

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

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

TUESDAY, 12 FEBRUARY 2013

The programme for the day is:

10.30 a.m: Resource Management Committee Meeting

On completion of RMC Meeting: Council Meeting

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, 12th February 2013**

B.CHINN
CHAIRPERSON

M. MEEHAN
Planning and Environmental Manager
J. ADAMS
Consents and Compliance Manager

<u>AGENDA NUMBERS</u>	<u>PAGE NUMBERS</u>	<u>BUSINESS</u>
1.		APOLOGIES
2.		MINUTES
	1-4	2.1 Confirmation of Minutes of Resource Management Committee Meeting – 11 December 2012
3.		PRESENTATION
4.		CHAIRMAN'S REPORT
5.		REPORTS
		5.1 Planning and Environmental Group
	5-6	5.1.1 Planning & Environmental Manager's Monthly Report
	7	5.1.2 Lake Brunner Funding
	8	5.1.3 Hydrology and Flood Warning Update
	9-10	5.1.4 Contact Recreation Monitoring Report
	11-12	5.1.5 Civil Defence Emergency Plan
		5.2 Consents and Compliance Group
	13-18	5.2.1 Consents Monthly Report
	19-23	5.2.2 Compliance & Enforcement Monthly Report
		6.0 GENERAL BUSINESS

THE WEST COAST REGIONAL COUNCIL**MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE
HELD ON 11 DECEMBER 2012 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.****PRESENT:**

R. Scarlett (Chairman), B. Chinn, A. Robb, T. Archer, D. Davidson, A. Birchfield, I. Cummings, J. Douglas

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), M. Meehan (Planning & Environmental Manager), J. Adams (Consents & Compliance Manager), T. Jellyman (Minutes Clerk)

1. APOLOGIES

Moved (Archer / Robb) *that the apology from F. Tumahai be accepted.*

Carried

Cr Chinn welcomed J. Douglas to the meeting. J. Douglas is the Te Runanga O Makaawhio Representative.

2. PUBLIC FORUM

There was no public forum.

1. MINUTES

Moved (Davidson / Birchfield) *that the minutes of the previous Resource Management Committee meeting dated 12 November 2012, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

2. CHAIRMAN'S REPORT

Cr Chinn stated that he has nothing significant to report other than a few phone calls he received.

5. REPORTS**5.1 PLANNING AND ENVIRONMENTAL GROUP****5.1.1 PLANNING & ENVIRONMENTAL MANAGER'S MONTHLY REPORT**

M. Meehan spoke to his report and advised that two appeals have been received on the Proposed Land and Water Plan with one from Mr Paul Elwell-Sutton and the other from TrustPower. M. Meehan advised that mediation with Mr Elwood-Sutton is scheduled for Friday but a date for TrustPower's mediation is yet to be set.

M. Meehan reported that Mr Jimmy Foster was appointed Chairman of the Reefton Airshed committee at its recent meeting. Air quality scientist; Emily Wilton attended this meeting and answered many questions from the committee on air quality, the NES, why the monitoring site was chosen and a lot of questions about different types of coal in use in Reefton. M. Meehan stated that it was an informative

meeting and it was agreed that a telephone survey be done to follow up on the 2005 telephone survey. M. Meehan reported that a second meeting was held last night and it was reported that the results from the recent telephone survey would be to hand early in the New Year. M. Meehan stated that the committee decided last night to investigate what they would trial for the community for the coming winter.

M. Meehan reported that voluntary farm planning work is progressing well with the major farm in the Lake Haupiri catchment having a farm plan with a three year lifetime plan. He stated that regular catch up meetings with the farm owner to ensure things are on track should lead to an improvement in water quality for this catchment.

M. Meehan reported that staff have begun visiting farms all the farms in the Lake Brunner catchment to assess as to whether or not they want to have a phase II farm plan. M. Meehan reported that to date just under half of the farms in this catchment have been visited and they all seem interested in progressing with the farm plans.

M. Meehan advised that Hamish Fairbairn has been employed as the Wetlands Coordinator in a shared role with Grey District Council. His role is to assist wetland owners to apply for grants to protect their wetlands. M. Meehan advised that H. Fairbairn will also photograph and document schedule 2 wetlands that were over mapped. A couple of locations have already been discovered where this is the case.

Cr Birchfield asked what does the TrustPower appeal relate to. M. Meehan responded that this appeal relates to one particular rule and there are some parts of the appeal that deal with wetlands but these are out of scope. He stated that a report from our lawyer is awaited about what is within the scope of the appeals. C. Ingle stated that he does not feel that this will be difficult to resolve. Cr Chinn asked M. Meehan if there has been much variation in the mapping of the original wetlands H. Fairbairn has investigated to date. M. Meehan responded that there are some areas that are not wetlands but this is because the mapping was done off aerial photos from 2003. There are some areas that are wetlands but it is arguable as to whether or not they are significant wetlands and therefore these wetlands will need an assessment from an Ecologist. Cr Archer stated that it seems amazing that the Environment Court accepted these aerial maps. Cr Archer stated that the current situation means that there are a number of wetlands that aren't wetlands and the council is now going to have to go through the process to verify and prove these are not wetlands so that they can be removed. M. Meehan stated that there are some areas that have been developed since 2003 and definite wetlands that have been identified will be discussed with landowners. M. Meehan advised that in time a plan variation could remove these "non wetlands". C. Ingle stated that H. Fairbairn is being asked to document those wetlands that have been listed as a wetland but are not, or parts of a wetland that is not actually wet. C. Ingle advised that a register of these wetlands would be maintained so that when a consent comes up the register can be used to assist the consent process. C. Ingle advised that the consents officer would be able to ascertain from the register whether or not an Ecologist report will be required. Cr Archer asked when this information would be available. C. Ingle advised that this is now being worked through. C. Ingle stated that it would have been great to have had the perfect information at the start of the plan process and know exactly where the wetlands were and weren't but he feels that where we are at now is not a bad place to be. He stated that we now know that a lot of areas aren't wetlands so most land development can go ahead without the need for consents. Cr Scarlett asked if there was a timeframe for this Plan review. C. Ingle responded that once the RMA changes go through he may be able to proceed with confidence as then there will be a more streamlined planning process. M. Meehan advised that there are 270 landowners affected and a good number of them have already requested a visit from H. Fairbairn. C. Ingle offered to provide a report from H. Fairbairn in April next year to review where things are at. Cr Chinn stated this is a hot topic and it will be good to keep a good eye on this.

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

Carried

5.1.2 CONTACT RECREATION MONITORING REPORT

M. Meehan spoke to this report advising that this is the first round of sampling with the December round now having just commenced. Cr Archer stated that this is an outstanding result with so many green, happy smiling faces in this report.

Moved (Archer / Scarlett) *That Council receive this report.*

Carried

5.1.3 THIRD REPORT OF THE LAND AND WATER FORUM

M. Meehan spoke to this report advising that this forum was established in 2009 and over the past three years the Forum has built up a substantial network of key stakeholders who have been brought into this group to work through some of the issues. M. Meehan advised that the first report came out in 2010 which set out a blueprint for freshwater management and this was one of the things that resulted in the NPS for freshwater, which was released in May 2011. He stated that two multimillion dollar funds were created, one for irrigation infrastructure and one to accelerate environmental restoration. M. Meehan advised that Council is waiting on the outcome of its application to this fund for environmental projects on Lake Brunner. M. Meehan reported that the second report was released in April 2012 and contained 38 recommendations. The third report was released in October 2012 and contains 67 recommendations and builds on the first two reports. He explained recommendations contained in the third report to the meeting. M. Meehan stated that work that has been done in Lake Brunner already covers a lot of these recommendations. M. Meehan advised that water allocation is not a big issue for us but there is potential for work in the Grey Valley with irrigators being installed in parts of this catchment. M. Meehan advised that the forum has made recommendations around Section 32 analysis that is undertaken when undergoing plan reviews. The forum is recommending a greater central government role to provide guidance to regional councils. M. Meehan advised that the forum would meet again in July 2013 to assess the Government's response. He stated that the Government is meeting to discuss the report and where to from here. M. Meehan advised that for this council, we have already met a lot of the obligations around the NPS with work done for Lake Brunner but work may be required for the Grey Valley area and other areas where there are some future irrigation pressures.

Cr Archer asked M. Meehan if there are any potential ramifications including financial ramifications for this council. M. Meehan advised that water quality is very good in the West Coast region and that where water quality was declining in the Lake Brunner catchment, action has been taken through the Land and Water Plan. M. Meehan advised that he does not see any major financial ramifications for this council. C. Ingle advised that there are some alarming signals around NIWA monitoring being withdrawn, the implication being a cost shift from central government to local government for state of the environment and flood warning monitoring. However this was not directly related to the Land and Water Plan.

Moved (Robb / Scarlett) *That Council receives this report.*

Carried

5.1.4 FUNDING ASSISTANCE RATES (FAR) REVIEW UPDATE

C. Ingle spoke to this report advising that this is an update from NZTA relating to funding. C. Ingle advised that this is another scenario where central government may be looking to cost shift onto local government. At the moment local government gets a 50% subsidy for Total Mobility funding and it is looking as though is being reviewed. C. Ingle advised that more will be found out about this in March / April next year and Council will get a chance to have a say and then decisions will be made.

Moved (Robb / Cummings) *That Council receives this report.*

Carried

5.2 CONSENTS AND COMPLIANCE GROUP

5.2.1 CONSENTS MONTHLY REPORT

J. Adams spoke to his report advising that 28 non-notified resource consents were granted during November. He advised that six consent variations were granted and one limited notified resource consent. J. Adams reported that Buller Coal Ltd Environment Court hearing was held in Greymouth but is now back in Christchurch. He advised that the hearing will continue again on Monday and Tuesday of next week before concluding. J. Adams reported that mediation with TrustPower took place on the 26th of November in relation to the Kaniere Forks and McKay's Creek hydro schemes. He advised that all parties have now come to an agreement and a draft consent order has been presented to the Environment Court. J. Adams advised that the Grey River Dredge consent application has been declined. J. Adams advised that at the Commissioner's Report for the Preston Road treatment plant has now been released and as yet there have been no appeals received.

Moved (Robb / Archer) *That the December 2012 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

J. Adams spoke to this report advising that there were 16 complaints / incidents reported during the month but of these 10 of these were found to be either unsubstantiated or there was a consent in place to cover this. J. Adams advised that formal enforcement action was taken in three cases and two are ongoing investigations. J. Adams advised that the oil spill onto the road at Dobson was the result of a motor vehicle accident and the company involved has paid for the clean up of this area. J. Adams reported that five work programmes for mining have been submitted during the reporting period and three bonds were received as well. Cr Birchfield drew attention to the serial complainants at Awatuna and Ross both of which were unsubstantiated. Cr Scarlett stated that dairy shed inspection compliance is a little confusing as it could be interpreted to mean that just over 50% of dairy sheds are fully compliant. J. Adams clarified the way the report is made up. Cr Scarlett is mindful that the public could be alarmed and think that dairy non-compliance is a bigger problem than it actually is. C. Ingle advised that regional councils around the country already have a grading system of either non-compliant or significantly non-compliant and it is the significantly non-compliance where there is an actual environmental effect resulting from a non-compliance. C. Ingle advised that the format of the report could be changed for the February meeting. Cr Chinn stated that dairy farms in the Lake Brunner catchment should not be reported on because of the plan change. C. Ingle advised that the dairy farms in the Lake Brunner catchment could be reported in a separate section.

Moved (Archer / Robb) *That the December 2012 report for the Compliance Group be received.*

Carried

6.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 11.28 a.m.

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting 12 February 2013
 Prepared by: Michael Meehan, Planning and Environment Manager
 Date: 31 January 2013
 Subject: **Planning and Environment Manager's Monthly Report**

Regional RMA Planning

Land and Water Plan

Council staff are currently working through the two appeals on the Proposed Land and Water Plan.

Commissioner facilitated mediation was held on 14 December 2012 with Paul Elwell Sutton and the four Section 274 parties. A number of appeal points were resolved. As a result TrustPower and Solid Energy withdrew their interested party status. Mr Sutton has since filed further points for consideration as well as the continuation of three outstanding points from his first appeal. The Court has scheduled a teleconference for 5 February 2013 with the parties to try and assess where this appeal is heading.

Commissioner facilitated mediation has been scheduled with TrustPower for 26 February 2013, with four section 274 parties interested in the appeal. Initial discussions with Trustpower have been productive.

RMA Reform Bill

The Resource Management Act Reform Bill is an omnibus bill that proposes changes to the Resource Management Act 1991 (RMA), the Local Government (Auckland Transitional Provisions) Act 2010, and to the Local Government Official Information and Meetings Act 1987. The Bill is part of the Government's Phase II resource management reforms, which aim for economic development in an environmentally responsible way to support future needs. Changes to the RMA that are relevant to this Council include:

- A new Schedule requiring other information in consent applications in addition to an assessment of environmental effects.
- Changes to various timeframes for consent processing.
- A requirement for an assessment of economic, social, and cultural (as well as environmental) impacts of a proposed new or changed plan or policy statement.
- Allowing regulations to be made requiring local authorities to monitor specified environmental indicators.

An initial review of the proposed Bill, suggests that a submission is required. The main concern is the last bullet point above. The proposed change to section 35 will require councils to do environmental monitoring of specific indicators for national monitoring purposes, apparently with no funding provided by central government. This new clause equates to what was proposed in the Ministry for the Environment's Environmental Reporting Discussion Document in October 2011. Council submitted on the document opposing the Ministry's proposal for regional councils to do national environmental monitoring of standardised indicators.

The requirement for evaluating economic impacts of plan changes may also have potential cost issues for this council. Changes to consent timeframes are still being evaluated.

The closing date for submissions is 28 February 2013. A draft submission will be circulated to Councillors for your comments, prior to that date.

Reefton Airshed Committee meeting

At its meeting on 10 December 2012 the Reefton Airshed Committee discussed several matters, including a second monitoring site, other home heating/insulation subsidy programmes, and feedback about the phone survey. The Committee also discussed the option of banning backyard fires during winter by way of a bylaw, and decided to put an article in the Reefton Clarion asking the community for feedback on this idea.

A copy of the article was circulated by email to Councillors in late January.

The Airshed Committee's next meeting is on 18 February 2013.

Report on Climate Change Impact on Land-based Sectors

Over the last four years scientists from Crown Research Institutes have been working on understanding what climate change means for farming, cropping, and forestry. The key findings are summarised in a report titled "Impacts of Climate Change on Land based Sectors and Adaptation Options: Stakeholder Report", which is now available from the Ministry for Primary Industries (MPI). Farms in Southland, Canterbury, Taranaki, Waikato, and Northland were studied as part of the research. The report includes sections relating to dairy, sheep and beef, broad acre cropping, horticulture, and forestry, and identifies practical adaptation activities and potential opportunities for dealing with the expected changes in production systems resulting from climate change.

In summary, the report found that:

- Impacts are both positive - such as increased pasture or tree growth, and negative, for example, greater variability in feed supply, and increased hazard risk from flooding and landslides.
- Pests and biocontrols may also be affected by climate change.
- The average and variability of water availability in catchments is set to change.
- Adjusting current management can reduce negative impacts and can help farmers and growers take advantage of opportunities.

MPI have also prepared a series of fact sheets on the effects and impacts of climate change for land based sectors in each region. The fact sheet for the West Coast notes that "Increased rainfall will have consequences for local and regional infrastructure including: land drainage; flood protection; culverts and bridges, and erosion control."

One of the key messages in the stakeholder report is that farming/cropping/forestry management decisions need to be forward-looking rather than based solely on past data and information.

The stakeholder report summarises a larger, technical report of the same name. For a copy of the stakeholder report, go to: <http://www.mpi.govt.nz/Default.aspx?TabId=126&id=1581>

Voluntary Farm Planning and Wetland work

Lake Brunner

The newly formed Lake Brunner Catchment Landcare group will meet on 15 February 2013, where they will elect a chairperson and secretary, and discuss the MfE funding.

Farm planning work is well underway in the catchment with the majority of farms showing an interest in developing a farm plan for their property. Council aims to have all the farm plans completed by 30 June 2013.

Wetlands coordinator

The wetlands coordinator has visited properties throughout the region from Haast to Karamea. Several Biodiversity Fund applications have been made on behalf of property owners, to enhance the wetland on their property.

Work is also proceeding on collating information on incorrect information in schedule 2 of the Plan. A report outlining results to date will be submitted at the April Council meeting.

RECOMMENDATION

That this report is received.

Michael Meehan
Planning and Environment Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting – 12 February 2013
Prepared by: Katherine Glasgow – Land Management Officer / Planner
Date: 21 January 2013
Subject: **LAKE BRUNNER FUNDING**

Purpose

To inform the Council that up to \$200,000 has been secured from the Ministry for the Environment (MfE) Fresh Start to Fresh Water Clean-up Fund to undertake freshwater remediation activities in the Lake Brunner catchment.

Background

Funds secured under the 'Lake Brunner Project' are to be distributed between two sub-projects.

The first sub-project has up to \$20,000 available in the form of a community fund to undertake remediation activities on public land around the foreshore in the catchment. These projects will primarily be undertaken by the newly established Lake Brunner community catchment care group.

The second sub-project has up to \$180,000 available, and involves the preparation and delivery of up to 22 property specific Farm Environmental Plans in the catchment, which is jointly funded by the West Coast Regional Council (WCRC) and Westland Milk Products. Up to \$10,000 (per property) from MfE in the form of a works grant is available to undertake recommendations under the Farm Environmental Plan. Projects under this works grant must exceed the statutory rules in the catchment, and also contribute towards freshwater remediation. It is endeavoured to have all farm plans completed by 31 May 2013 for those landowners who choose to get one.

The applications will be assessed by WCRC, which will then be subsequently forwarded to MfE for final approval and deposit of funds.

Deed of Funding

The Deed of Funding was signed between WCRC and MfE on 17 December 2012, with the operative date being 7 January 2013. The Deed of Funding is set to expire on 20 December 2014.

RECOMMENDATION

That the Council receive this report

Michael Meehan
Planning and Environment Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting, 12/2/2013
 Prepared by: Stefan Beaumont, Hydrologist
 Date: 30/01/2013
Subject: HYDROLOGY & FLOOD WARNING UPDATE

Flood Warning

A significant northerly front brought very large rainfall totals to the West Coast region from 1-2 January 2013. Rainfall totals of approximately 500-600mm were recorded in many parts of the region during the 48 hour period. The Cropp River recorded 1080mm of rain in 48 hours, which is the highest 48 hour rainfall total recorded. Further north very intense rain was recorded in the Reefton area, with the Inangahua River rain gauge recording 73mm of rain in 2 hours which is greater than a 1 in 100 year rainfall event for two hourly rainfall totals.

Site	Time of peak	Peak level	Warning Issued	Alarm threshold
Karamea Rv at Gorge	3/1/2013 00:45	4426mm	2/1/2013 22:30	4000mm
Buller Rv at Te Kuha	3/1/2013 02:00	10028mm	2/1/2013 13:30	7400mm
Grey Rv at Dobson	3/1/2013 05:30	5395mm	2/01/2013 16:15	3400mm
Hokitika Rv at Gorge	2/1/2013 09:15	5957mm	1/1/2013 19:15	3750mm
Hokitika Rv at Gorge	10/1/2013 05:30	4419mm	10/1/2013 02:15	3750mm
Hokitika Rv at Gorge	13/1/2013 14:30	4540mm	13/1/2013 12:00	3750mm
Waiho Rv at SH6	1/1/2013 13:30	7100mm	1/1/2013 13:00	7000mm

RECOMMENDATION

That this report is received.

Michael Meehan
Planning and Environment Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting 12 February 2012
 Prepared by: Emma Chaney, Resource Science Technician
 Date: 30 January 2013
 Subject: **BATHING BEACH WATER QUALITY SAMPLING UPDATE**

The November 2012 to January 2013 contact recreation monitoring is complete, with results presented in the table below.

All samples collected for November and the first round of December were within the very low risk category. There was light rain (10-30mm) in the week prior to the second December monitoring round in Hokitika.

Heavy rain (>60mm) preceded the first January round of sampling. The elevated results measured during this time are likely to be a result of the heavy rainfall prior to sampling.

All results from the second round of January sampling were in the very low risk category.

SITE	Nov	Nov	Dec	Dec	Jan	Jan
Carters Beach at campground beach access	😊	😊	😊	😊	😊	😊
North Beach at tip head road steps	😊	😊	😊	😊	😊	😊
Buller River at Shingle Beach	😊	😊	😊	😊	😐	😊
Buller River at Marrs Beach	😊	😊	😊	😊	😞	😊
Rapahoe Beach at end of Statham St	😊	😊	😊	😊	😊	😊
Seven Mile Creek at SH6 Rapahoe	😊	😊	😊	😊	😊	😊
Nelson Ck at Swimming Hole Reserve	😊	😊	😊	😊	😐	😊
Grey River at Taylorville Swimming Hole	😊	😊	😊	😊	😞	😊
Cobden Beach at Bright South West end	😊	😊	😊	😊	😐	😊
Blaketown Beach at South Tiphead	😊	😊	😊	😊	😊	😊
Lake Brunner at Cashmere Bay Boat Ramp	😊	😊	😊	😊	😐	😊
Lake Brunner at Iveagh Bay	😊	😊	😊	😊	😊	😊
Lake Brunner at Moana	😊	😊	😊	😊	😊	😊
Karoro Beach at Surf Club	😊	😊	😊	😊	😐	😊
Hokitika Beach at Hokitika	😊	😊	😊	😐	😊	😊
Kaniere River at Kaniere Kokatahi Rd	😊	😊	😊	😊	😊	😊
Lake Mahinapua at Shanghai Bay	😊	😊	😊	😊	😊	😊

😊	Very low risk < 260 E. coli; < 140 Ent
😐	Low to moderate risk 260-550 E. coli; 140-280 Ent
😞	Moderate to high risk > 550 E. coli; > 280 Ent

Comparing the two January sampling rounds and results:

- The Buller River @ Bald Hill rain gauge recorded 112mm rain in the week prior to the first January sample being taken and 45mm in the week before the second sample.
- The Lake Brunner @ Moana raingauge recorded 160mm of rain in the week preceding the first sample (the Nelson Creek sample was taken on the same day) and 26mm in the week prior to the second sample.
- The Greymouth area recorded 31.5mm in the week prior to the first January sampling and 60mm in the week prior to the second round of sampling.

RECOMMENDATION

That this report is received.

Michael Meehan

Planning and Environment Manager

1
2
3

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting – 12 November 2012
 Prepared by: Nichola Costley – Regional Planner
 Subject: **CIVIL DEFENCE EMERGENCY MANAGEMENT**

Civil Defence Emergency Management (CDEM) Update

Emergency Management Information System Training

Training of staff has commenced on the Emergency Management Information System (EMIS). Katie Wilson, the EMIS trainer employed by the Nelson Tasman, Marlborough and West Coast CDEM Groups, provided training to approximately 55 people, including ten Regional Council staff over three days in January. Other participants came from the Grey and Westland District Councils, as well as liaison agencies including the Fire Service, Police, and St John. The sessions focused on an introduction to EMIS as well as learning the basics of messaging and tasking.

It is intended that Ms Wilson will travel to the West Coast each month and deliver further training to Council and liaison staff until the end of the financial year. Another joint bid will be made to the Resilience Fund to seek funding to continue this position on for the next financial year.

Exercise Te Ripahapa

Exercise planning continues for Exercise Te Ripahapa scheduled to take place on 29 May 2013. There has been good buy in from the agencies involved in CDEM on the West Coast including a number of Lifeline organisations. The background planning detail is now nearly complete. The objectives for the West Coast CDEM Group include:

- Activate and resource response structures:
 - Activate CDEM Group coordination arrangements.
 - Practice functional arrangements in Emergency Coordination Centre (ECC)/Emergency Operations Centres (EOC), as well as activating systems and plans within appropriate timeframes.
 - Decide and plan response actions.
- Establish and maintain communications:
 - Utilise various forms of alternative communications.
- Identify opportunities for mutual assistance and cooperation in the event of a major emergency:
 - Establish inter and intra coordination relationships between organisations within and outside of the region.
- Effective use of EMIS:
 - Use of notifications, Situation Reports (SITREPs), and Incident Action Plans (IAPs).
 - Use of EMIS to share information between West Coast CDEM organisations.
- Practice consistent management of public information:
 - Public information is developed in a timely and accurate manner, and is shared with all relevant organisations.

For this Council, specific Group ECC objectives include:

- Establish and maintain operational communications between the ECC and EOCs, and with the National Crisis Management Centre (NCMC), using multiple communications systems;
- Share appropriate information and intelligence with other EOCs, NCMC, and partner organisations/ agencies;
- Effectively use EMIS:
 - To prepare clear and concise SITREPs and IAP's;
 - To share information through the messaging function and the assignment of tasks;
- To maintain situational awareness within the ECC with all staff being aware of the 'big picture', particularly after shift handover;
- Identify future 'priority' issues likely to be caused by a significant earthquake and plan for the management of those issues.

West Coast Controllers Forum

The annual West Coast Controllers forum has been scheduled for the 13th of March 2013. All West Coast Controllers, as well as emergency services and the Chairs of the Welfare Advisory and Engineering Lifelines Groups are invited to attend a 1 day workshop. The workshop will include a keynote presentation from Jim Frater, Nelson Tasman Group Controller, regarding the series of adverse weather events over the past couple of years and how they have responded to these. Several breakout sessions have also been planned which will address topics that were raised in the findings of the Review to the Christchurch Earthquake.

RECOMMENDATION

That this report be received.

Chris Ingle
Chief Executive

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
 Prepared by: John Adams - Consents & Compliance Manager
 Date: 1 February 2013

Subject: CONSENTS MONTHLY REPORT

CONSENTS**Consents Site Visits 29 November 2012 – 31 January 2013**

DATE	NAME, ACTIVITY & LOCATION	PURPOSE
17/01/12	RC02239 – Buller Coal Ltd, Coalmining, Cascade Mine	Visited site to determine consenting requirements and need for variations.
10/01/13	RC12241 - Gold Mining (Rimu) Ltd, Surface water take, Rimu	To gain a better understanding of the waterbody from which water would be taken.
11/01/13	RC12235 - Barry Foster, Goldmining, Stafford	To access the proposed gold mining activities and to assess the monitoring points for the discharge.

Non-Notified Resource Consents Granted 29 November 2012 – 31 January 2013**CONSENT NO. & HOLDER PURPOSE OF CONSENT**

RC08152 JJ Nolan Ltd	To disturb the coastal marine area between the mouth of the Arawhata River and Mussel Point, for the purpose of extracting gravel.
RC09014 J Nolan	To disturb the bed of the Haast River associated with the construction of a rock groyne. To divert flow of the Haast River.
RC12138 Francis Mining Co Ltd	To disturb the bed of Wellman Creek for the purpose of diversion. To disturb the riparian margins of Wellman Creek associated with water diversion. To divert Wellman Creek for the purposes of overburden stacking.
RC12144 BHG Foster	To undertake earthworks associated with alluvial gold mining adjacent to Kapitea Creek within MP 54092. To undertake alluvial gold mining activities within an unnamed tributary of Kapitea Creek within MP 54092. To divert an unnamed tributary of Kapitea Creek for alluvial gold mining within MP 54092. To take and use water for alluvial gold mining activities adjacent to Kapitea Creek for mining within MP 54092. To discharge sediment-laden water to land in circumstances where it may enter groundwater, Kapitea Creek and tributaries associated with gold mining activities within MP 54092.

RC12162 Canaan Farming Ltd	<p>To discharge dairy effluent to land from a feed pad within 50m of an unnamed tributary of Lake Haupiri.</p> <p>To discharge dairy effluent from a soakage hole to groundwater near an unnamed tributary of Lake Haupiri (DS404).</p> <p>To divert an unnamed tributary of Lake Haupiri.</p>
RC12164 Madden Mining Ltd	<p>To undertake earthworks associated with alluvial gold mining near Chesterfield.</p> <p>To disturb the bed of an unnamed tributary of Sunday Creek associated with its diversion.</p> <p>To divert water of an unnamed tributary of Sunday Creek.</p> <p>To take and use water from both Sunday Creek and an unnamed tributary of Sunday Creek for alluvial gold mining.</p> <p>To take and use groundwater via seepage into a pond near Chesterfield for alluvial gold mining.</p> <p>To discharge sediment-laden water to land in circumstances where it may enter water (an unnamed tributary of Sunday Creek).</p>
RC12168 Moir Farms Maimai Ltd	<p>To discharge dairy effluent from a milking shed to land and groundwater near DS513, Mawheraiti.</p>
RC12171 New Zealand Transport Agency	<p>To disturb the bed of the Inangahua River to construct river protection works.</p> <p>To undertake earthworks and vegetation clearance both within and outside the riparian margins of the Inangahua River associated with river protection works.</p> <p>To divert water, Inangahua River.</p> <p>To discharge sediment to water associated with river protection works, Inangahua River.</p>
RC12172 Cargill Rd Barrytown Ltd	<p>To discharge dairy effluent from a milking shed to land and groundwater near DS665, Barrytown.</p>
RC12179 Rotaco Farms Ltd	<p>To disturb the bed and banks of Evans Creek to undertake channel clearance and river protection works.</p>
RC12186 G & K Colligan	<p>To undertake earthworks associated with alluvial gold mining at Marsden.</p> <p>To disturb the dry bed of the New River and Cockabulla Creek associated with alluvial gold mining at Marsden.</p> <p>To take and use surface water from the New River for alluvial gold mining.</p> <p>To take and use groundwater via seepage into a pond at Marsden for alluvial gold mining.</p> <p>To discharge sediment-laden water to land at Marsden in circumstances where it may enter water in the New River.</p>
RC12187 Solid Energy New Zealand Ltd	<p>To undertake earthworks associated with access road construction into the proposed Liverpool Mine area.</p> <p>To install a culvert in a tributary of Spring Creek.</p>

RC12188 Glacier Gold Company Ltd	To undertake earthworks associated with alluvial gold mining at Maori Gully.
	To take and use surface water from Maori Gully Creek, Waimea Creek, and their tributaries within Mining Permit 54403 for alluvial gold mining.
	To take and use groundwater via seepage into a pond at Maori Gully Creek for alluvial gold mining.
	To divert unnamed tributaries of Maori Gully Creek and Waimea Creek within Mining Permit 54403, associated with alluvial gold mining.
	To discharge sediment-laden water to land at Maori Gully in circumstances where it may enter water in Maori Gully Creek, Waimea Creek, and their tributaries within Mining Permit 54403.
RC12191 S Stack & G Swann	To occupy the Coastal Marine Area (CMA) as a result of the construction of a rock wall for erosion protection, Hector.
	To construct a rock wall for erosion protection, Hector.
	To disturb the foreshore or seabed by constructing a rock wall for erosion protection, Hector.
RC12194 G Brownlee	To discharge treated dairy effluent to land and groundwater near the Okari Lagoon (DS752).
	To discharge treated dairy effluent to the Okari Lagoon (DS752).
RC12205 T & C Bruning as the TNB Trust	To disturb the bed of the Waiho River associated with the construction of river protection.
	To divert flow of the Waiho River.
RC12206 Fulton Hogan Ltd	To undertake earthworks associated with depositing cleanfill on land at Omoto.
	To discharge waste from high pressure water cutting of roading material (including bitumen) to land at Omoto.
RC12213 New Zealand Railways Corporation trading as KiwiRail	To disturb the bed of McLaughlins Creek for the purpose of replacing Rail Bridge 13, Ngahere.
	To disturb the riparian margins of McLaughlins Creek for the purpose of replacing Rail Bridge 13, Ngahere.
	To divert water for the purpose of replacing Rail Bridge 13, Ngahere.
	The incidental discharge of sediment to McLaughlins Creek for the purpose of replacing Rail Bridge 13, Ngahere.
RC12214 Tomasi Plumbing & Drainlaying Ltd	To discharge treated sewage effluent to land from the Theatre Royal Hotel, Kumara.
RC12216 Westroads Ltd	To disturb the dry bed of the Mikonui River (SH6) for the purpose of extracting gravel.
RC12217 Exploration New Zealand Ltd	To undertake earthworks associated with alluvial gold mining at Blackwater.
	To take and use water from Blackwater Creek for alluvial goldmining at Blackwater.

RC12218 Northcroft Farming Ltd	To discharge sediment-laden water to land at Blackwater in circumstances where it may enter groundwater and surface water (Blackwater Creek). To undertake gravel extraction from the bed of the Waitangitaona River.
RC12219 New Zealand Transport Agency	To disturb the bed and banks of the Waitangitaona River to undertake river protection works. To disturb the bed of the Grey River and Griffin Creek to undertake river protection and stream training works. To undertake earthworks within and outside riparian margins associated with river protection and stream training works, Grey River and Griffin Creek. To temporarily and permanently divert water, Grey River and Griffin Creek.
RC12223 Avery Bros Ltd	To discharge sediment to water from river protection and stream training works, Grey River and Griffin Creek. To disturb the dry bed of the Mokihinui River, downstream of the SH67 road bridge for the purpose of extracting gravel.
RC12224 Department of Conservation	To undertake earthworks on slopes greater than 25 degrees and within riparian margins associated with track construction, Franz Josef and Fox Glaciers.
RC12225 The Christian Church Community Trust	To disturb the bed of Beehive Creek and the Haupiri River to undertake a creek diversion and river protection works. To divert water, Beehive Creek and the Haupiri River.
RC12227 Hands Family Trust	To discharge dairy effluent to land, groundwater/surface water (an unnamed tributary of the Nile River).
RC12229 M & D O'Brien	To discharge treated dairy effluent to a farm drain that enters Ellis Creek.
RC12237 Department of Conservation	To discharge treated sewage effluent to land from the toilet block at Goldsbrough Camping Ground.
RC12238 Westland District Council	To occupy space in the Coastal Marine Area by the construction of rock protection works, Sunset Point, Hokitika. To erect structures in the form of rock protection works, Sunset Point, Hokitika. To alter the foreshore/seabed to erect rock protection works, Sunset Point, Hokitika. To excavate and deposit natural material in the Coastal Marine Area while undertaking rock protection works, Sunset Point, Hokitika.
RC13003 Westland District Council	To disturb the bed and banks of the Arahura River to undertake river protection works.
RC13005 WL & AE Fitzgerald	To disturb the bed and banks of Blackwater and Bray Creeks to undertake river realignment works.
RC13006 Grey District Young Persons' Development Trust	To undertake earthworks within 50 metres of the coastal marine area, associated with the construction and maintenance of a BMX track at Blaketown, Greymouth.

RC13020 Westland District Council	To disturb the bed and banks of McCullouchs Creek to undertake streaming training works. To divert water in McCullouchs Creek associated with streaming training works.
--------------------------------------	--

Changes to Consent Conditions granted 29 November 2012 – 31 January 2013

CONSENT NO, HOLDER & LOCATION	PURPOSE OF CHANGE
RC98024[v2] Alluvial Mining (No 2) Ltd Dunganville	To increase the maximum disturbed area in a gold mining operation and subsequent increase in bond amount.
RC98024[v3] Blakeley Mining Ltd Dunganville	To increase the maximum disturbed area in a gold mining operation and subsequent increase in bond amount.
RC98033[v3] Westland Milk Products Hokitika River	To change the due date for annual monitoring reports.
RC00323[v20] Oceana Gold (New Zealand) Ltd Globe Progress Mine	To allow the disposal of waste in Souvenir Pit.
RC03176[v1] Westland Milk Products Between Pine and Fishermans Creek, Takutai	To change the due date for annual monitoring reports.
RC09108[v2] Francis Mining Co Ltd Echo Mine	To allow for the diversion of Wellman Creek
RC10012[v2] Westside Mining Ltd Notown	To extend the area in a gold mining operation.
RC11001[v1] Phoenix Mining Ltd Nemona State Forest	To increase the maximum disturbed area in a gold mining operation and subsequent increase in bond amount.
RC11062[v1] Linda Calder Design Consultant Ltd Omoto Valley Road	To change the type of septic tank to be installed.
RC12161[v1] Christian Church Community Trust and Canaan Farming Ltd Haupiri River	To increase the area in which riverbed works can be undertaken.

Limited Notified or Notified Resource Consents granted 29 November 2012 – 31 January 2013

CONSENT NO, HOLDER & LOCATION	PURPOSE OF CHANGE
RC10221 Ashley Smith	To discharge asbestos contaminated waste to land by burial, Mokihiui.
RC12125 Grey District Council	To discharge treated sewage waste water to the Grey River. To discharge contaminants (odour) to air from a wastewater treatment plant.

Notified Consents Updates

Grey District Council has appealed the decision on the air discharge from the proposed sewage treatment plant at Preston Road, Greymouth. They are seeking changes to some of the consent conditions. No other appeals have been received and the appeal period has now closed.

The Environment Court has signed off the consent order for the Trustpower Kaniere consents as negotiated among the parties to the appeal. Trustpower are now considering the implementation phase of this project.

RECOMMENDATION

That the February 2013 report of the Consents Group be received.

John Adams
Consents & Compliance Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
 Prepared by: Jackie Adams – Consents & Compliance Manager
 Date: 30 January 2013
 Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

Site Visits

A total of 106 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	10
Dairy farm inspections	58
Mining compliance & bond release	38

These totals include 22 visits in response to complaints. Out of the 106 site visits for the reporting period, 76 were compliant and 40 were non-compliant (includes both minor and significant non-compliances). To date enforcement action has been undertaken on 5 non-compliances.

Specific Issues

Dairy farms: 58 dairy sheds were inspected during the reporting period.

Dairy farm monitoring is well underway over the wider region; plus a staged implementation of the new rules in the Lake Brunner catchment also occurring. The dairy team is looking closely into the maintenance of pond systems and potential discharges to groundwater. Some un-consented activities have been given time frames to gain consent. A number of Lake Brunner farmers have non-compliant stock crossings and have signed agreements setting reasonable timeframes to resolve these issues.

Solid Energy New Zealand Limited – Stockton Coal Mine: An infringement notice was issued to Stockton Alliance for breach of a compliance limit for turbidity at Mine Creek monitoring point S6. The company had been warned previously for breaches at this site. The company also received a formal warning for breach of a compliance limit for turbidity at monitoring site S16.

Complaints/Incidents between 29 November 2012 and 29 January 2013

The following 34 complaints/incidents were received during the two month reporting period:

Activity	Description	Location	Action/Outcome
Sediment discharge	Complaint that Bradshaw's Creek was discoloured with sediment.	Westport	Site visit carried out and unable to locate the source of the discharge.
Sediment discharge	Complaint that Waimea Creek is discoloured with sediment.	Awatuna	Site visit carried out and the complaint was unsubstantiated.
Forestry	Complaint that Coal Creek was running discoloured with sediment.	Kaniere	Site visit carried out and established that the discharge was the result of a logging operation. Enquiries are on going.
Gold Mining	Complaint that a creek is running discoloured with sediment.	Notown	Site visit carried out and enforcement action undertaken.
Coal Mining	SENZ report that they have had a small diesel spill to land at their Reddale site.	Reefton	Spill contained and mitigated by Solid Energy.

Activity	Description	Location	Action/Outcome
Coal Mining	Discharge of sediment contaminated water to a creek.	Denniston	Site visit carried out and enforcement action undertaken.
White Bait Stand	Failure to remove the stand at the end of the season	South Westland	Enforcement action undertaken
White Bait Stand	Failure to remove the stand at the end of the season	South Westland	Enforcement action undertaken
White Bait Stand	Failure to remove the stand at the end of the season.	South Westland	Enforcement action undertaken.
White Bait Stand	Failure to remove the stand at the end of the season.	South Westland	Enforcement action undertaken.
White Bait Stand	Failure to remove the stand at the end of the season	South Westland	Enforcement action undertaken.
Gold Mining	Complaint regarding a creek running discoloured with sediment.	Hokitika	Site visit was carried out and established that a bund had given way overnight and was repaired by the operator when it was discovered. Enforcement action was undertaken.
Dust Discharge	Complaint regarding the discharge of dust from a clean fill operation.	Greymouth	Site visit undertaken. The operator was required to mitigate the dust on the site.
White Bait Stand	Failure to remove the stand at the end of the season.	Buller	Enforcement action undertaken.
White Bait Stand	Failure to remove the stand at the end of the season.	Buller	Enforcement action undertaken.
White Bait Stand	Failure to remove the stand at the end of the season.	Buller	Enforcement action undertaken.
Coal Mining	Complaint that a creek is running discoloured from coal fines.	Rapahoe	Site visit carried out and the complaint was unsubstantiated.
Gold Mining	Complaint that sediment from a mining operation has been discharged into the river	Buller Gorge	Site visit undertaken. Enforcement action undertaken.
Discharge to Air	Complaint that the odour from the WDC treatment ponds is offensive.	Hokitika	The issue is ongoing and WDC are trying to rectify the problem.
Flood protection	Complaint that unauthorized flood protection work was being undertaken.	Kokatahi	Site visit carried out. The work was reinstating the river bank after flood damage and was compliant with the relevant rule.
Storm water discharge	Complaint that storm water off a neighbouring property is causing flooding.	Inangahua	Enquiries are on going.

Activity	Description	Location	Action/Outcome
Forestry	Complaint that a creek is running dirty as a result of a logging operation.	Kaniere	The site was visited and water samples of the discharge were taken. Enquiries are on going.
Storm water discharge	Complaint alleging that work undertaken on a neighbouring property may cause flooding to the complainant's property.	Karamea	Enquiries are ongoing.
Coal Mining	Complaint that a creek is running discoloured with sediment and coal fines.	Reefton	It was established that after heavy rain a slope at a non operational site had slipped into the creek. Mitigation work was carried out.
Discharge to water	Complaint that a creek has an oily sheen on the water.	Greymouth	Site was visited and unable to substantiate the complaint.
Discharge to water	Complaint that material from a sand blasting operation has been discharged to the river	Taramakau	Site was visited and enforcement action undertaken.
Forestry	Complaint that a landowner has fallen trees into a creek.	Atarau	Site was visited and the land owner contacted to remedy the situation.
Discharge to water	Complaint that Ford Creek was running red/pink.	Blackball	The site was visited and the discharge was from a slip above an access road made up of a red material.
Sediment Discharge	Complaint that sediment has been discharged to a creek	Fairdown	Enquiries are ongoing
Sediment deposition	Complaint that material from a mine operation has been deposited onto a farm property during a flood event.	Buller Gorge	Mining operation was visited and the complaint was unsubstantiated.
Discharge to water	Westland Milk Products reported that they have had a spill of edible oil which has gone into the Hokitika River.	Hokitika	WMP put out spill equipment to contain and recover the oil. A site visit was carried out however no action was required to be taken by the Council.
Discharge to land	Complaint that a drum was leaking oil near the Blaketown Lagoon.	Greymouth	Port staff were notified and it was cleaned up and removed
Sediment Discharge	Complaint that a creek was discoloured with sediment.	Paroa	Enquiries established that a drain was being cleaned out. The operator was given advice to prevent further discharges
Effluent Discharge	Complaint that a creek is discoloured with effluent.	Inangahua	Enquiries are continuing

Formal Enforcement Action

The following 19 infringement notices were issued during the two month reporting period:

Activity	Location
Unauthorised structure on the bed of a watercourse	Paringa
Unauthorised structure on the bed of a watercourse	Okuru
Unauthorised structure on the bed of a watercourse	Arawhata
Unauthorised structure on the bed of a watercourse	Arawhata
Unauthorised structure on the bed of a watercourse	Arawhata
Unauthorised discharge of sediment to land where it entered water	Blue Spur
Unauthorised discharge of sediment to land where it entered water (2)	Notown
Unauthorised structure on the bed of a watercourse	Mokihinui
Unauthorised structure on the bed of a watercourse	Orowaiti
Unauthorised structure on the bed of a watercourse	Orowaiti
Unauthorised discharge of contaminant to water	Taramakau
Unauthorised discharge of dairy effluent	Te Kinga
Breach of an abatement notice	Te Kinga
Unauthorised discharge of sediment to water	Buller Gorge
Unauthorised discharge of sediment to land where it entered water	Stockton
Unauthorised discharge of sediment to land where it entered water (3)	Denniston

Four abatement notices were served during the two month reporting period:

Activity	Location
Unauthorised disposal of animal carcasses to land	Karamea
Unauthorised discharge of contaminants	Denniston
Unauthorised discharge of sediment	Notown
Unauthorised discharge of contaminants to water	Taramakau

One formal warning was also issued to Stockton Alliance for the discharge of sediment where it breached Resource Consent conditions.

MINING

Work Programmes

The Council received the following ten work programmes during the last reporting period, with nine programmes being processed in the 20 day timeframe.

Date	Mining Authorisation	Holder	Location
29/11/12	RC11145	Astral Mining Ltd	Cariboo
3/12/12	RC12126	Leslie Smith	Mawheraiti
4/12/12	RC09037	Dave Russ	Waimea
18/12/12	RC10012	Westside Mining Ltd	Notown
19/12/12	RC12144	Barry Foster	Kapitea
7/1/13	CML37160	Solid Energy NZ	Island Block
7/1/13	RC10217	Solid Energy NZ	Reddale
9/1/13	RC12164	Madden Mining Ltd	Waimea
10/1/13	RC98005	Titan Resources Ltd	Bell Hill
24/1/13	RC12027	Michael Christansen	Buller River

The following bonds were received during the reporting period:

Mining Authorisation	Holder	Location	Amount
RC12144	Barry Foster	Kapitea	\$16,000
RC98024	Blakely Mining Ltd	Woods Creek	\$90,000
RC12217	Exploration New Zealand Ltd	Blackwater	\$6,000
RC12126	Leslie Smith	Mawheraiti	\$6,000

The following bond is recommended for release as Compliance staff have received a replacement bond sum:

Mining Authorisation	Holder	Location	Amount
RC09084	Peter Morrison	Blue Spur	\$20,000

RECOMMENDATION

1. *That the February 2013 report of the Compliance Group be received.*
2. *That Council release the bonds held for resource consent RC09084.*

John Adams
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, 12th February 2013** commencing on completion of the Resource Management Committee Meeting.

A.R. SCARLETT
CHAIRPERSON

C. INGLE
CHIEF EXECUTIVE OFFICER

<u>AGENDA NUMBER S</u>	<u>PAGE NUMBERS</u>	<u>BUSINESS</u>
1.		APOLOGIES
2.		PUBLIC FORUM
3.		MINUTES
	1-4	3.1 Minutes of Council Meeting 11 December 2012
4.		REPORTS
	5-8	4.1 Planning & Environmental Manager's Report on Engineering Operations
	9-11	4.2 Corporate Services Manager's Report
5.	12-19	CHIEF EXECUTIVE'S REPORT
6.	20	CHAIRMAN'S REPORT
7.		GENERAL BUSINESS

THE WEST COAST REGIONAL COUNCIL**MINUTES OF THE MEETING OF THE COUNCIL HELD ON 11 DECEMBER 2012,
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOUTH,
COMMENCING AT 11.28 A.M.****PRESENT:**

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

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), R. Mallinson (Corporate Services Manager), J. Adams (Consents & Compliance Manager), M. Meehan (Planning & Environmental Manager), T. Jellyman (Minutes Clerk)

1. APOLOGIES:

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3. CONFIRMATION OF MINUTES

Moved (Archer / Birchfield) *that the minutes of the Council Meeting dated 12 November 2012, be confirmed as correct with the correction made as below.*

Carried

Cr Chinn asked that a correction be made to the minutes. He had asked the question "is the rock for the Wanganui job coming off the gold claim", not if the rock in the Wanganui quarry is coming off the gold claim.

Matters arising

There were no matters arising.

REPORTS:**4.1 ENGINEERING OPERATIONS REPORT**

M. Meehan spoke to this report and advised that work has been completed in the Taramakau, Wanganui, Whataroa and Punakaiki rating districts. M. Meehan drew attention to the quarry report and advised that a contractor has partially used the emergency stockpile of rock in the Whataroa quarry. M. Meehan advised that internal changes have been put in place to avoid a repeat of this.

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

Carried

4.1.2 RATING DISTRICT LIAISON MEETINGS REPORT

M. Meehan spoke to this report and advised that all the annual meetings for council's rating districts have been completed. He advised that the minutes from these meetings are attached to the report. There are two recommendations made by the liaison committees to council that management would like council to reconsider and to go with the staff recommendations. M. Meehan advised that the Southside rating district had recommended that there is a nil rate strike for the 2013 / 14 financial year. He advised that traditionally this rating district alternates between a zero and \$2500 rate each year. M. Meehan advised

that by setting the rate at \$1250 each year would allow the rating district to rate consistently and not fluctuate between the zero and \$2500 rate. M. Meehan advised that at its meeting the Coal Creek Rating District recommended at \$10,000 rate strike for the 2013 / 14 year. M. Meehan advised that the rating district has recently upgraded its stopbank at a cost of \$135,000 and there will be maintenance required on the stopbank and the \$10,000 rate strike is too low and needs to be increased to \$15,000 to cover maintenance costs. Cr Scarlett asked Crs Chinn and Davidson for their opinions on the Southside rating district rate strike. Cr Chinn feels that sometimes people new to the rating district do not understand why some years there is a zero rate strike and other years it is quite high. Cr Chinn feels that by having a consistent rate strike this will allow for a more even playing field for everyone. Cr Davidson stated that the rate strike for Southside has always been contentious as the residents never wanted a rating district. He stated that NZTA pay 50% of the maintenance and the core people that attend the meeting do not want to have their money sitting in someone else's bank account. C. Ingle said he is happy to respect this but suggested that it would be good not have the big ups and downs with the rate strike. He suggested a target balance for the rate district account of \$2000 and a system that does not allow the account to get below zero. Cr Scarlett asked Crs Chinn and Davidson if they are happy with this decision. Both Councillors agreed that a target balance is a good and fair idea.

Cr Scarlett asked Crs Birchfield, Robb and Cummings how they felt about the rate strike for the Coal Creek Rating District. Cr Birchfield stated that he chaired this meeting and advised that he is happy with the recommendation to increase the rate strike. He stated that he was not happy after the meeting with the attitude of members of this rating district. Cr Birchfield stated that the stopbank has a lot of pressure on it and council needs to make sure that it is maintained properly and that there is money in the rating district account for the maintenance. Cr Cummings agrees with the \$15,000 rate strike. Cr Robb stated that this rating district's rate strike fluctuates as well. Cr Robb stated that one of the problems is that new people come in and they don't realise that there is a rate on their property. He feels that the rating district needs to get into the habit of rating a regular rate strike.

Cr Archer stated that he feels a review of the rating district liaison meetings is very timely in view of the changes that are needed following some of the decisions made at these meetings. Cr Scarlett stated that the need for council to reset a rate is not a common occurrence. C. Ingle advised that the way forward will be to break the meeting agendas into two sections with one being the maintenance of existing structures, with the default position being that it must be properly funded using an average of the last ten years rate and it is just maintenance and is non-negotiable. The second section of the agenda would be any proposed new works, which could require the ratepayer's views on affordability and whether or not that level of protection is required. C. Ingle advised if it is new work or new capital investment is required then this is where the discussion should be. C. Ingle stated that maintenance is the council's job and if maintenance needs to be done then council decides on the correct level of rating required to maintain its structures. Cr Davidson agreed with this and stated that rating districts should be informed of council's intention as it is not always about money. Cr Robb stated that one of the issues is that when a lot of the original rating districts were set up there has since been a huge change in people who are now involved in these rating districts. Cr Robb stated that some of the newcomers don't really understand the purpose of rating districts. Cr Robb feels that people need to realise that council is here to protect the asset that is in place. C. Ingle advised that he and M. Meehan are looking at how other councils in other regions manage rating districts. Discussion ensued and it was agreed that this matter would be looked at carefully.

Moved (Robb / Chinn)

1. *That the report is received.*
2. *The Southside Hokitika Rating District rate for 2013/14 year is set at \$1,250.*
3. *The Coal Creek Rating District rate for 2013/14 year is set at \$15,000.*

Carried

4.2 CORPORATE SERVICES MANAGER'S REPORT

R. Mallinson spoke to this report and advised that a huge amount of his time over the past month has been spent on getting the new financial software platform up and running. He advised that this went live on the 12th of November. R. Mallinson apologised for his normal monthly financial routine being disrupted. R. Mallinson reported that the investment portfolio returned \$617,000 for the four month period which is far in excess of what was budgeted. R. Mallinson reported that the surplus for the four month period was \$635,000 compared to a budgeted figure of just under \$300,000. R. Mallinson advised that quarries are operating profitably and the VCS Business Unit is returning good solid profits. He advised that there are

minor negative budget variances in the general rate funded area. R. Mallinson stated that this is a very good financial result for the four months to the end of October. R. Mallinson reported that up until the end of October 26 loans for the Warm West Coast Scheme involving total council funding of \$111,000. He stated that this scheme is slowly gathering pace.

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

Carried

4.2.1 AUDIT NZ REPORT FOR THE YEAR TO 30 JUNE 2012

The Chairman welcomed Mr Mackey to the meeting and advised that last time he visited Council he spoke about most of the issues that were going to be in the Management Report. Mr Mackey highlighted a few matters and answered various questions from Councillors.

Moved (Robb / Birchfield) *that the Report from Audit NZ be received.*

Carried

4.2.2 FOUR MONTH REVIEW – 1 JULY 2012 – 31 OCTOBER 2012

R. Mallinson spoke to this report. He drew attention to a mistake relating to Councillor meeting attendance and advised that Cr Archer attended four out of four meetings (100% attendance) and not three out of four, which was incorrectly reported. Cr Robb attended three out of four meetings and not four out of four meetings.

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

Carried

4.2.3 SCHEDULE OF MEETING DATES FOR 2013

R. Mallinson spoke to this report. It was agreed that the dates up until September would be accepted but the November and December meeting dates would be set following the triennial meeting. There will be no October meeting as this is the month that the election is due to be held.

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

Carried

5.0 CHIEF EXECUTIVE'S REPORT

C. Ingle reported that he attended the IRIS Governance Board meeting in Wellington on the 29th of November. C. Ingle advised that he has been appointed as a Director on this Board. C. Ingle reported that the IRIS software is scheduled to be rolled out early in the New Year. He stated that the software is looking like a very good product and other councils are now looking at buying into this which would keep our costs down even further.

C. Ingle reported that he attended the Regional Sector Group meeting on the 30th of November in Wellington. He advised that there is quite a lot happening with regard to the RMA changes. C. Ingle advised that the Mayors and Chairs Forum was held yesterday. He stated that the way Civil Defence is managed was discussed at this meeting and consideration is being given to changing the structure for Civil Defence but this is in the conceptual stages at the moment.

C. Ingle read out the new part B purpose statement for local government. It reads:

"To meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses". He stated that all of Council's decision making from now on needs to be framed in terms of this new purpose. Cr Scarlett feels that this statement goes without saying. C. Ingle drew attention to Appendix 1 which outlines key new provisions in the new Local Government Act and advised that our submission relating to reorganisation may have had some impact with the time being increased to collect petitions to three months and 10% of electors from any one of the districts rather than across the whole area. He advised that our concern was that this could turn out to be an undemocratic process. Cr Archer asked what this means should a regional council decide to go through the process to become an unitary authority. C. Ingle advised that all is required is to do is to convince the Local Government Commission that there is demonstrable community support exists in each district for your proposal. If people are opposed to

your proposal all that is required is to collect 10% of ratepayers signatures, within that district, to force a referendum. Cr Scarlett advised that he canvassed this matter yesterday at the Mayors and Chairs Forum and there was no live proposal for a unitary council in this region at this time from any of the Mayors. C. Ingle reported that the rules around Ministerial Intervention have also been changed. C. Ingle advised that this is only phase 1 and phase 2 is currently being worked through with the Efficiency Taskforce, the Productivity Commission and the Infrastructure Efficiency Expert Advisory Group all providing advice to government in the first half of next year. C. Ingle reported that the Regional Council Sector has good people involved in all three of these areas.

C. Ingle reported that he has formed a new staff group focusing on Lake Brunner. He stated that now that the Land and Water Plan is beyond appeal, for Lake Brunner changes, this staff group will now be able to start transitioning the farmers in this catchment to the new regime. C. Ingle advised that he has written to these farmers to explain the timing of the changes and to get agreements on transition times for stock crossings. He advised that during winter 2013 work will be done with some farmers who need consents for their bridges and culverts for stock crossings. C. Ingle advised that farm plans these will be done first. C. Ingle advised that staff from all departments are involved with this group to ensure consistency.

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

Carried

6.0 CHAIRMANS REPORT (VERBAL)

Cr Scarlett reported that on the 6th of November he attended a meeting with Minister Heatley to discuss the Government’s policy on petroleum blocks and how the Government is going to manage this. Cr Scarlett stated that it is believed that New Zealand has quite a potential for petroleum and the petroleum blocks will be tendered on a yearly basis. Cr Scarlett stated that there are quite a lot of blocks and there is work being done in the Great South Basin and these are also some blocks around the Murchison area.

Cr Scarlett stated that he also attended the Mayors and Chairs forum yesterday. He stated that the possible changes to Civil Defence would be discussed at the next forum in three months time.

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

Carried

7.0 GENERAL BUSINESS

R. Mallinson asked Councillors to consider the matter regarding the survey from the Remuneration Authority. He stated this survey relates to how much time councilors spend on council business throughout the year. R. Mallinson advised that he has received a response from Cr Robb and Cr Archer only, and the response is due on the 14th of December. Cr Chinn stated that he has his response with him. Cr Scarlett stated that this is a pretty good response rate. R. Mallinson advised that he would factor in Cr Chinn’s response and send this off to the Remuneration Authority.

The meeting closed at 12.35 p.m.

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 12 February 2013
 Prepared by: W. Moen – River Engineer and Paulette Birchfield – Engineering Officer
 Date: 30 January 2013
 Subject: **ENGINEERING OPERATIONS REPORT**

RIVER AND DRAINAGE INSPECTIONS

- Kaniere RD – Inspection
- Taramakau RD – Inspection
- Hokitika River – G. Burden – Inspection
- Kokatahi River – S. Staples – Inspection
- Rimu Township – E. Simpson – Flooding Inspection
- Hokitika River – R. Eckersley – Flooding Inspection
- Otira River – E. Evans – Inspection
- Karamea RD – Inspection
- Granite Creek – G. Johnston - Inspection
- Nelson Creek RD -Inspection
- Lower Waiho RD – Inspection
- Whataroa River – Sylands Ltd – Compliance Inspection

AERIAL FLOOD INSPECTION

As detailed in the hydrology report a major flood occurred on 1-2 January 2013. It resulted in the northern approach of the State Highway Bridge over the Wanganui River to be washed out, over a distance of approximately 80 metres.

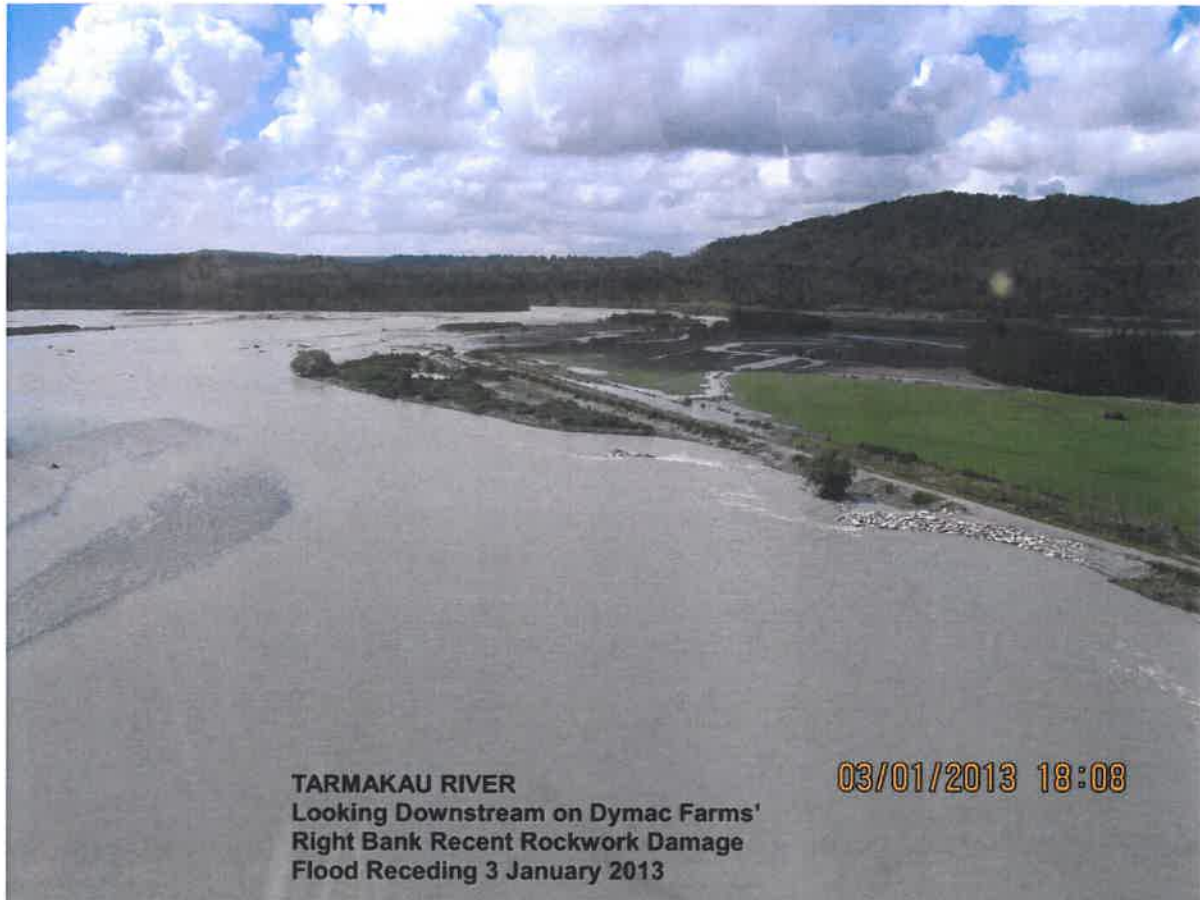
Council undertook an aerial survey of all major river systems between Greymouth and Franz Josef was carried out on 3 January 2013.

The following results were noted:

- Taramakau River at Settlement – minor damage along stopbank, medium damage to lower area (Dymac Farms).
- Hokitika River at Southside – No damage sustained
- Hokitika River at Kaniere – Some erosion of river bank, but no damage to infrastructure.
- Hokitika River at Kowhitirangi – No damage sustained.
- Wanganui River –No damage to Council infrastructure
- Whataroa River – No damage to Council infrastructure.
- Waitangitaona River – No damage to Council infrastructure.
- Waiho River - No damage to Lower Waiho or Canavans Knob RD infrastructure, medium damage on the lower end of the right bank Church stopbank and some minor damage on the left bank Camping Ground stopbank.

Damage to Council's assets was minimal given the severity of the flooding experienced during the last reporting period. Repair work will be undertaken to ensure the assets are back to their full function.





WORKS COMPLETED AND WORKS TENDERED FOR

Taramakau Rating District – Dymac Farms – Flood Damage

This work involving 2,916 tonnes of rock has been completed by Westland Contractors Ltd. at \$36,275.04 (G.S.T. Exclusive)

Wanganui Rating District

This work involving 710 tonnes of rock has been completed by Westland Contractors Ltd. at a cost of \$9,108 (G.S.T. Exclusive)

Karamea Rating District

This work involving 420 tonnes of rock has been completed by S.M. Lowe Contracting Ltd. at a cost of \$10,920 (G.S.T. Exclusive)

Lower Waiho Rating District

This work involving 1,026 tonnes of rock has been completed by G.H. Foster Contracting Ltd. at a cost of \$24,090.48 (G.S.T. Exclusive)

Nelson Creek Rating District

This work involving 750 cubic metres of compacted hardfill and 604 tonnes of rock has been completed by MBD Contracting Ltd. at a cost of \$12,614 (G.S.T. Exclusive)

FUTURE WORKS

- Inchbonnie Rating District
- Franz Josef Rating District
- Karamea Rating District
- Vine Creek Rating District
- Redjacks Creek Rating District
- Taramakau Rating District

QUARRIESQuarry Work Permitted from 22 November 2012

Quarry	Contractor	Tonnage Requested	Permit Start	Permit Finish
Whataroa	GH Foster Contracting	1,026	17 December	24 December
Whataroa	Ferguson Brothers Ltd (SICON)	5,000	7 January	28 January

Approximate rock in quarry as at 22 January 2013 (in tonnes)

Quarry	Rock Available	Emergency Stockpile
Blackball	2,300	
Camelback	6,500	2,000
Inchbonnie	3,000	
Kiwi	2,500	-
Whataroa	1,000	2,000
Okuru	1,500	-

RECOMMENDATION

That the report is received

Michael Meehan
Planning and Environment Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting
 Prepared by: Robert Mallinson – Corporate Services Manager
 Date: 1 February 2013

1. Financial Report

FOR THE SIX MONTHS ENDED 31 DECEMBER 2012	ACTUAL	YEAR TO DATE BUDGET	ACTUAL % ANNUAL BUDGET	ANNUAL BUDGET
REVENUES				
General Rates	1,013,688	1,010,000	50%	2,020,000
Rates Penalties	43,643	35,000	62%	70,000
Investment Income	799,552	482,250	83%	964,500
Resource Management	616,384	569,600	57%	1,073,500
Regional Land Transport	30,739	43,750	35%	87,500
Emergency Management	36,338	36,000	50%	72,000
River, Drainage, Coastal Protection	776,645	627,531	62%	1,255,061
Regional % Share Controls	326,290	325,000	50%	650,000
VCS Business Unit	2,300,900	997,625	115%	1,995,250
	5,944,179	4,126,756	73%	8,187,811
EXPENDITURE				
Governance	180,378	191,756	47%	383,511
Resource Management	1,500,261	1,337,448	56%	2,674,895
Regional land Transport	64,108	75,427	42%	150,854
Hydrology & Floodwarning Services	212,000	199,413	53%	398,825
Emergency Management	72,041	67,093	54%	134,185
River, Drainage, Coastal Protection	759,973	631,083	60%	1,262,165
Regional % Share Controls	433,543	443,572	49%	887,144
VCS Business Unit	1,912,878	747,625	128%	1,495,250
Roofing contract	35,520			
Portfolio Management	30,988	30,000	52%	60,000
	5,201,690	3,723,415	70%	7,446,829
SURPLUS / (DEFICIT)	742,489	403,341		740,982

BREAKDOWN OF SURPLUS (-DEFICIT)	Variance Actual V Budgeted YTD	ACTUAL	BUDGET Year to date	ANNUAL BUDGET
Rating Districts	-11,808	106,910	118,718	237,436
Quarries	17,167	16,333	-834	-1,668
Regional % Share of AHB Programmes	11,319	-107,253	-118,572	-237,144
Investment Income	316,314	768,564	452,250	904,500
VCS Business Unit	138,022	388,022	250,000	500,000
General Rates Funded Activities	-96,346	-394,567	-298,221	-662,142
Other	-35,520	-35,520	0	0
TOTAL	339,148	742,489	403,341	740,982

Net Contributors to General Rates Funded Surplus (-Deficit)	Net Variance Actual V YTD	Actual	Budget ytd	Annual Plan
Rates	3,688	1,013,688	1,010,000	2,020,000
Rates Penalties	8,643	43,643	35,000	70,000
Representation	11,377	-180,378	-191,756	-383,511
Resource Management	-116,030	-883,877	-767,848	-1,601,395
Planning Activities	-1,692	-33,369	-31,677	-63,354
River, Drainage, Coastal Protection	14,865	-106,571	-121,436	-242,872
Hydrology & Floodwarning	-12,588	-212,000	-199,413	-398,825
Emergency Management	-4,611	-35,703	-31,093	-62,185
	-96,346	-394,567	-298,221	-662,142

STATEMENT OF FINANCIAL POSITION @ 31 DECEMBER 2012

	@ 31/12/2012	@ 30/06/2012
<u>CURRENT ASSETS</u>		
Cash	-278,965	71,191
Deposit - Westpac	0	0
Accounts Receivable - Rates	-245,441	284,961
Accounts Receivable - General Debtors	332,083	1,178,808
Prepayments	174,136	94,431
Sundry Receivables	393,102	146,660
Stock - VCS	37,554	592,585
Stock - Rock	569,691	436,302
Stock - Office Supplies	14,740	14,740
Accrued Rates Revenue	0	0
Unbilled Revenue	416,406	264,683
	<hr/>	<hr/>
	1,413,307	3,084,361
<u>Non Current Assets</u>		
Investments	11,884,272	11,674,353
MED & DOC Bonds	31,651	31,651
Investments-Catastrophe Fund	609,346	569,713
Warm West Coast Loans	85,478	
Fixed Assets	4,636,012	4,452,535
Infrastructural Assets	49,180,358	49,180,358
	<hr/>	<hr/>
	66,427,116	65,908,610
<u>TOTAL ASSETS</u>		
	<hr/>	<hr/>
	67,840,423	68,992,971
<hr/>		
<u>CURRENT LIABILITIES</u>		
Bank Short Term Loan	500,000	857,000
Accounts Payable	306,425	951,396
GST	-66,867	0
Deposits and Bonds	491,873	460,645
Sundry Payables	334,099	545,161
Accrued Annual Leave, Payroll	305,636	324,032
Other Revenue in Advance		495,790
Rates Revenue in Advance		53,627
	<hr/>	<hr/>
	1,871,166	3,687,651
<u>NON CURRENT LIABILITIES</u>		
Future Quarry restoration	70,000	70,000
Greymouth Floodwall	1,962,788	1,993,267
Inchbonnie	56,307	64,423
Punakaiki Loan	145,909	167,654
Office Equipment Leases	3,458	21,669
	<hr/>	<hr/>
	2,238,462	2,317,013
<u>TOTAL LIABILITIES</u>		
	<hr/>	<hr/>
	4,109,628	6,004,664
<u>EQUITY</u>		
Ratepayers Equity	18,956,757	19,004,722
	742,489	
Rating Districts Equity	1,311,096	1,263,132
Tb Special Rate Balance	39,344	39,344
Revaluation	32,295,638	32,295,638
Quarry Account	338,758	338,758
Catastrophe Fund	569,713	569,713
Investment Growth Reserve	9,477,000	9,477,000
	<hr/>	<hr/>
TOTAL EQUITY	63,730,795	62,988,307
<u>LIABILITIES & EQUITY</u>		
	<hr/>	<hr/>
	67,840,423	68,992,971

2. Investment Portfolio

		Westpac Investment Funds			FB Ltd	(from 30/9/12) Major Portfolio	Term Deposit	Total income
		Catastrophe Fund (Conservative Port)	General fund (moderate Portfolio)					
		opening balance	\$ 569,711	\$ 884,100	\$ 10,740,252			
income/loss	July 12 }							
	Aug 12 }							
	Sep 12 }	\$ 25,114	\$ 37,755	\$ 474,951			\$ 537,820	
	Oct 12	\$ 6,717	\$ 6,939		\$ 66,069		\$ 79,725	
	Nov 12	\$ 4,214	\$ 4,534		\$ 80,057		\$ 88,805	
	Dec 12	\$ 3,589	\$ 4,111		\$ 84,029	\$ 1,473	\$ 93,202	
	Jan 13						\$ -	
	Feb 13						\$ -	
	Mar 13						\$ -	
	Apr 13						\$ -	
	May 13						\$ -	
	Jun 13						\$ -	
Withdrawals	Aug 12		-\$ 350,000	-\$ 200,000			\$ -	
			\$ 609,346	\$ 587,439	\$ -	\$ 11,246,830	\$ 799,551	
						Conservative	\$ 39,634	
						Moderate	\$ 53,339	
						Major portfolio	\$ 706,578	
							\$ 799,551	

2. General Comment

The surplus for the six months to 31 December 2012 was \$742,000 compared to the budgeted \$403,000.

The Investment Portfolios continue to perform well, with returns amounting to almost \$800,000 for the period.

3. Warm West Coast Scheme

Total funding of \$161,946 including GST has been allocated to 37 ratepayers as part of the new Warm West Coast Voluntary Rate Loan Scheme. Locations of the loans are shown below:

Reefton	8
Westport	4
Hokitika	5
Greymouth	14
Other	6
Total	37

RECOMMENDATION

That this report be received.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting 12 February 2013
Prepared by: Chris Ingle – Chief Executive
Date: 1 February 2013

Subject: **CHIEF EXECUTIVES REPORT**

Meetings Attended

The key meetings I have attended since my last report include:

- Met with Civica regarding the Council's financial software upgrade on 12 December.
- Met with Animal Health Board management on 18 January regarding staff transitioning.
- Hosted the Civil Defence Group Controllers meeting on 21 January.
- Attended the Society of Local Government Manager's Blenheim Colloquium on 25 and 26 January.

Annual Leave

I took three weeks annual leave from 24 December to 18 January.

Productivity Commission's Latest Report on Local Regulation

Council submitted on the Productivity Commission's Inquiry into Local Government Regulatory Performance in September. The Commission has now released a comprehensive draft report titled "towards better local regulation". The report's findings are attached.

The report notes, amongst other things, that there is a tendency in central government to (incorrectly) view councils as simply operational arms of central agencies – subservient organisations that must be responsive to the instructions of the Minister. Local authorities on the other hand view themselves as largely autonomous organisations that have their own funding base and whose leaders are elected by, and accountable to, their local constituents.

This causes confusion and frustration, which can have implications for the design and implementation of regulations – particularly where the interests of local authorities do not align with the broader objectives of central government regulation.

The Commission found a number of shortcomings in the way regulations are made at the central level – these including a lack of implementation analysis, poor consultation and weak lines of accountability.

These shortcomings were reflected in the Commission survey of local government which illustrated a strong belief within the sector that central government neither understands, nor adequately considers, the impacts of new regulatory functions it assigns to councils. This can reduce the flexibility of councils to allocate their internal resources and in doing so can draw resources away from areas with higher value to local communities.

RECOMMENDATION

That this report be received.

Chris Ingle
Chief Executive

Findings and recommendations

The full set of findings and recommendations from the report are below.

Findings

Chapter 2 – Local government in New Zealand

F2.1

The level of tension between central and local government about their respective roles may now be at a level that is unhealthy and could undermine the development and performance of regulatory functions.

F2.2

It is important to be clear about the constitutional place of local authorities and, in particular, about the relationship between local and central government, because these matters will determine what options for the design of the regulatory system are feasible and appropriate.

F2.3

Contrary to common perceptions, almost all regulations made or administered by local authorities are undertaken on the direction of central government, or are necessary for carrying out their duties under Acts of Parliament.

Chapter 3 – Diversity across local authorities

F3.1

New Zealand's national population is projected to grow over the next 25 years, but almost half of New Zealand's TA areas are expected to decline in population over this period.

F3.2

Differences in demography, labour markets and local incomes across New Zealand's local authorities may drive different regulatory needs and capacity at the local government level.

F3.3

Physical endowments vary across New Zealand's TAs, as does industrial activity. Employment data indicate a pattern of larger hub TAs, which tend to have fuller suites of industries, along with a larger number of more specialised smaller authorities.

F3.4

Greater industrial specialisation in smaller TAs suggests more specific regulatory needs in smaller authorities. This provides one explanation for variation in regulatory activity across New Zealand's TAs.

F3.5

New Zealand's TAs have had mixed employment growth experiences. Employment growth has been steadier in larger TAs, while varying significantly across smaller TAs.

F3.6

Local variation likely drives different regulatory approaches. Part of this variation in regulatory approach appears to be differing interpretations of local government's role in promoting economic growth.

F3.7

The appropriate role of local government in fulfilling its mandate to pursue economic growth has been left unclear by central government.

Chapter 4 – Allocating regulatory responsibilities

F4.1

Better regulatory decisions will be made, and overall wellbeing improved, when those who bear the costs and benefits from the regulation have representation in the jurisdiction making the decision.

F4.2

If there are spillover effects, better regulatory decisions will be made if the costs and benefits that are borne by those outside the decision making jurisdiction are taken into account.

F4.3

There are advantages from local decision making if preferences are heterogeneous because local governments are better at aligning local preferences than central governments, but where preferences are more homogenous across the country, there may be advantages from reducing the effort and cost of multiple decision makers.

F4.4

When allocating regulatory responsibilities, consideration should be given to what level of government has, or can most efficiently obtain, the relevant information needed for effective decision making and implementation.

F4.5

When allocating regulatory responsibilities, consideration should be given to the capabilities required of the role and the existence and quality of governance and accountability arrangements within the jurisdiction tasked with the role.

F4.6

Good regulatory outcomes are more likely to be achieved when there is clarity of role and coordination between levels of government responsible for standard-setting and implementation.

F4.7

Good regulatory decision making and implementation will be compromised if the level of government responsible is inherently inefficient or unaccountable.

F4.8

Submissions point to a mismatch between national and local preferences and priorities when it comes to regulation. Around half of local authority survey respondents agreed that there are conflicts between local priorities and regulations originating at central government level.

F4.9

Approximately 70% of businesses in New Zealand only deal with one council and for those businesses that operate over more than one jurisdiction, this is over a limited range of regulatory matters.

F4.10

Targeted approaches could be adopted for reducing the costs for businesses operating across multiple jurisdictions while maintaining the benefits of local tailored regulation.

F4.11

There are issues with insufficient regulatory capability but this can be found at all levels of government. There are a number of ways of dealing with capability gaps that do not always require a reassignment of roles to a different level of government.

F4.12

A misallocation of risk can have costly consequences. Insufficient attention has been given in the past to the ability to manage risk when allocating regulatory roles.

F4.13

Both local and central government need to work on a constructive engaged relationship for the development of quality regulations and the delivery of regulatory outcomes.

Chapter 5 – The funding of regulations

F5.1

The local government sector has a strongly held view that central government passes regulatory functions to local authorities without sufficient consideration of the funding implications for councils.

Chapter 7 – Regulation making by central government

F7.1

Regulation making at the central level is below leading practice. This is having a material impact on the quality of regulations devolved or delegated to the local government sector.

F7.2

Current institutional arrangements can shield central government agencies from the full fiscal and political cost of decentralising regulatory functions.

F7.3

When regulations are developed centrally and implemented locally, the incentives faced by central government to undertake rigorous policy analysis are reduced. However, care needs to be taken not to confuse implementation problems with inadequacies in the underlying design of regulations – this requires careful post-implementation analysis.

F7.4

The degree of Ministerial pressure on the public service to provide quality advice on local government regulatory issues is a key influence on behaviour. It is therefore important that Ministers have strong incentives to ensure that the advice they receive on these issues is of high quality and the product of a rigorous policy process.

F7.5

The tendency of central government agencies to operate independently has resulted in regulatory functions being conferred on local government without considering their interaction and impact on existing regulatory functions administered by local authorities.

F7.6

An opportunity exists to use the Better Public Service Initiative to promote a more joined up, whole of government approach to regulatory policy involving the local government sector.

F7.7

The RIS process has a valuable role to play in ensuring the quality of regulations delegated or devolved to local government. However, at present this value is not being fully realised and improvements to the process are required.

F7.8

While there are some examples of leading practice, consultation with local government on the design of new regulations is generally poor.

F7.9

There is evidence to suggest that implementation analysis is a generic weakness of regulatory policy analysis in New Zealand. This weakness impacts on local government because local government is often the implementer of government policy.

F7.10

The financial, capability, capacity and risk management challenges faced by local government in implementing regulations appear to be poorly understood within central government. There is little analysis of how these challenges will impact the successful achievement of regulatory outcomes.

F7.11

A spectrum of measures exist that would help improve the quality of regulation delegated or devolved to local government. Many of these would have broader benefits for the overall standard of central government regulation making.

F7.12

While guidance and training material on good policy practices are available, the incentives on agencies to ensure they utilise this material are weak. Perhaps the most relevant example of this is the limited traction obtained by DIA's policy guidelines for regulatory issues involving local government.

F7.13

Pragmatic approaches to building better relationships between central and local government are needed. These relationships must be based on a mutual understanding that both levels of government ultimately exist to create public value and that their ability to create public value is tied, at least in part, to the actions of the other.

Chapter 8 – Local government cooperation

F8.1

There is significantly more cooperation, coordination, and sharing of resources occurring amongst local authorities than is commonly known.

F8.2

Despite the wide use of cooperative arrangements, very few empirical studies have been undertaken (either domestically or internationally) to quantify the benefits and costs of council cooperation on regulatory functions.

F8.3

Because local authorities operate within a highly diverse set of circumstances, the returns from cooperation are likely to be highly situation-specific. As a result, significant care must be taken in applying or interpreting business cases from one jurisdiction in another.

F8.4

Cooperation can capture many of the benefits of centralisation while maintaining the advantages of local decision making (such as the ability to cater for spatial variations in community preferences).

F8.5

The speed with which central government seeks to implement new regulatory initiatives may materially affect the likelihood of local cooperation. Central government consultation processes, done well, can lay the foundation for local authorities working together.

Chapter 9 – Local authorities as regulators

F9.1

Local authorities do not appear to be using their powers of general competence to get into new areas of regulation. However, local authorities are using the powers available to them to deal with the local issues they face. Some local authorities will take a very cautious approach with regulation that requires a high level of technical expertise, reflecting capability or risk issues.

F9.2

Elected council members involvement in individual regulatory decisions is most likely greater than previously understood.

F9.3

The independent hearings panel process can be a good way of ensuring the views of interested parties are heard fairly and lead to recommendations being made to councils.

F9.4

Centralising functions or providing more national guidance is often seen as a solution to inconsistency. However, inconsistency more often than not occurs because of the different understandings or approaches of local officials working on the ground. Greater consistency is more likely to be achieved through sharing good practice and coordination between local authorities, which could be facilitated by relevant departments and ministries.

F9.5

Twenty seven per cent of business survey respondents were actively dissatisfied with the regulatory services and approach of their local authorities, however there is considerable variation between industries.

Chapter 10 – Local monitoring and enforcement

F10.1

Statutory timeframes for consent processing may have the unintended consequence of diverting resource away from other parts of the regulatory process, especially monitoring and enforcing regulatory compliance.

F10.2

Local authorities need a wider range of enforcement methods to ensure they can always take a proportional approach to enforcement.

Chapter 11 – The cost impact of local government regulation on firms

F11.1

Delays in obtaining responses from local authorities, and the sequencing of multiple regulatory requirements and decisions by local authorities, can impose substantial holding costs on business.

F11.2

The Commission's survey of businesses showed that almost three quarters of businesses had at least some contact with local government through the regulatory process. Of those that did:

- 39% report that local government regulation places a significant financial burden on their business.
- Nearly half of respondents thought the time and effort involved in complying with local authority regulations is too large (and nearly half were neutral or disagreed), and 70% were dissatisfied with the fees charged.
- 'Planning, Land Use or Water Consents' and 'Building and Construction Consents' have the greatest cost impact on businesses. Both of these local government regulatory areas are typically associated with new projects such as expanding or building something new.
- Around 40% of surveyed businesses had contact with the local council over four or more separate regulatory areas.

Chapter 12 – Making resource management decisions, and the role of appeals

F12.1

Explicit consideration of the more moderate options included in the LAC guidelines for appeals processes needs to be included in any discussion of changes to the plan-making process.

Chapter 13 – Local regulation and Māori

F13.1

On the available evidence, the current system for involving Māori in resource consent decisions does not appear to be working well for anyone, due largely to the costs and timeframes involved.

Chapter 14 – Assessing the regulatory performance of local government

F14.1

Assessment of local government regulatory performance will have net benefits when it improves regulatory outcomes while minimising the cost of performance assessment. The key elements are:

- a good understanding of the steps that lead to regulatory outcomes;
- considering multiple dimensions of performance;
- adaptability to different regulatory regimes and local and national priorities; and
- a focus on minimising assessment costs by considering the frequency, form and information-requirements for performance reporting.

F14.2

There is a crowded and disjointed regulatory performance reporting space for local government, driven by the combination of reporting requirements in the Local Government Act and the legislative reporting requirements for different forms of regulations.

F14.3

There are several leading practices in relation to local government regulatory performance assessment, including:

- auditor/local authority interaction;
- Society of Local Government Managers guidance material;
- local authority annual reports that have moved away from transactional performance measures toward outcome-based, impact-based, and service-based measures;
- International Accreditation New Zealand auditing processes for Building Control Authorities; and
- the Ministry for the Environment biennial Resource Management Act performance survey.

F14.4

The value of performance assessment is likely to be impaired at present as a result of lack of balance in what is measured, insufficient focus on assessment of performance information, a potential weakness in the accountability framework as it relates to capability, and potential inconsistencies in the way regulatory performance is assessed across regulations.

Recommendations

Chapter 5 – The funding of regulations

R5.1

Regulations should be reviewed to remove specific fee amounts and make those fees at the discretion of local authorities, subject to the requirements of section 101(3) of the Local Government Act 2002.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting February 2013
Prepared by: Ross Scarlett – Chairman
Date: 23 January 2013
Subject: **Delegation for Prosecution Decisions**

Background

The Auditor General's report on the management of freshwater (September 2011) recommends that regional councils review their delegations and procedures for prosecuting. The Auditor General's view is that all investigation and enforcement decisions on individual cases should be delegated to council staff, to avoid any potential perception of political bias or predetermination.

My report in the Council Agenda of 13 December 2011 recommended Council delegate to the Chief Executive and respective manager the power to initiate or withdraw a prosecution for an offence under Section 338 of the RMA, provided this is reported to Council. Councillor Archer moved this motion with an amendment that any such decision must be unanimous and recorded in writing.

After considerable debate, the motion was put and lost. However, several Councillors wished to see the decision reviewed after 12 months. This report facilitates such a review.

Governance role regarding RMA enforcement

As elected members, our role is to be the policymakers. The governance role of Councillors is to set the policy (in this case the enforcement policy), and then to monitor the exercise of that policy and to make adjustments to the policy as required from time to time.

The implementation of Council policy is not a governance function.

Recommendations

- 1. That Council delegates to the Chief Executive and the relevant manager, the power to initiate or withdraw a prosecution for an offence, under Section 338 of the Resource Management Act, provided that the decision must be unanimous, recorded in writing and reported promptly to Council.*
- 2. That the Council's delegations manual be amended to reflect this new delegation.*

Ross Scarlett
Chairman
West Coast Regional Council