shorter process where the NPS involves changes to local plans.</p> <p>Our concern is the "one size fits all" approach that the Minister may take under these new provisions which would mean we get inefficient regulatory controls that are not relevant to our region, for example, the water allocation and metering framework/requirements which are not an issue on the water-rich West Coast.</p> <p>Regarding the change to s52 which enables the Minister to decide to withdraw an NPS: it appears the Minister may be able to withdraw an NPS by "revoking" it under S 53. If this is the case, then the new provision enabling the Minister to withdraw an NPS seems unnecessary.</p>	<p>Retain section 46A(3).</p> <p>Reconsider whether it is necessary to add a clause enabling the Minister to withdraw a NPS if the provision for revoking is retained.</p>
<p><b>National Policy Statements</b> Clause 48 repeals section 55 (2) &amp; (2A). Sets out local authority's duties to amend Plans if NPS directs</p>	<p>We support this proposed change in principle. It will make integrating NPS provisions into our regional plans and policy statement easier by not having to go through a Schedule 1 process. Some regions don't need to incorporate all NPS provisions into their regional plans where they are not relevant. The proposed NPS for Freshwater Management is a good example in the West Coast context. Some of these NPS provisions for water allocation and water quality are not applicable, as the West Coast does not have the water shortage or quality issues that other regions experience. Many of our waterways are on conservation land in remote areas, and have very little or no use or demand affecting them.</p> <p>Another implication for this amendment is that NPS's will need to have robust, practical policies that have been thoroughly researched in all situations to justify incorporating them into regional plans without going through a First Schedule process. The current standard of some NPS's is less than satisfactory.</p> <p>We agree with LGNZ that these clauses should be made more specific</p>	<p>Retain the intention of the change, and clarify what should be left in and excluded from a plan when replacing plan provisions with NPS provisions.</p>

<p><b>National Environmental Standards</b>  New section 44A also requires local authorities and consent authorities to "observe" NES and "enforce the observance of NES to the extent to which their powers enable them to do so."</p> <p>Clause 77 amends s 104(1)(b)(i) so that consent authority must also consider a NES.</p> <p>Clause 79 substitutes new section 104C (restricted discretionary activities) to cover consideration of restricted discretionary activities as specified in a NES.</p> <p>Clause 90 amends s139 to enable a consent authority to issue a Certificate of Compliance for a NES.</p>	<p>on what should be left in and excluded from a plan when replacing plan provisions with NPS provisions.</p>	<p>Amend the new Clause 44A(7) to give councils some discretion with enforcing an NES according to their budgetary constraints, or make it clear that central government will provide some assistance with the costs of implementing NES's and NPS's.</p> <p>Retain new provisions and add "or other regulations" to section 104(1)(b)(i).</p>
<p>One of the main issues for us with NES's and NPS's is that they require councils to undertake a lot of work without adequately considering the cost implications. Section 44A(7) appears to do the same and that is a real concern. We do not support this approach.</p> <p>S44A(7) seems to remove the discretion that Councils have when it comes to enforcing the RMA, that is, the new section is limited only to the "powers" we have - not resourcing.</p> <p>We support making consideration of an NES mandatory and explicit under section 104(1)(b). However, consideration of "other regulations" should be included in section 104(1)(b)(i), the same as it is proposed in the changes to sections 104A(b), 104C(1)(a), and 104C(3)(b).</p>		

<b>Plan development</b>		
<b>Relevant clauses of the Bill</b>	<b>Comments</b>	<b>Decisions sought</b>
<p><b>Changes to Act</b></p> <p><b>Minister able to direct RC and TA to commence a review of plan</b></p> <p>Clause 19 inserts a new section 25B. This authorises the Minister to direct a regional council to commence a review of the whole or any part of its regional plan. Clause 25B(2) authorises the Minister of Conservation to direct a regional council to commence a review of the whole or any part of its regional coastal plan.</p>	<p>We are unclear why this new section is necessary given that the 10 year full review requirement for regional plans is still in the Act. It has only been removed for district plans. See also our comment under the section headed Plan Reviews, Clause 56.</p> <p>Regarding the Minister of Conservation being able to require a review of regional coastal plans, we think this is inappropriate considering the Department usually participates in plan reviews as a submitter and often as an appellant. It is unfair and contrary to the principle of natural justice; no other government department or submitter has the opportunity to participate in RMA plan development as both a submitter and a decision-maker.</p>	<p>Delete this new section if the 10 year full review requirement for regional plans is retained.</p> <p>If the 10 year review requirement is removed for regional plans, the new section 25B can be retained (excluding section 25B(2)), although the Minister's reasons for directing a review must be reasonable and justifiable.</p> <p>Notwithstanding the above decisions sought, delete the new section 25B(2).</p>
<p><b>Changes to schedule 1</b></p> <p>Clause 148 amends some Schedule 1 processes, including removal of the further submission stage, and modification of the further submission process so that local authorities may consult with those who may be affected by matters in submissions as an alternative process to further submissions, and removes the ability for appeals to be lodged that challenge entire plans.</p>	<p>We fully support the removal of further submissions.</p> <p>The changes will mean we need to canvass competing views prior to writing the recommending report so that the right balance is struck early rather than parties relying on the mediation option to arm wrestle each other.</p> <p>Although the new provision to consult with affected parties is optional, we agree with LGNZ's point No 54 about the risk of legal action against the council from omitting to consult. We also query whether the views of affected parties can still be considered in the plan process, regardless of whether the council consults with them? There may be instances where individuals or groups may be affected by a submission but they do not come forward or are not identified at this stage by the council as being affected. There appears to be too many uncertainties about implications for councils from undertaking this consultation.</p>	<p>Delete the provision for further submissions.</p> <p>Delete the provision for consulting with parties affected by a submission.</p>

	<p>We fully support being able to address submissions in blocks rather than individually.</p> <p>We fully support the new provisions which limits appeals on plans to points of law only, so that the whole plan cannot be appealed.</p>	<p>Retain the provision to address submissions in blocks.</p> <p>Retain the provision that limits appeals on plans to points of law only (see our earlier comments and decision sought to delete section 280A).</p>
<p><b>Effect of plan rules and changes to classes of activities/specifying conditions</b></p> <p>Clause 53 repeals and substitutes new sections 77A and 77B.</p> <p>Clause 59 inserts a new heading and new sections 86A to 86C. These sections set out the legal effect of rules and when certain rules are to be treated as operative.</p>	<p>We consider that RCA's should not be included in this section, as they should be deleted.</p>	<p>Refer to our earlier decision sought to delete RCA's.</p>
<p><b>Plan reviews</b></p> <p>Clause 56 changes the requirement in section 79(2) for a territorial authority to review its district plan at no more than 10 year intervals, to a requirement to review its plan if the plan no longer assists the authority to carry out its functions in order to achieve the purpose of the Act.</p>	<p>There is no logical, legal, or technical reason why this should only apply to District Plans. In fact it could be argued that with the changing pace and style of developments it may be better that District Plans are reviewed more regularly than regional plans.</p>	<p>Amend this section so it applies to Regional Plans.</p>
<p><b>Appeals to environment court in relation to plan provisions restricted to points of law</b></p>	<p>We fully support the new section 290AA to reduce the scope of appeals.</p> <p>It will mean we need to canvass competing views prior to writing the</p>	<p>Retain the new provision to limit appeals on plans to points of law.</p>

<p>Clause 136 inserts new section 290AA that restricts appeals on plans under clause 14 to points of law unless new section 280A applies.</p> <p>Clause 132 inserts new section 280A to extend scope of appeal to merits of provisions in a plan where it has significant effect on property rights, fails to give effect to part 2 or is unclear</p>	<p>recommending report so that the right balance is struck early rather than parties relying on the mediation option to arm wrestle each other.</p> <p>The new section 280A is too broad, particularly clause 3(b). We have had appeals lodged on our regional plans which were based on this very argument. They took time and resources to go through the Environment Court process, only to find that the substance of the appeals was a fundamental philosophical difference in interpretation and application of the RMA. Little value was added to the plans as a result of these appeals. Under the new section 280A, these sorts of appeals will still need to be accepted initially by the Court under clause 3(b), and it will take the Court time to ascertain whether the appeal is valid under clause 3(b).</p>	<p>Delete section 280A, in particular section 3(b).</p>
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<b>Resource Consents</b>		
<b>Relevant clauses of the Bill</b>	<b>Comments</b>	<b>Decision sought</b>
<p><b>Changes to Act</b></p> <p><b>Restricted Coastal Activities</b>            Clause 82, repeals section 117 and substitutes new section that establishes Regional Council as consent authority.            Although new section 100A (ability to request commissioner) does not apply to s 117(6), a regional council must delegate functions under section 34A(1) which included 1 person nominated by Minister of conservation to determine application.</p> <p>Clause 84 amended to allow Min of Conservation to appeal to Environment Court in relation to coastal permits for RCA.</p>	<p>Refer to our previous comments about opposing the retention of RCA's in the Act. For these reasons, we also oppose the retention of RCA status in the new Clause 82.</p> <p>Clause 84 is unnecessary as the Minister of Conservation is entitled to lodge an appeal if the Department lodged a submission on an RCA application. Enabling the Minister of Conservation to lodge an appeal on an RCA when the new clause 34A(1) requires Ministerial representation the decision-making body is against the principles of natural justice.</p> <p>There should also be provision for administration charges to require the requesters to lodge a deposit for the Commissioner's cost prior to the hearing proceeding.</p>	<p>Delete the new provisions which retain the RCA status, and all other existing references to RCA's.</p> <p>Delete the provisions which enable the Minister of Conservation to lodge an appeal on an RCA application.</p> <p>Insert a provision to this effect.</p>
<p><b>Administrative charges</b>            Clause 24 adds section 36(ab) requiring costs of hearing be shared between requesters (re request for hearing by commissioner clause 73 new sections</p>		



<p>100A).</p> <p><b>Completion of hearings</b>  Clause 76 inserts a new section 103A. The new section requires a hearing to be concluded no later than 10 working days after it is adjourned.</p>	<p>This would be appropriate for short hearings involving straightforward issues and where the information provided at the hearing is not substantial. However, it is not considered appropriate for hearings involving complex issues and substantial information. It needs to be recognised that hearing commissioners may have other commitments after a hearing is adjourned, and that there are often logistical difficulties getting all members of a hearing committee together for sufficient time to fully deliberate on matters. During such deliberations, the hearing committee may also determine that it requires a report to be commissioned.</p> <p>It is recognised that imposing timeframes on hearing committees for closing hearings would help to prevent inappropriate delays in closing hearings. Generally, longer hearings will result in more information that a hearing committee will need to consider. A simple alternative to the proposed single timeframe of 10 working days for closure of a hearing would be a scale of timeframes based on the length of hearing. For example, 10 working days for hearings involving up to 5 days of evidence and where the applicant has exercised its right of reply; 15 working days for hearings involving up to 10 days of evidence and where the applicant has exercised its right of reply; 20 working days for hearings involving more than 10 days of evidence and where the applicant has exercised its right of reply.</p>	<p>Amend the section so that the timeframe for closure of a hearing is based on the length of the hearing as the Council has suggested. Where a hearing committee/consent authority requests a report under section 41BB, the period between the date of request and receipt of the report by the hearing committee/consent authority is not to be included in the calculation of the number of working days taken to close the hearing.</p>
<p><b>Direct referral to Environment Court</b>  Clause 60 inserts new sections 87C to 87G provide for an application for a resource consent to go directly to the Environment Court for a decision,</p>	<p>We support direct referral of consent application to the Environment Court for determination, but question why only consent applicants can request this. We consider that consent authorities should also be able to request that the Environment Court determines a consent application. This could be subject to objection to the Environment Court by the applicant. It is important to recognise that some consent applications will inevitably end up in the Environment Court whatever decision the consent authority makes on the consent application. Enabling direct referral of the determination of consent application to both the applicant</p>	<p>Retain new provisions, but also allow consent authorities to make requests to the Environment Court to determine the consent application directly.</p>

<p>Local authority must agree (new section 87C(2))</p> <p>New section 87D Consent authority must provide Environment Court with report identifying any conditions. Once applicant receives report can elect whether to proceed (see section 87E)</p> <p>New section 87F consent authority responsible for resource consent granted by Court</p> <p>New section 87G consent authority obligations if application is not heard by Court</p>	<p>or consent authority would save costs and time in consent process (which is consistent with the intent of the Amendment Bill), and reduce the costs of the process on the local ratepayer.</p>	
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<b>Reduce the incidence of frivolous, vexatious or anti competitive submissions and appeals</b>		
<b>Relevant clauses of the Bill</b>	<b>Comment</b>	<b>Decision sought</b>
<p><b>Changes to Act</b></p> <p><b>Trade competitors</b></p> <p>Clauses 49 to 51 amend matters for consideration in plans by adding the "effects of trade competition".</p> <p>Clause 69 amends section 94A ( re public notification, effects more than minor) Must disregard the effects of trade competition.</p> <p>Clause 72 replaces section 96 to limit the rights of trade competitors to make submissions on applications.</p> <p>Clause 139 new part 11A inserted in Act provides for proceedings to be brought against trade competitors (see new section 308G – H).</p> <p>See clause 139 limits on trade competitors (and surrogates) making submissions, and appeals to the Environment Court.</p> <p>See clause 148 limits on trade competitors submitting on Plans re schedule 1.</p>	<p>Strengthening the prevention of trade competition submissions and appeals is a worthy aim. However, section 2 of the Act does not include a definition for "trade competitor". There will be cases where a party may submit on a consent application to protect its interests in the resource affected by the application. For example, a downstream farmer/irrigator may submit on an upstream farmer's/irrigator's consent application to take water. Is the downstream farmer/irrigator a trade competitor? What if the upstream consent applicant is not a farmer/irrigator, but seeks to take water for another commercial purpose? To avoid unnecessary litigation to determine its legal meaning it would be preferable for the Act to include the definition of "trade competitor".</p>	<p>Retain the new provisions, but include the definition of "trade competitor" in section 2 of the Act.</p>

<p>Clause 77(3) repeals and replaces section 104(3) (a) &amp; (b) reversing the previous section intent by making trade competition a relevant effect including when written approval has been given.</p> <p>Clause 131 repeals section 274(1) &amp; (2) and substitutes new subsections that limits trade competitors from beginning a party to proceedings before the environment court.</p>		
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<b>Enforcement</b>		
<b>Relevant clauses of the Bill</b>	<b>Comment</b>	<b>Decision sought</b>
<p><b>Changes to Act</b></p> <p><b>Orders for review of consent</b>            Clause 141, repeals 339(5) and allows for an order that a review under section 128 take place.            Clause 86 consequent amendment of 128</p>	<p>We support the increases in fines for offences. Higher penalties should have greater deterrence effect. However, the Council considers that the maximum fine for an individual and body corporate should be the same. The Court takes into account the ability of a convicted party to pay a fine when sentencing that party.</p>	<p>Retain the new provisions, but increase the maximum fine in the case of an individual to \$600,000.</p>

<b>Technical and procedural</b>		
<b>Relevant clauses of the Bill</b>	<b>Comment</b>	<b>Decision Sought</b>
<p><b>Changes to Act</b></p> <p><b>Section 9</b>            Clause 6 replaces section 9.            References defining use in relation to land now in definitions section (clause 4)</p>	<p>When a plan is renotified and becomes a proposed plan there will be few controls on the use of land until the rules/plans become operative due to the enabling presumption in the Act. This will create a perverse incentive to 'go for it' in the intervening period.</p> <p>To a degree this has been provided for by including some exemption criteria which seem to fairly well cover the reasons why regional councils put rules in, but it would appear that this could be a nightmare for district councils who control land for a variety of other reasons.</p> <p>Even if the district plans don't have to be reviewed every 10 years the plan will be stuck in its original form forever because as soon as they notify a plan change the control will have no effect until it is operative, creating the perverse incentive for people to do as much as they can while the rule is in limbo.</p> <p>We don't support this amendment if it means continually litigating the reasons why we believe a rule is exempt under 86A(2). The neater solution would be for any current operative plan to remain operative until the proposed plan has been through the process. This would mean withdrawing it at the same time the new proposed plan is made operative.</p> <p>We support the repeal of the right to object to a request to provide further information and the commissioning of a report.</p>	<p>Amend the provision so it allows for any current operative plan to remain operative until the proposed plan has been through the process.</p>
<p><b>Section 357</b>            Clause 143            Changes to section 357A(1)(b) Rights of objection consequent on other changes in the Act.</p>		<p>Retain the new provision.</p>

Changes to Resource Consents Granted During the Reporting Period

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<b>CONSENT NO. &amp; HOLDER</b>	<b>CHANGE TO CONSENT CONDITION(S)</b>
RC94073 Holcim (New Zealand) (Cape Foulwind Cement Works)	To change emission limits and frequency of monitoring for a kiln discharge.
RC98021 Pike River Coal Ltd (Pike Underground Coal Mine)	To change stormwater discharge limits.
RC04143 West Coast Regional Council (Greymouth Floodwall)	To change restriction on timing of vegetation clearance.
RC08016 M Pugh (New River)	To increase the volume of gravel that can be extracted.

Limited Notified Resource Consents Granted During the Reporting Period

<b>CONSENT NO. &amp; HOLDER</b>	<b>PURPOSE OF CONSENT</b>
RC08118 Grey District Council	To discharge contaminants (products of combustion) to air from a coal fired boiler, Greymouth Aquatic Centre.

No notified consents were granted during the reporting period.

Notified Consents Updates & Other Matters

The Environment Court is conducting a pre-hearing conference on 6 April 2009 at the Greymouth District Court on the appeals against the consents granted to TrustPower Limited for its proposed Arnold Valley Hydroelectricity Power Scheme. In addition to attending this, the Consents & Compliance Manager and the Council's lawyer will also attend a mediation meeting with TrustPower Limited, together with Grey District Council staff in Christchurch later in the week in to attempt to resolve the Company's appeal on some of the conditions of the consents.

**RECOMMENDATION**

*That the April 2009 report of the Consents Group be received.*

Colin Dall  
**Consents & Compliance Manager**

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Resource Management Committee  
 Prepared by: Colin Dall – Consents & Compliance Manager and Michael Meehan – Compliance Team Leader  
 Date: 3 April 2009  
 Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

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**Site Visits**

A total of 87 site visits were undertaken during the reporting period, which consisted of:

<b>Activity</b>	<b>Number of Visits</b>	<b>Fully Compliant (%)</b>
Resource consent monitoring	5	60
Dairy shed inspections	55	73
Complaint response	11	27
Mining compliance & bond release	16	100

**Specific Issues**

**Dairy Effluent Discharges:** Compliance staff carried out inspections over the entire region during the reporting period. Their focus has now turned to the Lake Brunner Catchment and to follow up site visits.

Effluent ponding has been the main matter of non-compliance again, which is concerning during good weather periods.

**Globe Progress Mine – Oceana Gold:** The results of the Council's water quality monitoring of Devils Creek for the reporting period showed the following compliance in relation to the consent compliance limit for suspended solids:

- 27/2/09 - Compliant
- 4/3/09 - Compliant
- 19/3/09 - Compliant

The Company's self-monitoring results were also fully compliant during the reporting period.

Compliance staff carried out a site visit to the mine site on 11 March 2009 to get an update on operations.

**Pike River Underground Coal Mine – Pike River Coal:** The Company notified the Council of a further two non-compliant discharges to Pike Stream, including another from "Pond 1". The other non-compliant discharge was to the White Knight Stream from portal access road. Both discharges are still under investigation and the Company's reports on these incidents are awaited.

It is noted that during the reporting period, the Company sought and obtained a change of conditions to some of its discharge permits to change the discharge standard for some of the mine's treatment ponds. The change does not increase the effects that the discharges from the site can have on water quality in Pike Stream, but may mean that there are fewer non-compliant discharges recorded in the future.

**Westroads Beach Gravel Mining Licences:** The Council approved the work programmes for 3 of the 4 mining licences (received in January) during the last reporting period. These were for the Blaketown, Karoro and South Beach gravel extraction sites. The work programme for the Merrick Street extraction site was not approved due to the recent beach surveys carried out by the Company showing insufficient gravel build up at the site.

The Company had taken 1,469m<sup>3</sup> of gravel from its Blaketown site by 31 March 2009 and has advised the Council that the next set of profiles along Blaketown Beach will be undertaken around mid June 2009.



**Solid Energy Consent and Licence Monitoring:** Compliance staff carried out the following visits to Solid Energy sites:

- Stockton Opencast Mine	2
- Ngakawau Coal Handling Facility	1
- Terrace Mine	1
<b>Total</b>	<b>4</b>

#### Stockton Opencast Mine

SENZ's daily water quality monitoring results for the Stockton Mine for March were unavailable at the time of writing this report.

Monitoring results for February showed:

- Two non-compliances at monitoring site "S16" (St Patrick Stream).
- One exceedance of the suspended solids trigger limit for monitoring site "S14c" (Mangatini Stream).
- A non-compliance in regard to dust at the Station 5 monitoring gauge.

The non-compliances recorded at S16 were at the lower end of the scale (exceeding the limits by less than 10 NTU) and no further action was warranted in these cases.

However, the exceedance of the trigger limit at S14c in the Mangatini Stream was more significant. The cause of this exceedance related to the opening of a culvert in the "A10LL mining block" to prevent the build up of a large body of water behind an un-engineered dam. This water originated from an active mining block and so was classified as blackwater. Once the culvert had been opened, a decision needed to be made in regard to where the water was to be directed to. SENZ advised it had two options:

1. Directing the water to the "4 West sumps" via the "Webb East drain" – coupled with this decision was the possibility that this water could cause significant damage to the drain as the catchment feeding it exceeded its design capabilities by 5 times.
2. Directing the water to the "WE03 settling ponds" – this would provide less treatment for the blackwater, but would be able to cope with the increased volume of water.

SENZ decided to go with the second option, which resulted in less-treated water being discharged to the Mangatini Stream.

Upon further investigation it was found that SENZ had plans to install a blackwater pipeline to take the water from this area to the water treatment plant. The construction of this pipeline was delayed due to the length of time it was taking to mine an area of coal, which was required to be mined and then backfilled before the pipeline construction could begin as the intended route of the pipeline crossed the backfilled section.

In summary, SENZ had identified that water runoff from the A10LL mining block as a potential source of contamination, but due to other mining operations the construction of the pipeline to convey the contaminated water was delayed. Given this, an Infringement Notice was issued to the Company in relation to the discharge that caused the exceedance of the suspended solids trigger limit at S14c.

The dust non-compliance has been attributed to a helicopter working in the vicinity of this monitoring point.

SENZ has advised the Council that the process for diverting the Mangatini Stream into the "Mangatini Sump" will be getting underway soon. Council staff were invited to the mine site to receive an explanation of the process. SENZ will be taking all necessary precautions in regard to sediment management to ensure appropriate water quality standards are maintained, and will keep the Council up to date with progress on these works and any likely problems that may arise.

During the reporting period, SENZ provided the Council with details of an embankment (named the "Yawar Dam") it needed to construct in relation to the Mangatini Sump. The Council commissioned Tonkin & Taylor to peer review the design report for the Yawar Dam and confirm the "Potential Impact Category" (PIC) assessment for the dam. The review confirmed the PIC for the dam was

"Low" and it is considered that no change is required to the existing resource consent for the Mangatini Sump due to the construction of the Yawar Dam.

#### Ngakawau Coal Handling Facility

The results of the Council's routine water quality sampling for the site for its February visit showed its discharge was within compliance limits at the time of sampling.

Results for the March visit were not available at the time of writing this report.

#### Terrace Mine & Reefton Coal Handling Facility

The results of the Council's routine water quality sampling for these sites for its February visits showed their discharges were within compliance limits at the time of sampling.

The results for the Council's March water quality sampling run for the Terrace Mine showed its discharges were within compliance limits at the time of sampling.

The results for SENZ's March water quality monitoring the Reefton Coal Handling Facility showed its discharges were also within compliance limits at the time of sampling.

#### Spring Creek Underground Mine, Rapahoe Coal & Rocky Creek Handling Facilities

The results of the Council's routine water quality sampling for these sites for its February visits and SENZ's March water quality monitoring showed their discharges were within compliance limits at the time of sampling.

### **Complaints/Incidents between 26 February to 2 April 2009**

There were 21 complaints/incidents received during the reporting period.

<b>Activity</b>	<b>Description</b>	<b>Location</b>	<b>Action/Outcome</b>
Septic tank discharge	Septic tank discharge alleged to be overflowing	Maruia	Not substantiated by investigation
Coal Mining	Terrace Mine alleged dirty discharge	Reefton	Compliant
Riverworks	Logs used to block off side channel of river	Mahitahi River, Bruce Bay	Council required person to remove logs
Stormwater discharge	Storm water run off causing ponding	Stillwater	Compliant
Stormwater discharge	Stormwater drain blocked	Rutherglen	Civil matter between the two parties
Gravel take	Illegal un-consented gravel take	Taramakau	Abatement notice issued
Riverworks	Large gravel wall erected and attempted diversion of Taramakau River	Jacksons	Abatement notice issued and further action under consideration
Humping & hollowing	Sediment discharge from humping and hollowing	Ross	Contained run off and will discharge through treatment system
Stock access to waterway	4 cows walking through Bruce Creek	Inchbonnie	Compliant with Regional Rules and stock crossing policy
Air discharge	"Fatty" substance found on car near milk factory	Hokitika	Coating found on vehicle but investigation unable to confirm source
Air discharge	Plastic burning at industrial site	South Beach	Warning issued

Odour	Complaint regarding odour discharge	South Beach	Not substantiated by investigation
Sand removal from CMA	Complaint regarding removal of sand from the beach	Little Wanganui	Contractor required to cease further extraction without resource consent
Burning of plastic	Bale wrap being burnt	Ikamatua	Farmer required to cease burning plastic
Diesel spill	Small diesel spill during refueling	Stockton Coal Mine	Mitigation works undertaken on site no discharge to waterway
Riverworks	Illegal rock wall constructed on the Waiho River	Franz Josef	Farmer commenced works before obtaining resource consent – required to cease further work until consent obtained.
Marine oil spill	Fishing vessel sank off the coast of Cape Foulwind around the Three Steeples	Cape Foulwind	Followed up by MNZ due to the distance offshore and depth of water
Abandoned vehicle	Vehicle left on beach	Hou Hou Creek	Owner required to remove vehicle
Oil discharge	Oil discharge found in stormwater drain	Blaketown	WCRC cleaned up area and investigating source of spill
Abandoned vehicle	Vehicle found on its roof in tidal area	Rapahoe	WCRC will remove the vehicle and follow up to recover costs from owner
Odour complaint	Complaint regarding fuel smell around Greymouth Airport	Blaketown	Not substantiated by investigation

### **Enforcement**

The following 10 abatement notices were issued during the reporting period:

<b>Activity</b>	<b>Location</b>
Illegal gravel take	Taramakau River
Dairy effluent discharge to land where it may enter water	Ross
Illegal riverworks and attempted diversion	Taramakau River, Jacksons
Abatement notice requiring the above works be mitigated	Jacksons
Illegal riverworks	Waiho River, Franz Josef
Dairy effluent discharge to land where it may enter water	Kowhitirangi
Dairy effluent discharge to land where it may enter water	Waitaha
Dairy effluent discharge to land where it may enter water	Waitaha
Dairy effluent discharge to land where it may enter water	Arahura
Dairy effluent discharge to land where it may enter water	Hari Hari

<b>Activity</b>	<b>Location</b>
Dairy effluent discharge to land where it may enter water (2 notices served)	Waitaha
Discharge from gold mining operation outside of consent conditions (2 notices served)	Cockabulla Creek
Illegal gravel take	Waimangaroa
Illegal gravel take	Taramakau
Dairy effluent discharge to land where it may enter water	Ross
Dairy effluent discharge to land where it may enter water	Whataroa
Exceedance of trigger limit	Stockton Coal Mine
Dairy effluent discharge to land where it may enter water	Kowhitirangi
Dairy effluent discharge to land where it may enter water	Waitaha
Dairy effluent discharge to land where it may enter water	Waitaha

## **MINING**

### **Work Programmes**

The Council received and approved the following five mining work programmes over the reporting period:

<b>Date</b>	<b>Mining Authorisation</b>	<b>Holder</b>	<b>Location</b>
2/3/09	MP41711, RC04058	A Spriggs	Ten Mile
2/3/09	MP41454, RC96051	Birchfield Coal Mines	Giles Creek
3/3/09	MP41885, RC05078	Shamroc Minerals	Callaghans
27/3/09	MP50969, RC08146	A Gillman	Stony Creek
31/3/09	MP41127, RC03199	P Fahey	Redjacks

### **Bonds Received**

The following three bonds were received:

<b>Mining Authorisation</b>	<b>Holder</b>	<b>Location</b>	<b>Amount</b>
RC04137	Whyte Gold Limited	Quinns Terrace	\$10,000
RC07208	Barry Foster Contracting	Fox Creek	\$10,000
RC05078	A Gillman	Stony Creek	\$10,000

### **Bond Releases**

It is recommended that Council release the following bonds:

<b>Mining Authorisation</b>	<b>Holder</b>	<b>Location</b>	<b>Amount</b>
RC04137	Al's Mining	Granville Forest	\$10,000
RC95056*	Davidson, Moreton, Davidson & Jones	Takutai	\$3,412.50

\*This has been a long-standing matter where the bond was called and used for rehabilitation purposes. The amount recommended for release is the balance of the bond that remained after the rehabilitation works had been completed.

**OIL SPILL RESPONSE**

One marine oil spill reported - Glen Cora sinking on 18 March 2009.

John Taylor (Westport Harbour Master) notified the Council that a fishing vessel the "Glen Cora" was presumed to have sunk approximately 2 kms off the coast of Cape Foulwind near the Three Steeples. The vessel had a crew of one on board who had been rescued. The vessel owner advised that there was approximately 1,200 litres of marine diesel oil on board. The weather at the time was heavy rain and high winds and the vessel sunk in 60-90 metres of water.

No diesel was observed on beaches in the area following the incident.

**RECOMMENDATION**

- 1. That the April 2009 report of the Compliance Group be received.*
- 2. That the Council release the bond for RC04137 and the remaining bond amount for RC95056.*

**Colin Dall**  
**Consents & Compliance Manager**

# **COUNCIL MEETING**

## THE WEST COAST REGIONAL COUNCIL

Notice is hereby given that an **ORDINARY MEETING** of the West Coast Regional Council will be held in the Offices of the West Coast Regional Council, 388 Main South Road, Greymouth on **Tuesday, 14 April 2009** commencing on completion of the Resource Management Committee Meeting.

A.R. SCARLETT  
CHAIRPERSON

C. INGLE  
CHIEF EXECUTIVE OFFICER

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<u>AGENDA NUMBERS</u>	<u>PAGE NUMBERS</u>	<u>BUSINESS</u>
1.		<b>APOLOGIES</b>
2.		<b>PUBLIC FORUM</b>
3.		<b>MINUTES</b>
	1- 3	3.1 Minutes of Council Meeting 10 March 2009
4.		<b>REPORTS</b>
	4 – 5	4.1 Planning and Environmental Manager's Report on Engineering Operations
	6	4.2 Vector Programme Manager's Report
	7 – 10	4.3 Corporate Services Manager's Report
5.		<b>CHAIRMAN'S REPORT (VERBAL)</b>
6.	11 – 14	<b>CHIEF EXECUTIVE'S REPORT</b>
7.		<b>GENERAL BUSINESS</b>

**THE WEST COAST REGIONAL COUNCIL****MINUTES OF THE MEETING OF THE COUNCIL HELD ON 10 MARCH 2009,  
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD,  
GREYMOUTH, COMMENCING AT 11.20 A.M.****PRESENT:**

R. Scarlett (Chairman), P. Ewen, A. Robb, D. Davidson, B. Chinn, A. Birchfield, T. Archer

**IN ATTENDANCE:**

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), C. Dall (Consents and Compliance Manager), S. Moran (Planning and Environmental Manager), A. Mahuika (Minutes Clerk), The Media

**1. APOLOGIES:**

There were no apologies.

**2. PUBLIC FORUM**

There was no presentation.

**3. CONFIRMATION OF MINUTES**

**Moved** (Birchfield / Ewen) *that the minutes of the Council Meeting 9 February 2009, be confirmed as correct.*

*Carried*

**Matters arising**

There were no matters arising.

**REPORTS:****4.1 PLANNING AND ENVIRONMENTAL MANAGER'S REPORT ON ENGINEERING OPERATIONS**

S. Moran spoke to his report. He advised that a voting form has been sent out to members of the Inchbonnie Rating District to ascertain whether or not they wish to go ahead with the upgrade of the Inchbonnie Stopbank. This is due back on the 20<sup>th</sup> of March. Indications are that the rating district will be happy to proceed, work is expected to commence before the end of the financial year.

S. Moran reported 79% of the Mokihinui township community is in favour of the setting up of the proposed Mokihinui Rating District.

He advised that MWH have been contracted to carry out the project management work for the upgrade of the Greymouth Floodwall. A tender is out for the clearing of vegetation on Cobden Island, this closes on the 20<sup>th</sup> of March.

Taylor's Contracting have almost finished taking rock from the Camelback Quarry. They have the contract for the Arahura Bridge guide banks. S. Moran stated that Taylor's have been a very good contractor to deal with.

Cr Scarlett read out a copy of the letter he sent to Hon Bill English, Minister of Infrastructure seeking financial assistance with the upgrade of the Greymouth Floodwall. Cr Scarlett alerted the Minister to the fact that the West Coast did not receive any financial benefit from the February Government Infrastructure package. Cr Scarlett quoted one of the outcomes from the recent Job Summit was for government subsidies to increase Local Government



investment in flood protection. He feels that Greymouth community should not have to borrow to fund this scheme and that if there is an opportunity for funding then the West Coast should not be left out.

**Moved** (Robb / Birchfield)

1. *That the Council approves the formation of the Mokihinui Special Rating District.*
2. *That the report is received.*

*Carried*

#### **4.2 VECTOR PROGRAMME MANAGER'S REPORT**

C. Pullen spoke to this report. He advised that five Tb infected possums have been discovered in the Marsden Block. The Kings Domain to Boddytown area is a hotspot for Tb infected possums. C. Pullen reported that 69% of the overall programme has been invoiced and paid for.

Cr Scarlett asked C. Pullen if there had been feedback from the public regarding the DVD sent out by the Animal Health Board relating to the use of 1080. C. Pullen stated there had been very little feedback at all but he has received feedback from schools and would be talking to some schools again next week.

**Moved** (Archer / Robb) *that this report be received.*

*Carried*

#### **4.3 CORPORATE SERVICE MANAGER'S REPORT**

R. Mallinson spoke to this report. He reminded Council that as agreed at the February meeting there would be no detailed financial report this month as he has been busy finalising the LTCCP document. The LTCCP audit process is due to start later in the month.

R. Mallinson advised that Forsyth Barr would be making their annual presentation at the May Council meeting.

R. Mallinson drew attention to the anticipated borrowing requirements for the raising of a loan for the Greymouth Floodwall upgrade (\$700,000), the Inchbonnie Rating District (\$400,000) and the Lower Waiho Rating District (\$1,000,000). This are all for infrastructure upgrades.

Cr Ewen stated that potentially all three of the projects could be applicable to the infrastructure upgrades outlined in Cr Scarlett's letter to Hon. Bill English.

**Moved** (Ewen / Davidson) *that this report be received.*

*Carried*

#### **5.0 CHIEF EXECUTIVES REPORT**

C. Ingle spoke to his report. He drew attention to Hon. Rodney Hide's response to the letter sent to him in December of last year regarding the audit fees for the LTCCP. C. Ingle reported that this matter was further discussed at the recent LGNZ Zone meeting in Christchurch and at Friday's meeting of the Mayors and Chairs. C. Ingle advised Council to look ahead to the next triennium when this issue will come up again. He feels Council need to consider putting forward a remit to LGNZ suggesting this issue be looked at at the national level and to consider staggering these audits and make them less complex and costly. C. Ingle advised he and Cr Scarlett would follow this up at the next Zone 5 meeting.

C. Ingle spoke of the other meetings he has attended during the month including the Regional Affairs meeting and tour attended with Cr Davidson. He stated it was interesting to visit a region similar to ours and to see the challenges that Taranaki have dealt with.

C. Ingle reported that he is very happy with the LTCCP given to Audit NZ as he and R. Mallinson have put a lot of work into this.

C. Ingle advised that he has negotiated a four year building lease agreement with the Animal Health Board, and that he intends fixing the Council seal to the lease.

**Moved** (Archer / Birchfield) *that the Chief Executive's Report be received.*

*Carried*

**6.0 CHAIRMANS REPORT (VERBAL)**

The Chairman reported that he attended the Zone 5 meeting in Christchurch. The Chairman reported that he attended the Regional Transport Committee meeting. He stated that the three year transport programme has been a massive undertaking by staff and that staff had done very well. The Chairman spoke of the recent Mayors and Chairs meeting he attended. He noted that it was a very productive meeting.

**Moved** (Scarlett / Birchfield) *that this report be received.*

*Carried*

Cr Davidson reported on the Regional Affairs Committee meeting and tour he and C. Ingle attended in Taranaki. Cr Davidson reported that the main issues discussed were the economic recovery and creating employment. Climate change, emissions trading and the new government were also covered. Cr Davidson also visited Port Taranaki; he spoke of the financial advantage of having a port that generates revenue.

**7.0 GENERAL BUSINESS**

The meeting closed at 11.55 a.m.

.....  
Chairman

.....  
Date

## THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – April 2009  
 Prepared by: Chris Pullen  
 Date: 2 April 2009.

Subject: **VECTOR PROGRAMME MANAGER'S REPORT**

### 1.0 Contracts awarded

The first tender round for 2009-2010 has been successfully completed. A total of 18 control contracts tendered for 47 operations in West Coast Tasman.

### 2.0 Operations Ongoing and Completed

The following Vector Control work has been carried out for this report period.

Ongoing Control Work:

OPERATION	BLOCK	CONTRACTOR	INPUT OUTPUT	NOTES
Barrytown	1	Hughes	Output	Acceptable Progress
Barrytown	2	Hughes	Output	Commenced
Cronadun	1	Tasman Pest	Output	Commenced
Mikonui Totara	1	Peltons	Output	Acceptable Progress
Whataroa	2	HUNTA	Output	Acceptable Progress
Whataroa	5	HUNTA	Output	Commenced
Bell Hill	1	VCS	Output	Acceptable Progress
Inchbonnie	1	VCS	Output	Acceptable Progress
Harihari	5	Leiths	Output	Acceptable Progress

Ongoing Monitoring Work:

OPERATION	BLOCK	CONTRACTOR	NOTES
Barrytown	1	Holden	Acceptable Progress
Buller South	Trend	VCS	Completed
Harihari	3	Enviro 1 <sup>st</sup>	Acceptable Progress
Whataroa	1	Enviro 1 <sup>st</sup>	Commenced
Mikonui	1	Forest Rangers	Acceptable Progress
Karamea	2	Forest Rangers	Acceptable Progress
Grey Valley West	1	H&M	Commenced
Grey Valley West	2	H&M	Acceptable Progress
Grey Valley West	3	H&M	Acceptable Progress

### 3.0 General

- i. The 2<sup>nd</sup> round control projects are on track and should be completed before 30 June 2009.
- ii. The monitoring projects are running at 40% completion and are on track for 2nd round completion.
- iii. A total of 77% of the overall programme has been invoiced and paid for.

### RECOMMENDATION

*That this report be received.*

Chris Pullen  
 Programme Manager West Coast Tasman

# 4.3 THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting  
 Prepared by: Robert Mallinson – Corporate Services Manager  
 Date: 6 April 2009  
 Subject: **Corporate Services Manager's Monthly Report**

FOR THE EIGHT MONTHS ENDED 28 FEBRUARY 2009	ACTUAL	YEAR TO DATE BUDGET	ACTUAL % ANNUAL BUDGET	ANNUAL BUDGET
<b>REVENUES</b>				
General Rates	1,265,405	1,256,667	67%	1,885,000
Rates Penalties	44,189	50,000	59%	75,000
Investment Income	-654,519	666,667	-65%	1,000,000
Regulatory	1,001,505	632,233	109%	915,500
Planning Processes	114,935	78,415	98%	117,622
Environmental Monitoring	0	0	0%	0
Emergency Management	18,048	16,667	72%	25,000
River, Drainage, Coastal Protection	812,686	551,587	98%	827,380
Vector Mgmt	436,747	436,667	67%	655,000
Regional % Share Controls	245,268	243,333	67%	365,000
VCS Business Unit	2,072,228	1,411,404	98%	2,117,106
	5,356,492	5,343,639	67%	7,982,608
<b>EXPENDITURE</b>				
Representation	237,375	278,570	57%	417,855
Regulatory Activities	1,572,855	1,108,519	95%	1,662,778
Planning Processes	285,180	387,056	49%	580,584
Environmental Monitoring	434,079	478,365	60%	717,547
Emergency Management	61,860	84,069	49%	126,103
River, Drainage, Coastal Protection	776,220	1,481,910	35%	2,222,865
Vector Mgmt	315,619	330,127	64%	495,191
Regional % Share Controls	513,561	579,164	59%	868,746
VCS Business Unit	1,584,063	1,210,365	87%	1,815,547
Portfolio Management	41,854	0		0
	5,822,666	5,938,144	65%	8,907,216
<b>SURPLUS / (DEFICIT)</b>	<b>-466,174</b>	<b>-594,505</b>		<b>-924,608</b>
Transfer Rating District Interest	-89,729			
To Transfer to Balance Sheet	-555,903			

BREAKDOWN OF SURPLUS (-DEFICIT)	Variance Actual V Budgeted YTD	ACTUAL	BUDGET Year to date	ANNUAL BUDGET
Rating Districts	830,232	107,604	-722,628	-1,083,942
Quarries	83,302	66,856	-16,446	-24,669
Regional % Share of AHB Programmes	67,538	-268,293	-335,831	-503,746
Investment Income	-1,363,040	-696,373	666,667	1,000,000
VCS Business Unit	287,126	488,165	201,039	301,559
Vector Mgmt	14,589	121,128	106,539	159,809
Other	0	0	0	0
General Rates Funded Activities	208,585	-285,261	-493,846	-773,619
<b>TOTAL</b>	<b>128,331</b>	<b>-466,174</b>	<b>-594,505</b>	<b>-924,608</b>

Net Contributors to General Rates Funded Surplus (-Deficit)	Actual	Budget ytd	Annual Plan
<u>Net Variance</u> <u>Actual V YTD</u>			
Rates	8,738	1,265,405	1,885,000
Rates Penalties	-5,811	44,189	75,000
Representation	41,195	-237,375	-417,855
Regulatory Activities	-95,065	-571,350	-747,278
Planning Activities	138,396	-170,245	-462,962
River, Drainage, Coastal Protection (excl.)	53,255	-137,994	-286,874
Environmental Monitoring	44,286	-434,079	-717,547
Emergency Management	23,590	-43,812	-101,103
	208,585	-285,261	-773,619

**STATEMENT OF FINANCIAL POSITION AS AT 28 FEBRUARY 2009**

	@ 28/02/2009	@ 30/06/2008
<b>CURRENT ASSETS</b>		
Cash	137,050	80,047
Short term Deposit - Westpac	614,848	1,704,438
Accounts Receivable - Rates	-280,431	263,628
Accounts Receivable - General Debtors	276,285	562,347
Prepayments	93,468	51,691
Sundry Receivables	261,746	682,810
Stock - explosives	716	716
Stock - VCS	39,497	225,612
Stock - Rock	54,985	61,680
Stock - Office Supplies	12,493	12,493
accrd rates rev	490,266	
	<u>1,700,923</u>	<u>3,645,462</u>
<b>Non Current Assets</b>		
Investments	10,149,082	11,035,326
Fixed Assets	3,745,962	3,247,070
Infrastructural Assets	39,403,646	39,403,646
	<u>53,298,690</u>	<u>53,686,042</u>
<b>TOTAL ASSETS</b>	<u>54,999,613</u>	<u>57,331,504</u>
<b>CURRENT LIABILITIES</b>		
Bank OD		0
Accounts Payable	248,549	1,689,057
GST	17,580	91,603
Deposits and Bonds	396,618	338,486
Sundry Payables	194,518	457,106
Accrued Annual Leave, Payroll	191,284	193,522
Other Revenue in Advance	30,000	491,250
Rates Revenue in Advance		60,015
	<u>1,078,549</u>	<u>3,321,039</u>
<b>NON CURRENT LIABILITIES</b>		
Future Quarry restoration	85,800	85,800
Punakaiki Loan	294,647	316,217
Lower Waiho Loan	57,430	0
Office Equipment and IT Leases	78,564	136,819
	<u>516,441</u>	<u>538,836</u>
<b>TOTAL LIABILITIES</b>	<u>1,594,990</u>	<u>3,859,875</u>
<b>EQUITY</b>		
Ratepayers Equity	19,975,239	19,990,241
Surplus Tsfrd.	-555,903	
Rating District Equity Mvmts	-41,019	
Rating Districts Equity	2,454,039	2,413,020
Tb Special Rate Balance	274,787	262,885
Revaluation	22,714,725	22,222,728
Quarry Account	-17,245	-17,245
Investment Growth Reserve	8,600,000	8,600,000
<b>TOTAL EQUITY</b>	<u>53,404,623</u>	<u>53,471,629</u>
<b>LIABILITIES &amp; EQUITY</b>	<u>54,999,613</u>	<u>57,331,504</u>

PORTFOLIO @ 28 February 2009 Summary & Reconciliation		Cash	Bonds	Australasian Equities	International Equities	Property Equities	Alternative Asset Classes	Total
Portfolio Value @ Start	01 July 2008	2733073	3421783	1381877	1812269	724252	939971	11013225
Contributions	}	634049	178385	33644	124031	8572	109184	1087866
Withdrawals	}	-660350	-133272	-70966	-378202	-41004	-11668	-1295463
Realised Gains/(Losses)								0
Price		-57837	30929	480	-181847	3382		-204892
FX				15966	-85865	-735	-109216	-179849
Unrealised Gains/(Losses)								0
Price		53355	225624	-437133	-576868	-171227	-459883	-1366132
FX				12534	411276	4401	502361	930571
Mgmt Fee								0
Interest Income		149107	185302	4863		4219	9409	352901
Changes Accrued Interest		5213	31521					36733
Dividends				34147	63357	23259	36015	156778
reversal Hedges 30.6.08				21045	59398	5362	22860	108665
Current Hedges				-4737	-181026	-1053	-328456	-515272
Portfolio Value @ End Period	28 February 2009	2856609	3940272	991720	1066523	559429	710577	10125131

Cash	0
Structured credit	53658
Emerging market debt	985375
Hedge positions	-328456
	<u>710577</u>

Asset Allocation %'s @ 28 FEBRUARY 2009	Benchmarks	Tactical asset allocation range	
Cash	28%	25%	10% - 50%
Bonds	39%	25%	10% - 50%
Australasian Equities	10%	15%	0% - 20%
International Equities	11%	15%	0% - 20%
Property Equities	6%	5%	0% - 10%
Alternative Asset Classes	7%	15%	0% - 20%
	100%	100%	

## 2. General Comment

Total operating expenditure for the eight month period was \$5.822 million.

Total revenues for the period amounted to \$5.356 million.

The total deficit was (\$466,000)

### Highlights:

- Investment portfolio loss of \$654,000 for the eight month period. I am expecting this to ease back somewhat given the market rallies during March 2009. Representatives from Forsyth Barr Ltd will be giving their annual presentation to Council following the May 2009 meeting.
- Greymouth floodwall upgrade expenditure will not be incurred until 2009/10.
- Quarries and VCS business unit are trading profitably.
- There are positive budget variances in the general rate funded area amounting to \$208,000. In particular spending in the Planning; Rivers etc., and Environmental Monitoring areas is running below budgeted.
- The LTCCP audit costs were budgeted to come out of 2008/09 (budget provision was \$35,000), but will now be amortised over the three year LTCCP cycle 2009/10, 2010/11 and 2011/12.
- Council balance sheet continues to be sound with current assets of \$1.7 million and current liabilities of \$1.078 million @ 28 February 2009.

### **3. Other Matters**

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I have responded on behalf of Council to a preliminary survey by LGNZ with regard to Remuneration Authority concerns about Councillor mileage reimbursements.

They are concerned about Councillors being able to claim mileage at 70c/km (taxed) but also being able to claim vehicle running costs in their tax returns. They are suggesting major changes to the Councillor mileage reimbursement regime as a consequence.

They have sought our views on a number of options which they suggest, including:

- Abolishing such reimbursements,
- Paying Councillors on a time basis for their travel,
- Encouragement of public transport options.

We have suggested that the simplest solution would be for them to lobby for the tax regulations to be amended, rather than “throwing the baby out with the bathwater”.

We pointed out poorly thought through changes to the Councillor mileage reimbursement regime could have serious unintended negative consequences for this Council, whose elected members serve a geographical area of 600 km in length, and a number of whom have to travel extremely large distances to attend Council meetings and other Council business.

### **RECOMMENDATION**

*That this report be received.*

Robert Mallinson  
Corporate Services Manager

**THE WEST COAST REGIONAL COUNCIL**

Prepared for: Council Meeting 14 April 2009  
 Prepared by: Chris Ingle – Chief Executive  
 Date: 27 March 2009

Subject: **CHIEF EXECUTIVES REPORT**

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**Meetings Attended**

The meetings I have attended since the 10 March Council meeting include:

- Met with consultant Chris Stone on 12 March regarding transport planning and the role of West Coast Ports.
- Cr Scarlett and I hosted a visit from senior Labour MPs on 16 March. Damien O'Connor, Phil Goff and Annette King discussed various matters with us.
- Met with Chris Turver from Pike River Coal on 18 March. Chris is keen to host Councillors on a visit to the mine at some stage.
- Met Mike Slater and other DoC staff on 19 March for our regular liaison meeting. Discussed among other matters the Wetlands appeal. There are fundamental conflicting positions in this appeal that may result in a court fixture being inevitable.
- Met Ian Brown on 25 March regarding the Primary Sector Water Partnership, a collaboration of primary sector groups who are looking to address water management issues across the regions by identifying priority catchments and seeking improved land management.
- Attended the Civil Defence Group Controllers meeting in Wellington on 26 March.
- Attending an Envirolink meeting in Christchurch on 7 April with Government officials regarding funding criteria for Envirolink grants.
- Scheduled to meet DoC staff in Hokitika on the 8<sup>th</sup> of April regarding the Wetlands Variation, to establish if they have any further information on new areas that are regionally significant.

**LTCCP progress**

Audit NZ are currently auditing the LTCCP. The 'hot review' process occurred on Friday 3 April. Mr Mallinson and I have put substantial work into revising the draft to meet Audit requirements and more work is needed.

**Saltwater Creek and New River Mouth location**

I am working with Grey District Council on a suggestion that the New River mouth might best be shifted southward. The mouth has now migrated to north of the Paroa Hotel and it has been suggested that this may exacerbate the backing up of water in saltwater creek during heavy rain events. If the community requests that we address this then the Councils will work together to investigate the best solution.

**Letter from Hon. Nick Smith**

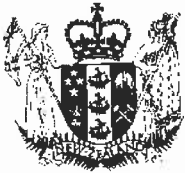
I attach a letter from the Environment Minister that acknowledges the problems we have with the Conservation Act / RMA interface. He signals a possible change to the Conservation Act in an upcoming Bill to Parliament.

**RECOMMENDATION**

*That this report be received.*

Chris Ingle  
 Chief Executive





## Office of Hon Dr Nick Smith

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**MP for Nelson**

Minister for the Environment

Minister for Climate Change Issues

Minister for ACC

ENV 234

Chris Ingle  
Chief Executive  
West Coast Regional Council  
PO Box 66  
GREYMOUTH 7805

Dear Mr Ingle

Thank you for your letter of 18 December 2008 regarding the proposed review of the Resource Management Act 1991 (RMA). Your letter suggested a number of changes to the RMA to enhance the effectiveness of its administration. Many of the matters that you raise have been addressed in proposals for the Resource Management (Simplifying and Streamlining) Amendment Bill 2009 (the Bill), particularly the issues around resource consent processes, increasing barriers to vexatious and frivolous objections, objections based on trade competition, removing the Minister of Conservation's powers in respect of resource consent applications for restricted coastal activities and priority consenting for major infrastructure projects.

The Bill also includes proposals to allow direct referral of applications to the Environment Court, and restore the Court's power to require security for costs. I intend that these measures will simplify and streamline decisions on plans and resource consents under the RMA and speed-up and reduce the costs of resource management for all parties

I have studied a range of suggestions put forward in regard to dealing with objections to trade competition and consider that the incentive for such behaviour needs to be removed. New measures widening the scope of costs that can be awarded against those that participate in anti-competitive behaviours, and introducing a damages regime, will be supported by greater restrictions on trade competitors to participate.

I acknowledge your comments relating to the Conservation Act 1987. A range of people have written to me in relation to the overlaps between the RMA and other legislation. I intend to consider amendments relating to other legislation in a later bill.

Finally, I would like to take this opportunity to remind you that the Bill has been referred to the Local Government and Environment Select Committee. The closing date for submission is 3 April 2009.

Yours sincerely

Hon Dr Nick Smith  
Minister for the Environment



THE WEST COAST  
REGIONAL COUNCIL

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18 December 2008

Hon Dr Nick Smith  
Parliament Buildings  
Wellington

*copies to: Chris Auchinvole, MP West Coast Tasman  
Tim Groser, Conservation Minister*

Dear Dr Smith

### **Proposed RMA Amendments**

You wrote to me earlier this month asking for ideas on the reform of the RMA, particularly in terms of streamlining consenting processes. We support this streamlining and support the proposals you currently have in National Party Policy.

Our priority areas are:

1. Prohibit objections re trade competition; include new powers to reject vexatious and frivolous objections; and reinstate the Environment Court's power to award security for costs and to reject vexatious and frivolous objections.
2. Remove the Minister of Conservation veto on coastal consents; remove Restricted Coastal Activities as they add no value and cause long delays (we have a couple of recent examples of sea protection works that were caught in RCA processes). Also remove Conservation Minister's role in approving coastal plans.
3. Priority consenting of major infrastructure projects: Ratepayers have to fund the Council's costs once a project goes to the appeal stage, which is unfair. We also have concerns that The Department of Conservation (DoC) provides a stronger advocacy stance on the West Coast than is desirable, given the Government wants to see sustainable development occurring (particularly energy projects) yet DoC submissions often seek that consents be declined, despite conservation values being generally abundant in our region.

It would be good to also plan an amendment the Conservation Act to remove the requirement of DoC to advocate for conservation during RMA processes. On the West Coast DoC submissions often cause lengthy delays in plan processes and also with larger consents.

If the Conservation Act were to be changed, we would like to see the concession and consents process dealt with in a single process, or a concession not being required where a notified consent has been granted under the RMA. This would avoid the current dual process that large applications have to follow - which causes higher

costs and long delays in beneficial projects proceeding (eg OceanaGold, Pike River, Trustpower's Arnold Hydro Scheme).

We feel these changes to the Conservation Act are probably more important to the longer term economic growth of the West Coast than the changes you are promoting for the RMA. However, we support both, in the interests of efficiency and fairness.

I am pleased to see you have Dennis Bush King on your advisory group. Dennis is well aware of the RMA processes and the frustrations and delays that can be caused by those wishing to thwart due process by adding cost and time delays.

I am happy to meet with you to further discuss these ideas and the particular concerns and challenges that we face of the West Coast, managing a region where over 80% of the land is managed for conservation purposes.

Yours Sincerely



Chris Ingle  
Chief Executive

## THE WEST COAST REGIONAL COUNCIL

To: Chairperson  
West Coast Regional Council

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

Agenda Item No. 8.

- |        |     |  |
|--------|-----|--|
| 1 - 2  | 8.1 | Confirmation of Confidential Minutes 10 March 2009 |
|        | 8.2 | Overdue Debtors Report (to be tabled)              |
| 3      | 8.3 | Glenharrow Holdings Ltd – Legal Matter             |
| 4 – 21 | 8.4 | Enforcement Matters                                |

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<b>Item No.</b>	<b>General Subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution.</b>
8.			
8.1	Confirmation of Confidential Minutes 10 March 2009		Section 48(1)(a) and in particular Section 9 of 2nd Schedule Local Government Official Information and Meetings Act 1987.
8.2	Overdue Debtors Report		
8.3	Glenharrow Holdings Ltd		
8.4	Enforcement Matters		

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I also move that:

- Chris Ingle
- Robert Mallinson
- Simon Moran
- Colin Dall

be permitted to remain at this meeting after the public has been excluded, because of their knowledge on the subject. This knowledge, which will be of assistance in relation to the matter to be discussed.

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