

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 March 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 – 12 February 2013 |
| 3. | | PRESENTATION |
| 4. | | CHAIRMAN'S REPORT |
| 5. | | REPORTS |
| | | 5.1 Planning and Environmental Group |
| | 5 – 7 | 5.1.1 Planning & Environmental Manager's Monthly Report |
| | 8 – 13 | 5.1.2 Submission on Resource Management Reform Bill |
| | 14 | 5.1.3 Bathing Beach Water Quality Sampling Update |
| | | 5.2 Consents and Compliance Group |
| | 15 – 18 | 5.2.1 Consents Monthly Report |
| | 19 – 21 | 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 12 FEBRUARY 2013 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.30 A.M.****PRESENT:**

B. Chinn (Chairman), R. Scarlett, 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), A. Mahuika (Minutes Clerk).

1. APOLOGIES

There were no apologies

2. PUBLIC FORUM

Mr Laurie Drew from Notown spoke to the Councillors. He informed that a few years ago he put his property on the market due to health problems. He signed up and sold based on a sale and purchase agreement and a mining company moved in. He transferred the resource consent that he personally owned on the property to this company. Unfortunately he lost his son in the Pike River disaster and got diverted from things and didn't keep an eye on what he should have. He came back to the property, which was in a state, having no fences along DOC or Council boundaries. The sale fell through and the land has reverted to his ownership and he retained the deposit paid by the intended purchaser.

His question to the councillors is to ask why his property hasn't been restored back to the resource management act of the national standards. John Key personally has asked him to submit everything he has to Chris Finlayson (Attorney General) relating to what has been going on. Despite legal letters to the council asking what the position is, all he gets back is advice that he has to sue the person in court under an access arrangement. Today he is questioning why his property hasn't been restored. His second concern is that resource consents have been allowed to be worked that were illegal in a sense because when the contract on the purchase of the property ceased the resource consents immediately should have come back to the property owner. They haven't despite requests and legal requests.

Councillors questioned Mr Drew about the issue with Cr Scarlett suggesting that the best person to talk to would be John Adams, the Council's Consents and Compliance Manager. Mr Drew said he was liaising with him. He said his reason for being at the meeting was to be courteous because he is tabling the issue in Parliament because he had been asked to and the matter is being investigated further.

L. Drew left at 11.47

3. MINUTES

Moved (Archer/Davidson) *that the minutes of the previous Resource Management Committee meeting dated 11 December 2012, be confirmed as correct with the amendment of Cr Chinn as Chairman.*

Carried

Matters Arising

Cr Chinn spoke regarding an item in the Planning and Environmental Managers Monthly Report on wetlands. He read out a sentence in the report "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". He said that landowners didn't know this was happening, and will Council be paying the bill for the ecologist to make sure that they are significant. He said they have been identified as wetlands but not as significant wetlands. M Meehan said that the way they were

approaching it at the moment is the wetlands co-ordinator is going out onsite and making assessments, but only on whether the area is a wetland or not, as the co-ordinator is not qualified to say whether they are significant or not. We are advising landowners that if they wish to do any earthworks which are beyond the scope of the permitted activity rules that they would need consent for that and they would need to get an ecologist report to accompany that consent application. The costs of the consent and ecologist report would be a cost on the applicant. C. Ingle said that they are working with an ecologist, the same one who worked with the Council during the court case and the preparation of the plan and he has done some assessments already. We are looking into ways of doing ecological assessment reports for a reasonable price and if we can organise landowners to do a few areas within a day or two for smaller wetlands it won't cost a lot. Cr Scarlett said the question arises if you have subsequently found some of these aren't wetlands, how is it possible for the courts to determine that they were wetlands in the first place. C. Ingle said they accepted the evidence from the ecologist from DOC which is now being proved to be wrong in some instances. C. Ingle said the DOC assessment that was done was based on aerial photography done in 2003, and they didn't go out onsite and visit them all. Some of them he did and those ones are fairly accurate and some areas are not accurate at all. There is also the possibility that the ecological assessments between one ecologist and another can differ.

Cr Scarlett asked what if our ecologist says that are not wetland, is it so obvious that this DOC ecologist will also agree, or will we get into an argument with the court about wether it's a wetland or not. M. Meehan said a report was going to be tabled to give an update regarding visiting wetlands at the April meeting. M. Meehan said it was acknowledged that due to the way the wetlands were mapped that there would be a need for a variation a couple of years, to exclude some areas that were included that are clearly not wetlands.

Cr Chinn said land classed as wetland was holding up farm sales as nobody wants to buy them and some people are getting to retirement age and can't sell their property. What right of appeal do these landowners have? Cr Scarlett's concern is around those areas marked in the plan as wetlands, which are not actually wetland, but if we have to wait another 2 or 3 years to get a variation completed, then in the meantime people who want to develop their land have to go through a consenting process which is a cost. Why can't we just get in now and say to the court, there are obvious errors here, why can't we make a variation now. M. Meehan said that a variation could be done every time one is found, but it would be messy, and staff would prefer to do a variation for the lot of them as a group. C. Ingle said it won't take two or three years, it should take only about 6 months.

Cr Birchfield asked whether Council were free to issue a consent, if our ecologist says it's not a wetland. C Ingle replied that they could. Cr Birchfield asked if the landowners has to pay for it. C Ingle replied they did. Cr Scarlett asked about risk to the council. C Ingle said he felt there was a very small risk.

4. CHAIRMAN'S REPORT

Cr Chinn stated that he has fielded 3 calls regarding the wetlands issue.

Moved (Archer/Davidson) *That the Chairman's Report be received.*

5. REPORTS

5.1 PLANNING AND ENVIRONMENTAL GROUP

5.1.1 PLANNING & ENVIRONMENTAL MANAGER'S MONTHLY REPORT

M. Meehan spoke to his report advising that he is currently working through appeals on the Proposed Land and Water Plan. Paul Elwell-Sutton's appeal has changed along the way; we participated in court-led mediation that progressed it along but following mediation new appeal points were produced by Elwell-Sutton. He said it has been quite a frustrating appeal to deal with but believes progress is being made on it. M. Meehan informed that the other appeal is from TrustPower. He had a teleconference with them and thinks we should have that one wrapped up soon. He informed the Council that once the appeals are resolved we will can make the Plan operative and we will be able to withdraw the three plans sitting behind the Land and Water Plan.

M. Meehan advised Councillors on the RMA Reform Bill. He said he has done some analysis of the Bill. The major change we see for our council is looking to introduce allowing regulations to be made requiring

local authorities to monitor specified environmental indicators. This is along the same lines as last year when they introduced an environmental reporting discussion document which we submitted on quite strongly and suggested that if the government wants to do this they should be funding it and not ratepayers. M. Meehan tabled a copy of the draft submission.

M. Meehan spoke on the Reefton Airshed Committee. He said that their last meeting for the year was on the 10 December 2012 where they had talked about numerous educational matters and monitoring sites. The next meeting is on the 18 February 2013.

M. Meehan informed Councillors that there is a meeting of the Lake Brunner Catchment Landcare Group on 15 February 2013. They have received funding and will talk about it in next report. He said the group was working quite well. Farm planning work is well under way, it is critical part in achieving what was set out in our Land and Water Plan in improving Lake Brunner.

Cr Scarlett questioned the RMA changes, asking if the Council is going to liaise with other Councils, as they will also have same problem and try and get some unity. He said M. Meehan letter was good but he would also quote 5.1 in the "towards better local regulation" draft report, as it just reinforces the argument. M. Meehan said local government NZ is preparing a submission on this as well and we are in support of their submission. He said it will affect us more than other councils, he said he doesn't know the details of what they are trying to introduce. Cr Robb said 7.10 in the "towards better local regulation" draft report backs it up as well. We need to get on board with this and push it. Cr Scarlett said it had the potential to cost a lot.

Cr Birchfield commented on the climate change impacts saying he would be very sceptical about this report. They can't even get the weather forecast right for a week here. He fails to see how they can make prediction on the climate out a hundred years. I wouldn't be wasting my time looking it up on the internet to read it. J Douglas agreed with Cr Birchfield.

Cr Chinn questioned whether the Land and Water Plan was operative or just not operative on the points not appealed. M Meehan said just on the points not appealed.

Moved (Scarlett/Archer) that Council receive this report.

Carried

5.1.2 LAKE BRUNNER FUNDING

M. Meehan informed that \$200,000 has been secured from Ministry for the Environment to undertake some remediation work in the Lake Brunner catchment. He said there were two pools of money, \$20,000 available to the Landcare Group to undertake community activity that will have benefits for freshwater in the catchment. The second part of the project is \$180,000 to farmers to implement part of their farm plan. He said it was good news that we have got money from the government for this and the Deed of funding set to expire on 20 December 2014, so Council has till then to work through projects. J. Derks and K. Glasgow will be working with farmers. Cr Scarlett asked how much money Council is contributing. M. Meehan said Council are co funding farm plan work with Westland Milk Products, but not contributing to remediation work, just staff time. R. Scarlett said he was unsure about Council funding this, farmers chose to farm in the catchment area so the burden of complying should fall on them. M. Meehan said main reason Council received funding from government was because of in kind contribution with staff time. C. Ingle said he sees this more of a short term transitioning, to bed new rules in, which are being enforced quite quickly onto these farmers, so he thinks its only fair to give them helping hand. At the moment, some of them are facing very high costs. Cr Robb said in terms of council time and funding we defend a wetland plan in court that cost ratepayer's money, yet it only affects a few farmers; to me it is the same sort of principle, this is a new set of rules and Lake Brunner is a lake that the whole region gets benefit from. He thinks it's a good idea. Cr Archer questioned how many farms in the Lake Brunner area and what percentage opted to join in development of farm plans. M. Meehan replied that there are 22 dairy farms and 100% of them want farm plans.

Moved (Robb/Cummings) That Council receive this report.

Carried

5.1.3 HYDROLOGY & FLOOD WARNING UPDATE

M. Meehan spoke on this report. He informed Councillors that the Cropp River recorded 1808mm of rain in 48 hrs on 1 - 2 January 2013, which is the highest 48 hour rainfall total recorded.

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

Carried

5.1.4 BATHING BEACH WATER QUALITY SAMPLING UPDATE

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

Carried

5.1.5 CIVIL DEFENCE EMERGENCY MANAGEMENT

C. Ingle spoke to this report advising on the Emergency Management Information System training and the Exercise Te Ripahapa. He spoke on the West Coast Controllers Forum, who meet on a quarterly basis. Cr Davidson asked what role did civil defence play in the Wanganui Bridge washout. C. Ingle informed that they didn't have a major role. Cr Davidson said it shows how a community could become isolated, if the southern access road had also been cut off.

Moved (Archer/Birchfield) *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 3 site visits were carried out during the month and 34 non-notified resource consents were granted and 10 variations being received. He informed that the Environment Court has signed off on the Trustpower Consents.

Moved (Robb/Cummings) *That the February 2013 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

J. Adams spoke to this report advising that over a two month period. There were 106 site visits. 22 resulted from complaints and enforcement action was taken on 5. There were 34 complaints. 19 infringement notices and 4 abatement notices.

J. Douglas said she would like to note the concern of her runanga regarding certain Councillors, with all due respect to those involved, receiving infringement notices. The latest one was in January which was well documented.

Moved (Archer/Robb) *That the February 2013 report for the Compliance Group be received.*

Carried

6.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 11.35 a.m.

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting 12 March 2013
Prepared by: Michael Meehan, Planning and Environment Manager
Date: 28 February 2013
Subject: **Planning and Environment Manager's Monthly Report**

Proposed Land and Water Plan

Council staff continue to work through the appeal process on the Proposed Land and Water Plan.

Following informal discussions between Council and TrustPower a position has been reached, which if formalised by order of the Court, will dispose of TrustPower's appeal in its entirety. The other parties to the appeal have agreed with the position reached and have supported a joint memorandum submitted to the Court on 18 February 2013. The only change that will result to the Proposed Plan, should the Court formalise the consent order, is an extension to the explanation of Policy 4.3.3 to clarify that the disturbance of riparian margins to maintain or enhance public access should be undertaken with consideration of public health and safety.

The appeal process continues with Mr Paul Elwell-Sutton. Mr Elwell-Sutton has applied to the Court to amend his notice of appeal from 16 October 2012. This has reduced and clarified the number of points that remain outstanding in relation to the appeals that he has made on the Proposed Plan. Council filed documents with the Court on 1 March seeking to reduce these further, as well as to gain security of costs, should the matter proceed to the Environment Court. The parties have been directed to confer and decide whether the matter will be able to be resolved based on the documents that have been filed with the Court, or whether a hearing will be required, by 20 March 2013.

Reefton Airshed Committee

At its meeting on 18 February 2013, the Committee discussed the following matters:

- Costs of four options for a second monitoring machine, and how useful a second machine would be. The Committee decided they wouldn't make any submissions to Council regarding this.
- Costs of installing insulation and clean heating under the EECA grants and Regional Councils' loans scheme, and promoting these schemes.
- Feedback from the community on the idea of banning backyard fires in winter. The Committee decided that a bylaw was not required at this stage, however education should continue.
- Providing education by placing articles in the Clarion on recycling plastic, burning dry wood, and good practice for operating burners.

Air quality consultant Emily Wilton attended the meeting to answer any questions regarding her two reports: an inventory of home heating sources summarising the findings of the recent phone survey, and management options to meet the NES based on the survey information. The latter report outlined nine options, and for each option the projected PM10 levels were modelled over time up to the year 2028, indicating when they might meet the National Standard.

The Committee discussed the reports and its findings. The Committee are gathering further information regarding new technology being developed to reduce PM10 emissions from burners. They have invited an expert in this area to their next meeting.

Sustainable Dairying Water Accord

The dairy industry has released its new Sustainable Dairying Water Accord which replaces the Fonterra Clean Streams Accord. The focus of the accord is on riparian, nutrient and effluent management, water use and dairy conversions (attached summary flyer).

The accord is attempting to improve water quality and promotes industry good practice and self management. The reporting and delivery of the accord responsibilities lie with the Dairy Industry.

Regional Council's have been asked to sign as "friends of the accord".

It is recommended that Council signs as a friend to the accord to show its support the improvements the industry seeks to achieve.

RECOMMENDATION

1. *That this report is received.*
2. *That Council signs as a friend to the Sustainable Dairying Water Accord*

Michael Meehan
Planning and Environment Manager

SUSTAINABLE DAIRYING: WATER ACCORD

A commitment to New Zealand to enhance the overall performance of dairy farming as it affects freshwater through continuous improvement and partnership

What NZ Expects from Dairying

1. Dairy farms will exclude dairy cattle from significant waterways and significant wetlands.
2. Riparian planting will occur where it would provide a water quality benefit.
3. The crossing of waterways by dairy cows will not result in degradation of those waterways.
4. Dairy farmers will manage Nitrogen (N) and Phosphorus (P) loss from dairy farming systems, acknowledge the need to manage within nutrient loss limits and pursue continuous improvement in nutrient use efficiency.
5. Dairy farms will comply with regional council effluent management rules and/or resource consent conditions.
6. Effluent systems installed on dairy farms will be fit for purpose and able to achieve 365-day compliance with applicable rules.
7. Dairy sheds will use no more water for wash down and milk cooling than that necessary to produce hygienic and safe milk.
8. Irrigation systems will be designed and operated to minimise the amount of water needed to meet production objectives.
9. New dairy farms establish and operate using best practice at the outset to minimise potential negative consequences on water values and interests and comply with all relevant plan rules/consent conditions.

What are dairy companies and DairyNZ doing?

All dairy companies have committed to the Accord. They all have taken on responsibility for ensuring the on-farm practices specified above occur. How that is done is up to individual companies. Companies will also arrange for nutrient loss modelling, arrange for assessment of effluent systems and set timelines for introduction of water meters.

DairyNZ has also signed the Accord. It has committed to develop riparian planting guidelines, develop an audited nutrient management system for use by dairy companies, develop industry capacity in effluent management and a range of similar initiatives to ensure this Accord can be implemented successfully – many in partnership with other industry players and communities.

What does that mean for a dairy farmer?

Mandatory stock exclusion from streams on the milking platform

A permanent fence must be used to exclude dairy cattle from:

- Rivers, streams and springs over 1 metre wide and 30cms deep
- All lakes
- Wetlands (if they are identified by your regional council in its regional plan as being significant)

In addition, farmers are *encouraged* to:

- Exclude stock from all wetlands and smaller streams where practical
- Apply these stock exclusion practices on any land used for grazing dairy cows off the milking platform.

Mandatory stock crossings

All points on a waterway where cows cross and return more than twice per month must be either bridged or culverted.

Riparian Planting

All dairy farms must prepare a riparian management plan that sets out where riparian planting is to occur. Planting is to be completed by 2030.

Nutrient Management

Each year farms must supply their respective dairy company with information that will allow for the modelling (using Overseer) of N loss and the N conversion efficiency and will commit to enhancing N management performance when demonstrated to be in lower performing cohort of peers.

Effluent Management

All effluent systems must be capable of being compliant with the relevant regional council rules and/or their resource consent.

Water Use

All farms must:

- Comply with all regional rules controlling water takes.
- Install water meters by the dates required by their respective dairy companies (dates yet to be set).

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting 12 March 2013
Prepared by: Michael Meehan, Planning and Environment Manager
Date: 26 February 2013
Subject: Submission on Resource Management Reform Bill

Purpose

The purpose of this report is to advise Councillors on the submission on the Resource Management Reform Bill.

Council's Submission

Attached to this report is a copy of Council's submission on the Bill. As suggested in the last Council meeting papers, the submission focuses on a proposed change to sections 35 and 360 of the Resource Management Act, which, if enacted, would allow the Environment Minister to make regulations requiring councils to undertake national state of the environment monitoring.

In summary, the submission strongly opposes these proposed changes unless an amendment is made that signals that the Ministry for the Environment (MfE) will fund any additional monitoring costs created under the section 35 change, and any subsequent regulations developed under section 360.

If no funding is provided from the MfE to do national monitoring the costs would fall on regional ratepayers, and would cut across the Council's Long Term Plan and regional monitoring priorities. These have already been through a public consultation process, and reflect what the community considers to be an appropriate and affordable level of monitoring for the region.

Any requirement for regional councils to undertake national monitoring without sufficient national funding is also contrary to the new emphasis in the Local Government Act 2002, directing councils to carry out their core functions only.

Other proposed changes contained in the Bill may also impact on this Council but we expect that submissions by other regional councils and Local Government New Zealand (LGNZ) will address those matters. We have assisted with and support the LGNZ submission.

The draft submission was circulated to Councillors on 22 February for comment, and no changes have been made.

The submission was lodged prior to the closing date of 28 February.

RECOMMENDATION

That this report is received.

Michael Meehan
Planning and Environment Manager



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26 February 2013

Committee Secretariat
Local Government and Environment
Parliament Buildings
Wellington

Our Reference: 06-230

Enquiries to: Lillie Sadler

Dear Sir/Madam

SUBMISSION ON RMA REFORM BILL

The West Coast Regional Council wishes to thank the Select Committee for considering our submission (enclosed).

Councils' submission focuses on the proposed changes to sections 35 and 360 of the Resource Management Act. If enacted, these amendments would allow the Environment Minister to make regulations requiring councils to undertake national state of the environment monitoring. The cost of this new monitoring would fall on regional ratepayers.

The Productivity Commission findings in their December report "Towards Better Regulation" recognise government agencies practice of passing on costs to local ratepayers without properly considering the risks involved. We suggest the select committee looks carefully at the findings on pages 225-230 of this report, in particular finding F7.10:

"The financial, capability, capacity and risk management challenges faced by local authorities 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."

Our Council's Long Term Plan 2012 has already set monitoring requirements and budgets for the next 10 years. This Plan has been through a comprehensive public submission process and reflects what the community considers to be an appropriate and affordable level of monitoring for the region. Pages 33-34 of the Plan set out a detailed framework of outcome-based performance targets. The monitoring Council has invested in over the past two decades is specifically designed to measure progress toward the achievement of these community targets.

Imposing new monitoring requirements by regulation will risk cutting across the regional monitoring priorities. Council's scarce resources could instead be diverted to monitoring remote rivers like the Haast (which is not under development pressure) because the Minister feels that such data is important for a 'national picture'. The 'regional picture' should be funded by regional ratepayers (and it already is). The 'national picture' needs to be funded by Ministry funding sources. Council currently has no mandate from our community to spend their rate money on Ministry obligations.

Yours sincerely

Chris Ingle
Chief Executive

West Coast Regional Council Submission on Resource Management Reform Bill 2012

Background – Funding the West Coast Regional Council’s Environmental Monitoring

The West Coast has a small population of 33,000. The Regional Council does not receive rates from the 84 percent of the region that is Crown conservation land. Rates are the main source of income for the Council. Unlike other regional councils, the West Coast Regional Council does not own a port company that would bring additional income.

Council already spends over one third of its rate take on state of the environment monitoring. Our monitoring programme focuses on the following key resource management issues:

- Lake Brunner Water Quality
- Surface Water Quality in our rivers
- River levels and flood warning services
- Summer Bathing Beach Monitoring
- Groundwater Quality
- Air Quality (Reefton)

Rationale for the current monitoring programme

The scale of the Council’s environmental monitoring programme is primarily limited by financial resources. In the 2011/12 Annual Plan, Council allocated approximately \$766,000 on environmental monitoring (excluding compliance monitoring and capital expenditure), out of an estimated ratepayer income of \$1,980,000. This means Council is spending approximately 39% of ratepayer’s money on monitoring. If the Council had a higher income, it is likely that additional monitoring would be undertaken where appropriate.

Monitoring activities are prioritised according to where the greatest resource quality and quantity issues are. The Council has focused on freshwater quality monitoring because this resource experiences the most widespread environmental effect as a result of mining, dairy farming, forestry, and stormwater and sewage effluent discharges.

Requiring all regional councils to monitor the same parameters may potentially be a waste of resources if a particular parameter is not relevant to an environmental issue in a region. This Council prefers to monitor periphyton, clarity, e.coli, pH, temperature, ammonical nitrogen, and invertebrates, in order to measure the effectiveness of our environmental policies and programmes.

Council's Submission

Council has decided to focus solely on the proposed changes to sections 35 and 360 of the Resource Management Act 1991, which, if enacted, would allow the relevant Minister to make regulations requiring local authorities to undertake environmental monitoring for national monitoring and reporting purposes. We consider that the cost of such monitoring would be unfair to our ratepayers, and would conflict with the regional priorities for environmental monitoring established under the Council's Long Term Plan 2012. Our Long Term Plan was prepared using the statutory Local Government Act consultation process and had proper regard to submissions made by our regional ratepayers.

Other proposed changes contained in the Bill may also impact on this Council but we expect that submissions by other regional councils and Local Government New Zealand (LGNZ) will address those matters. We have assisted with and support the LGNZ submission.

Decision Requested: Change to sections 35(2)(a) and 360

We strongly oppose the proposed addition of a new clause 35(2)(a)(ii) and the change to section 360, unless an amendment is made that signals that the Ministry will fund any additional monitoring costs created under this new section and any subsequent regulations developed under section 360.

Conflict with the new Local Government Act

The recent amendments to the purpose statement in the Local Government Act 2002 place great emphasis on councils carrying out their core functions only. Carrying out the Ministry's environmental monitoring is not considered to be a core regional council function under the Local Government Act. Council could face a legal challenge from ratepayers if the costs of this were simply forced onto them without a formal consultative process.

The Council's Long Term Plan 2012 has already set monitoring requirements and budgets for the next 10 years. This Plan has been through a comprehensive public submission process and reflects what the community considers to be an appropriate and affordable level of monitoring for the region. Pages 33-34 of the Plan set out a detailed framework of outcome-based performance targets. The monitoring Council has invested in over the past two decades is specifically designed to measure progress towards the achievement of these community targets.

Imposing new monitoring requirements by regulation will risk cutting across these regional priorities. Council's scarce resources could instead be diverted to monitoring remote rivers like the Haast (which is not under development pressure) because the Minister feels that such data is

important for a 'national picture'. The 'regional picture' should be funded by regional ratepayers (and it already is). The 'national picture' needs to be funded by Ministry funding sources.

Any additional monitoring required for national reporting purposes would have to be funded by Government. The Long Term Plan does not provide for rates expenditure for the purpose of national environmental monitoring, and Council would be in breach of the Local Government Act and its own Long Term Plan if such spending occurred. Council currently has no mandate from our community to spend their rate money on Ministry obligations.

The Regulatory Impact Statement: Cost benefit analysis

On Page 31 of the RIS the cost-benefit table shows that the costs to local authorities to do the extra monitoring are expected to be high (although variable by councils), and the benefits to data users, that is, central government, will also be high. The analysis also acknowledges there is a medium risk of the *"Costs prohibiting councils from fully implementing the new reporting requirements"*, and that *"The nationally required data does not meet the needs of local decision-makers"*. The net impact is assessed as: *"Improvement over the status quo, as (the amendments) increase national consistency and support better decision-making."* The analysis does not acknowledge the fact that councils cannot fund activities with rates unless the community supports this through a change to the Long Term Plan. It also ignores the disproportionately higher cost to councils with a low ratepayer base, but a large region, like the West Coast.

The Regulatory Impact Statement: Analysis of options

The analysis of Option 6 (Page 32, RIS) to purchase additional reporting data from local government shows that the costs and benefits to central government are high, but the net impact focuses only on the high costs without acknowledging the benefits. The risk of disincentive for councils to do monitoring for local purposes unless paid by central government is, in our view, overstated and not supported by current Council practice. Council's financial spend on monitoring is transparently reported each year in our Annual Report, which clearly establishes a base-line. It has risen year by year, consistently. It is over a third of our annual rate take.

The Regulatory Impact Statement: Unfunded mandate

There is no reference in the RIS to the issue raised by the Productivity Commission of "unfunded mandates". The Commission's recent report "Towards better local regulation" released in December 2012 refers to the "unfunded mandate" as *"...a statute or regulation that requires local government to perform certain duties that are not accompanied by funding for fulfilling the requirements"*. We agree with the LGNZ submission that the proposed requirement for national monitoring by councils is an example of an "unfunded mandate".

Lack of Information on likely costs

Council has not heard from the Ministry regarding any estimated costings of doing their national environmental monitoring. We are therefore unaware of the potential quantum of extra funding required for picking up these national responsibilities.

We are however aware that NIWA national monitoring is being cut back. The West Coast Regional Council cannot afford to pick up the monitoring that the government and NIWA are walking away from. This action by NIWA is likely to create major gaps in the national monitoring framework that New Zealanders have invested in for many years, but in our submission it is entirely unfair to simply shift this cost onto local ratepayers.

Conclusions

It appears that the proposed changes to sections 35 and 360 have been 'slipped in' with the other reforms with the intent of saving the Government some money. The costs will instead, contrary to recent changes to the purpose of the Local Government Act, be transferred from NIWA (funded by government) to regional council ratepayers, and will fall disproportionately on less resourced council ratepayers – often those least able to afford it. This is inequitable to those regions that have low ratepayer numbers but large regions to manage, dominated by non-rateable Crown land.

This approach is unconstitutional as it cuts across the rights of local ratepayers to submit on how their Council will spend their regional rates. It instead imposes a national monitoring requirement to be funded by regional ratepayers, but with no right for ratepayers to participate in discussions around the details of what is to be measured, when, where and why. This is contrary to the Local Government Act principles that we operate under.

Decision sought

We strongly oppose clause 61 of the Bill, and the proposed addition of a new clause 35(2)(a)(ii) and change to section 360, unless an amendment is made that signals that the Ministry will fund any additional monitoring costs created by this new section and any subsequent regulations developed under section 360.

If the Select Committee approves the proposed changes to sections 35 and 360, Council would like to see the above amendment accompany the new sections.

If Government funding of national monitoring requirements is not specifically included, we ask the Select Committee to remove the proposed changes to sections 35 and 360.

5.1.3

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee Meeting 12 March 2013
 Prepared by: Emma Chaney, Resource Science Technician
 Date: 27 February 2013
Subject: BATHING BEACH WATER QUALITY SAMPLING UPDATE

Sampling results for February

The West Coast Regional Council carries out regular sampling for faecal indicator bacteria (*E.coli* or Enterococci) at popular contact recreation sites over the summer period, from November through to March.

There was moderate rainfall in the week prior to the first round of February sampling in the Greymouth area.

| SITE | Nov | Nov | Dec | Dec | Jan | Jan | Feb |
|--|-----|-----|-----|-----|-----|-----|-----|
| 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 |

RECOMMENDATION

That the report is received

Michael Meehan
Planning and Environment Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee
 Prepared by: John Adams - Consents & Compliance Manager
 Date: 27 February 2013

Subject: CONSENTS MONTHLY REPORT

CONSENTS**Consents Site Visits 1 – 27 February 2013**

| DATE | NAME, ACTIVITY & LOCATION | PURPOSE |
|-------------|---|---|
| 21/01/13 | PA13003 – William Hobbs, Onsite sewage wastewater discharge, 216 Maori Creek Road | To assess the proposed onsite sewerage treatment system against permitted activity Rule 79 of the Regional Land and Water Plan. |

Non-Notified Resource Consents Granted 1 – 27 February 2013

| CONSENT NO. & HOLDER | PURPOSE OF CONSENT |
|--|--|
| RC10123 Moir Farms Maimai Ltd | To discharge treated dairy effluent from a milking shed to land, groundwater and surface water (the Little Grey River) near DS527, Maimai. |
| RC12078 Landcorp Farming Ltd | To undertake earthworks associated with the implementation of rock spurs on the Waitahu River. To divert flood waters back into the Waitahu River through rock spurs. |
| RC12101 Alluvial Mining (No. 2) Ltd | To take and use water for alluvial gold mining activities at Woods Creek within MP41169. To discharge sediment-laden water to land in circumstances where it may enter water at Woods Creek within MP41169. To discharge sediment-laden water to water at Woods Creek within MP41169. |
| RC12183 TLD Investments Ltd | To disturb the bed of the Buller River associated with gold mining with a suction dredge. To discharge sediment to water in the Buller River associated with gold mining with a suction dredge. To take and use water from the Buller River for the purpose of gold mining with a suction dredge. |
| RC12228 PJ Fitzgerald | To undertake earthworks associated with alluvial gold mining in the Taipo Valley. To disturb the dry beds of the Taipo River and Seven Mile Creek associated with taking of water for use in an alluvial gold mining operation. To take and use water from the Taipo River for use in an alluvial gold mining operation. |

| | |
|--|---|
| | To take and use water from Seven Mile Creek for use in an alluvial gold mining operation. |
| | To discharge sediment-laden water to land in circumstances where it may enter water (the Taipo River and Seven Mile Creek). |
| RC12230 Orica New Zealand Ltd | To undertake earthworks and vegetation clearance near Gillows Dam, Westport. |
| RC12232 LJ Smith | To undertake earthworks associated with alluvial gold mining near Larry's Creek. |
| | To take and use groundwater via seepage into a pond near Larry's Creek for alluvial gold mining. |
| | To discharge sediment-laden water to land near Larry's Creek where it may enter groundwater. |
| RC12240 LJ Smith | To undertake earthworks associated with alluvial gold mining near Reefton. |
| | To take and use groundwater via seepage into a pond near Reefton for alluvial gold mining. |
| | To discharge sediment-laden water to land near Reefton where it may enter groundwater. |
| RC12241 Gold Mining (Rimu) Ltd | To take and use water from an unnamed creek at Rimu for use in a gold mining operation. |
| RC13002 Department of Conservation | To disturb the bed of unnamed tributaries of the Grey River associated with an ecological restoration project at Cobden Island. |
| | To divert unnamed tributaries of the Grey River. |
| RC13004 GH Foster Contracting Ltd | To disturb the dry bed of Dry Creek, at Lake Poerua - Inchbonnie, for the purpose of extracting gravel. |
| RC13008 G Sweeney | To discharge treated domestic sewage effluent to land from a dwelling at 25 Main Road, Ngakawau. |
| RC13012 M Ferguson | To disturb the bed of the Grey River associated with channel realignment. |
| | To divert the flow of the Grey River. |
| RC13013 Southwest Energy Ltd | To disturb the dry bed of the Waitaha River, downstream of the SH6 road bridge for the purpose of extracting gravel. |
| RC13014 White Heron Sanctuary Tours Ltd | To disturb the coastal marine area at the Waitangitaona River, South Westland for the purpose of extracting gravel. |
| RC13015 Forest Management Ltd | To disturb land, including on slopes greater than 25 degrees, associated with the harvesting of exotic forest, constructing sections of road, constructing log processing sites and constructing hauler pads, Mokihinui Forest. |
| | To discharge stormwater containing sediment to land from roading, construction of log processing and hauler sites and harvesting activities, Mokihinui Forest. |
| | To discharge sediment to water as a result of forest harvesting activities, Mokihinui Forest. |

RC13016
Russ & Wilson

To undertake earthworks associated with alluvial gold mining at Cape Terrace Road, Kumara.

To undertake earthworks within the riparian margin of the Greenstone River for the purpose of alluvial gold mining.

To undertake vegetation clearance within the riparian margin of the Greenstone River for the purpose of alluvial gold mining.

To undertake works in the bed of an ephemeral channel of the Greenstone River for the purpose of alluvial gold mining and the construction of a gravel diversion bund.

To take and use groundwater (via seepage into a pond) for alluvial gold mining at Cape Terrace Road, Kumara.

To allow the diversion of an ephemeral channel of the Greenstone River.

To discharge water containing contaminants (sediment) to land in circumstances where it may enter groundwater via seepage and surface water (Greenstone River) at Cape Terrace Road, Kumara.

To discharge stormwater (uncontaminated) to land in circumstances where it may enter groundwater via seepage and surface water (Greenstone River) at Cape Terrace Road, Kumara.

RC13018
Westland District Council

To disturb the bed and banks of the Whataroa River to undertake river protection works.

RC13023
Paul Steegh Contracting Ltd

To disturb the dry bed of the Buller River, near Whitecliffs, Inangahua, for the purpose of extracting gravel.

RC13024
DR & BM Friend

To construct river protection works, Whataroa River.

To undertake earthworks and vegetation clearance on slopes associated with quarrying rock, Whataroa.

RC13031
National Institute of Water and Atmospheric Research

To alter the foreshore/seabed in Jackson Bay for the purposes of placing a structure (mooring).

To construct a structure (mooring) on the foreshore/seabed of Jackson Bay.

To occupy space within the foreshore/seabed of Jackson Bay.

RC13034
TruLine Civil Ltd

To disturb the dry bed of the Grey River at Taylorville, for the purpose of extracting gravel.

RC13036
Utopia Horizon Investments Ltd

To undertake earthworks associated with the extraction of minerals sands, Westport.

RC13040
The Christian Church Community Trust and Canaan Farming Ltd

To take groundwater for irrigation and industrial purposes, Gloriavale Farm, Haupiri.

To take groundwater for irrigation purposes, Glenhopeful Farm, Haupiri.

Changes to Consent Conditions granted 1 – 27 February 2013

| CONSENT NO, HOLDER & LOCATION | PURPOSE OF CHANGE |
|--|--|
| RC01342[v2] Chevron New Zealand Caltex Service Station, Hokitika | Amendments to monitoring conditions. |
| RC10223[v1] HBF Chinn Donoghues, Ross | Increase in alluvial gold mining area to be disturbed and removal of buffer distance from Prince of Wales historic site. |
| RC11117[v2] Amalgamated Mining Ltd Notown | To allow the use of flocculants in the treatment of sediment-laden water. |
| RC12123[v1] Bonar Farms Ltd Near Lake Ianthe | Decrease in maximum unrehabilitated gold mining area and decrease in bond. |
| RC12164 Madden Mining Ltd Chesterfield | To allow the use of flocculants in the treatment of sediment-laden water. |

Limited Notified or Notified Resource Consents 1 – 27 February 2013

| CONSENT NO, HOLDER & LOCATION | PURPOSE OF CHANGE |
|--|---|
| RC12220 Premier Group NZ Ltd | To disturb the Coastal Marine Area between the mouths of the Hokitika River and Mikonui River for the purpose of removing selected stone. |

Notified Consents Updates

On-going informal discussions have been taking place in relation to the Grey District Council appeal with regard to the Preston Road Sewage system. A further meeting is to take place during the week of 4th to 8th March.

Public Enquiries

31 written public enquiries were responded to during the reporting period. 26 were answered on the same day, 3 the following day, and the remaining 2 no more than 10 working days later. 2 LGOIMA requests were responded to, all within the required timeframe.

RECOMMENDATION

That the March 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: 27 February 2013
 Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

Site Visits

A total of 72 site visits were undertaken during the reporting period, which consisted of:

| Activity | Number of Visits |
|----------------------------------|------------------|
| Resource consent monitoring | 3 |
| Dairy shed inspections | 49 |
| Mining compliance & bond release | 20 |

These totals include 2 visits in response to complaints. Out of the 72 site visits for the reporting period, 50 were compliant and 22 were non compliant. Two infringement notices have been issued in relation to these visits.

Specific Issues

Dairy farms: A farm in the Brunner catchment was issued with an abatement notice to undertake remedial work. This was as a result of an ongoing issue with effluent management. Also a second farmer was infringed for allowing stock to access a waterway in breach of the new rules for the catchment and for breach of an abatement notice.

Solid Energy New Zealand Limited – Spring Creek, Strongman and Reddale Coal Mines: On the 11 February 2013 site inspections were carried out at Spring Creek, the Strongman open cast mine and the Reddale open Cast operation in Reefton. There were no issues arising as a result of the visits.

Alluvial Gold Mining: An alluvial gold mining operation was issued with two infringement notices. One infringement for breach of an abatement notice and one infringement for discharge of sediment in breach of consent conditions.

Complaints/Incidents between 30 January and 27 February 2013

The following 13 complaints/incidents were received during the reporting period:

| Activity | Description | Location | Action/Outcome |
|--------------------|---|-----------|--|
| Discharge to Air | Complaint regarding stockpiling of material causing a dust issue | Greymouth | Site visit carried out. Operator advised of the relevant rule and warned to cease the discharge of dust. |
| Sediment discharge | Complaint received about a creek running discoloured. | Rapahoe | Complaint unsubstantiated |
| Discharge to water | Complaint that someone has dumped food waste and branches into a creek. | Cobden | Site visit undertaken. Complaint unsubstantiated. |
| Earthworks | Complaint regarding the cleaning out of a drain. | Brunner | Enquiries established the operator was complying with the relevant permitted activity rule. |
| Gold Mining | Complaint that a miner is not complying with consent conditions. | Hokitika | Enquiries are on going. |

| | | | |
|-----------------------|--|-----------|--|
| Discharge to Air | Complaint about an aerial spraying operation | Cobden | Site inspection carried out. There were no issues at the time of the inspection. |
| Gold Mining | Complaint that a creek has been diverted. | Taramakau | Enquiries are on going |
| Stock access to water | Complaint received that stock have access to a water way | Arahura | Site visit established no breach of the rules. |
| Stock access to water | Complaint received that stock have access to a water way | Kaniere | Site visit established no breach of the rules. |
| Flood Protection | Complaint regarding flood protection work. | Kaniere | Enquiries are on going. |
| Discharge to Air | Complaint regarding the discharge of dust from a stock piling operation. | Greymouth | Site inspection undertaken and enquiries are ongoing. |
| Discharge to Air | Complaint regarding the odour discharging from a waste water treatment pump station. | Greymouth | Site visited and the GDC notified of the issue. |
| Discharge to water | Complaint that sewerage has been discharged into a creek. | Nikau | Site visit undertaken. Complaint unsubstantiated. |

Formal Enforcement Action

The following four infringement notices were issued during the reporting period:

| Activity | Location |
|---|-----------------|
| Unauthorised discharge of sediment to water | Notown |
| Breach of an Abatement Notice | Notown |
| Breach of an Abatement Notice | Rotomanu |
| Stock Access to water | Rotomanu |

Two abatement notices were served during the reporting period:

| Activity | Location |
|--|-----------------|
| Unauthorised mining operation | Granity |
| Unauthorised discharge of dairy effluent | Te Kinga |

MINING

Work Programmes

The Council received the following five work programmes during the last reporting period, with three programmes being processed in the 20 day timeframe. The remaining work programmes (shown in italics) are yet to be processed as more information is required.

| Date | Mining Authorisation | Holder | Location |
|----------|----------------------|------------------|----------------|
| 5/02/13 | <i>RC11122</i> | <i>Linklater</i> | <i>Ross</i> |
| 7/02/13 | RC08109 | Mills | Atarau |
| 11/02/13 | <i>RC12186</i> | <i>Colligan</i> | <i>Marsden</i> |
| 11/02/13 | RC10012 | Maruia Mining | Maruia |
| 15/02/13 | RC07104 | Blacktopp | Rimu |

The following bond was received during the reporting period:

| Mining Authorisation | Holder | Location | Amount |
|----------------------|-------------------|----------|----------|
| RC10112 | Maruia Mining Ltd | Maruia | \$10,000 |

The following bond is recommended for release as a replacement bond has been lodged under Maruia Mining Ltd

| Mining Authorisation | Holder | Location | Amount |
|----------------------|------------------|----------|----------|
| RC10112 | McKay Mining Ltd | Maruia | \$10,000 |

DAIRY

The Council visited 49 farms during the last reporting period.

Eight farms were graded as minor non-compliant with pond maintenance and stock crossings in the Brunner catchment being the main issues. Farmer's have been given a time frame to clean out the pond/weeds and complete any other required maintenance. Stock crossings in Brunner have agreements in place to bridge/culvert within a set timeframe.

Five farms were graded significantly non-compliant; these were due to un-consented discharges to ground, lack of effluent storage and stock in water way in Brunner. All farms have been issued time frames to resolve the issues and will be followed up within the season.

RECOMMENDATION

1. That the March 2013 report of the Compliance Group be received.
2. That Council release the bond held for RC10112 (McKay Mining Ltd)

Jackie 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 March 2013** commencing on completion of the Resource Management Committee Meeting.

A.R. SCARLETT
CHAIRPERSON

C. INGLE
CHIEF EXECUTIVE OFFICER

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

THE WEST COAST REGIONAL COUNCIL

**MINUTES OF THE MEETING OF THE COUNCIL HELD ON 12 FEBRUARY 2013,
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD,
GREYMOUTH, COMMENCING AT 11.35am.**

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), A. Mahuika (Minutes Clerk).

1. APOLOGIES:

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3. CONFIRMATION OF MINUTES

Moved (Birchfield/Davidson) *that the minutes of the Council Meeting dated 11 December 2012, be confirmed as correct.*

Carried

Matters arising

There were no matters arising.

REPORTS:

4.1 ENGINEERING OPERATIONS REPORT

M. Meehan spoke to this report and advised that given the severity of the flooding on the 1-2 January rainfall event, the damage to Council assets were minimal.

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

Carried

4.2 CORPORATE SERVICES MANAGER'S REPORT

R. Mallinson spoke to this report and advised that the investment portfolio did well for the six month period and informed that the Warm West Coast Scheme approved nearly 40 loans to property owners.

Councillors were concerned about the layout of the investment portfolio report. R. Mallinson explained the investment portfolio report to Councillors. Cr Archer inquired whether the Council had received a report from Westpac because they indicated that the report would be in a different format. R. Mallinson is to follow up with Westpac. Cr. Archer said the report was very positive. C. Ingle asked

whether the Councillors preference was for Westpac to supply a report 6 monthly or quarterly. It was decided that a quarterly report was preferred.

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

Carried

5.0 CHIEF EXECUTIVE'S REPORT

C. Ingle spoke about the Productivity Commission's latest report on local regulation. He said it was a very good report and he attached the findings because he thought they would be useful. The Productivity Commission has done a good job in gauging the feel of the local government sector in a regulatory sense and got to the bottom of what causes the problems that occur.

In terms of transferring costs to councils he said the for last 20 years NIWA has done national reporting and had a government contract. Now we have been told they are pulling out and now government just assumes that regional councils will fill the gap and fund it with rates money. It is astounding that government would assume that and haven't even talked to councils about it. Cr Davidson asked whether Council would have the staff and facilities to do the work. C. Ingle replied that Council would, but the cost would affect our Council more than other regions. Cr Davidson questioned whether Council is paying NIWA for the information we currently get from them. M. Meehan said Council has a reciprocal agreement where council shares our information with them and in return NIWA shares with the Council.

C. Ingle highlighted a few findings of the Commission's report and read out F5.1.and F7.8. He advised that the Chairman and himself will be helping LGNZ to make further submissions to assist to make sure their final report is even better. Cr Scarlett said it was quite rare to get an organisation that looks into government and actually captures precisely the issues are, as they have done. Cr Archer thinks these findings will be able to used in the future to support our point of view for submissions that Council makes. This is a very helpful document for Council.

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

Carried

6.0 CHAIRMANS REPORT (VERBAL)

Cr Scarlett reported that he has attended to constituency matters over the last 2 months.

7.0 DELEGATION FOR PROSECUTION DECISIONS

Cr Scarlett bought a report to Council regarding a change to prosecution decisions.

Cr Archer said we have a very efficient and competent staff that make factual recommendations as to the findings and they have a high level of technical competence. It is unfortunate sometimes that some of the views held are based on emotive grounds rather than technical grounds. It concerns him that we hear regularly, remarks such as "Council making criminals out of people" and these types of comments. His very strong held view is that he supports the report and the recommendation and he said he wants to remind the Councillors that when they took office they made a statutory declaration that they would uphold the law. He supports the recommendation.

Cr Birchfield said he opposes the recommendation. He said when you stand for election, the voters expect that you will be involved in running the Council. If you said when you stood for election that you are not going to make any decision and leave it all for the staff you probably wouldn't get elected. We are elected and paid to run the Council and we should do it. We should be prepared to front up with the courage to make the decisions. He will be voting against the recommendation.

Cr Chinn said his job of a Councillor is like a director of a company. Directors of companies employ their CEO and they participate in running the company. He will be voting against the recommendation.

Cr Robb said his view hasn't changed from last time. Councillors are policy makers, not policy enforcers. He also believes there is a conflict of interest. He believes Council's policies are robust enough and strong enough. He will be supporting the recommendation.

Cr Davidson said he agreed with Cr Birchfield, in terms of the criminal offences for these types of RMA breaches being a bit too harsh. But because of the perception of conflict of interest now being put on the Council, he now supports the recommendation.

Cr Cummings said he was surprised Cr Archer doesn't think it a much of a deal people getting criminalized and all rest of it. He doesn't take that lightly at all. If you get on the wrong side of the Council you will find there is a lot of things out there that they can do to you. He is not involved in taking people into that situation even though others don't seem to mind it.

There are lot of issues that really need addressing in the Council as far as consents and consultation. When you apply for a consent, nobody comes and says what about this, what about that, or have you got any problems. They just give you the consent and that is that, they will put their own regulations in it and they gradually cut you down so you just about can't operate. He thinks there needs to be a workshop on something like that to give the resource users some say. He will be voting against the motion.

Moved (Scarlett/Archer)

Cr Scarlett put motion to the vote by show of hands: 4 voted for the motion. 3 voted against

Carried

Cr Scarlett said it had been a good debate and he understood what people were saying. He commented on what Cr Chinn was saying regarding being a company director. As a director your job is to direct, not to get into it gumboots deep and direct staff, that up to the CEO. Your job as a director is to make policy and then see that it is carried out.

He doesn't agree with Cr Birchfield regarding decisions about prosecutions are a matter for the Councillors. Staff are the people that go on site and look and make an assessment around compliance. If you rely on your staff and have faith in your staff, then you assume the recommendations. I have not gone out and seen the site, so I am highly reliant on what the staff say, so if the staff say in their view given all the evidence that there ought to be a prosecution, then it is not up to him to say there shouldn't be. If he reads evidence and it is pretty reasonable and is not unjust or unfair then he comes to the same conclusion. By delegating the decision to staff It takes away the public perception of bias, whether the Councillors are dairy farmers or miners, or any other particular job they have.

Cr Birchfield said it was not over yet as there is a new Council in at the end of the year and this will probably come back to the new Council. Cr Scarlett said they may visit this again, that is democracy, that is entirely up to them.

7.0 GENERAL BUSINESS

There was no general business.

The meeting closed at 11.56am

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 12 March 2013
 Prepared by: W. Moen – River Engineer and Paulette Birchfield – Engineering Officer
 Date: 1 March 2013
 Subject: **ENGINEERING OPERATIONS REPORT**

RIVER AND DRAINAGE INSPECTIONS

- Kaniere RD – Inspection
- Taramakau RD – Inspection / Meeting
- Inangahua – M. O'Regan – Inspection
- Inangahua – H. Roundhill – Inspection
- Kowhitirangi RD - Inspection
- Whataroa River – Sylands Ltd – Compliance Inspection

WORKS COMPLETED AND WORKS TENDERED FORWanganui Rating District – Flood Damage

Work involving the placing of 50 tonnes of rock has been completed by Arnold Contracting Ltd. at a cost of \$1,250 (G.S.T. Exclusive).

Vine Creek Rating District – Channel Clearance

Three tenders were received for the work involving the excavation of 31,500 m³ of material, with the successful tender being Westland Contractors Ltd at \$59,123 (G.S.T. Exclusive).

Taramakau Rating District – Flood Damage

Four tenders were received for work involving an estimated 2,550 tonnes of rock and 2,250 m³ of compacted hardfill, with the successful tender being Westland Contractors Ltd at \$35,085 (G.S.T. Exclusive).

FUTURE WORKS

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

Quarries**Quarry Work Permitted from 31 December 2012**

| Quarry | Contractor | Tonnage Requested | Permit Start | Permit Finish |
|----------|--------------------------|-------------------|--------------|---------------|
| Whataroa | Westland Contractors Ltd | 1,500 | 15 February | 15 March |

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

| Quarry | Rock Available | Emergency Stockpile |
|------------|----------------|---------------------|
| Blackball | 2,300 | |
| Camelback | 6,500 | 2,000 |
| Inchbonnie | 3,000 | |
| Kiwi | 2,500 | - |
| Whataroa | 5,000 | 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 March 2013

1. Financial Report

| FOR THE SEVEN MONTHS ENDED 31 JANUARY 2013 | | | | |
|--|-----------|------------------------|------------------------------|------------------|
| | ACTUAL | YEAR TO DATE BUDGET | ACTUAL % ANNUAL BUDGET | ANNUAL BUDGET |
| REVENUES | | | | |
| General Rates | 1,183,039 | 1,178,333 | 59% | 2,020,000 |
| Rates Penalties | 43,643 | 40,833 | 62% | 70,000 |
| Investment Income | 978,162 | 562,625 | 101% | 964,500 |
| Resource Management | 670,145 | 653,583 | 62% | 1,073,500 |
| Regional Land Transport | 36,566 | 51,042 | 42% | 87,500 |
| Emergency Management | 42,384 | 42,000 | 59% | 72,000 |
| River, Drainage, Coastal Protection | 937,235 | 732,119 | 75% | 1,255,061 |
| Regional % Share Controls | 380,687 | 379,167 | 59% | 650,000 |
| VCS Business Unit | 2,395,555 | 1,163,896 | 120% | 1,995,250 |
| | 6,667,416 | 4,803,598 | 81% | 8,187,811 |
| EXPENDITURE | | | | |
| Governance | 206,080 | 223,715 | 54% | 383,511 |
| Resource Management | 1,851,610 | 1,560,355 | 62% | 2,674,895 |
| Regional land Transport | 71,124 | 87,998 | 47% | 150,854 |
| Hydrology & Floodwarning Services | 247,147 | 232,648 | 62% | 398,825 |
| Emergency Management | 84,023 | 78,275 | 63% | 134,185 |
| River, Drainage, Coastal Protection | 861,375 | 736,263 | 68% | 1,262,165 |
| Regional % Share Controls | 492,962 | 517,501 | 56% | 887,144 |
| VCS Business Unit | 2,033,285 | 872,229 | 136% | 1,495,250 |
| Roofing contract | 35,520 | 0 | 0% | 0 |
| Portfolio Management | 30,988 | 35,000 | 52% | 60,000 |
| | 5,714,114 | 4,343,984 | 77% | 7,446,829 |
| SURPLUS / (DEFICIT) | 953,302 | 459,614 | | 740,982 |

| BREAKDOWN OF SURPLUS (-DEFICIT) | Variance Actual V Budgeted YTD | ACTUAL | BUDGET Year to date | ANNUAL BUDGET |
|------------------------------------|-----------------------------------|----------------|------------------------|------------------|
| Rating Districts | 51,156 | 189,660 | 138,504 | 237,436 |
| Quarries | 15,354 | 14,381 | -973 | -1,668 |
| Regional % Share of AHB Programmes | 26,059 | -112,275 | -138,334 | -237,144 |
| Investment Income | 419,549 | 947,174 | 527,625 | 904,500 |
| VCS Business Unit | 70,603 | 362,270 | 291,667 | 500,000 |
| General Rates Funded Activities | -53,513 | -412,388 | -358,875 | -662,142 |
| Other | -35,520 | -35,520 | 0 | 0 |
| TOTAL | 493,688 | 953,302 | 459,615 | 740,982 |

| Net Contributors to General Rates Funded Surplus (-Deficit) | Net Variance Actual V YTD | Actual | Budet ytd | Annual Plan |
|---|------------------------------|-----------|-----------|-------------|
| Rates | 4,706 | 1,183,039 | 1,178,333 | 2,020,000 |
| Rates Penalties | 2,810 | 43,643 | 40,833 | 70,000 |
| Representation | 17,635 | -206,080 | -223,715 | -383,511 |
| Resource Management | -74,693 | -981,465 | -906,772 | -1,601,395 |
| Planning Activities | 2,398 | -34,558 | -36,957 | -63,354 |
| River, Drainage, Coastal Protection | 13,494 | -128,181 | -141,675 | -242,872 |
| Hydrology & Floodwarning | -14,499 | -247,147 | -232,648 | -398,825 |
| Emergency Management | -5,364 | -41,639 | -36,275 | -62,185 |
| | -53,513 | -412,388 | -358,875 | -662,142 |

STATEMENT OF FINANCIAL POSITION @ 31 JANUARY 2013

| | @ 31/01/2013 | @ 30/06/2012 |
|---------------------------------------|------------------------------|------------------------------|
| <u>CURRENT ASSETS</u> | | |
| Cash | -138,805 | 71,191 |
| Deposit - Westpac | 0 | 0 |
| Accounts Receivable - Rates | -308,304 | 284,961 |
| Accounts Receivable - General Debtors | 384,153 | 1,178,808 |
| Prepayments | 150,818 | 94,431 |
| Sundry Receivables | 271,001 | 146,660 |
| GST Refund due | 66,867 | 0 |
| Stock - VCS | 31,459 | 592,585 |
| Stock - Rock | 521,732 | 436,302 |
| Stock - Office Supplies | 14,740 | 14,740 |
| Accrued Rates Revenue | 309,251 | 0 |
| Unbilled Revenue | 428,176 | 264,683 |
| | <u>1,731,088</u> | <u>3,084,361</u> |
| <u>Non Current Assets</u> | | |
| Investments | 11,838,158 | 11,674,353 |
| MED & DOC Bonds | 31,651 | 31,651 |
| Investments-Catastrophe Fund | 617,759 | 569,713 |
| Warm West Coast Loans | 102,401 | 0 |
| Fixed Assets | 4,630,953 | 4,452,535 |
| Infrastructural Assets | 49,180,358 | 49,180,358 |
| | <u>66,401,280</u> | <u>65,908,610</u> |
| TOTAL ASSETS | <u><u>68,132,368</u></u> | <u><u>68,992,971</u></u> |
| | | |
| <u>CURRENT LIABILITIES</u> | | |
| Bank Short Term Loan | 500,000 | 857,000 |
| Accounts Payable | 298,464 | 951,396 |
| GST | 25,276 | 0 |
| Deposits and Bonds | 502,532 | 460,645 |
| Sundry Payables | 333,312 | 545,161 |
| Accrued Annual Leave, Payroll | 305,636 | 324,032 |
| Other Revenue in Advance | 0 | 495,790 |
| Rates Revenue in Advance | 0 | 53,627 |
| | <u>1,965,220</u> | <u>3,687,651</u> |
| <u>NON CURRENT LIABILITIES</u> | | |
| Future Quarry restoration | 70,000 | 70,000 |
| Greymouth Floodwall | 1,959,533 | 1,993,267 |
| Inchbonnie | 53,003 | 64,423 |
| Punakaiki Loan | 142,118 | 167,654 |
| Office Equipment Leases | 886 | 21,669 |
| | <u>2,225,540</u> | <u>2,317,013</u> |
| TOTAL LIABILITIES | <u><u>4,190,760</u></u> | <u><u>6,004,664</u></u> |
| | | |
| <u>EQUITY</u> | | |
| Ratepayers Equity | 19,004,716 | 19,004,722 |
| Surplus transferred | 953,302 | |
| Rating Districts Equity | 1,263,137 | 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 |
| TOTAL EQUITY | <u><u>63,941,608</u></u> | <u><u>62,988,307</u></u> |
| LIABILITIES & EQUITY | <u><u>68,132,368</u></u> | <u><u>68,992,971</u></u> |

2. Investment Portfolio

Westpac Investment Funds

| | Catastrophe Fund (Conservative Portfolio) | General fund (Moderate Portfolio) | Major Portfolio | TOTAL |
|-----------------------------|--|--|---------------------------------|---------------|
| opening balance 1 July 2012 | \$ 569,711 | \$ 884,100 | \$ 10,740,252 | \$ 12,194,064 |
| income/-loss | | | | |
| July 12 | | | \$ 176,223 | \$ 176,223 |
| Aug 12 | | | \$ 159,636 | \$ 159,636 |
| Sep 12 | \$ 25,114 | \$ 37,755 | \$ 139,092 | \$ 201,961 |
| 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 | \$ 85,503 | \$ 93,203 |
| Jan 13 | \$ 8,413 | \$ 10,667 | \$ 158,219 | \$ 177,299 |
| total income | \$ 48,047 | \$ 64,006 | \$ 864,799 | \$ 976,852 |
| Withdrawals | \$ - | -\$ 365,000 for working capital requirements | -\$ 400,000 as per LTP 12/13 | -\$ 765,000 |
| | \$ 617,759 | \$ 583,106 | \$ 11,205,051 | \$ 12,405,915 |
| | | | Conservative | \$ 48,047 |
| | | | Moderate | \$ 64,006 |
| | | | Major portfolio | \$ 864,799 |
| | | | | \$ 976,852 |

3. General Comment

The surplus for the seven months to 31 January 2013 was \$953,000 compared to the budgeted \$459,000.

The Investment Portfolios continue to perform well, with returns amounting to \$978,000 for the period.

4. Warm west Coast Scheme

Total funding of \$280,462 including GST has been allocated to 65 ratepayers as part of the Warm West Coast Voluntary Rate Loan Scheme. Locations of the loans are shown below:

| | |
|--------------|-----------|
| Reefton | 10 |
| Westport | 4 |
| Hokitika | 5 |
| Greymouth | 40 |
| Other | 6 |
| Total | 65 |

The cost to Council excluding GST for these 65 loans will be is \$243,880 when the loans are fully paid out

As at 28/2/2013 \$106,393 excl GST had been paid to service providers.

This has been funded in the interim by short term bank borrowing of \$100,000 and will be more permanently funded by 5 year fixed rate bank borrowing prior to 30/6/2013.

RECOMMENDATION

That this report be received.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

To: Chairperson
West Coast Regional Council

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

| | | | |
|--------------------|-----|---|--|
| Agenda Item No. 8. | | | |
| 9 – 10 | 8.1 | Confirmation of Confidential Minutes 12 February 2013 | |
| | 8.2 | Overdue Debtors Report (to be tabled) | |
| 11 – 16 | 8.3 | Enforcement Matters | |
| 17 - 93 | 8.4 | Investment Opportunity | |
| | 8.5 | Response to Presentation (if any) | |
| | 8.6 | In Committee Items to be Released to Media | |

| Item No. | General Subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under section 48(1) for the passing of this resolution. |
|-----------------|--|--|---|
| 8. | | | |
| 8.1 | Confirmation of Confidential Minutes 12 February 2013 | | Section 48(1)(a) and in particular Section 9 of 2nd Schedule Local Government Official Information and Meetings Act 1987. |
| 8.2 | Overdue Debtors Report | | |
| 8.3 | Enforcement Matters | | |
| 8.4 | Investment Opportunity | | |
| 8.5 | Response to Presentation (if any) | | |
| 8.6 | In Committee Items to be Released to Media | | |

I also move that:

- Chris Ingle
- Robert Mallinson
- Michael Meehan
- Jackie Adams

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

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