

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

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

TUESDAY, 10 MAY 2016

The programme for the day is:

10.30 a.m: **Resource Management Committee Meeting**

On completion of RMC Meeting: **Council Meeting**

Councillor Workshop: **On completion of Council Meeting**

Presentation: **Westpac**

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, 10 May 2016**

P. EWEN
CHAIRPERSON

M. MEEHAN
Planning and Environmental Manager

<u>AGENDA NUMBERS</u>	<u>PAGE NUMBERS</u>	<u>BUSINESS</u>
1.		APOLOGIES
2.	1 – 3	MINUTES 2.1 Confirmation of Minutes of Resource Management Committee Meeting – 12 April 2016
3.		PRESENTATION
4.		CHAIRMAN'S REPORT
5.		REPORTS
		5.1 Planning and Environmental Group
	4 – 14	5.1.1 Planning and Environmental Managers Report
	15 - 20	5.1.2 Submission on Further Amendments to the National Policy Statement for Freshwater Management 2014
		5.2 Consents and Compliance Group
	21 – 23	5.2.1 Consents Monthly Report
	24 – 26	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 APRIL 2016, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL,
388 MAIN SOUTH ROAD, GREYMOUTH, COMMENCING AT 10.32 A.M.****PRESENT:**

P. Ewen (Chairman), A. Robb, A. Birchfield, P. McDonnell, T. Archer, N. Clementson, S. Challenger, J. Douglas.

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), M. Meehan (Planning & Environmental Manager), R. Mallinson (Corporate Services Manager), N. Costley (Communications Manager), T. Jellyman (Minutes Clerk), The Media

1. APOLOGIES

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3. MINUTES

Moved (Robb / Archer) *that the minutes of the previous Resource Management Committee meeting dated 8 March 2016, be confirmed as correct.*

Carried

Matters Arising

Cr Birchfield drew attention to page 2 of the minutes, the section on Council's submission on the Resource Legislation Amendment Bill 2015. Cr Birchfield stated that he disagrees with Council's submission that the ability to insure against RMA fines should be removed. He stated that some of these charges are very high; they have the potential to wipe out a business as legislation liability is the biggest risk to a company.

4. CHAIRMAN'S REPORT

Cr Ewen reported that it has been a little busier than last month with a number of emails and phone calls mostly in relation to stopbanks.

Moved (Ewen / Archer)

Carried

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

M. Meehan spoke to this report and advised that 26 submissions have been received in relation to the Proposed Coastal Plan. He advised that staff are now preparing a summary of submissions.

M. Meehan reported that an unwanted cropping weed called Velvetleaf has made its way into New Zealand via Italy. M. Meehan reported that Council's Biosecurity Officer has been involved with the MPI response to this. He advised that there has only been one confirmed location for Velvetleaf and that is near Ngahere. M. Meehan reported that two phone calls have been received in relation to the article in the Council Newsletter on Yellow Bristle Grass. In both cases it turned out not to be Yellow Bristle Grass but there are two more visits scheduled for Westport and Karamea.

M. Meehan reported that two flood alarms occurred during the reporting period with both being on the Waiho River. He stated that one event between 11.00 pm and 03.00 am 125 – 138 mms of rain fell which is very intense. M. Meehan reported that the Waiho River got to just over 8 metres with warnings being issued for this.

M. Meehan reported that the access to the area where the fishing boat beached at Saltwater Beach in South Westland proved difficult. He stated that Search and Rescue responded quickly and helicoptered off all the fuel and oils on board and ensured there was no discharge. M. Meehan advised that the owner now has a consent to burn the boat and bury the waste in a DoC approved location.

Moved (Archer / McDonnell) *That this report be received.*

Carried

5.1.2 BATHING BEACH WATER QUALITY SAMPLING UPDATE

M. Meehan spoke to this report. He advised that this is one of the best results since monitoring began with only four exceedances into the moderate to high risk category. Two occurred in the Buller area, one at Seven Mile and one in the Grey River at Taylorville. M. Meehan advised that two out of four were associated with heavy rain.

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

Carried

5.2.1 CONSENTS MONTHLY REPORT

C. Ingle spoke to this report and advised that nine non notified resource consents were granted during the reporting period. He reported that four changes to consent conditions were granted and two limited notified resource consents were granted. C. Ingle reported that the notified consent application for Westland District Council for the Hokitika sewage oxidation ponds was granted on the 8th of April for a ten year term with conditions. Cr Challenger clarified that one of the conditions is that during the ten year period Westland District Council has to devise to do a replacement for the renewal system.

Moved (Challenger / Clementson) *that the April 2016 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

M. Meehan spoke to this report and advised that 76 site visits were made during the reporting period. He stated that one formal warning related to dairy effluent, one infringement notice related to dairy cows accessing riparian margins around Lake Poerua and an abatement notice associated with forestry has subsequently been issued an infringement notice as well.

M. Meehan reported that a third case has now gone through Council's alternative justice process with the outcome being a contribution to a community group. He advised that this process is now complete and the charges have been withdrawn in the district court. He answered questions from Councillors relating to the process for alternative justice and other compliance matters.

Moved (Archer / Birchfield)

1. *That the April 2016 report of the Compliance Group be received.*
2. *That the bonds for RC06185 Hampton, RC04137 Whyte Gold, RC07104, RC09039 and RC12186 for Paramount Mining are released.*

Carried

6.0 GENERAL BUSINESS

M. Meehan displayed a short video clip put together by LAWA on the progress made in the Lake Brunner catchment. The video clip highlights the extensive work that has been put into improving water quality in this catchment over the past few years. The clip is on the LAWA website.

The meeting closed at 10.52 a.m.

.....
Chairman

.....
Date

Prepared for: Resource Management Committee Meeting – 10 May 2016
 Prepared by: Lillie Sadler – Policy Analyst
 Date: 29 April 2016
 Subject: **PLANNING AND OPERATIONS MANAGERS REPORT**

Hearings on Resource Legislation Amendment Bill

The Local Government and Environment Select Committee are holding hearings in the week of 2 May 2016 on the Resource Legislation Amendment Bill. Rachel Townrow, Planning Team Leader at the Buller District Council, will present at the Hearing on behalf of the four West Coast Councils, to emphasize a number of points in our joint submission on the Bill.

Submission on proposed Buller District Plan Changes

Council's submission on proposed Plan Changes 133-145 to the Buller District Plan was lodged on 13 April 2016 (see attached document). The plan changes were to the objectives and policies. Most of the proposed changes are generally supported, including provisions enabling development to occur within the District due to the present economic downturn. The submission recommended that the Minerals Resources chapter be changed to focus on the use and development of all resources in the District. Recommendations were also made that criteria for assessing effects of subdivision and land use on wetlands should take into account Schedule 1 and 2 significant wetlands, and the Schedule 3 ecological criteria for significance within the Regional Land and Water Plan.

Submission on national regulation for vertebrate pest control

The Ministry for the Environment is seeking feedback on a proposal to implement a national regulation that exempts vertebrate pest control use from requiring resource consent or a rule in a regional plan under the RMA. A consultation document titled "*Streamlining the regulatory regime for pest control*" outlines the proposal. The aims of having a national regulation are to:

- Reduce duplication of agencies undertaking compliance monitoring of aerial operations,
- Reduce costs and time delays of applying for resource consents, and
- Achieve consistency nation-wide with conditions for undertaking aerial operations.

It is proposed that Worksafe New Zealand will be responsible for monitoring compliance with HSNO controls, and the Ministry of Health will also continue to be involved in monitoring compliance with their approvals.

Attached to this planning report is the draft submission on the above proposal which supports in principle implementing a national regulation. Vertebrate pest control is a national issue, and it is appropriate that it be dealt with by central government agencies rather than regional councils. Removing duplication of agency monitoring is efficient, the Ministry of Health can monitor aerial operations to ensure that waterways and drinking supplies are not adversely affected. Concerns are raised about references in the consultation document to regional councils continuing to have a role with compliance monitoring and enforcement. This appears to be contrary to reducing duplication of monitoring roles, and needs to be clarified before the national regulation is progressed.

Submissions close on 26 May 2016.

RECOMMENDATION

1. *That the report is received.*
2. *That Council approves the submission on a proposed national regulation as outlined in the "Streamlining the regulatory regime for pest control" consultation document.*

Michael Meehan
Planning and Operations Group Manager



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08 April 2016

Rachel Townrow
Buller District Council
PO Box 21
WESTPORT 7866

Dear Rachel

SUBMISSION ON THE BULLER DISTRICT COUNCIL PROPOSED DISTRICT PLAN CHANGES 133-145

Thank you for the opportunity to submit on Plan Changes 133-145 of the Proposed Buller District Plan. Staff would be happy to either meet, or discuss via phone, any of the submission points should this be of assistance.

The West Coast Regional Council wishes to be heard at a hearing.

Yours faithfully



Michael Meehan
Planning and Environment Manager

**WEST COAST REGIONAL COUNCIL SUBMISSION ON THE BULLER DISTRICT COUNCIL PROPOSED DISTRICT
PLAN CHANGES 133-145**

Introduction

Staff have reviewed the Proposed Buller District Plan Changes 133-145 (Proposed Plan) in terms of whether the proposed changes give effect to the Proposed Regional Policy Statement (pRPS), and whether they are consistent with the West Coast Regional Council's (WCRC) regional plans.

The WCRC supports in principle the intent of the changes to the Proposed Plan to encourage development within the region while protecting the significant natural and human use values of the District. Most of the provisions give effect to the pRPS and are consistent with the regional plans. One of our main concerns is the need to clarify the differences between protecting significant outstanding natural values from natural values that are not of significance or outstanding. Clarifying this will help to determine appropriate proposed subdivision and land use within these areas.

It is positive to see the direction the Buller District Council (the Council) are taking with streamlining the plan and ensuring that it is easy to read, though it is noted that for clarity, further grammatical work is needed, including commas and tightening up of the wording of the issues.

There is no doubt that the current economic climate is tough for the District, particularly in the wake of the demise of Solid Energy and with Holcim soon to close. It is likely that it will take some years to recover from these, and other, economic occurrences. We believe that the current strategic focus should therefore be on enabling economic recovery, and this needs to be clearly reflected in the District Plan. While there are some enabling provisions for subdivision, land use and development scattered throughout the chapters, there is no bold directional statement about encouraging future development in the District that will contribute to employment and social and economic wellbeing over the next 10-15 years. In order to do this, inclusion of a chapter, or chapters, on the economy or social wellbeing would assist in providing valuable aspirational direction setting to assist decision-making and provide a more balanced and reflective policy framework. This would assist in ensuring that all parts of section 5 of the RMA are equally reflected in the District Plan.

The following table lists our submission points on specific sections of the Proposed Plan Change. Text sought to be added is shown in italics and underlined. Text sought to be removed is shown with a strikethrough.

WEST COAST REGIONAL COUNCIL SUBMISSION ON THE BULLER DISTRICT COUNCIL PROPOSED DISTRICT PLAN CHANGES 133-145

Summarised section of the Proposed Plan Change	Support/ Oppose/ Neutral	Reason/ Comment
<p>Structure of the Plan</p> <ul style="list-style-type: none"> 2.1 Culture and Heritage 2.2 Hazardous Substances and Contaminated Land 2.3 Mineral Resources 2.4 Natural Hazards 2.5 The Built Environment 2.6 The Coastal Environment 2.7 The Natural Environment 2.8 The Rural Environment 2.9 Transport 2.10 Utilities 	<p>Neutral</p>	<p>For ease of use, we suggest that the order of the objectives and policy chapters be similar to the PRPS. This would align the Plan with the PRPS.</p>
<p>2.2 Hazardous Substances and Contaminated Land</p> <p>Issue 1</p> <p>Land use and development activities involving hazardous substances have the potential to contaminate water, soil, and air and adversely affect people, property, and the natural environment.</p>	<p>Oppose In part</p>	<p>Support the intent of the issue, however the reference to contamination of water, soil, and air from hazardous substances will likely involve discharges, and these are the Regional Council's functions. Inclusion of them in Issue 1 may be confusing for Plan users.</p> <p>Decision sought: Land use and development activities involving hazardous substances have the potential to contaminate water, soil, and air and adversely affect people, property, and the natural environment.</p>
<p>2.3 Mineral Resources</p> <p>General Comment</p> <p>The chapter focuses on managing the use and development of mineral resources.</p>	<p>Oppose in part</p>	<p>The general intent of providing for mineral resource use and managing adverse effects is supported. However, we understand that diversification of the economy is required as the extraction of minerals cannot be relied on to provide for the economic and social wellbeing of the Buller District. We therefore strongly suggest that this chapter be revised in its entirety with a new focus on the use and development of <u>all</u> resources. This will make the chapter consistent with the PRPS. A minerals focus can</p>

		<p>be retained within the policy framework but as currently drafted it does not take advantage of the breadth of resources available for future growth within the District.</p> <p>Decision sought: Revise chapter to focus on the use and development of <u>all</u> resources in the District.</p>
<p>2.4 Natural Hazards Policy 5 – Coastal Hazards To manage subdivision, development of buildings and structures within the Coastal Environment on land which may be susceptible to coastal erosion or inundation unless the activity can demonstrate:</p> <ul style="list-style-type: none"> (a) There will be significant community benefit; (b) There is a functional requirement for the proposed location; (c) The activity would not adversely affect the natural character of the Coastal Environment; (d) it is relocatable; or (e) That it will not increase the susceptibility of other nearby properties to natural hazards. 	<p>Oppose in part</p>	<p>The phrase "...unless the activity can demonstrate..." doesn't fit with the term "To manage". We suggest replacing "...unless the activity can demonstrate..." with "...taking into account whether..."</p> <p>Secondly the policy should include a clause for considering whether the hazard risk is low, medium, or high. This will be consistent with the approach taken for managing development and coastal hazards in the New Zealand Coastal Policy Statement 2010 (NZCPS), and the proposed Regional Coastal Plan (RCP).</p> <p>Decision sought: Amend Policy 5 to: To manage subdivision, development of buildings and structures within the Coastal Environment on land which may be susceptible to coastal erosion or inundation, <u>taking into account whether:</u></p> <ul style="list-style-type: none"> (a) There will be significant community benefit; (b) There is a functional requirement for the proposed location; (c) The activity would not adversely affect the natural character of the Coastal Environment; (d) <u>Whether the hazard risk is low, medium, or high;</u> (e) It is relocatable; or (f) That it will not increase the susceptibility of other nearby properties to natural hazards.
<p>2.6 The Coastal Environment Issue The relatively unmodified coastal environment of the Buller district provides an abundance of natural habitat, natural character and landscapes. Management of the coastal environment should not unnecessarily restrict appropriate subdivision, use, and development.</p>	<p>Support</p>	<p>This is consistent with the proposed Regional Policy Statement.</p>

<p>Policy 1 – Performance standards To impose performance standards on development and land use in the Paparoa Character Area, that provides the community with a level of certainty and maintains natural character and amenity values.</p>	<p>Oppose in part</p>	<p>While the general intent of Policy 1 is supported, Policy 1 should only refer to outstanding natural character as the policy is to maintain these values in the Paparoa Character Area. Outstanding and high natural character areas have been identified by a landscape architect consultant, and included in the Proposed RCP. Some parts of the Paparoa Character Area have outstanding natural character, and other parts have high natural character. The District Plan could provide for appropriate development in coastal areas that have less than outstanding natural character. Adding “outstanding” before “natural character” makes it consistent with the approach taken in the Proposed RCP, the NZCPS, and Objective 1, Chapter 9 of the PRPS.</p> <p>Decision sought: Amend policy to: To impose performance standards on development and land use in the Paparoa Character Area that provides the community with a level of certainty and maintains <i>outstanding</i> natural character and amenity values.</p>
<p>Policy 2 – Criteria for Determining Appropriate Subdivision, Use, and Development To manage the scale, location, and design of subdivision, use, and development in the coastal environment and determine its appropriateness based on the following:</p> <ul style="list-style-type: none"> (a) The extent of existing modification and likely potential modification of natural character as a result of the proposed activity. (b) The presence of significant indigenous vegetation or significant habitats of indigenous fauna. (c) The presence of outstanding natural features or landscapes. (d) The presence of historic heritage or cultural values including those of significance to Maori. (e) The sensitivity of the area to adverse visual impacts of development. (f) Whether the activity maintains public access and recreational opportunities. (g) Whether the activity has a functional need to be located in the coastal environment. (h) Avoidance, remediation, or mitigation of actual or potential 	<p>Support</p>	<p>The criteria allows for appropriate development to occur within the Coastal environment while protecting significant natural character, landscape, amenity, historical, cultural and recreational values.</p>

<p>effects.</p> <p>(i) The cultural, social, and economic benefits to be derived from the use and development.</p>			
<p>2.7 The Natural Environment</p> <p>General Comment</p> <p>The chapter covers indigenous flora and fauna, waterways, wetlands, and their riparian margins, and outstanding natural features and landscapes.</p>	<p>Support</p>	<p>We support the Plan having one chapter to manage the effects of subdivision and land use on indigenous flora and fauna, waterways and wetlands and their riparian margins, and outstanding natural features and landscapes. Having one chapter to cover these natural values is efficient, and avoids duplication of objectives and policies.</p>	
<p>Indigenous Flora and Fauna Introductory section – 4th paragraph</p> <p>A concern for the district is the retention of remaining wetlands. Most fertile wetlands in the district have been drained or modified by land development activities; therefore those that remain have considerable importance to the ecology of the district. Lowland wetlands are the main habitat for inanga, the principal whitebait species, as well as other threatened species.</p>	<p>Oppose in part</p>	<p>The paragraph as currently worded implies that all wetlands are potentially significant. This is misleading. The paragraph needs to refer to the significant wetlands in Schedules 1 and 2 of the Regional Land and Water Plan (L&WP) which have been identified through an Environment Court process. This involved the assessment of a large number of wetlands throughout the Region by a group of ecologists. Significant wetlands are shown on the maps in the L&WP, and District Councils can refer to these when considering effects of subdivision and land use on any of the significant wetlands. This will avoid District Councils duplicating the identification of significant wetlands, and potentially opening themselves up to litigation. The Court process confirmed that not all 'wetlands' on the West Coast have important ecological values that need protecting. It is important that the West Coast Councils' RMA plans are consistent. WCRC staff are willing to meet with Buller District Council to further explain about the Schedule 1 and 2 wetlands.</p> <p>Decision sought: Amend the 4th paragraph: A concern for the district is the retention of remaining wetlands. Most fertile wetlands in the district have been drained or modified by land development activities, therefore these that remain have considerable importance to the ecology of the district. Lowland wetlands are the main habitat for inanga, the principal whitebait species, as well as other threatened species. <u>Significant wetlands are identified in Schedule 1 and 2 of the Regional Land and Water Plan. These will be taken into account when assessing the impact of proposed subdivision and land use on wetlands in the District.</u></p>	
<p>Policy 3 – Protection of Significant Indigenous Vegetation, Habitats, and Wetlands</p>	<p>Oppose in part</p>	<p>There could be problems with interpreting and applying Policy 3 to wetlands. Although the policy criteria are to assist with assessing effects of proposed subdivision and land</p>	

<p>To maintain Indigenous biodiversity values having regard to the following matters in determining appropriate subdivision, use, and development:</p> <ul style="list-style-type: none"> (a) Actual or potential impacts on the significance of the affected areas and on ecological values (including habitat, vegetation, and fauna), cultural, intrinsic and/or amenity values. (b) The sustainability of the habitat or area of vegetation proposed to be modified or damaged or any adjoining habitat or area of vegetation to an area proposed to be affected. (c) The representativeness of the affected vegetation or habitat and impact on its inter-relationship or continuity with other habitats or areas of Indigenous vegetation. (d) Whether the affected area retains the presence of rare or distinctive, threatened or at risk, Indigenous flora or fauna species. (e) The extent to which the proposal is the minimum necessary to protect significant Indigenous vegetation and significant habitats of Indigenous fauna. (f) Where the adverse effects cannot be adequately avoided or mitigated, enduring any residual effects that are more than minor, are offset in a similar ecological context (in accordance with best practice principals) to achieve no 'net' loss of Indigenous biodiversity. (g) The social and economic benefits to be derived from the use and development of the affected area. 	<p>use, applying the criteria will involve assessing whether a wetland has significant values. The criteria in Policy 3 are different to the ecological criteria in Schedule 3 of the L&WP for identifying significant wetlands.</p> <p>As explained above, significant wetlands in the West Coast Region, including in the Buller District, have been identified through the Environment Court. If the reference to wetlands is not removed from the heading of Policy 3, it makes the criteria in the policy inconsistent with the Schedule 3 criteria in the L&WP. Criteria for assessing significant wetlands need to be consistent across the four West Coast Councils.</p> <p>The heading refers to the protection of "significant" values, however the first part of the policy does not include the term "significant". This makes it confusing as to whether the clauses in Policy 3 apply only to significant Indigenous vegetation and habitat, or whether they apply to any Indigenous vegetation and habitat.</p> <p>Decisions sought: Remove "wetlands" from the Policy heading, or replace the criteria with the Schedule 3 criteria from the L&WP.</p> <p>Amend to: "To maintain <u>significant</u> Indigenous biodiversity values having regard to the following matters in determining appropriate subdivision, use, and development:...."</p>
<p>Policy 5 – Minimal Impact Activities To provide for activities which have less than minor effects on significant Indigenous biodiversity.</p>	<p>Neutral</p> <p>An amendment is suggested to make Policy 5 consistent with the recent Supreme Court decision on the King Salmon case, which determined that avoidance of an activity may not be necessary or relevant in order to protect the values that make the Indigenous biodiversity significant.</p> <p>Decision sought: "To provide for activities which have less than minor effects on significant Indigenous biodiversity <u>values</u>"</p>

29 April 2016

National Direction Pest Control
Ministry for the Environment
P O Box 10362
Wellington 6143

Dear Sir/Madam

Submission on "Streamlining the regulatory regime for pest control"

The West Coast Regional Council appreciates the opportunity to submit on the "Streamlining the regulatory regime for pest control" consultation document. Attached is the Council's submission.

We would be happy to discuss any parts of our submission.

Our contact details for service are:
Mike Meehan
Planning and Operations Group Manager
West Coast Regional Council
P O Box 66
Greymouth 7840

Phone: 03 768 0466 x 229
Email: mm@wcr.govt.nz

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mike Meehan', written in a cursive style.

Mike Meehan
Planning and Operations Group Manager

West Coast Regional Council submission on "Streamlining the regulatory regime for pest control"

National regulation

The West Coast Regional Council (WCRC or the Council) supports the proposal to develop a national regulation under Section 360(1)(h) of the Resource Management Act, to exempt the requirement for a resource consent or rules in regional plans for discharges of vertebrate toxic agents (VTA's). The Council's Regional Land and Water Plan currently requires resource consent for aerial discharges of vertebrate pest control substances to land as a controlled activity. On average, 3-4 resource consent applications are received per year from the Department of Conservation and OSPRI for aerial drops of 1080 in the West Coast Region. The proposed exemption will have the positive effect of removing the cost to ratepayers, taxpayers and operators of processing and obtaining resource consent.

A national regulation is appropriate to deal with vertebrate pest management as this is a national issue. 1080 is used primarily to protect conservation estate and reduce TB infected herd numbers through pest control under the National TB Strategy. These are both national issues dealt with by national organisations. The potential environmental effects of 1080 have been well investigated by the Parliamentary Commissioner for the Environment, amongst others.

Conditions in the regulation

We generally support the proposed conditions of the regulation that are outlined in Table 1 (Pg 10). It will be useful for councils to know where and when aerial discharges are occurring in their regions, in case councils receive queries about the operations and need to direct the enquiry to the correct agency.

The Rationales given for the second and third conditions refer to councils undertaking compliance monitoring and enforcement. These are inconsistent with the intent of the regulation to reduce duplication, as explained in the next section below, and they need to be reconsidered.

If the national regulation exempts the requirement for rules in regional plans, it would be useful for the regulation to include a condition, if possible, for regional councils to amend their regional plans without using the RMA Schedule 1 process, to remove rules relating to the use of vertebrate pest control substances. This will avoid confusion as to whether removing these rules must go through the First Schedule process or not.

Compliance Monitoring

We support reducing duplication of compliance monitoring of aerial VTA operations. When Council's compliance staff have undertaken monitoring of resource consent conditions, there are often staff from the Ministry of Health, Community and Public Health, Department of Conservation, and Worksafe New Zealand on site undertaking compliance monitoring as well. The Ministry of Health approvals have virtually the same conditions as this Council's resource consents, and we strongly

support the Ministry continuing to monitor aerial operations to ensure that waterways and drinking supplies are not adversely affected. It is in the public interest to monitor aerial pest control operations efficiently, with less duplication between agencies.

The references in the consultation document to regional councils doing compliance monitoring are somewhat confusing. If councils continue to be involved with compliance monitoring, this would seemingly continue duplicating Work Safe NZ and the Ministry of Health's compliance monitoring work. This is contrary to the purpose of the regulation. Under the new regulation WCRC would not be able to recover costs associated with consent compliance monitoring either. Compliance monitoring roles need to be clarified before the regulation is progressed. WCRC does not support undertaking compliance monitoring or enforcement of aerial 1080 drops if the regulation is passed.

This ends our submission.

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 10 May 2016
 Prepared by: Alyce Melrose
 Date: 28 April 2016
 Subject: **Submission on further amendments to the National Policy Statement for Freshwater Management 2014**

Purpose

To inform Council of proposed amendments to the National Policy Statement for Freshwater Management 2014 (NPS-FM).

Background

In May 2011 the Ministry for the Environment (MfE) released the NPS-FM 2011; amendments were made in 2014 with the introduction of the National Objectives Framework. In February 2016 MfE released the "Next steps for fresh water: consultation document", which outlines further changes to the NPS-FM.

Proposed changes

The main changes proposed to the NPS-FM are:

- Using Macroinvertebrate Community Index as a mandatory monitoring method.
- Managing water quality in freshwater management units on an individual catchment basis, rather than for the entire region.
- Excluding dairy cattle (on milking platforms) from water bodies through national regulation.
- Clarifying how to implement Te Mana o te Wai, which is a Maori based concept for integrated management of freshwater.
- The inclusion of policies to improve Council and iwi/hapū relationships for better Maori participation in freshwater governance and management.
- Providing for iwi to initiate a participation agreement between Council's and iwi.

Council submission

Council supported the inclusion of a statement in the NPS-FM which clarifies the meaning of Te Mana of te Wai and how it applies to freshwater management in New Zealand.

Concerns were raised about the following proposals:

- It is uncertain which of the Macroinvertebrate Community Index protocols will be required to be used, as there are several. Further work is required to select the best method.
- The exclusion of dairy cattle (on milking platforms) from waterways is supported, however the definition of waterway potentially captures the hollows in humped and hollowed pasture.
- The establishment of freshwater management units only in individual catchments and not across the region, due to the vast areas in the region covered by Department of Conservation estate with no water quality pressures.

The submission is attached, and was submitted on 22 April 2016.

RECOMMENDATION

That the Council receive this report

Michael Meehan
Planning and Operations Group Manager

22 April 2016

Freshwater Consultation 2016
Ministry for the Environment
PO Box 10362
Wellington 6143

Dear Sir/Madam

Submission on "Next steps for fresh water – CONSULTATION DOCUMENT"

The West Coast Regional Council (the Council) appreciates the opportunity to submit on the "Next steps for fresh water – consultation document".

Council would be happy to discuss this submission further with the Ministry.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Michael Meehan', written in a cursive style.

Michael Meehan
Planning and Operations Group Manager

WEST COAST REGIONAL COUNCIL'S SUBMISSION ON NEXT STEPS FOR FRESH WATER – CONSULTATION DOCUMENT

Introduction

The West Coast Regional Council (WCRC or the Council) supports in principle, most of the proposals as outlined in the “Next steps for fresh water management- consultation document” (consultation document). Council has not commented on a number of the proposals as they seem reasonable and should have little impact on Councils processes.

There are some proposals that need further clarification or more detailed analysis before being incorporated into the National Policy Statement on Freshwater Management 2014 (NPS-FM). Recommendations on these proposals are set out below.

The Council has read, and supports, Local Government New Zealand’s (LGNZ) submission.

‘Maintain or improve overall’ water quality

Proposal 1.1

Amend Objective A2 of the National Policy Statement for Freshwater Management so that it applies within a freshwater management unit, rather than across a region.

Council supports Proposal 1.1, it will allow councils to focus on improving water quality in areas where reduced water quality is an issue, or is becoming an issue, or is at risk of becoming an issue. This is beneficial because it allows councils to focus their resources on managing areas where an issue is occurring before working on other areas. The present wording of Objective A2 does not allow this level of prioritisation.

We have noted that the definition of a Freshwater Management Unit (FMU) in the consultation document differs to the definition in the NPS-FM. The definition in the current NPS-FM should be retained as it allows councils to create FMU’s using an appropriate spatial scale for setting freshwater objectives and limits based on local circumstances. In the West Coast region it is appropriate to set FMU’s at a large spatial scale due to the vast areas which are Department of Conservation National Park or other conservation estate. It is not necessary to use resources to undertake lengthy planning processes for catchments with little or no human activity in it. The same can be said for catchments which already well exceed the National Objectives Framework “A” classification and are being maintained or enhanced.

Recommendation

Ensure the current definition of a FMU in the NPS-FM is retained.

Macroinvertebrate Community Index as a measure of water quality

Proposal 1.3

Require the use of Macroinvertebrate Community Index as a measure of water quality in the National Policy Statement for Freshwater Management by making it a mandatory method of monitoring ecosystem health.

And

Proposal 1.4

Work with the Land and Water Forum on the potential benefits of a macroinvertebrate measure for potential inclusion into the National Objectives Framework as an attribute.

Council supports the use of Macroinvertebrate Community Index (MCI) for monitoring ecosystem health. There are a number of protocols used to undertake MCI assessments, and consideration is needed when deciding on what protocol will be included in the National Objectives Framework. Some council's may incur extra costs with implementing the MCI if the protocol chosen for the National Objectives Framework differs to the protocol that the council presently uses.

Recommendation

Supports the LGNZ recommendation to include regional councils in the working group charged with progressing the inclusion of MCI in the National Objectives Framework.

Stock exclusion from water bodies

Proposal 1.8

Create a national regulation that requires exclusion of dairy cattle (on milking platforms) from water bodies by 1 July 2017 and other stock types at later dates (see table 2).

Council supports stock exclusion from waterways, but questions whether a national regulation is required in all regions. On the West Coast the industry itself is making significant headway in this area through Westland Milk Products FarmEx programme. Council supports this programme, and believes that non-regulatory initiatives by the industry are the best way to manage stock exclusion from waterbodies in this region.

We are concerned about the practicability of having a national regulation. Water quality in West Coast rivers is generally very good, and is improving for many parameters, with the vast majority of waterbodies on the West Coast being within the A and B bands of the attributes table in the NPS-FM.

The current definition of a waterway uses the definition from the original Fonterra Water Accord. It includes ephemeral drains, and defines a waterway as being at least 1m wide and 30cm deep. This definition probably works well for most of New Zealand but does not fit with the high rainfall environment of the West Coast.

On the West Coast the definition from the Fonterra accord will capture the many parallel 'drains' associated with humping and hollowing. Following heavy rain, hollows can carry more than 30cm of water (although normally only for a few hours, then they are dry again). A strict interpretation of the consultation document proposal in the West Coast region would have our farmers fencing our paddocks in strips every 20-40 metres, at great cost to the farmer but with no resulting environmental benefit. Clearly these matters need to be road tested before they take effect.

The West Coast Regional Council, in consultation with the community and wider stakeholders, have developed a practical definition for a water body. This has proven to be effective in the Lake Brunner catchment, where Council recently achieved its water quality target set in its Regional Land and Water Plan.

It is considered that for extremely high rainfall regions (ie the West Coast) a regional definition for 'waterway' should be allowed for in the NPS rather than using the same definition as dryland areas of New Zealand.

Recommendations

Review whether there is a need to set a national regulation to fence off all waterbodies by the suggested timeframes in all regions in New Zealand.

A regional definition for 'waterway' should be allowed for in the NPS in high rainfall areas, rather than using the same definition as is used for dryland areas of New Zealand.

Council funding for freshwater management*Proposal 2.6*

Increase the ability for councils to recover costs from water users for monitoring, enforcement, research, and management.

Council supports Proposal 2.6 in principle. However, we are unsure as to how the Government will be able to increase the ability for councils to recover costs.

Most waterbodies on the West Coast have water quality that is within the A and B bands of the attributes table in the present NPS-FM. Therefore, it may be difficult for Council to justify the need to recover a wider range of costs from water users.

Recommendation

Provide details on how the Government intends to increase the ability of councils to recover costs for monitoring, enforcement, research, and management.

Te Mana o te Wai in freshwater management*Proposal 3.1*

Include a purpose statement in the National Policy Statement for Freshwater Management which provides context about the meaning Te Mana o te Wai and its status as the underpinning platform for community discussion on freshwater values, objectives, and limits.

Council supports Proposal 3.1 because this will clarify the meaning of *Te Mana o te Wai* in regards to freshwater management.

Proposal 3.2

Require regional councils to reflect Te Mana o te Wai in their implementation of all relevant policies in the National Policy Statement for Freshwater Management.

More information is needed on what implementing Proposal 3.2 will mean for councils. If detailed analysis of all aspects of *Te Mana o te Wai* is required of councils then this could have significant cost implications for councils.

Recommendation

Clarify what will be required of councils to implement Proposal 3.2, before including this proposal in the NPS-FM.

Iwi and hapū relationships with, and values for, water bodies*Proposal 3.3*

Councils must, at the outset of their freshwater planning process, engage with iwi and hapū to ensure all iwi and hapū relationships with water bodies in the region are identified in regional planning documents.

And

Proposal 3.4

Councils must, when identifying values and setting objectives for particular freshwater management units, engage with any iwi and hapū that have relationships with water bodies in the freshwater management unit.

Council supports in principle engaging with iwi and hapū, however, this is a requirement under Schedule 1 of the Resource Management Act, when undertaking any plan changes. The setting of FMUs may require councils to undertake changes to their regional plans, and so iwi and hapū will be involved in this process. Adding proposals 3.3 and 3.4 to the NPS-FM would duplicate Schedule 1 requirements, which is unnecessary.

The Resource Legislation Amendment Bill also proposed to require councils and iwi to develop participation agreements. Therefore, Council believes that iwi and hapū participation is well covered by the Resource Management Act 1991 (RMA) and does not need to be repeated in the NPS-FM.

Recommendation

That proposals 3.2 and 3.4 are not included in the NPS-FM.

Participation in freshwater Decision making

Enabling iwi and Councils to agree how to work together

Proposal 3.5

The Government will amend the Resource Management Act to establish provisions for a new rohe (region or catchment) based agreement between iwi and councils for natural resource management – a ‘mana whakahono a rohe’ agreement. The mana whakahono a rohe will:

- *Be initiated by iwi through notice to the councils*
- *Be available to all iwi but will not override or replace existing arrangements for natural resource management in Treaty of Waitangi settlements no preclude agreement of different arrangements made under a Treaty Settlement*
- *Provide for multiple iwi involvement where appropriate and agreed*
- *Set out how iwi and council(s) will work together in relation to plan-making, consenting, appointment of committees, monitoring and enforcement, bylaws, regulations and other council statutory responsibilities*
- *Include review and dispute resolution processes.*

Council supports the proposal in principle. The Resource Legislation Amendment Bill requires councils to invite iwi authorities to enter into a participation arrangement with councils. However, the *Mana whakahono a rohe* agreement, as outlined in the consultation document, requires iwi to initiate an agreement. Proposal 3.5 makes it confusing as to whether it is up to the Council or iwi to initiate an agreement. The proposal also does not include any information on council’s obligations to participate in an agreement which an iwi has initiated. It is unclear whether a requirement for the *Mana whakahono a rohe* agreement will be added into the NPS-FM, or whether this will be done through other processes.

Recommendation

We support the LGNZ submission that more detail is needed to fully understand proposal 3.5 as outlined in the consultation document.

Provide detail of the proposed *mana whakahono rohe* agreements and work with local government and iwi before the proposal is finalised.

5.2.1

THE WEST COAST REGIONAL COUNCIL

21

Prepared for: Resource Management Committee
Prepared by: Karen Glover - Consents & Compliance Administration Officer
Date: 28 April 2016
Subject: **CONSENTS MONTHLY REPORT**

Consents Site Visits 31 March – 28 April 2016

DATE	NAME, ACTIVITY & LOCATION	PURPOSE
19/03/16	Jim Cook, Vegetation disturbance, Waikiti Downs	To discuss the permitted activity rule related to the felling of vegetation.
20/03/16	RC-2016-0045, T & P Denham, Creek protection works, Harihari	To assist with the consenting requirements for creek protection works.

Non-Notified Resource Consents Granted 31 March – 28 April 2016

CONSENT NO. & HOLDER	PURPOSE OF CONSENT
RC-2016-0009 Punakaiki Farm Ltd	To disturb the dry bed of the Punakaiki River for the purpose of gravel extraction. To disturb the wet bed of the Punakaiki River for the purpose of gravel extraction.
RC-2016-0022 Geotech Ltd	To undertake earthworks associated with alluvial gold mining activities within MP 41546. To undertake disturbance of Greenstone River and its tributaries associated with water diversion within MP 41546. To divert Greenstone River and its tributaries associated with alluvial gold mining within MP 41546. To take and use water for the purposes of alluvial gold mining activities within MP 41546. To discharge water containing sediment to land within MP 41546 in circumstances where it may enter water, namely Greenstone River and its tributaries associated with alluvial gold mining within MP 41546.
RC-2016-0029 Birchfield Coal Mines Ltd	To discharge water containing contaminants, namely sediment to water, associated with alluvial gold mining within MP 41546. To undertake earthworks associated with alluvial gold mining activities within MP 41652 at Haupiri. To undertake disturbance of water bodies within MP 41652 associated with water diversion. To divert waterbodies associated with alluvial gold mining within MP 41652. To take and use water for the purposes of alluvial gold mining activities within MP 41652. To discharge water containing sediment to land within MP 41652 in circumstances where it may enter water, associated with alluvial gold mining. To discharge water containing contaminants, namely sediment to water, associated with alluvial gold mining within MP 41652.

RC-2016-0030 David McCann	To disturb the dry bed of the Taramakau River for the purpose of removing gravel.
RC-2016-0034 Amalgamated Mining Ltd	To undertake earthworks associated with alluvial gold mining activities within MP 55738, adjacent to Ongionui Creek, Notown.
	To take and use water for the purposes of alluvial gold mining activities within MP 55738.
	To discharge water containing sediment to land within MP 55738 in circumstances where it may enter water, namely Ongionui Creek and its tributaries associated with alluvial gold mining.
RC-2016-0035 New Zealand Transport Agency	To disturb the riparian margins of Serpentine Creek associated with river protection works.
	To disturb the bed of Serpentine Creek to undertake protection works (rock armouring and stream training).
	To temporarily and permanently divert water in Serpentine Creek from protection structures and as a result of stream training.
	To temporarily discharge sediment to water associated with the construction of river protection and diversion works, Serpentine Creek.
RC-2016-0039 Paul Steegh Contracting Ltd	To undertake earthworks and vegetation clearance on slopes associated with quarrying granite rock, Rotomanu.
RC-2016-0040 Kelvin Douglas Contracting (2004) Ltd	To disturb the dry bed of Tailings Creek for the purpose of removing gravel.
RC-2016-0042 W M Fishery Ltd	To alter the foreshore associated with salvaging a vessel at Saltwater Beach.
	To undertake earthworks within 50 metres of the Coastal Marine Area, Saltwater Beach, for the purpose of burying a salvaged vessel.
	To discharge contaminants from a salvaged vessel to land in circumstances where contaminants may enter water.
RC-2016-0043 Paul Steegh Contracting Ltd	To disturb the dry bed of the Taramakau River for the purpose of removing gravel.

Changes to and Reviews of Consent Conditions granted 31 March – 28 April 2016

CONSENT NO. & HOLDER	PURPOSE OF CHANGE/REVIEW
RC072015-V1 Break Creek Farm Ltd	To increase the number of cows to be milked at DS874 Karamea.
RC10256-V5 Solid Energy New Zealand Ltd	Change conditions related to dissolved aluminium monitoring, McCabes Block, Stockton Coal Mine.
RC13158-V1 Hokitika Gold Ltd	To increase the maximum unrehabilitated area and bond associated with alluvial gold mining, Hou Hou.
RC13016-V1 D Russ & K Wilson	To increase the maximum unrehabilitated area and bond associated with alluvial gold mining, Cape Terrace Road.
RC11063-V2 B.B.C Excavation Ltd	To allow mining of riverbed and decrease buffer zone, Waimangaroa.
RC12201-V2 Department of Conservation	For allow for additional coastal protection works, Tauranga Bay.

CONSENT NO. & HOLDER

RC-2015-0141
Westland District Council

PURPOSE OF CONSENT

To discharge treated sewage effluent to the CMA, via an ocean outfall pipeline, from the sewage oxidation ponds.

To discharge contaminants (mainly odour) to air associated with the operation of the sewage oxidation ponds.

Public Enquiries

44 written public enquiries were responded to during the reporting period. 37 (84%) were answered on the same day, and the remaining 7 (16%) within the next ten days. No LGOIMA requests were responded to, all within the required timeframe.

RECOMMENDATION

That the May 2016 report of the Consents Group be received.

Gerard McCormack
Consents and Compliance Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee – 10 May 2016
 Prepared by: Colin Helem - Senior Compliance Officer
 Date: 28 April 2016
 Subject: **COMPLIANCE & ENFORCEMENT MONTHLY REPORT**

Site Visits

A total of 42 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	3
Mining compliance & bond release	13
Complaint Related	12
Dairy Farm	14

Out of the 42 total site visits for the reporting period, 33 visits were compliant, 9 visits were non-compliant.

- **Mining visits**

Gold Mining: 7 alluvial gold mining inspections were carried out during the month.

Coal Mining: 6 coal mining inspections were carried out during the month.

- **Dairy Farms**

14 dairy farm inspections were carried out, 13 farms were graded compliant, one farm was graded non-compliant, which resulted in the farmer being required to undertake remedial action.

Complaints/Incidents between 31 March 2016 & 28 April 2016

The following 11 complaints/incidents were received during the reporting period:

Activity	Description	Location	Action/Outcome	INC/Comp
Discharge to air	Complaint received that the discharge of odour from a factory was offensive.	Westport	The site was investigated and the complaint was unsubstantiated	Complaint
Discharge to air	Complaint received regarding the discharge of odour from Waste Water Treatment Ponds.	Hokitika	The site was investigated and the enquiry is ongoing.	Complaint
Discharge to water	Complaint that a creek is discoloured with sediment.	Camerons	The site was investigated and the Council is awaiting sampling results.	Complaint
Earthworks	Complaint received that a property developer has undertaken earthworks without resource consent.	Hokitika	The site was investigated and the site was found to comply with permitted activity rules.	Complaint
Discharge to air	Complaint received regarding the discharge of odour from Waste Water Treatment Ponds.	Hokitika	The site was investigated and the enquiry is ongoing.	Complaint

Activity	Description	Location	Action/Outcome	INC/Comp
Beach extraction	Complaint regarding the extraction of gravel from a beach.	Nine Mile	The site was investigated and the complaint unsubstantiated.	Complaint
Discharge to air	Complaint received regarding the discharge of odour from a piggery.	Kaiata	The site was investigated and there was no odour at the time of the inspection.	Complaint
Stormwater	Complaint that the discharge of storm water is causing flooding to another property.	Rimu	The site was investigated and enquiries are ongoing.	Complaint
Gravel extraction	Complaint received regarding the extraction of gravel from a river.	Hokitika	The site was investigated and the operator was found to be non-compliant. They were required to undertake remedial work.	Complaint
Discharge to water	A Compliance Officer located the discharge of dairy effluent to a drain during an inspection.	Kokiri	The farmer was required to undertake remedial work.	Incident
Stock access to water	Complaint received regarding dairy cows accessing a water body	Kowhitirangi	Enquiries are ongoing	Complaint

Formal Enforcement Action

One infringement notice was issued during the reporting period

Activity	Location
Discharge of sediment from a forestry operation	Ruatapu

Mining Work Programmes and Bonds

The Council received the following 4 work programmes during the last reporting period. One work programmes have been approved. The remaining work programmes have been recently received and require site visits for final approval.

Date	Mining Authorisation	Holder	Location
22/03/2016	RC2016-0022	Geotech Limited	Greenstone
14/04/2016	RC2015-0106	Barrett & Mathieson	Marsden
18/04/2016	RC2014-0110	Peter Savage	Grey Valley
21/04/2016	RC2015-0174	Ross Lemon	Ikamatua

The following two bonds were received during the reporting period:

Mining Authorisation	Holder	Location	Amount
RC10253	Phoenix Mining Ltd	Cape Terrace	\$30,000
RC2016-022	Geotech Ltd	Greenstone	\$40,000

The following bond is recommended for release:

Mining Authorisation	Holder	Location	Amount
RC11054	Craig Hopper	Cape Terrace	\$6,000

RECOMMENDATIONS

- 1. That the May 2016 report of the Compliance Group be received.*
- 2. That the bond for RC11054 Hopper is released.*

Gerard McCormack
Consents and 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, 10 May 2016** commencing on completion of the Resource Management Committee Meeting

A.J. ROBB
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 – 6	3.1 Minutes of Council Meeting 12 April 2016
4.		REPORTS
	7	4.1 Report on Engineering Operations
	8 – 10	4.2 Corporate Services Manager's Report
	11 – 23	4.2.1 2016 LGNZ Excellence Awards Application
5.	24	CHAIRMAN'S REPORT
6	25 - 44	CHIEF EXECUTIVE'S REPORT
7.		GENERAL BUSINESS

THE WEST COAST REGIONAL COUNCIL**MINUTES OF THE MEETING OF THE COUNCIL HELD ON 12 APRIL 2016,
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD,
GREYMOUTH, COMMENCING AT 10.56 A.M.****PRESENT:**

A. Robb (Chairman), P. Ewen, P. McDonnell, T. Archer, A. Birchfield, N. Clementson, S. Challenger

IN ATTENDANCE:

C. Ingle (Chief Executive Officer), M. Meehan (Planning & Environmental Manager), R. Mallinson (Corporate Services Manager), N. Costley (Communications Manager), T. Jellyman (Minutes Clerk), The Media.

1. APOLOGIES:

There were no apologies.

2. PUBLIC FORUM

There was no public forum.

3.1 CONFIRMATION OF MINUTES

Moved (McDonnell / Clementson) *that the minutes of the Council Meeting dated 8 March 2016, be confirmed as correct.*

Carried

Matters arising

Cr McDonnell asked if Council is going to follow the recommendations of the NIWA report regarding the Hokitika river mouth, especially the making of an emergency cut if necessary. M. Meehan advised that he has been in touch with the M. Hicks, the writer of the report. C. Ingle stated that a survey was done and the results came in this morning which showed that the sand spit was considerably lower than the stopbanks. C. Ingle advised that the survey results have been passed on to M. Hicks for his comment. C. Ingle stated that the southern end of the sand spit is quite low and should the river rise then it would eat away at the sand. Discussion took place on what is the trigger point for the opening of the mouth. M. Meehan advised that there is a small amount of money set aside for the opening of river mouths. C. Ingle stated that he feels that the Hokitika river mouth does not necessarily need any work done on it. Cr Challenger advised that in 2010 Good Earth Matters did a computer modeling of the Hokitika River and this modeling showed that the tide had more of an influence on the Hokitika River flooding than the bar. Cr Archer stated that he feels that Council managers would ultimately make the decision on whether the mouth needs to be opened and initiate the work but Council relies on the community to draw council's attention to any imminent flooding problems. Cr Archer stated that it is important that everyone involved understands what the process is. Cr Birchfield stated that this type of work can be risky and it is important that digger work is done at the right time, prior to a flood event. It was agreed that Westland District Council would be consulted with to discuss long term options for the Hokitika River mouth.

REPORTS:

4.1 ENGINEERING OPERATIONS REPORT

M. Meehan spoke to this report. He stated that during early March further erosion to the area north of the Punakaiki seawall occurred. He stated that around 8 – 10 metres of dune was lost and since this time a further 1 – 2 metres has been lost from outside the campground. M. Meehan advised that there was damage to the seawall and some of the fabric was exposed. He stated that MBD Contracting Ltd carried out emergency works at a cost of just over \$27,000. M. Meehan reported that work has been completed and OCEL were commissioned to investigate what can be done about erosion to the north of the seawall. A potential rock source on private property is being investigated.

M. Meehan advised that the meeting was held on 14 March with Buller District Council to discuss erosion issues in the Granity, Ngakawau and Hector area. The NIWA report and recommendations from the report were discussed at the recent meeting. M. Meehan stated that the recommendations buy more time but there are no safe long term solutions for this area as it is very exposed to the sea. He stated that some properties are getting king tides through their backyards and up to the house. M. Meehan advised that staff are working through protection options. He stated that following the work done in 2006 by NIWA, public consultation followed and a lot of people did work to protect their properties and others didn't.

M. Meehan reported that a meeting was held at Neils Beach on 30 March, the community were quite receptive of the recommendations from the NIWA report. M. Meehan stated that this matter will be discussed further at today's workshop following this meeting.

M. Meehan spoke of the severe damage sustained at the Mueller Hotel and the Westland District Council Oxidation Ponds during the March rainfall event. He stated that engineers from Environment Canterbury, Council staff and NZTA assisted at this time and looked at options to provide immediate protection to the properties around the Mueller Hotel. M. Meehan stated that NZTA is leading the emergency works at the moment. Consultation with NZTA and the community is required to discuss apportionment of costs and long term solutions.

M. Meehan reported that heavy rainfall on 24 March caused back up around the Paroa Hotel, and nearby houses. GH Foster Ltd opened the cut at the beach to allow Saltwater Creek to flow out to sea, to alleviate this.

M. Meehan reported that there are good stockpiles of rock in Council quarries. He stated that a lot of the rock from the Whataroa quarry is being used on the Waiho River. He advised that there is now a reasonable amount of rock in the Okuru quarry.

Cr Archer stated that the increase in the amount of emergency and remediation works at the moment will have a significant effect on planned work and Council's limited staffing resources. He stated that planned meetings and developments for communities are sometimes pushed back further and he feels that it is important the communities are informed if there are going to be delays. M. Meehan agreed with Cr Archer's comments and stated that he is putting in place a timeline of projects that need to be done and consulted on. M. Meehan answered various questions from councillors.

The Chairman acknowledged the work done by M. Meehan in the Waiho / Franz Josef area during the last 2 – 3 weeks. He stated that the plans that are in place with regard to Civil Defence went well; there was no injury or loss of life. The Chairman stated that this council has been in front in this area and this work done in conjunction with Westland District Council to ensure that there are good outcomes for Franz Josef.

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

Carried

4.1.2 WAIHO RIVER LONG TERM MANAGEMENT

M. Meehan spoke to this report and advised that he had started work on this prior to the recent events that caused flooding at the Mueller Hotel and damage to Westland District Councils oxidation ponds. M. Meehan displayed a large map on the overhead screen. M. Meehan stated that since the 1960's the Waiho River has aggraded 8 – 10 metres. He stated that there are a lot of influences that affect the aggradation including the influence of the glacier, the Callery River, the significant amount of rainfall that exposes material that comes down the river, and the glacier retreating. M. Meehan stated that experts believe that at

some point the river will go back and start cutting down again but are unsure when this will happen. M. Meehan spoke of the history of the three rating districts and advised that costs will be split with NZTA in future for monitoring and LIDAR. M. Meehan advised that short term actions are well underway. He gave a detailed description of the route that the river took once it breached the banks. M. Meehan clarified that the Scenic Circle did not have a stopbank in place. There was a gravel road in the vicinity that is used by the district council to access the oxidation ponds. He stated that in 2003 Scenic Circle applied for and were granted a resource consent to put a stopbank along their frontage but they chose not to go ahead with this. They also did not respond to the survey put out to the community in late 2014 regarding proposed new protection work. M. Meehan spoke of the work NZTA has done and was intending to do. He also stated that around 5000 tourist can be in Franz Josef each night. He stated that there are only 300 ratepayers in this area to fund works. Cr Birchfield stated that DoC own most of the land in the Franz Josef area but they don't pay any rates. M. Meehan spoke of the plans that are going to be put in place and the financial burden that this is likely to have on the rating district. All councillors agreed that they are happy with what has been done in the past with offers for the protection of the hotel over the years. All present agreed that government funding is going to be needed to further protect this area. Considerable discussion took place. M. Meehan answered numerous questions from councillors.

Moved (Birchfield / Archer)

1. *That the report is received.*
2. *That the short term options outlined above are monitored and reported on.*
3. *That a focus group is formed to develop the long term management strategy.*
4. *Community consultation is undertaken following the development of the long term strategy.*

Carried

4.1.3 DISBANDING OF THE 12 MILE RATING DISTRICT

C. Ingle spoke to this report. He advised that this rating district was set up 10 years ago to assist landowners to freehold their land as this was originally Grey District Council land. C. Ingle stated that the freehold process is now complete. He stated the landowners were consulted with and 6 out of seven of them replied to the letter sent except for one who lives in Australia. C. Ingle stated that landowners will inspect the protection works themselves from now on.

Moved (Ewen / Birchfield)

That the Council agrees to disband the 12 Mile Rating District and refund the contributing ratepayers the current 12 Mile Rating District fund balance.

Carried

4.2 CORPORATE SERVICES MANAGER'S REPORT

R. Mallinson spoke to this report and advised that this is the eight month report until the end of February. He stated that the overall deficit is just over \$500,000 compared to a budgeted surplus of \$288,000. R. Mallinson reported that the investment income is over \$500,000 behind budget to the end of February. R. Mallinson advised that during March the investment portfolio rebounded by almost \$25,000 and he is expecting a further rebound during April also.

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

Carried

4.2.1 ANNUAL PLAN 2016 / 17 AND ANNUAL PLAN CONSULTATIVE DOCUMENT

R. Mallinson spoke to this report and advised that public consultation is required as a general rate increase is required to fund the expansion of the flood warning network. This is at a cost of \$77,000 which is greater than what was provided for in the long term plan.

R. Mallinson stated that all charge out rates were set in the long term plan including the fixed compliance monitoring charge for gravel extraction consents which will take effect from 1 July 2016. R. Mallinson advised that the hearing of submissions will take place on 24 May. Cr Archer drew attention to page 21 of the agenda that says "current forecasts are that yields from now onwards will be at a lower level for the foreseeable future". Cr Archer stated that this is uncertain and is possible and he would like to see the word "will" changed to "are likely to". All present agreed with the amendment.

Moved (Archer / McDonnell)

1. *That this report be received.*
2. *That the Consultative Document be approved for public consultation, with the suggested amendment.*
3. *The consultative timetable above is adopted.*

Carried

4.2.2 WARM WEST COAST VOLUNTARY TARGETED RATE SCHEME

R. Mallinson spoke to this report and advised that Council received a request from Te Ha O Kawatiri to consider reintroducing the voluntary targeted rate (VTR) scheme on the West Coast that was in place between July 2012 and June 2014. R. Mallinson advised the VTR scheme assisted with the insulation of almost 300 houses in the region. This was then scaled back restricting it to the Reefton air shed area. R. Mallinson stated there have been no applications or approvals since June 2014. He stated that the VTR scheme was putting pressure on Council's debt levels and the prudential limits Council is required to adopt under the LG Financial Prudence Regulations. R. Mallinson explained the financial details of the VTR scheme to the meeting. He stated that there is a cost to Council in having credit available; he stated that EECA subsidies are no longer available. R. Mallinson stated that people are able to approach their own bank for this type of funding.

Cr Birchfield stated that he agrees with this and stated that council is using its equity and he stated that now that EECA has also pulled their subsidies Council should not carry on by itself as Council is not a bank. Cr Archer stated that he supports that recommendations, he agrees with Cr Birchfield's comments and Council should not continue with the VTR. He stated that the reason Reefton is still included in the scheme is because of the air quality issues that impact uniquely on Reefton.

Moved (Birchfield / Archer)

1. *That Council decline to re-introduce a VTR scheme.*
2. *That Council liaise with Canterbury Energy Action Trust to identify how it might support their activities in the region, excluding any financial input by Council.*
3. *The Council writes to the Te Ha O Kawatiri trust explaining the reasons for the decision.*

Carried

4.2.3 CHANGE OF MEETING DATE FOR JUNE 2016 COUNCIL MEETING

C. Ingle spoke to this report and took it as read.

Moved (Ewen / Challenger) *That that June 2016 meeting be shifted to 7 June at 10.30 a.m.*

Carried

4.2.4 LEAVE OF ABSENCE – JUNE 2016 MEETING

Cr Archer spoke to this report.

Moved (Clementson / Ewen)

That that Council grants Councillor Archer Leave of Absence from attending the June 2016 Council meeting, and the hearing for the Annual Plan scheduled for 24 May 2016.

Carried

5.0 CHAIRMANS REPORT

The Chairman spoke to his report and spoke of various meeting he attended during the reporting period. He stated that the Local Government Commission is now ramping up the process that they are going through. The Chairman reported that the Terms of Reference were discussed at a recent meeting.

The Chairman reported that yesterday's Growth Study Governance meeting was an informal get together of the business people who have been put onto this group. He stated this was a very successful meeting.

The Chairman stated that he dealt with numerous media enquiries and took part in interviews in relation to the Waiho River matter.

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

Carried

6.0 CHIEF EXECUTIVE'S REPORT

C. Ingle spoke to his report and stated that a lot of his meetings were in common with The Chairman's. C. Ingle stated that he enjoyed speaking to the Rangiora High School group.

C. Ingle stated that he agrees with The Chairman's comments regarding the Local Government Commission. He reported that the Terms of Reference for a study on having a single RMA one stop shop type approach for the region rather than each council running theirs separately will include various options and will be one to watch. He stated that more cost effective structures will be sought during this study.

C. Ingle stated that he felt the Growth Study meeting he attended yesterday with The Chairman was very useful and enabled the attendees to get a handle on what their role is.

C. Ingle advised that the actual Annual Plan itself is not going out for consultation but the Consultation Document is what the public will submit on. C. Ingle answered various questions from Councillors relating to the Annual Plan, the Regional Policy Statement, Draft Coastal Plan and the Land and Water Plan.

C. Ingle advised that this Council was a big part of the civil defence response during the Waiho River emergency. He stated that quite a few staff from this council was helping the Westland District Council led response. C. Ingle advised that Tanya Winter, Allan Wilson, Chris Raine and he were all controllers at different times with four shifts in total throughout this event. C. Ingle stated that the response worked well and he feels that he is leaving civil defence on the West Coast in good cheer. He stated that personnel brought in from Canterbury also slotted into the team well.

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

Carried

GENERAL BUSINESS

M. Meehan advised that Buller District Council have now notified their District Plan. M. Meehan advised that Council has asked for an extension to the submission period to allow for our submission to be put together. M. Meehan advised that he would email the submission to Councillors after the meeting and he asked that they provide any comments by tomorrow morning.

R. Mallinson advised that Westpac will be making their annual presentation following the completion of the May Council meeting.

The meeting closed at 12.30 p.m.

.....
Chairman

.....
Date

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting – 10 May 2016
 Prepared by: Paulette Birchfield – Engineer
 Date: 1 May 2016
 Subject: **ENGINEERING OPERATIONS REPORT**

WORKS COMPLETED AND WORKS TENDERED FOR

No works were completed or tendered for in the month of April 2016

Buller River Flood Protection Consultation

Following the completion of the Buller River Flood Committee work in late 2015, a consultation plan was required to communicate the work of the committee to the community. A communication plan was drafted in early 2016, however this has not been actioned due to high workload in the operations area.

The first action from the communication plan was to run a series of drop in sessions for the public to learn more about the work the committee has completed. In June/July four public information drop in sessions (morning and night) will be held. The drop in sessions will be advertised in the Westport News and online. In addition to this information material will be made available at key locations and online.

Following this initial consultation period it is likely that a formal survey of ratepayers will be undertaken, outlining options and cost implications.

Quarries

Quarry	Rock Available	Emergency Stockpile
Blackball	1,650	0
Camelback	17,124	0
Inchbonnie	12,481	0
Kiwi	979	0
Whataroa	8,838	0

RECOMMENDATION

That the report is received

Michael Meehan
Planning and Environment Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting 10 May 2016
 Prepared by: Robert Mallinson – Corporate Services Manager
 Date: 2 May 2016

1. Financial Report

I attach the financial report for the nine months to 31 March 2016.

FOR THE NINE MONTHS ENDED 31 MARCH 2016				
	ACTUAL	YEAR TO DATE BUDGET	ACTUAL % ANNUAL BUDGET	ANNUAL BUDGET
REVENUES				
General Rates and Penalties	1,653,406	1,651,500	75%	2,202,000
Investment Income	438,704	782,039	42%	1,042,718
Resource Management	850,344	1,063,913	60%	1,418,550
Regional Land Transport	56,169	67,875	62%	90,500
Emergency Management	186,480	181,500	77%	242,000
Economic Development	112,500	112,500		150,000
River, Drainage, Coastal Protection	1,318,270	1,051,334	94%	1,401,778
Regional % Share Controls	297,805	300,000	74%	400,000
Other	0	0	0%	0
Warm West Coast	26,278	81,750	0%	109,000
VCS Business Unit	1,711,412	2,135,981	60%	2,847,975
Revaluation of Property		25,361	0%	33,814
	6,651,368	7,453,751		9,938,335
EXPENDITURE				
Governance	312,850	317,346	74%	423,128
Economic Development	67,799	225,000		300,000
Resource Management	2,382,658	2,292,953	78%	3,057,270
Regional land Transport	111,927	125,333	67%	167,110
Hydrology & Floodwarning Services	444,807	379,271	88%	505,695
Emergency Management	223,083	189,384	88%	252,512
River, Drainage, Coastal Protection	1,512,444	1,143,851	99%	1,525,135
Regional % Share Controls	559,357	544,306	77%	725,741
VCS Business Unit	1,585,577	1,760,981	68%	2,347,975
Other	63,739	69,117	69%	92,156
Warm West Coast	23,863	81,750	22%	109,000
	7,288,104	7,129,282		9,505,722
OPERATING SURPLUS / (DEFICIT)	-636,736	324,460		432,613

BREAKDOWN OF SURPLUS (-DEFICIT)	Variance Actual V Budgeted YTD	ACTUAL	BUDGET Year to date	ANNUAL BUDGET
Rating Districts	-87,526	130,526	218,052	290,736
Economic Development	157,201	44,701	-112,500	-150,000
Quarries	-60,929	-56,846	4,083	5,444
Regional % Share of AHB Programmes	-17,246	-261,552	-244,306	-325,741
Investment Income	-343,335	438,704	782,039	500,000
VCS Business Unit	-249,164	125,835	374,999	1,042,718
General Rates Funded Activities	-342,628	-996,780	-654,152	-872,202
Warm West Coast	2,415	2,415	0	0
Revaluation investment Property	-25,361	0	25,361	33,814
Other	5,378	-63,739	-69,117	-92,156
TOTAL	-961,196	-636,736	324,460	432,613

Net Contributors to General Rates Funded Surplus (-Deficit)	Actual	Budget ytd	Annual Plan
<u>Net Variance</u>			
<u>Actual V YTD</u>			
Rates	1,906	1,653,406	1,651,500
Representation	4,496	-312,850	-317,346
Resource Management	-303,274	-1,532,314	-1,229,040
Transport Activities	1,700	-55,758	-57,458
River, Drainage, Coastal Protection	46,799	-267,854	-314,653
Hydrology & Floodwarning	-65,536	-444,807	-379,271
Emergency Management	-28,719	-36,603	-7,884
	-342,628	-996,780	-654,152

STATEMENT OF FINANCIAL POSITION @ 31 MARCH 2016

	@ 31/03/16
<u>CURRENT ASSETS</u>	
Cash	-175,553
Deposit - Westpac	0
Accounts Receivable - General	114,622
Accounts Receivable - Rates	1,622,667
Prepayments	99,352
Sundry Receivables	371,137
GST Refund due	
Stock - VCS	43,320
Stock - Rock	492,864
Stock - Office Supplies	19,164
Accrued Rates Revenue	
	<hr/> 2,587,573
<u>NON CURRENT ASSETS</u>	
Investments	10,892,755
Strategic Investments	1,039,564
Term Deposit - PRCC bond	50,000
MBIE & DOC Bonds	11,142
Investments-Catastrophe Fund	968,987
Warm West Coast Loans	593,561
Commercial Property Investment	1,340,000
Fixed Assets	4,825,531
Infrastructural Assets	54,061,958
	<hr/> 73,783,497
TOTAL ASSETS	<hr/> 76,371,069
<hr/>	
<u>CURRENT LIABILITIES</u>	
Bank Short Term Loan	800,000
Accounts Payable	490,311
GST	164,068
Deposits and Bonds	926,029
Sundry Payables	52,206
Accrued Annual Leave, Payroll	344,576
Other Revenue In Advance	9,126
Rates Revenue in Advance	969,355
	<hr/> 3,755,671
<u>NON CURRENT LIABILITIES</u>	
Future Quarry restoration	70,000
Interest Rate Hedge Position	180,435
Lower Waiho	214,800
Greymouth Floodw all	1,743,208
Hokitika Seaw all	1,331,250
Strategic Investments	1,207,471
Warm West Coast	635,000
Working capital loan	739,725
Office Equipment Leases	14,092
	<hr/> 6,135,981
TOTAL LIABILITIES	<hr/> 9,891,652
<hr/>	
<u>EQUITY</u>	
Ratepayers Equity	19,205,194
Surplus transferred	-636,736
Lake Brunner Project Funds	9,263
Rating Districts Equity	2,029,049
Tb Special Rate Balance	317,206
Revaluation	34,618,357
Quarry Account	-267,076
Catastrophe Fund	897,160
Investment Growth Reserve	10,307,000
TOTAL EQUITY	<hr/> 66,479,417
LIABILITIES & EQUITY	<hr/> 76,371,069

2. Investment Income

Westpac Portfolios

March 2016	Catastrophe Fund	Major Portfolio	TOTAL
Opening balance 1 March 2016	\$ 949,846	\$ 10,671,100	\$ 11,620,946
Income March 2016	\$ 19,141	\$ 221,655	\$ 240,796
Deposit			
Withdrawal		\$ -	\$ -
Closing balance 31 March 2016	\$ 968,987	\$ 10,892,755	\$ 11,861,742
Total income year to date to 31 March 2016	\$ 21,828	\$ 301,101	\$ 322,929

3. Comment

The results for the nine month period are in line with those previously reported, with a loss for the period of \$637,000 compared to a budgeted surplus of \$324,000.

Westpac portfolio income rebounded strongly during March 2016 by \$240,000 and I expect that rebound to continue during April 2016.

RECOMMENDATION

That this report be received.

Robert Mallinson
Corporate Services Manager

THE WEST COAST REGIONAL COUNCIL

Prepared for: Resource Management Committee – 10 May 2016
Prepared by: Nichola Costley – Communications Manager
Date: 30 April 2016
Subject: **2016 LGNZ EXCELLENCE Awards Application**

Purpose

This report provides an update to Council on the application made to the 2016 LGNZ EXCELLENCE Awards.

The Application

The LGNZ EXCELLENCE Awards recognise and celebrate excellent performance by councils with regard to community engagement, environmental impact, infrastructure management, economic development, cultural vibrancy, and overall value and service delivery.

An application has been made on behalf of the West Coast Regional Council for the 2016 Awards. The project nominated is the *Lake Brunner Water Quality Enhancement Project* which has been entered into in the Air New Zealand EXCELLENCE Award for Environmental Impact category.

The winners will be announced at the LGNZ Conference dinner on 25 July 2016.

A copy of the application follows this report.

RECOMMENDATION

That Council accept this report.

Nichola Costley
Communications Manager

2016 LGNZ
EXCELLENCE Awards

Air New Zealand
EXCELLENCE Award
for Environmental
Impact

The Lake Brunner Water Quality Enhancement Project:

With a lake heading towards crisis, a major collaborative effort initiated a bold plan to improve freshwater quality by 2020. With significant landowner commitment the target was achieved 5 years earlier than anticipated. This is our story.

In Brief

Lake Brunner/Kotuku-Whakaoho is the largest Lake on the West Coast, significant for both recreation and tourism. A special management area, it is highly prized by tangata whenua and is an important area ecologically. Since 1992, water quality monitoring indicated deteriorating trends for nutrients, primarily phosphorus, and water clarity.

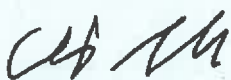
While the water quality wasn't really poor, this trend needed to be addressed for the good of the environment and the community. The lake had been identified as being phosphorus sensitive meaning that an increase in phosphorus, when combined with existing nitrogen levels, could cause the lake to degrade further.

Provisions released in the 2004 plan, were strengthened in 2010 and a further improved water quality objective was set to be achieved by 2020.

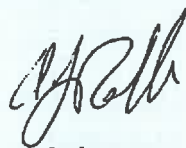
To achieve this objective, Council initiated a collaborative approach to address the factors affecting the lake by involving farmers at the very first stages of drafting the new management provisions for the catchment. Using every tool in the box, a mix of regulatory and non-regulatory approaches was very successful. In particular, Council worked closely with landowners throughout the farm planning process breaking the necessary tasks into manageable and affordable chunks. Complemented by external funding sourced by Council from the Ministry for the Environment, the necessary tasks became achievable with a business as usual approach.

The result - not only have the declining trends been halted, the water quality target set in the Regional Land and Water Plan in 2010, has been met some 5 years early. This result shows that we can achieve a balance between using our region's natural resources and at the same time, maintain or enhance our special places for the enjoyment of future generations.

On behalf of the West Coast Regional Council, and the landowners, iwi, stakeholders and community involved, we are proud to submit this project to the 2016 Local Government EXCELLENCE awards.



Chris Ingle
Chief Executive
West Coast Regional Council



Andrew Robb
Chairman
West Coast Regional Council

Friday 29 April 2016

Project team members

West Coast Regional Council

- Andrew Robb - Chairman
- Chris Ingle - Chief Executive
- Michael Meehan - Planning and Operations Group Manager
- Jonny Horrox - Resource Scientist
- Nichola Costley - Communications Manager
- Sandra Cox - Senior Compliance Officer
- Alyce Melrose - Regional Planner (Fresh Start to Freshwater Coordinator)
- Jan Derks - Farm Consultant

The Lake Brunner catchment farmers

Landcare Community Catchment Group

- Katie Milne - Farmer/ Federated Farmers
- Rosalie Shaffrey - Farmer
- Renee Rooney - Farmer
- Phil Keene - New Zealand Landcare Trust
- Paul Rivers - Landowner
- Francois Tumahai - Ngati wae wae
- Dean Kelly - Fish and Game
- Chris Pullen - Westland Milk Products
- Grey District Council

Supporting Agencies

- Westland Milk Products
- AgResearch
- Dairy NZ
- Fertiliser NZ
- Ministry for the Environment
- NIWA

The volunteers who assisted at planting days

LAKE BRUNNER - THE FACTS

- Largest lake on the West Coast – 36.1km²
- Maximum depth of 106m
- The catchment provides feeding, roosting and breeding habitat for a diverse range of waterfowl and wading birds. Land-locked populations of koaro, banded and giant kokopu, common bully, upland bully and dwarf galaxiid are present.



Ngāi Tahu Association with Kōtuku-Whakaoho

The name Kōtuku-Whakaoho relates to a husband and wife called Kōtuku and Māwhera. Both were killed at this site which led to one (Kōtuku) having their name applied to the lake and the other (Māwhera) lending their name to the Grey River. As with most lakes, there is also a tradition of a taniwha connected with Kōtuku-Whakaoho. The story tells how two taniwha were killed by a chief because they had killed his father and sister. On their deaths, the taniwha became islands which now lie in the lake.

For Ngāi Tahu, traditions such as this represent the links between the cosmological world of the gods and present generations. These histories reinforce tribal identity and solidarity, and continuity between generations, and document the events which shaped the environment of Te Wai Pounamu and Ngāi Tahu as an iwi. Kōtuku-Whakaoho holds an important place in Ngāi Tahu history as the site of the tribe's battle with Ngāti Wairaki. Victory in this battle saw Ngāi Tahu gain manawhenua in the area. Besides being a famous battle ground, Kōtuku-Whakaoho was important as the site of a permanent settlement, acting as a focal point for

food-gathering parties. The principal food taken from the lake was tuna (eel). Waterfowl and forest fowl were also important mahinga kai in this area.

The tūpuna had considerable knowledge of whakapapa, traditional trails and tauranga waka, places for gathering kai, and other taonga, ways in which to use the resources of the lake, the relationship of people with the lake and their dependence on it, and tikanga for the proper and sustainable utilisation of resources. All of these values remain important to Ngāi Tahu today. The importance of the area to Ngāi Tahu was recognised by the Crown in the setting aside of a reserve at the lake for Ihaia, Tainui, and Waipapara.

The mauri of Kōtuku-Whakaoho represents the essence that binds the physical and spiritual elements of all things together, generating and upholding all life. All elements of the natural environment possess a life force, and all forms of life are related. Mauri is a critical element of the spiritual relationship of Ngāi Tahu Whānui with the lake.

Poutini Ngāi Tahu value many of the native bird and plant species present in the lake catchment as taonga.

What Was the Problem?

Why Did we Act?

Lake Brunner is considered the most vulnerable lake on the West Coast due to development pressure and high recreational use. The population of Moana, situated beside the lake, can swell to some 2,500 people during holiday periods. Not only is it an important attraction for national and international tourists, it is also a popular destination for the local community, wider Grey district and West Coast populace. Recognised as a statutory acknowledgment area, Lake Brunner is also of significant importance to iwi.

There are 22 dairy farms located around Lake Brunner and Lake Poerua utilising 25% of the catchment in farmland pasture. Intensive dairy farming around the lake was identified as the primary driver of nutrient increases in the lake. As Lake Brunner is phosphorus limited, any increase in nitrates was unlikely to affect lake biology without an accompanying increase in phosphorus.

Testing undertaken by the West Coast Regional Council (the Council) detected a decline in water quality. While the water quality wasn't considered poor on a national scale, there was potential, if things didn't change, for Lake Brunner to succumb to eutrophication as the Rotorua Lakes had done.

Voluntary farm plans implemented in 2003/04 were not proving effective in addressing the issues. Further action was needed.

The impacts of eutrophication

The potential impacts from eutrophication on water quality and mahinga kai include:

- Excessive plant and algae growth and decay.
- Decreased oxygen levels which can lead to the death of fish species.
- Increased turbidity and decreased water clarity – water becomes cloudy, reducing the ability of fish to see, prey and detect predators.



Council staff measuring the vertical clarity of the lake with a secchi disk and viewer

Where Would we Start?

What Would we do?

How Would we do it?

The objective of the Lake Brunner water quality enhancement project was simple – halt the decline in water quality and turn around the negative trends to achieve a high quality water body.

CONSIDERATIONS FOR A UNIQUE CATCHMENT

Any action to reverse the declining water quality trend was a big task for the Council and the landowners of the catchment. The catchment itself was unique which would necessitate careful consideration when developing any future management regime. This included:

- The catchment being subject to an average of 5,000mm of rainfall per year. In comparison to other catchments around New Zealand, and even on the West Coast, this is a significant amount and poses a major challenge when trying to keep farm run-off from entering waterways.
- A small number of dairy farmers (22) in the catchment would need to perform the bulk of the work to improve water quality. There would be a substantial price tag for farm improvements and the implementation of the actions required would take time and significant sustained commitment.
- The Council, noting the extremely small rating base, and 86% of the region in conservation estate, had to balance its limited resources to investigate, plan, consult, implement and monitor the outcomes for the lake against many other competing demands. There was also no contestable environmental fund available to assist landowners.
- Most lake quality issues in New Zealand relate to nitrogen. In this case phosphorus was the limiting nutrient, therefore approaches used in other regions to improve water quality, would not work for Lake Brunner. New thinking was needed.



PLANNING AND CONSULTATION

A dedicated policy chapter was released in the Proposed Water Management Plan in 2004 acknowledging the lake's unique importance. Declining water quality trends continued and it was recognised that the voluntary approaches through the application of farm plans had to be strengthened.

Several years were spent with Council working closely with landowners developing a new management regime for the catchment. Key to the success of gaining the buy in of landowners was listening to their issues. Council considered a wide range of potential options and these were tested at the early stages with landowners to gauge interest for their uptake and future implementation. The clear message from the community was that a targeted approach to effluent management would prove most effective. Council was also sensitive in recognising that any form of regulation was going to have a financial impact on those affected. Early collaboration negated some of these potential issues.

In 2010 the challenge for the Lake Brunner community became mandatory. The Council released the Regional Land and Water Plan which included special provisions for Lake Brunner:

- All stock excluded from waterways (minimum setback 1m);
- Humping and hollowing (land development to improve drainage) became a discretionary activity (previously permitted up to 5ha in a 12 month period);

- Fertiliser applied to newly developed land (e.g. humped and hollowed) must have water solubility of less than 10%;
- Resource consent required for any stock crossing that had not been bridged or culverted; and
- A low rate application of agricultural effluent to land.

The new provisions, the strictest regulations in the region, were set in place to reverse the decline in water quality and achieve the new objective for the lake: *To improve the water quality of Lake Brunner by managing the adverse effects of activities in the catchment to reach an average trophic level index of 2.8 by 2020, and then maintain or enhance this trophic level index.*

To assist with implementing the new mandatory requirements, Council and Westland Milk Products jointly funded a further round of farm plans to assist with budgeting and prioritising works to achieve the new level of compliance.

In 2012 Council applied to the Ministry for the Environment's Fresh Start to Freshwater Fund for funding to assist farmers to deliver projects that would go beyond what was simply required to protect the lake. Central government provided \$200,000 to the catchment to help with fencing and riparian planting along the numerous waterways transecting the farms on their way to the lake.

GOVERNANCE

Planning, implementation and monitoring have been overseen by several groups over the lifetime of this project. Councils' Lake Brunner Group, comprised of staff from the planning, resource science, consents and compliance teams, primary role was to ensure that Council provided the support required to assist landowners by identifying and monitoring potential issues in the catchment and finding solutions to address these quickly, as well as generally ensuring that

landowners were progressing with the work required.

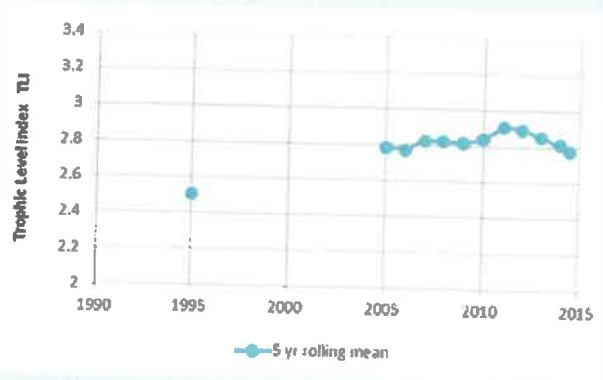
The progress in the catchment was also monitored at a higher level by Councils' Executives, including the Chief Executive Officer and Councillors. Water quality, and particularly that of Lake Brunner, is one of the levels of service set out in the Long Term Plan 2015-2025: *To maintain or enhance the water quality in Lake Brunner.*

MONITORING AND EVALUATION

Council continued to test water quality at Lake Brunner to monitor any potential change in the lake. In August 2015, water quality monitoring indicated that the trophic level index target had been achieved. What was more significant was that the target had been met some five years earlier than expected.

Lake Brunner Trophic Level Index

The graph to the right illustrates the achievement of the objective for Lake Brunner in the Regional Land and Water Plan of improving water quality in the catchment to reach an average trophic level index of 2.8 by 2020. Note the trophic level index in 1995.



What is the Trophic Level Index?

The trophic level index is a measure of four key parameters:

Total nitrogen, total phosphorus, water clarity and chlorophyll-a

Using these indicators allows for changes in the lake to be more accurately detected over time.



Water monitoring in one of the Lake Brunner tributaries.

Measuring Success

There is no doubt that the Lake Brunner water quality enhancement project has been a success, not just for the environment, local community and those who enjoy the values the lake has to offer, but for the landowners and Council too. The benefits of this project are far reaching.

For the lake

The principle winner is the lake itself and the ecosystem it supports. Enhancing the water quality of the lake provides a more supportive environment for those species that rely on it.

For the community

With improving water quality ensuring the lake remains in an oligotrophic (low nutrient) state, swimming and other recreational activities are safeguarded. This has a flow on effect for those nationally and internationally who enjoy the lake and its surrounds, contributing much needed income from tourism into the local economy. The locals are also able to continue to enjoy the values the lake provides.

The work in the catchment to improve water quality spawned the establishment of the Lake Brunner Community Care Catchment Group. The Group has provided a vehicle for the wider community to be able to get involved, working side by side to reverse the decline in water quality, leading to a greater awareness of the issues and a more inclusive discussion on what to do for the future of the lake. Council assisted the Group by securing \$20,000 from the Ministry for the Environment Fresh Start for Freshwater Fund, which was used to purchase and plant some 5,208 plants at four sites by volunteers from central Greymouth businesses, school children and the wider community.



Staff emptying a sample from the Van Dorn sampler. The Van Dorn is lowered to set depths in the lake and captures a water sample from the depth. These samples are analysed for chlorophyll-a and nutrients.

For the landowners

For the landowners farming in the catchment there are benefits accruing in a number of areas. The catchment farmers faced the economic realities of a future which required finding a balance between sustainable farming and ecological good practice. In addition to this was trying to implement new practices that would take into account an average of 5,000mm of rainfall per year.

Landowners have really taken the new management regime 'by the horns', coming up with innovative solutions to make the situation work for them. This has been particularly obvious through the management of their effluent and how to collect, store and apply the waste product in the high rainfall environment. A lot of emphasis went on the containment of effluent ensuring ponds and tanks were sealed with no leakage to ground or surface water. Additionally, many farms built new sealed holding ponds for effluent to prevent rainwater from entering the system and revisited their fertiliser regime. The enthusiasm and commitment demonstrated by landowners on this one part of farm management, where the installation of effluent containment systems cost some up to \$300,000, is a major success factor.

Some farmers became leaders of the effort, investing in planting and fencing that far exceeded requirements. The Fresh Start to Freshwater Fund contributed up to 50% of the works recommended in the farm plans (up to \$10,000 per farm) with the landowner contributing the remainder for works that would go over and above what was required under the regional rules. For example, fencing and riparian planting for setbacks greater than the 1m stipulated in the Plan were provided with funding assistance. To date 21,190 plants have been planted by landowners.



Farm improvement investment

The eleven farms surveyed in the catchment indicated they had spent the following of farm improvements:

- \$45,000 - bridges
- \$73,500 - 70km waterway fencing
- \$73,000 - culverts
- \$53,386 - plants
- \$550,000 - cow barns
- \$1,730,000 - effluent upgrades
- \$1,520,000 - 76ha land retired (\$20k/ha)
- \$227,086 - labour

\$4,198,972 - total

A survey of 11 farms in the catchment indicated that these farmers alone had committed some \$4.2 million on improvements. And this was the spend from just half the landowners. It is likely that the total investment made by all landowners in the catchment would be in the vicinity of \$8 million - \$9 million.

The achievement of improved water quality is also a win for the reputation of New Zealand's farm products in overseas markets. Westland Milk Products and Dairy NZ encouraged the landowners to mitigate the effects of farming operations to meet the Council's regulations. Full compliance and clean water is now recognised as an important value for dairy products sold in the international dairying market, and this competitive edge is particularly important in a tight global market.

The result? At the start the rules were thought to be strict. In reality however, through implementation of the tasks to achieve compliance, the rules are now recognised as just best practice for the environment the landowners are working in.

For the Council

The achievements in water quality for Lake Brunner demonstrate what can be achieved by working together. Through a mix of regulatory and non-regulatory means, supplemented by securing a significant funding contribution to assist with fencing and riparian planting, the distinctive character of the West Coast's most important water body has been maintained and an improvement in water quality gained. Assisting landowners through this most daunting of processes from start to finish, looking back to where both the Council and the landowners have come from, is remarkable. Few would have thought this outcome could have been achievable given the scale of the problem, the issues inherent in the catchment itself and the significant investment in capital and time required. Seeing all of these pieces of work come together and produce a recognisable water quality improvement trend, which has met the objective in the plan 5 years earlier than anticipated, has been a fantastic result. This has been a long process for Council with work starting on this project a decade ago.

Being able to achieve the balance between utilising our natural resources while maintaining and enhancing them for future generations is a truly successful example of how community, regulatory and business interests can come together to produce an excellent result for the environment.

Feedback from the landowners on the role Council played throughout the process has been positive reflecting the approach staff took listening and understanding the constraints and issues relating to the weather, finances and time. The feedback also noted the patience of staff to work through the various processes, and the practical help in securing funds and assisting with the farm plan activity.

Our Councils Involvement

Constrained by a small rating base, the Council has had limited resources to put towards the declining water quality issue in Lake Brunner. Note that Council has less than 40 staff. This did not stop the Council from tackling the problem.

Through water quality testing, drafting new planning provisions, consent processing, compliance monitoring and extensive stakeholder consultation involving management and Councillors, there are few staff at the Council who haven't been involved one way or another.

The outcomes achieved have shown that you don't have to be the biggest Council, with the biggest budget and an army of staff, to achieve fantastic outcomes for the environment and community.

A photograph showing three men crouching on a grassy bank next to a body of water. The man on the left is wearing a dark suit and tie. The man in the middle is wearing a dark sweater over a collared shirt. The man on the right is wearing a dark jacket. They are all smiling and looking towards the camera. The background shows a grassy area with some trees and a fence.

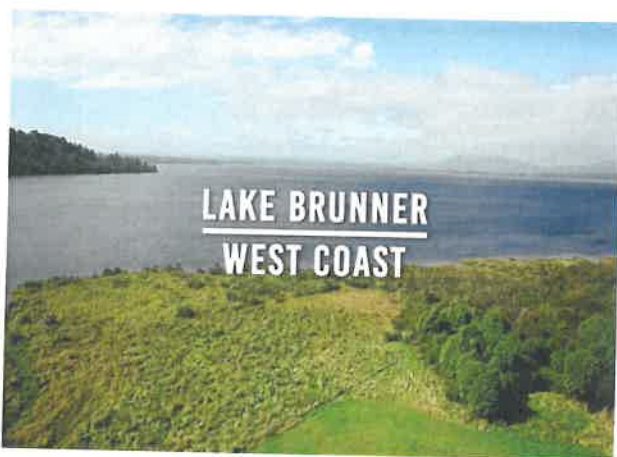
Environment Minister Nick Smith, West Coast Regional Council Chairman Andrew Robb, and Westland Milk Products Chairman Matt O'Regan on the shore of Lake Brunner, recognise the cooperation and effort needed to achieve the water quality result. [Photo: Steve Attwood]

What Could Have Gone Wrong?

The primary risk of the Lake Brunner water quality enhancement project was linked to the landowners in the catchment. There was always the possibility that the landowners wouldn't comply with the new mandatory provisions, would drag their heels or just partially implement the improvements required.

We helped to ensure this didn't happen in several ways, including:

- The collaboration and support between the various stakeholders, Council and the landowners is considered the major risk mitigating factor during the project. Working with those in the catchment, understanding their issues and concerns and undertaking a management regime which was in part suggested by the landowners themselves was the first step in the success of the project.
- Local champions came to the fore and were leaders amongst the landowners themselves, taking the first steps with farm improvement work. This provided a catalyst for change and showed others that perhaps it wasn't so hard after all.
- The ability for Council to secure additional funding to assist with the fencing and planting costs meant that even though there was no ratepayer funding available, Council was still able to provide financial support even in a minor fashion.
- The development of the farm plans gave landowners a blueprint on how to progress the farm improvements required into manageable and affordable tasks. When considering the scale of change that was required this was a major key to achieving success for each individual landowner and the catchment as a whole.



LAWA featured Lake Brunner as its 'River of the Month' in April 2016. The 90 second video summarising the success of the Lake Brunner water quality enhancement project can be viewed at: www.wcrc.govt.nz/lawariverofthemoth



What did we learn?

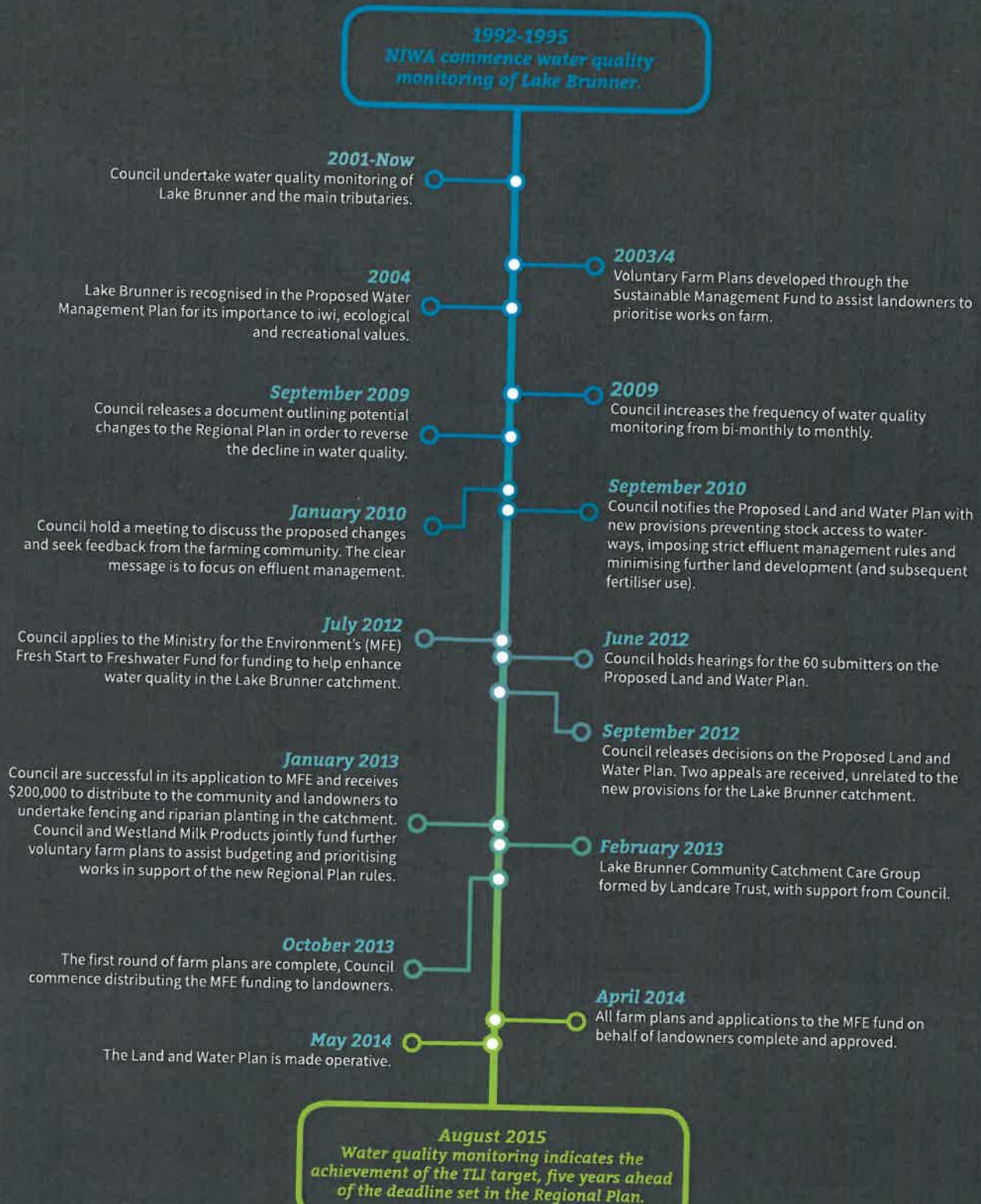
The use of non-regulatory farm plans at the beginning of the Lake Brunner project identified the issues and provided direction on priorities for landowners. This voluntary approach created trust and allowed landowners to look at the requirements on paper and fit these into their budgets.

The non-regulatory approach allowed a better conversation to be had with the landowners when it was clear we needed to introduce new regulation to reverse the declining trend in water quality.

The work that has been undertaken in the Lake Brunner catchment underscores the importance of using a collaborative approach when the implications of changing the management regime will have such a significant financial impact on those affected.

PROJECT TIMELINE

The timeline below sets out the key actions undertaken within the Lake Brunner catchment.



THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting- 10 May 2016
Prepared by: Andrew Robb – Chairman
Date: 28 April 2016
Subject: **CHAIRMAN'S REPORT**

Meetings Attended

- I attended a meeting with Tourism West Coast and the Regional Economic Development Manager on 18 April.
- I attended the OSPRI Stakeholders meeting in Wellington on 20 April.
- I attended the opening of the new office for Tourism West Coast and the West Coast Economic Development office on 22 April.
- I will be attending the Visiting Drivers Governance Group meeting in Christchurch on 3 May.
- I will be attending the Mayors and Chairs forum on 9 May.

RECOMMENDATION

That this report be received.

Andrew Robb
Chairman

THE WEST COAST REGIONAL COUNCIL

Prepared for: Council Meeting 10 May 2016
 Prepared by: Chris Ingle – Chief Executive
 Date: 29 April 2016
 Subject: **CHIEF EXECUTIVE'S REPORT**

Meetings Attended

- I hosted a meeting with Tourism West Coast, the Mayors and Chairs and our Regional Economic Development Manager on 18 April.
- I attended a meeting of the support crew for the West Coast Growth Study on 21 April.
- I attended the opening of the new office for the West Coast Economic Development on 22 April.
- I hosted a meeting with the West Coast Council's CEO's on 27 April.
- I attended a meeting with Minister of Local Government on 28 April.
- I will be chairing the civil defence Co-ordinating Executive Group meeting on Monday 2 May.
- I will be meeting the Westland Milk Products CEO and senior managers on Monday 2 May.
- I will be attending the Regional Council CEO's meeting in Wellington on Tuesday 3 May and will also meet with the Productivity Commission that afternoon.
- I will attend the Chief Executive's Environment and Economy Forum in Wellington on 4 May.
- I will be participating in a support crew meeting for the West Coast Growth Study on 5 May.
- I will be attending the Mayors and Chairs Forum on 9 May.

Health and Safety Audit

The regional council has just completed an independent audit of its tertiary ACC status. We passed the audit with several complementary comments from the auditor. The tertiary status gives Council a 20% discount on ACC levies for staff, and recognises that we operate a continuous improvement framework for health and safety management in the workplace.

A copy of the report is available for Councillors who may be interested.

Annual Plan

Submissions close on the annual plan consultation document on 18 May at 1pm. The annual plan hearings are scheduled for 24 May starting at 10.30am.

Review of the Delegations Manual

The Chairman asked that I have a look at updating the Council's delegations manual given changes in recent years - the manual was last updated in 2011. I have prepared a reviewed manual for Council's consideration (attached). The changes are shown in underlined/struck through text. The changes are minor in nature.

Annual Leave

I took a day's annual leave on 20 April.

RECOMMENDATIONS

1. *That this report be received.*
2. *That the attached Delegations Manual be adopted.*

Chris Ingle
 Chief Executive



THE WEST COAST
REGIONAL COUNCIL

DELEGATIONS MANUAL

Approved by Resolution of Council 14 March 2006.

Reviewed and amended August 2011 and May 2016

CONTENTS

Part One - Introduction	1
1. Scope of the Document	1
2. Sub-Delegation.....	1
3. General.....	1
Part Two – Delegation to Committees and Sub-Committees	2
1. Standing Committees.....	2
2. Subcommittees	3
3. Resource Management Committee.....	3
Part Three – Financial Delegations.....	5
1. Cheque Signatories	5
2. Purchase of Goods and Services	5
3. Variation of Contracts.....	5
4. Approval of Timesheets	6
5. Write-Off or Reduction of Debts.....	6
6. Variation of Budget Between Activities	6
Part Four – Regulatory Delegations	7
1. Council Hearing Commissioners	7
2. Hearing Committees and Commissioners.....	7
3. Delegations to Chief Executive Officer and Other Council Staff	9
Part Five – Authority to Sign Correspondence	13
1. Correspondence to Members of Parliament, Ministers of the Crown and the Ombudsman..	13
2. Other Correspondence	13
Part Six – Authority to Carry out Inspections, Surveys and Investigations.....	14
1. Grant of Authority.....	14
Part Seven – Use of the Common Seal.....	14
1. Use of the Common Seal.....	14
Appendix I	15
1. Procedures for obtaining tenders/quotes	15
Appendix II	17
1. Policy for Engagement of Independent Commissioners.....	17

Part One - Introduction

1. Scope of the Document

This document sets out all authorities delegated by the Council, and authorities delegated by management staff to other officers.

In this manual, delegation means the assignment of a duty or power of action from one person or entity to another, together with the authority to carry out the duty or complete the action, with responsibility for the outcome.

2. Sub-Delegation

At times it will be necessary for the performance of assigned duties for a staff member to have delegated authority additional to those specifically set out in this manual. Such sub-delegations will be recorded in writing, in the job description of the individual where possible, or on a more temporary basis in the form of a memo signed by the person granting the delegation and a copy appended to this manual. With the exception of delegations by the Chief Executive Officer, the supervisor of the person granting the sub-delegation should also sign to indicate their approval of the sub-delegation.

Staff with delegated authority under this manual are empowered to delegate (in the above manner) to the appropriate staff member any authority, which has been delegated to them except the power to delegate, unless otherwise constrained by legislation or the terms of their delegation.

3. General

All delegations under this manual should be in writing, and should define clearly their nature and extent. Generally, any delegation continues until it is specifically revoked or withdrawn.

In some circumstances decisions made under authority delegated in this manual may be reversed, reviewed or revoked. Such an action would only occur when the decision was wrong or otherwise inappropriate to the extent that it reflected poorly on the Council. The opportunity to review, or reverse a decision made under delegation would not apply where circumstances made it either impracticable or unlawful to do so. A reversal or variation of a decision made under delegation does not amount to a withdrawal of the delegation itself. Situations where a reversal or variation of a decision occurs should be infrequent, and the reasons for doing so should be explained to the person concerned.

Part Two – Delegation to Committees and Sub-Committees

1. Standing Committees

(a) To the extent it is permitted to do so by law, the West Coast Regional Council delegates to its Standing Committees all the powers, functions and duties granted to the Council in accordance with the broad functions allocated to that Committee and those boards from time to time, EXCEPT:

- The Power to make a rate.
- The power to make a bylaw.
- The power to institute any proceedings in the High Court that are not injunctive proceedings.
- The power to borrow money.
- The power to enter into a contract otherwise than in accordance with the provisions of Section 4 of the Public Bodies Contracts Act 1959.
- The power to do anything, which is required by law to be done by resolution of the Council.
- The power to appoint or dismiss the Chief Executive Officer.
- The power to appoint Council representation on any body.
- The appointment of Standing Committees and the Deputy Chairman.
- The remuneration of the Chairman and members of the Council.
- The power to sell, purchase or lease land.
- The powers or duties conferred or imposed upon the Council by the Public Works Act 1981.
- Expenditure where no provision is made in the Council's budget for that year (except to the extent permitted in this manual in regard to variations in the departmental budget or as covered in the next clause below.)
- Expenditure of Council's funds where the budget has not been finalised for the relevant year unless the expenditure relates to maintenance of an existing work or progress on a committed work or is in regard to any existing service for which provision is likely to be made in that budget once finalised.

- Proposed over-expenditure of the total budget within the jurisdiction of the Committee.
 - The cessation of any existing function or commencement of any function.
 - Formulation or amendment of Council's corporate goals and objectives.
- (b) No officer may exercise the power listed in the clauses listed in Part 2, 1(a) above.

2. Subcommittees

A Subcommittee shall exercise only such delegated authority as is granted to it from time to time by the Council or the relevant Standing Committee or Special Committee.

The primary purposes of Subcommittees are:

- To dispose of matters which have been delegated to it.
- To investigate and report, with recommendations if appropriate, on matters referred from the Standing Committee.
- To act as a forum for communication between elected representatives, officers, and interested parties.

3. Resource Management Committee

(a) Purpose

To guide and monitor the resource management, biosecurity, transport, environmental monitoring, mining and emergency management functions of the West Coast Regional Council.

(b) Meetings

The Resource Management Committee will have ordinary meetings as required.

(c) Delegations

1. To formulate and recommend to Council (unless otherwise stated in this section) all policies, plans and strategies on resource management, and to review such policies, plans and strategies as necessary.
2. To set and review policy in respect of resource consent processing, compliance monitoring, mining responsibilities, environmental monitoring and enforcement ~~(but not including prosecution decisions).~~

3. To make submissions and representations on matters relating to resource management, on District and Regional plans, national policies and programmes, and on legislation and regulations affecting the Council's interests.
4. To formulate, approve and review biosecurity ~~strategies-plans~~ and policies.
5. To formulate, approve and review all transport plans and policies and to manage transport issues.
6. To formulate, approve and review strategies for activities related to natural hazards and contaminated sites.
7. To formulate, approve and review flood warning manuals and procedures.

The Resource Management Committee may appoint sub-committees or working parties as appropriate provided they are limited to a time duration consistent with performance of their specified tasks.

(d) Membership

The Resource Management Committee shall be a committee of the whole Council. All elected members of the West Coast Regional Council shall be members of the Resource Management Committee and in addition, a representative appointed by each of the tribal Runanga on the West Coast, namely Te Runanga o Ngati Waewae and Te Runanga o Makawhio.

A quorum of the Resource Management Committee shall be four members.

(e) Explanatory Comment

The Resource Management Committee will be responsible for establishing and reviewing the statutory and legal policy instruments of Council. This will particularly include Resource Management Act Policies and Plans, Regional Land Transport ~~Strategies, and~~ Passenger Transport Plans, and Pest Management ~~StrategiesPlans~~.

Part Three – Financial Delegations

1. Cheque Signatories

Signing authority on cheques is delegated to the Chairperson of the Council, the Chief Executive Officer, the Corporate Services Manager, the Consents & Compliance Manager, the Planning and Environmental Operations Manager, the IT/IS Manager and the Executive Assistant ~~and the Senior HR Officer~~ (any two jointly). This authority also includes payments transmitted electronically.

2. Purchase of Goods and Services

The following officers of the Council have the authority to enter into contracts for the purchase of goods and services required by the Council (up to the limits shown in the appropriate annual plan). This authority includes signing of orders and approval of payment of invoices.

Chief Executive and one other Manager jointly for all contracts & services	\$300,000
Chief Executive Officer alone	\$200,000
Vector Control Services Manager	\$150,000
Corporate Services, <u>Planning & Operations and Consents & Compliance</u> Managers	\$100,000
Planning and Environmental Manager	\$100,000
Consents & Compliance Manager	\$100,000
Other Regional Council Managers	\$25,000
Regional On-Scene Commander (Oil Spills) <u>and Group Controllers (CDEM)</u>	\$100,000
Team Leaders <u>Planning and Engineering Consents & Compliance</u>	\$10,000
Resource Scientists	\$10,000
Vector Control Services Supervisors	\$5,000
Executive Assistant	\$5,000

Note: General procedures for obtaining prices, including tenders are set out in Appendix I.

3. Variation of Contracts

- 3.1 The Chief Executive, appropriate managers or appropriate officers are empowered to approve variations during the period of a contract, approved by them under delegated authority, to an amount in total not exceeding their own delegated authority.
- 3.2 Any variation of greater than 15% of any quantity, scheduled item or fixed price must be fully documented as to the reasons why this has happened and if it is acceptable.
- 3.3 The officer exercising the power to approve variations (under the above clauses 3.1 and 3.2) must report those to the next level up for confirmation before the

contractor can act upon the variation (ie. an officer must have the variation confirmed by their manager and a manager must have the variation confirmed by the CEO. Any exercise of this power by the CEO must be reported to the Council).

4. Approval of Timesheets

Timesheets are to be signed by employees' managers. Any overtime payment and time in lieu claimed must receive prior approval by the manager.

Any leave must be supported by a separate leave application, and signed off by the person indicated below:

Type of Leave	Minimum Signoff
Annual leave	Manager
Time In Lieu	Manager
Domestic leave, jury duty, bereavement leave	Manager
Long Service Leave	Chief Executive Officer
Leave without pay	Chief Executive Officer
Special leave (including study leave)	Chief Executive Officer
Examination leave	Chief Executive Officer
ACC	Chief Executive Officer

5. Write-Off or Reduction of Debts

- (a) Approval of write-off or write-down of general debtor invoices up to \$2,000 is delegated to the Corporate Services Manager. For sums greater than \$2,000, approval is reserved to the Chief Executive Officer.
- (b) Approval of write-off or write-down of rate debtor invoices or penalties up to \$2,000 is delegated to the Corporate Services manager. For sums greater than \$2,000 this is delegated to the Chief Executive Officer. Rate debtor invoices will only be written off or written down to correct errors. Write-off of rate debtors due to hardship reasons as outlined in the Local Government (Rating) Act 2002 is reserved to the Chief Executive Officer and must be reported to Council.

6. Variation of Budget Between Activities

The Chief Executive Officer may reallocate budgets between activities provided Annual Plan outputs are not compromised.

In situations where variations are anticipated to affect Annual Plan outputs these must be brought before Council for its agreement before any management action is possible.

Any such allocations are to be subsequently reported to the Council.

Part Four – Regulatory Delegations

1. Council Hearing Commissioners

The Council appoints all Councillors, who are appropriately accredited, as Hearing Commissioners.

2. Hearing Committees and Commissioners

The Council delegates to the Chairperson of the Resource Management Committee and the Council Chairperson power to appoint Resource Hearing Committees or Commissioners from time to time to hear (if necessary) and decide resource consent applications or objections comprising:

- (a) Between one and three members of the Council, one of who shall be appointed Chairperson; or
- (b) An independent Commissioner or Commissioners.

Where Chairs are not available, the appointment of independent Commissioner/s may also be carried out by another Councillor (refer to Appendix II).

Delegations for all Hearing Commissioners:
(Refer Appendix II for policy for engagement of independent Commissioners)

All delegations can be exercised by Commissioners acting jointly or independently.

Section 37(1)	Power to extend or refuse an application for extension of the time limits within which the Council or any person must do something in relation to the Council's function and to waive compliance with any requirement.
Section 42A(4)	<p>Authority to waive compliance to supply copy of reports 5 days prior to Hearing.</p> <p>Authority to hear and decide notified and non-notified resource consent applications requiring a hearing.</p> <p>Authority to decide notified resource consent applications not requiring a hearing.</p> <p>Authority to decide any applications for change or cancellation of resource consent conditions where the application has been notified, irrespective of whether a hearing is required.</p> <p>Authority to decide any applications for change or cancellation of resource consent conditions where a hearing is required.</p>
Section 104	<p>Authority to hear and decide resource consent applications for which the Council is obliged to hold a hearing.</p> <p>Authority to hear and decide resource consent applications to which submissions were received and where there are no requests to be heard or any requests to be heard have been withdrawn.</p>

	<p>Authority to decide resource consent applications for notified non-complying activities irrespective of whether the Council is obliged to hold a hearing.</p> <p>Authority to decide notified resource consent applications to which no submissions were received and whether the applicant has not requested to be heard.</p> <p>Authority to decide non-notified resource consent applications.</p>
Section 132(4)	Authority to decide on a review of consent conditions where the review was notified, or to cancel a resource consent where on review, the application was found to contain inaccuracies that influenced the decision and there are significant adverse effects on the environment.
Section 325A(5)	Authority to consider applications for change or cancellation of abatement notices.
Section 357C(3)	Authority to consider and hear (if necessary) and determine objections made under Section 357 or Section 357A.
Section 357C(4)	Authority to consider and hear (if necessary) and determine objections made under Section 357B.

3. Delegations to Chief Executive Officer and Other Council Staff

CEO The Chief Executive Officer

MGR The Consents & Compliance Manager or the Planning & Operations Manager

Delegations – Resource Management Act 1991		CEO	MGR
Section 36(3)	Power to require payment of additional charges to those fixed to enable the recovery of actual and reasonable costs.	X	X
Section 36(3)A	Power to approve an estimate of any additional charges likely to be imposed where requested by a person liable to pay an additional charge under Section 36(3).	X	X
Section 36(5)	Power to remit the whole or any part of any charge fixed in accordance with Section 36 of the Act	X	X
Section 37(1)	Power to extend or refuse an application for extension of the time limits within which the Council or any person must do something in relation to the Council's function and to waive compliance with any requirement.	X	X
Section 37(2)	Power to direct the terms on which the omission or inaccuracy of any information required under the Resource Management Act, regulation or plan, or a procedural requirement that was omitted, shall be rectified.	X	X
Section 37A(2)(b)	Power to extend (at the request of or with the consent of the applicant) the period within which any person must do something in connection with an application for a resource consent.	X	X
Section 38	Power to appoint enforcement officers with powers under Sections 22, 322, 332, 333 and 343C	X	
Section 42A(1)	Power to require an officer of the local authority, or to commission a consultant or any other person employed for that purpose, to prepare a report on information provided on any matter described in S39(1).	X	X
Section 42A(4)	Power to waive compliance to supply copy of a Section 42A(1) report 5 days prior to a hearing.	X	X
Section 88(3)	Power to determine that an application for resource consent is incomplete and return the application, with written reasons for that determination, to the applicant.	X	X
Section 91	Power to defer the notification or hearing of an application for a resource consent if it is considered other consents are also required.	X	X
Section 92	Power to request an applicant to provide further information and to commission a report on any matters raised in relation to an application or to postpone the notification or hearing of an application pending receipt of the further information.	X	X
Section 92A(2)	Power to set the time within which an applicant must provide information requested under S92 and to notify the applicant of that.	X	X
Section 92A(3)	Power to decline a resource consent application if the applicant does not respond to a request made under Section 92(1) within the time limit specified in Section 92A(1); or the applicant responds under Section 92A(1)(b) but does not comply with the time limit set under 92A(2); or the applicant responds under Section 92A(1)(c); and the consent authority considers that it has insufficient information to enable it to determine the application.	X	X
Section 92B	Power to decline a resource consent application if the applicant does not respond to a request made under Section 92(2) within the time limit specified in Section 92B(1); or the applicant gives written notice refusing to agree to the commissioning of the report requested under Section 92(2); and the consent authority considers that it has insufficient information to enable it to determine the application.	X	X

Delegations – Resource Management Act 1991		CEO	MGR
Section 93(1) (b)	Power to determine whether the adverse effects of an activity on the environment will be minor.	X	X
Section 94B	Power to form an opinion for the purposes of Section 94(1) as to who may be adversely affected by a consent application activity.	X	X
Section 94(c) (2)	Power to notify an application if special circumstances exist in relation to the application.	X	X
Section 94D(2) & 94D(3)	Power to dispense with notification of a resource consent application for a controlled or restricted discretionary activity if a rule in a plan or proposed plan expressly provides that such an application does not need to be notified.	X	X
Section 94D(4)	Power to determine if the grant of a resource consent may adversely affect a recognised customary activity carried out in accordance with Section 17A(2)	X	X
Section 96	Power to lodge a submission by the Council to a resource consent application	X	X
Section 99(1)	Power to arrange pre-hearing meetings of parties to an application and other persons for the purpose of clarifying or facilitating resolution of any matter or issue.	X	X
Section 99(8)	Power to decline to process a person's application or to consider a person's submission if that person was required to attend a pre-hearing meeting and failed to do so.	X	X
Section 99A	Power to refer to mediation a person who has made a resource consent application and some or all of the persons who have made submissions on the application.	X	X
Section 100	Power to determine that a hearing of an application is not necessary.	X	X
Section 101	Power to fix the commencement date, time and place of a hearing and to give appropriate notice thereof.	X	X
Section 102	Power to determine that applications to two or more consent authorities for the same proposal are sufficiently unrelated that a joint hearing is unnecessary.	X	X
Section 114(1)	Power to determine the most appropriate manner by which notice of a decision on a resource consent shall be given.	X	X
Section 114(2) (b)	Authority to determine what other authorities and persons are considered appropriate to be notified of a decision on a resource consent application.	X	X
Section 120	Power to lodge an appeal by the Council to the Environment Court on a decision of another consent authority.	X	X
Section 124	Authority to exercise the Council's discretion to allow the holder of a resource consent which is due to expire and who has applied for a new consent for the same consent not earlier than 6 months and not later than 3 months before expiry of the original consent to continue to operate under the original consent until the new application and any appeals are determined.	X	X
Section 125	Power to determine an application for extension of the time limit of 5 years or otherwise specified within which a consent must be exercised before it lapses.	X	X
Section 126(1)	Power to give written notice to cancel a resource consent, which has been exercised in the past but has not been exercised during the preceding 5 years unless otherwise expressly provided by the resource consent.	X	X
Section 126(2)	Power to revoke a notice of cancellation of a resource consent.	X	X

Delegations – Resource Management Act 1991		CEO	MGR
Section 127(1)	Power to determine applications by the holder of a resource consent for a change or cancellation of any condition of the consent where the effect will be minor and the application for change does not require notification.	X	X
Section 128(1)(a) & (1)(c)	Power to serve notice of intention to review the conditions of a resource consent and to propose new conditions.	X	X
Section 128(b)	Power to review all or any water, coastal or discharge permit as required when a relevant regional plan becomes operative.	X	X
Section 128(ba)	Power to review all or any water, coastal or discharge permit/s as required by regulation when relevant national environmental standards have been made under Section 43.	X	X
Section 133A	Power to issue an amended consent that corrects minor mistakes or defects in the consent.	X	X
Section 136	Power to consider and decide the transfer of a water permit in whole or in part to another person or to another site.	X	X
Section 137	Power to consider and decide the transfer of a discharge permit in whole or in part to another person or to another site.	X	X
Section 138(2)	Power to refuse acceptance of a surrender of a consent in whole or in part and to direct that the holder need not complete any work to give effect to the consent.	X	X
Section 138(4)	Power to issue notice of acceptance of surrender of permit.	X	X
Section 139	Power to determine requests for Certificates of Compliance.	X	X
Section 139A	Power to issue and revoke Existing Use Certificates	X	X
Section 274	Power to give notice or to decide not to give notice to the Environment Court under Section 274 of the Resource Management Act that the Council wishes to be a party to an appeal, reference or inquiry hearing on a decision on a matter to which the Council made a submission.	X	X
Section 281	Power to apply to the Environment Court to waive a requirement of the Resource Management Act or another Act or regulation about the matters listed in Section 281(1)(a)(i) to (iv).	X	X
First Schedule & 93(1)(c)	Authority to lodge a submission or a further submission or to withdraw a submission designation, a heritage order, a proposed regional or district plan change or variation or a water conservation order.	X	X
First Schedule & Section 120	Power to appeal to the Environment Court on a Proposed Policy Statement, Plan or a resource consent. Power to sign a consent order for lodgement with the Environment Court, with respect to appeals on a resource consent or plan.	X X	X
Section 289	Power to reply to appeal to the Environment Court.	X	X
Sections 316 & 320	Power to apply to the Environment Court for an enforcement order or an interim enforcement order.	X	X
Section 317	Power to serve notice of an application for an enforcement order or an interim enforcement order.	X	X
Section 321	Power to apply to the Environment Court to change or cancel an enforcement order or an interim enforcement order.	X	X
Section 325A(2)	Power to cancel an abatement notice.	X	X

Delegations – Resource Management Act 1991		CEO	MGR
Section 325A(5)	Power to consider applications for change or cancellation of abatement notices ¹ .	X	X
S329	Power to issue notices during periods of serious water shortages.	X	
Section 330	Power to action emergency works and/or other preventative measures to contain or minimise adverse effects on the environment.	X	X
Section 334	Power to apply for warrant for entry for search.	X	X
Section 338(4)	Power to lay an information for a prosecution (after Council has approved the prosecution).	X	X
Section 357C(3)	Power to consider and determine objections made under Section 357 or Section 357A if no hearing is required.	X	X
Section 357C(4)	Power to consider and determine objections made under Section 357B if no hearing is required.	X	X

Delegations – Soil Conservation and Rivers Control Act 1941		CEO
Section 30A	Authority to determine requests for consents and approvals as a consequence of the Council having an interest in land by virtue of a Land Improvement Agreement registered under Section 30A of the Soil Conservation and Rivers Control Act 1941.	X

Delegations – Marine Pollution Act 1974		CEO
General	Authority to institute proceedings for offences against the Marine Pollution Act 1974 or any related regulations made under that Act in respect of discharges of oil into the Coastal Marine Area and to seek recovery of costs or damages from vessel owners.	X

Delegations – Marine Transport Act 1994		CEO
Sections 318/320	Power to appoint Regional On-Scene Commanders for the West Coast region.	X
Section 231	Power (with power of sub-delegation) to inform the Director of Maritime Safety of notices as required.	

Delegations – Building Act 1991		CEO
Section 24	That the Council delegate to the Chief Executive pursuant to the powers of delegation under Section 78 of the Building Act 1991, the functions and duties of the Council under Section 24 of the Building Act 1991 <ul style="list-style-type: none"> • The administration of this Act and the regulations. • To receive and consider applications for building consents. • To approve or refuse any application for a building consent with the prescribed time limits. • To determine whether an application for a waiver or modification of the building code, or any document for use in establishing compliance with the provisions of the building code and regulations. • To enforce the provisions of the building code and regulations. • To issue project information memoranda, code compliance certificates, and compliance schedules. • Any other function specified in this Act. 	X

¹ This delegation is limited according to Council's Enforcement Policy to applications not related to the circumstances surrounding the issuing of the notice

Part Five – Authority to Sign Correspondence

The following details the delegation for staff to sign outward correspondence. This applies to all formal correspondence by letter, fax or electronic mail.

- 1. Correspondence to Members of Parliament, Ministers of the Crown and the Ombudsman**
 - Chief Executive.

- 2. Other Correspondence**
 - Chief Executive.
 - Managers for matters relating to their areas of responsibility.
 - Managers may sub-delegate signing authority to individual staff, but this must be limited to matters which are directly within the staff member's area of work. Correspondence concerning matters of council policy, issues of political sensitivity, financial commitments, and any other aspects of contractual arrangements should only be signed by the CEO or managers.
 - Managers are directly responsible for the standard of correspondence within their areas.

Part Six – Authority to Carry out Inspections, Surveys and Investigations

1. Grant of Authority

A number of Council staff require warrants to enable them to enter properties for the purposes of carrying out their duties. This authority empowers the staff to inspect land, or to undertake investigations, in accordance with S332(1) and S333(1) of the Resource Management Act.

Part Seven – Use of the Common Seal

1. Use of the Common Seal

The authority for the use of the Council's Common Seal is contained in the Council's Resolutions of 12 February 2002.

Use of the Common Seal:

- *The Chief Executive Officer shall hold the common seal of the local authority and be responsible for the use of the same.*
- *The seal shall not be affixed to any document unless by resolution of the local authority but the Chief Executive Officer and one other Council manager may affix the seal in an urgent case, in which case, such action shall be reported to the local authority.*
- *Every sealing shall be made and done by the Chief Executive Officer and the Chairperson, or such Council managers as may be authorised from time to time, according to the procedure prescribed by the local authority and shall be reported to the local authority.*

Appendix I

1. Procedures for obtaining tenders/quotes

The following are the general procedures to be observed for obtaining tender prices/quotes for the purchase of goods and supply of services.

Estimated Cost of Work	Tender Process
Less than \$5,001	<p>Obtain a verbal price. Ensure price is endorsed on the order sent to the firm (and on other copies) and clearly marked whether GST exclusive or inclusive.</p> <p>In some circumstances it may be impracticable to obtain a verbal price. This should only apply when minor purchases are involved. Office copies should be endorsed with an estimated cost.</p>
\$5,001 - \$75,000	<p>Obtain competitive quotes, e.g. from three firms or tender procedure if it is felt this would be advantageous.</p> <p>Normally, it would be expected that written prices be obtained, but if special circumstances dictated that verbal prices were obtained, e.g. urgency, the intended successful tenderer must be asked to confirm the price in writing.</p> <p>Ensure price is endorsed on the order sent to the firm (an on other copies) and clearly marked whether GST exclusive or inclusive.</p>
\$75,001 or more	<p>Formal tender procedures are to be used unless there are special circumstances existing, e.g.</p> <ul style="list-style-type: none"> Whether the work intended is specialised. Type of work carried out. Number of contractors available to do the particular work is restricted. <p>In most cases, however, open tender procedures are to be used and where ever possible, all contactors given the opportunity to quote.</p> <p>If it is not intended to use open tender procedures, the approval of the Chief Executive is required.</p> <p>In all cases, justification for selecting a particular contractor must be retained and full documented.</p> <p>Where a decision is made not to put out to tender a contract for goods and services to an amount greater than \$75,000, the reasons for the decision shall be recorded in writing and reported to Council.</p> <p>All tenders for goods and services to the value of \$75,000 shall be accepted by the initiating officer where the value of the goods and services concerned is less than the limits of his/her contractual authority, or where this is not the case by the appropriate member of the</p>

	<p>management team.</p> <p>All tenders for goods and services of a value of more than \$300,000 shall be accepted by the full Council meeting having regard to the appropriate officer's recommendation.</p> <p>All tenders regardless of the amount shall be opened in the presence of one manager and a Councillor.</p> <p>The time and date of tender opening shall be noted on the tender documents and shall be not more than a week after the closing of tenders.</p>
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Notes:

- If it was thought that more competitive prices might be obtained there is nothing to prevent open tender procedures to be used for work estimated to cost less than \$75,000.
- It is not necessary to accept the lowest or any tender, but if it is not intended to accept the lowest, reasons for making that decision should be detailed and retained on file.
- A weighted attributes contract approach can be used where it is important to ensure the outcome is of suitable quality.
- The above procedures do not apply to work or services to be carried out by named organisations as a requirement of legislation e.g. Audit New Zealand, Quotable Value.
- New Zealand Transport Agency funding, as per the Competitive Pricing Procedures (CPP). For example, Road Safety Coordinator tenders must follow the Price Quality Method for Professional Services as outlined in the CPP.
- To overcome the practical problems caused by the requirement of the Public Bodies Contracts Act 1959, all successful tenders will be reported to the next Council meeting.

Appendix II

1. Policy for Engagement of Independent Commissioners

There will be occasions where it may not be appropriate that the Council as Consent Authority makes decisions on resource consent applications or enforcement matters, for example, those which involve the Council itself, either as applicant or with some other type of interest in the application.

The Delegations Manual allows for either the Chair of the Resource Management Committee, the Council Chair, or if the preceding are unavailable, another Councillor, to appoint independent commissioners.

Independent Commissioners will be appointed in the following circumstances:

1. (a) Where the Council:
 - Is the applicant; or
 - Is a party to the application; or
 - Has a beneficial interest in the decision; and

(b) Where the resource consent application is publicly notified.

An independent commissioner/commissioners will be appointed to hear and decide any applications for resource consents. Independent commissioners will be used whether or not a hearing of submissions is required.

2. (a) Where the resource consent application is publicly notified, and
(b) Where the Council Hearing Commissioners have pecuniary interest in the application;

An independent commissioner/commissioners will be appointed to hear and decide any applications for resource consents, where a hearing is required, or where no hearing is required, to consider and decide the application.

3. Independent commissioners will also be appointed to consider and decide on submissions with regard to infringement notices and abatement notices where:
 - The Council Hearing Commissioner/s have a pecuniary interest in the matter; or
 - The Council Hearing Commissioner/s have a conflict of interest; or
 - The enforcement action in question is against the Council.

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.

- | | | |
|---------|-----|---------------------------------------------------------------------|
| 45 – 46 | 8.1 | Confirmation of Confidential Minutes 12 April 2016 |
| | 8.2 | Overdue Debtors Report (to be tabled) |
| 47 – 58 | 8.3 | Advice of Potential Liability Notification to our Insurers Riskpool |
| | 8.4 | Response to Presentation (if any) |
| | 8.5 | 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 April 2016		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	Advice of Potential Liability Notification to our Insurers Riskpool		
8.4	Response to Presentation (if any)		
8.5	In Committee Items to be Released to Media		

I also move that:

- Chris Ingle
- Robert Mallinson
- Michael Meehan
- Gerard McCormack

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.