

Council Members

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

Cr Debra Magner
Cr Laura Coll McLaughlin
Cr John Hill

Iwi Representatives

Francois Tumahai (Ngati Waewae)
Jackie Douglas (Makaawhio)



Meeting of Council
(Te Huinga Tu)

Tuesday, 9 November 2021

**West Coast Regional Council Chambers, 388 Main South Road, Greymouth
and
Live Streamed via Council's Facebook Page**

10.30 am

Council Meeting

On Completion of Council Meeting

Resource Management Committee Meeting

COUNCIL MEETING

Council Meeting

(Te Huinga Tu)

A G E N D A

(Rarangī Take)

1. Welcome (*Haere mai*)
2. Apologies (*Nga Pa Pouri*)
3. Declarations of Interest
4. Public Forum, Petitions and Deputations (*He Huinga tuku korero*)

Public Forum

- Patrick Volk

5. Confirmation of Minutes (*Whakau korero*)

- Council Meeting 12 October 2021
- **Matters Arising**

6. Chairman's Report

7. Chief Executive's Report

- LGNZ Membership – verbal Update

8. **Reports**

- Draft Risk Policy
- Local Government Funding Agency Debt Rollover
- Operations Report

9. General Business

Purpose of Local Government

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. Unless otherwise stated, the recommended option promotes the social, economic, environmental and cultural well-being of communities in the present and for the future.

Health and Safety Emergency Procedure

In the event of an emergency, please exit through the emergency door in the Council Chambers.

If you require assistance to exit, please see a staff member. Once you reach the bottom of the stairs make your way to the assembly point at the grassed area at the front of the building. Staff will guide you to an alternative route if necessary.

H. Mabin

Acting Chief Executive

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL HELD ON 12 OCTOBER 2021, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 10.30 A.M

PRESENT:

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

IN ATTENDANCE:

H. Mabin (Acting Chief Executive), C. Helem (Acting Consents & Compliance Manager) via Zoom, N. Costley (Strategy & Communications Manager) via Zoom, R. Beal (Operations Director) via Zoom, J. Armstrong (Te Tai o Poutini Project Manager) via Zoom, T. Jellyman (Minutes Clerk), C. Fleming (IT Support Officer)

Cr Birchfield read the prayer

1. WELCOME

2. APOLOGIES

Moved (Challenger / Cummings) *that the apologies from F. Tumahai and J. Douglas be accepted.*

Carried

3. DECLARATION OF INTEREST

The Chairman called for declarations of interests. Cr Cummings declared in an interest in gravel takes at Punakaiki and cannot understand why Council is granting resource consent for gravel takes against NIWA's advice. Cr Cummings stated he is concerned about resource consents granted for gravel takes in the Punakaiki, Pororari and Fox Rivers.

4. PUBLIC FORUM

There was no public forum as the speaker has cancelled.

PRESENTATION

Mr Mark Davies (Dept of Conservation Director Operations for the Western South Island) addressed the meeting. He apologised for the unavailability of the new Chairman of the West Coast Tai Poutini Conservation Board, Mr Mike Legge. Mr Davies thanked Council for allowing Hadley Mills to be on the Board and he explained that Mr Mills is still an active Board member joining meetings via Zoom.

Mr Davies advised that the Conservation Board's priority is the full review of the West Coast Conservation Management Strategy. He stated that the outcome that are trying to be achieved aligns to the Te Tai o Poutini One District Plan. Mr Davies spoke to two presentations "What is a Conservation Board", and the "Tiakina Ngamanu Battle for our Birds" programme. Mr Davies provided extensive information and advised that the principle is that if predators are dealt with then ecosystems will thrive. Mr Davies advised that it is likely there will be a partial Beech mast year this year. Mr Davies explained the West Coast operations programme for the year with DOC's the long term goal being to move from sustained management to predator free.

Mr Davies explained the Predator Free South Westland (ZIP) Project Area. He stated that in the Perth and Whataroa areas which were treated two years ago there has been a 30% increase in the Kea population in this time.

Mr Davies offered to bring Mr Al Bramley from ZIP to a future meeting to discuss defence and monitoring techniques on boundaries. Mr Davies answered questions from Councillors including matters relating to landowners and gene editing research.

Cr Cummings stated that during the submission period for Council's recent Long Term Plan, some farmers had expressed concern about river protection work that they are paying for but is on DoC leased land on the Wanganui River. Cr Cummings stated that these farmers are concerned with how the river is cutting in around this area. Cr Cummings stated that Councillor will be visiting the Wanganui River area to meet with farmers and to discuss protection work. Mr Davies stated that it would be good to invite Wayne Costello (DoC South Westland Operations Manager) to this meeting.

Councillors thanked Mr Davies for his presentations.

5.0 CONFIRMATION OF MINUTES

The Chairman asked the meeting if there were any changes to the minutes of the previous meeting.

Moved (Cummings / Magner) *that the minutes of the Council meeting dated 14 September 2021, be confirmed as correct, with the amendment made as below.*

Carried

Matters arising

H. Mabin advised that the sections of the Delegations Manual relating to the Hokitika Seawall and Greymouth Floodwall are yet to be revised.

Cr Coll McLaughlin requested an amendment in section 8.5 of the minutes where she had said that Buller District Councillors are in favor of an independent chair, she would like this changed to "some" Buller District Councillors are in favour of an independent Chair.

5.1 CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING 5 OCTOBER 2021

The Chairman asked the meeting if there were any changes to the minutes.

Moved (Ewen / Challenger) *that the minutes of the Special Council meeting dated 5 October 2021, be confirmed as correct.*

Carried

Matters arising

There were no matters arising.

REPORTS:

6.0 CHAIRMANS REPORT

The Chairman took his report as read. Cr Coll McLaughlin asked there is a plan to progress public transport as per the letter to Minister Twyford which was attached to this report. N. Costley advised that a review of the Regional Public Transport Plan is about to be started and this will consider looking at options for public transport on the West Coast. N. Costley stated this is a difficult issue to deal with due to the very dispersed population and the very small number of people. She advised this matter will be fed back to Council once the transport plan is underway. N. Costley advised that a letter of response from Chair Birchfield will be sent to the Chair of the DHB. N. Costley explained the Total Mobility Scheme which is funded by Council that covers the three main town centres and provides a substantial service to the community for those who require this service to access their GP's and social services. It was noted that the West Coast does not have a public transport system.

Chair Birchfield spoke of the discussion he had with Rick Barker (Board Chair of the West Coast DHB) about a combined freight and passenger service between Westport and Greymouth. Chair Birchfield stated that at this stage there has been no progress. Cr Ewen advised this was looked at many years ago. He is hopeful the government may look at this again but noted this was seen as being cost prohibitive.

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

Carried

LATE ITEM – ATTACHMENTS TO ACTING CHIEF EXECUTIVE’S REPORT

Moved (Ewen / Cummings) *That the late item is accepted.*

Carried

7.0 ACTING CHIEF EXECUTIVE’S REPORT

H. Mabin spoke to her report and took it as read and offered to answer questions. She spoke of the late items attached to her report including the minutes for the inaugural meeting of the Westport Flood Recover Steering Group that included the Steering Groups Terms of Reference.

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

Carried

8.0 SCHEDULE OF MEETING DATES 2022

H. Mabin advised that the purpose of the report is to give Council an idea of the proposed meetings for 2022.

The Chairman stated that he would like all meetings to be held at WCRC due to costs to ratepayers and logistics. Cr Magner spoke of the importance of connectivity if meetings are held off site. Cr Ewen agreed with the Chairman and stated that Covid could impact on future meetings. Cr Challenger stated that he does not see much benefit in holding meetings at the district councils but he would like at least one meeting during the year held at one of the maraes, as this is part of Council’s community. Cr Coll McLaughlin stated she would like the October 2022 meeting to held at WCRC as this will be the last meeting of this Council prior to the local body elections. Cr Hill agreed with the Chairman and feels all meetings should be at WCRC.

J. Douglas stated that Te Runanga o Makaawhio would love to host at meeting at Bruce Bay, but she is mindful of costs and the distance. Cr Challenger advised that the SWFU have put forward a proposal that the December (2021) meeting is held at Fox Glacier with a visit further south the following day. He stated that a meeting of the SWFU group was held at the Fox Glacier Community Centre where people used Zoom to attend and there were no issues with connectivity. Further discussion took place and it was agreed that a meeting will be held in South Westland, and at both of the Maraes.

Moved (Magner / Challenger)

It is recommended that the Council resolve to:

That the Council agree to the 2022 Schedule of Meeting Dates, with one meeting held at both Maraes (Arahura and Bruce Bay), each year, if possible, and that the default venue is the West Coast Regional Council Chambers.

Carried

8.1 OPERATIONS REPORT

R. Beal spoke to this report and took it as read. He advised that the aggregation in the Granite Creek catchment is as the result of slip which occurred in 2002.

R. Beal advised that the Hokitika Seawall emergency works have been completed under budget. He advised that the emergency works on the bank of the Waiho River at Franz Josef Franz have been completed along with 50% or the rock work now completed.

R. Beal spoke of the setback with the Greymouth Floodwall work as the Project Manager Consultant, Stantec, has now withdrawn from the project. He advised that a replacement is being sought but advised that there is a shortage of consultants for IRG projects at the moment.

R. Beal advised that the draft alignment survey has been received for the raising of the stopbanks on the Hokitika River. He stated this will be inspected by the surveyor and river engineer this week and the consent for this will be progressed.

R. Beal advised that the draft design has been received for Stage One work in Franz Josef, with work due to commence in November.

Cr Ewen stated that the work on the Hokitika sea front looks very good. and commented that this was a very good effort from the contractors involved in view of the weather lately.

Moved (Cummings / Ewen)

It is recommended that the Council resolve to: *Receive the Report.*

Carried

8.2 WESTPORT RATING DISTRICT – JOINT COMMITTEE AGREEMENT

H. Mabin spoke to this report. She advised that Buller District Council have now adopted the Terms of Reference (TOR) which are subject to Ngati Waewae and the New Zealand Transport Agency (Waka Kotahi) agreeing to being parties to the agreement. Cr Coll McLaughlin drew attention to Clause F (Structure and Role of the Committee), which states committee members shall be from the Westport 2100 community group. Cr Coll McLaughlin stated that her understanding is that the intent had been to provide an opportunity for all Westport 2100 community members to be on the Joint Committee, on this first call. She asked if Clause F is compatible with this, or is it only to be two community members

H. Mabin advised that the intention is to have two members from Westport 2100 Group from the community, but the community representatives do not have voting rights as it is only the parties to the agreement that have voting rights. Cr Coll McLaughlin asked what provision prevents the committee members from voting. H. Mabin responded that the first section of the agreement titled "Parties" prevents this.

Cr Ewen asked if KiwiRail should be considered a party to this agreement as they have assets that would need to be considered.

R. Beal confirmed that NZTA and KiwiRail are not parties to any of Council's Joint Committees. He advised that both NZTA and KiwiRail are going to be heavily involved in Hokitika, Greymouth and Westport projects. H. Mabin asked the meeting if the energy companies should be included as parties to this agreement. H. Mabin stated that she has flagged to the Chair of the Buller Recovery Steering Group that Buller Electricity representatives should see the upcoming presentation that Kiwirail and Waka Kotahi had been invited to.

The Chairman stated that Council is always prepared to listen should any utilities group have concerns about their infrastructure. Cr Coll McLaughlin asked if Ngati Waewae and NZTA have seen the agreement as she is concerned that they also may have changes. F. Tumahai confirmed that Ngati Wae Wae have seen the agreement and are happy with it. Cr Coll McLaughlin stated that the community members are part of the committee and need to be considered in consensus decision making. She stated that every member of the committee has to be able to feel like they have legitimately got a voice on the committee.

H. Mabin asked if the meeting if they would like the agreement amended and sent back to Buller District Council for the community members to become parties to the Deed and for clarity on whether community members have voting rights. Cr Coll McLaughlin stated that during rating district consultation processes Council has heard that the community wanted some separate representation from their elected membership. Cr Coll McLaughlin feels that it would be a mistake to have people on committee who don't have a vote. She is unsure how the community members would sign the agreement as a party as this would change from time to time. Cr Coll McLaughlin stated she does not have any problem with how the agreement is written but she is concerned that she might have misinterpreted it.

The Chairman stated he would like to see this progressed. Cr Hill commented that he would like Council to move quickly but he had assumed that community members would have equal rights to the rest of the committee. Cr Hill stated he would also like the independent chair situation to be relooked at, but he does not want the process to be slowed down. Cr Coll McLaughlin stated she was very glad to see that the independent Chair has come through in the Deed of Agreement, but clarity is needed as this interpretation is saying that the

Chair would not have voting rights either. Cr Coll McLaughlin feels this needs to be done as a matter of urgency as Buller District Council has already accepted it. H. Mabin commented that Mayor Cleine has acknowledged the good work done by the Westport 2100 Working Group.

It was agreed that H. Mabin would get a legal opinion to ascertain whether or not the Independent Chair and the two community members have voting rights. Cr Coll McLaughlin stated that in view of this she is happy to vote in favour of the recommendations.

Moved (Cummings / Challenger)

It is recommended that Council resolve to:

- (a) *Accept the Westport Rating District Joint Committee Agreement as it stands at the moment, subject to clarification on voting rights for the independent Chair and the two community members, and*
- (b) *Consult with Te Rūnanga o Ngāti Waewae and Waka Kotahi and seek their approval as signatories to the Agreement.*

Carried

GENERAL BUSINESS

Cr Cummings advised that he received a phone call from a builder regarding the recent resolution Buller District Council put forward regarding floor heights in the recently adopted BDC Floor Heights Policy. Cr Cummings stated that the builder was concerned about the increase in floor heights as this will be hugely unaffordable for people.

H. Mabin advised that she has received an email from Mr Frank Dooley regarding this and stating that the building community was not happy about this decision and are considering seeking a legal opinion. Cr Coll McLaughlin stated that one feeling from local builders is that there was no consultation or discussion on this and she spoke of rules around the current Buller District Policy and concerns from the local builders. It was agreed that H. Mabin would forward Mr Dooley's email to Councillors.

The meeting closed at 11.54 a.m.

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Chairman

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Date

Report to: Council/Committee	Meeting Date: 9 November 2021
Title of Item: Chairman's Report	
Report by: Chairman Allan Birchfield	
Reviewed by:	
Public excluded? No	

Purpose

For Council to be kept informed of meetings and to provide an overview of current matters.

Summary

This is the Chairman's until 3 November 2021.

As Chair, I attended the following meetings:

- Westport Flood Recovery Steering Group meeting on 22 October.
- Te Tai o Poutini Plan committee meeting on 29 October.

Recommendation

It is recommended that Council resolve to:

Receive this report.

Attachment

Attachment 1: Letter to Te Tai o Poutini from Groundswell NZ

5th October 2021

To Te Tai o Poutini Committee

Dear Committee members

On behalf of our West Coast community we are very disappointed in the decision of the Te Tai o Poutini Committee (TTPP) to forge ahead with Significant Natural Area (SNA) mapping. Forcing this appalling policy onto landowners will be extremely disruptive to council/community relationships and cause huge upheaval similar to what was seen in Northland.

In light of how bad this SNA policy is, Groundswell NZ wrote to all councils requesting those in the process of plan reviews involving SNAs hit the pause button. All replies to date from councils currently in the SNA process have agreed to pause. The West Coast councils are the first to reject our request. We would like to thank Tania Gibson, Bruce Smith, Allan Birchfield and Francois Tumahai for voting against the SNA process and commend their courage going against the poor legal advice they were given.

Groundswell NZ have called for all landowners to deny access for SNA mapping and we have committed to a range of actions to ensure this SNA policy is stopped. We urge the TTPP committee to reconsider its decision and ask those members that agreed to continue the SNA policy to table a motion halting the combined plan process. We note that the concerns relating to SNAs equally apply to wetlands and landscapes zonings.

We are concerned that the TTPP Committee were not provided accurate or full advice relating to SNAs and note the following:

1. The legal advice refers to the requirement in the West Coast Regional Policy Statement to identify SNAs (Objective 1). However, the legal advice fails to mention that pursuing Objective 1 in this current political climate will fail to achieve Objectives 2, 3 and 4. Objective 3 specifically refers to people and communities economic, social and cultural well-being.
2. The legal opinion takes a simplistic and theoretical view to the law. It fails to recognise that regulation or identification do not protect SNAs and that the actions and inactions of landowners are a key determinant. The recent 2016 local government report Addressing New Zealand's Biodiversity Challenge highlighted that the number one threat to our biodiversity is weeds and pests. To deal with this threat requires active management. Regulation does not assist active management. The buy in of landowners is fundamental to actively managing and protecting biodiversity. The SNA mapping and regulation policy fails to achieve landowner buy in and protect SNAs.
3. In the 2016 Hurunui District plan review all SNA mapping was removed. Extensive evidence clearly demonstrated how the SNA identification/mapping and regulation policy failed to protect SNAs as well as being counterproductive to community and council relationships and peoples well-being. We believe this evidence of the failure of the SNA policy was a

main reason why there were no appeals and the decision to remove all mapped SNAs is now law.

4. The legal opinion has significantly understated the impacts of the SNA policy. The more landowners have done to protect biodiversity on their land, the more they will be subject to bureaucratic interference, regulation and costs. There is also evidence that SNA mapping impacts property values and there can be a substantial loss of property value where a large % of a given property is zoned SNA. It is an appalling policy that penalizes the most conservation minded landowners.

The legal opinion states that if the councils do not implement the SNA mapping policy and rules then the Environment Court will. That may have happened in the past but not today. Groundswell has put a stake in the ground on unworkable regulations and will not tolerate moves by higher authorities attempts to over ride the wishes and best interests of councils and their communities. Groundswell commits to supporting any councils that pause or refuse to action the SNA policy.

Can you please advise us whether the committee is prepared to reconsider its decision and inform us of your final position.

yours sincerely

Groundswell NZ

Groundswell West Coast

For information relating to Groundswell contact Bryce McKenzie 027 2269577 or Laurie Paterson 0274 365747. Groundswell West Coast – Lucy Hampton 027 6358636.

For information relating to SNAs contact Jamie McFadden 027 3218747.

Report to: Council	Meeting Date: 9 November 2021
Title of Item: CEO's report	
Report by: Heather Mabin, Acting Chief Executive	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this paper is to provide Council with transparency around the meetings that the Acting Chief Executive has been involved in and to provide Council with an overview of current matters.

Report Summary

This paper details the interactions, appointments, significant contracts executed, and meetings attended by the Acting Chief Executive to 31 October 2021.

Draft Recommendations

It is recommended that Council resolve to:

Receive this report.

Activities Undertaken

Activities undertaken during October 2021 by Heather Mabin were:

- October 5
 - Appointed Rachel Vaughan as Planning, Science & Innovation Manager for a contract period ending 30 June 2021.
- October 6
 - Attended via Zoom the West Coast Agriculture Environment Stakeholders Group.
 - Signed contract with Brown NZ Limited for the reassessment of outstanding natural landscapes on behalf of Te Tai o Poutini Plan Committee.
 - Signed contract with Pokeka Poutini Ngai Tahu to work with Te Tai o Poutini Plan Committee to develop Plan provisions which reflect Poutini Ngai Tahu values and support tino rangatiratanga in areas.
- October 7
 - Attended the Westport Flood Recovery Steering Group meeting in Westport.
 - Signed and sent *Submission on the Discussion Document for Intensive Winter Grazing*
 - Appointed Adrienne Reihana to the role of People & Capability Support Officer.
- October 12
 - Signed *Statement of Work – Consultancy and Professional Services* for Lateral Security (IT) Services Limited.
 - Met with representatives of MBIE and Kanoa regarding proposed emergency housing in Westport.
- October 14
 - Confirmed Cindy Fleming's appointment as Emergency Management Officer based at Westland District Council.
 - Accepted Hadley Mill's resignation from the role of Planning, Science & Innovation Manager, effective 10 November 2021.
- October 14 & 15
 - Attended the LGNZ Zone 5 & 6 Conference in Christchurch.

- October 18
 - Appointed Harvey Rubbo to the role of Water Quality Summer Student.
- October 19
 - Attended via Zoom the TTPP Natural Hazards Workshop run at GDC.
- October 21
 - Signed Contract for Services with CCC for Exchange Migration.
 - Signed agreement with AuditNZ for Council to utilise Audit Dashboard Inc. client portal.
 - Signed and sent *Submission on the Discussion Document for NPSFM wetlands definition and NESF Regulations*
- October 22
 - Attended the Westport Flood Recovery Steering Group meeting in Westport.
- October 26 to 29
 - On annual leave

Considerations

Implications/Risks

Transparency around the activities undertaken by the Acting Chief Executive is intended to mitigate risks associated with Council's reputation due to the need for her appointment.

Significance and Engagement Policy Assessment

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

Attachment

Attachment 1: Letter from James Caygill, Waka Kotahi Director Regional Relationships (West Coast/Canterbury/Otago/Southland), dated 1 November 2021.

1 November 2021

Heather Mabin
Chief Executive
West Coast Regional Council

Email: heather.mabin@wrc.govt.nz

Kia ora Heather

SH7 Maruia Springs to Reefton Speed review

I hope this finds you and your whānau well. Waka Kotahi NZ Transport Agency is preparing to talk with the local community about current speed limits along State Highway 7, within the Buller District.

Our vision is an Aotearoa where no one is killed or seriously injured on our roads.

There have been a high number of crashes on State Highway 7 between Maruia Springs and Reefton and some locals have told us that speeds on parts of this road feel too high to be safe. We want to make sure that speeds are safe and right for this road, so we're reviewing the current speed limits.

Even when speed doesn't cause the crash, it's what will most likely determine whether anyone is killed, injured, or walks away unharmed. When speeds are safe and appropriate for the road, simple mistakes are less likely to end in tragedy.

This is why we are reviewing speed limits on SH7 between Maruia Springs and Reefton.

As you'll be aware, this section of State Highway passes through the two small townships of Springs Junction and Blacks Point. The road is two-laned, generally curvy, with some winding sections and difficult corners.

We want everyone who uses our roads to get to where they're going safely.

- Implementing safer speed limits is a key part of New Zealand's road safety strategy, Road to Zero 2020-30, and the Safe System approach which acknowledges even responsible people sometimes make mistakes when driving and aims to minimise the impact of those errors. Any proposal to set safe and appropriate speed limits is driven by the need to improve safety and reduce harm for everyone who uses our roads.
- The safety features of a road and the speed vehicles travel on it influence both the risk of a crash and whether it is survivable.
- Speed limits need to reflect the risk of the road. The stretch of road between Maruia Springs and Reefton has sweeping bends, narrow shoulders and hazards including power poles, dense vegetation, waterways and trees on the narrow shoulders.

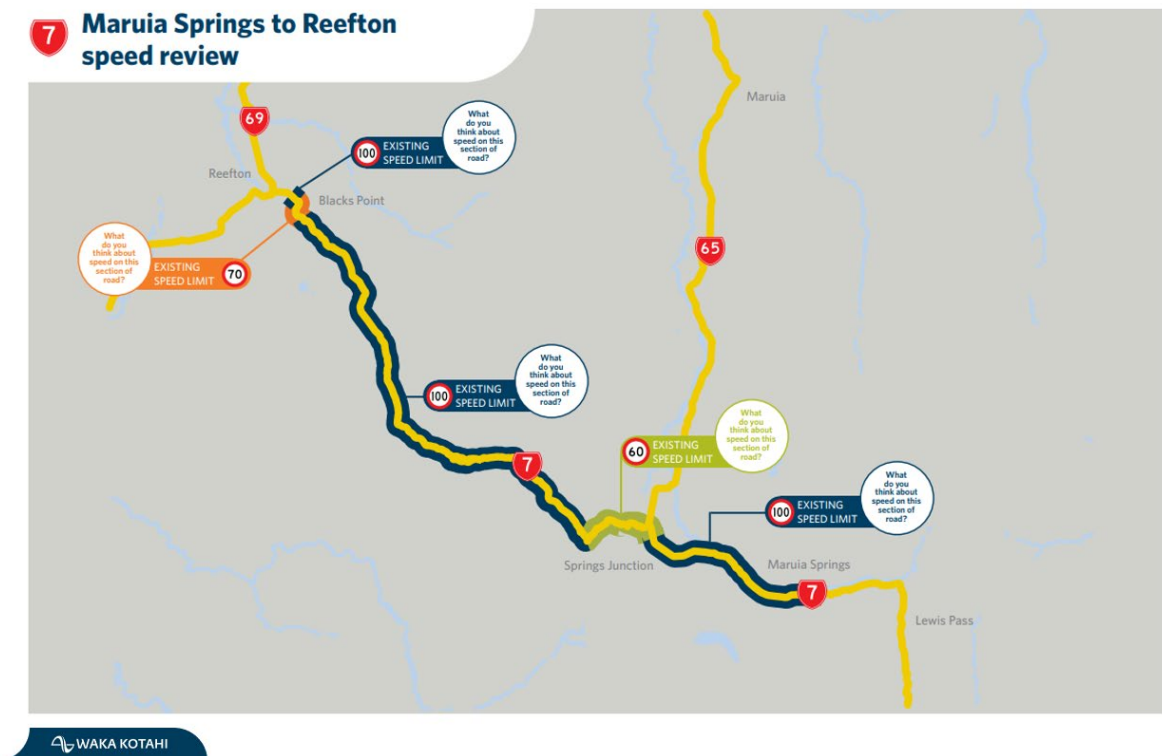
- This road is used for everything from commuting, to freight, to tourism. There are a variety of road users between Maruia Springs and Reefton. Reducing the speed means people walking, cycling, and driving along this road will be kept safer.
- This section of road is a popular route for trucks and motorcyclists. We are reviewing the speed limits to ensure truck drivers and motorcyclists feel comfortable pulling out into traffic without putting themselves or anyone else at risk.
- We've heard concerns from people in the Black Points community that speed limits through their town feel too high to be safe.

Through the speed review process, we will work with yourself and the local community to gather, share information and collaborate to ensure we understand everyone's concerns.

As a local Council, we would like to understand how you feel about the current speed limits on SH7 between Maruia Springs and Reefton. Do the existing speed limits feel safe for the way that people use the road? Do the existing speed limits effect your whānau and communities? Are there sections of the road that make you or your whānau feel unsafe? What do you think would be a safe speed limit?

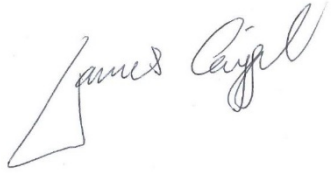
Below is a map of the area with existing speed limits for your reference.

Current speed zones



We look forward to receiving feedback from you and if you have any questions, please feel free to contact me or use the project email address WestCoastSpeedReviews@nzta.govt.nz

Ngā mihi

A handwritten signature in black ink that reads "James Caygill". The signature is written in a cursive style with a large, stylized initial 'J'.

James Caygill

Director Regional Relationships (West Coast/Canterbury/Otago/Southland)

Report to: Council meeting	Meeting Date: 9 November 2021
Title of Item: Draft Risk Policy	
Report by: Neil Selman – Acting Corporate Services Manager	
Reviewed by:	
Public excluded? No	

Report Purpose

The purpose of this report is to table a draft Risk Policy to the Council for adoption.

Report Summary

The draft Risk Policy has been prepared following a series of workshops with staff and elected members. An initial draft version was presented to the November Risk and Assurance Committee meeting, where input and feedback was provided. That input has been incorporated into the development of this version.

Draft Recommendations

It is recommended that Council resolve to:

Adopt the attached draft Risk Policy, acknowledging that there will be formatting changes to align it with Council’s policy template.

Issues and Discussion

Current situation

The attached draft Risk Policy has been prepared following a series of workshops with staff and elected members. It was being presented to the November Risk and Assurance Committee meeting for their consideration, amendments and recommendations. The Risk and Assurance Committee’s input has been incorporated into this version.

The policy is to be formatted by staff to align with Council’s Policy template.

Attachments

- Draft Risk Policy with the following attachments:
- Table 1: Probability/ Likelihood Levels
 - Table 2: Consequence or Impact Levels
 - Table 3: Combined Qualitative Risk Levels

DRAFT Risk management policy

1.0 Executive summary and purpose

Risk management is recognised as an integral part of good management practice and as an important aspect of corporate governance.

WCRC has a strong commitment towards the principles of risk management. The intent of this document is to formalise Council's corporate risk policy (CRP) on the conduct of risk identification, assessment and minimisation practices across the organisation. The CRP also defines the broad accountabilities and structures the Council will maintain in order to manage risk. The CRP is the governing framework with respect to WCRC risk management.

The principles and risk management practices supporting this policy and CRP are based on the *AS/NZS ISO31000:2018 Risk Management Guidelines*

2.0 Context

Risk management is defined by AS/NZ ISO 31000 as the effect of uncertainty on objectives, and in the context of West Coast Regional Council (WCRC) this is further identified as realising opportunities for gains, whilst minimising losses. Council cannot anticipate every circumstance or risk event. Thus, the first line of defence against a preventable risk event is to provide guidelines clarifying Council's values and goals.

The Council establishes strategic and operational plans including the CRP consistent with the mission statement.

And so, the broadest context of Council's risks is that of not achieving the region's vision and Community and Council Outcomes. Council sets its risk exposure such that all high or extreme risks are managed.

West Coast Regional Council's overall risk appetite and tolerance towards risk exposure is medium to low. This is expanded in section 7.5.

3.0 Policy Statement

The West Coast Regional Council is actively committed to the effective and efficient management of risk that realises opportunities for gains, whilst minimising losses. Council identifies all key risks that could impact on the viability of its responsibilities and operations and has contingencies in place to avoid, minimise, mitigate and/or accept risks within its sphere of control or influence.

By this commitment to risk management, WCRC aims to achieve the following objectives:

- a) define risk in the context of Council;
- b) articulate Council's commitment to risk management;
- c) introduce the fundamental principles and measures of risk;

- d) promote and support risk management and hazard identification practices and priorities throughout the organisation;
- e) provide broad guidance to elected members, Council's managers, employees, contractors and other stake-holders which will be relevant to their risk management responsibilities with the following sub-outcomes
 - A more confident and rigorous basis for decision-making and planning
 - Stronger identification of opportunities and negative consequences
 - Obtaining value from uncertainty and variability
 - Environmental protection
 - Effective allocation and use of resources
 - Improved incident management, reducing loss and risk costs
 - Improved stakeholder confidence and trust
 - Improved compliance with legislative requirements
 - Better corporate governance
 - Contingency planning for foreseeable emergency situations;
- f) recognise that successful risk management relies on input from all employees;
- g) recognise that successful risk management involves the community, ratepayers, and other external stakeholders of the West Coast Region
- h) protect Council's corporate image

4.0 Risk Strategy

Council identifies all key risks that could impact on the viability of its responsibilities and operations and has contingencies in place to avoid, minimise, mitigate and/or accept risks within its sphere of control or influence.

4.1 Outcome 1:

All significant risks faced by the organisation and the region are identified, understood and proactively managed, within the limits of Council's risk appetite, including appropriate monitoring and review.

Strategy a) Develop and Maintain a Corporate Risk Management policy

This will define risk in the context of Council, articulate Council's commitment to risk management, introduce and provide a platform for the fundamental principles of the risk management; Communication and consultation, establishing the context, laying the foundation for risk assessment including risk identification, risk analysis, risk evaluation, risk treatment, and finally monitoring and review.

Strategy b) Corporate Risk Register Development

Develop and maintain a comprehensive Corporate Risk Register which captures all risks pertinent to the organisation and to the Region and enabling effective decision-making in the allocation of competing resources. On a high level this involves:

- Capturing risk data
- the identification of risk

Risk management policy

- the probability
- the consequence
- risk factor
- Inherent or raw or inherent raw (risk with no controls)
- Consideration of risk appetite
- Controls currently in place
- Current residual risk
- Target residual risk
- Notes including changes and when controls were last reviewed

Strategy c) Agree Councils accepted risk appetite

This document has set the corporate risk appetite based on an initial assessment. To support good governance and subsequent monitoring and control of risks, agreement is required from Council to confirm acceptable risk to West Coast region and the organisation.

Strategy d) Pro-actively manage risk in an efficient and effective way

Actively managing risk involves the development of other strategies and plans to manage risk exposure from all sources. This is so Council can develop a cost-effective and efficient corporate approach to risk management. Evaluation of the suitability of options involves the costing of risk reduction treatment and the savings from risk reduction.

- Reduce the risk by ensuring all Council core assets have asset management plans and through capital or maintenance expenditure reduce the probability of failure
- Reduce the impact of a failure by preparing emergency response plans
- Reduce risk through health and safety management including hazard management
- Reduce risk through business and continuity planning
- Accept some risk and carry the consequential costs
- Insure against the consequential costs
- Ensure actions required from risk assessments are embedded in the Ten Year and Annual Plans
- Monitor
- A combination of the above

Strategy e) Involvement by the Audit and Risk Committee

The Council's ability to conduct effective risk management is dependent on good governance of risk and internal controls. The monitoring of the Corporate Risk Management Policy of WCRC will be a key responsibility of the Audit and Risk Committee.

Strategy f) Validate and Monitor 'Significant' and 'High' risks and the adequacy of existing controls

Senior management and the Audit and Risk Committee validate those risks considered to be significant or high and regularly monitor the adequacy of existing controls for these risks.

4.2 Outcome 2: Risk is managed in a consistent way throughout the organisation, with Departments working together to share their experience and knowledge to provide an integrated response.

Strategy a) Ensure comprehensive coverage of all risk categories

Keep the scope of, and departmental responsibility for, risk categories closely aligned to Councils Outcomes, and ensure the risks identified within each category are sufficient in scope to address the category properly.

Strategy b) Ensure all 'Significant' and 'High' profile risks with insufficient controls are actively managed and reported in accordance with the policy.

Where control adequacy ratings are less than an agreed scale, develop an appropriate risk management strategy and ensure corporate planning system projects are in place by the responsible department to improve the level of control for each such risk.

4.3 Outcome 3: A risk conscious culture is fostered, ensuring all staff and elected representatives are aware of their responsibilities in the minimising of losses and maximizing of opportunities.

Strategy b) Mitigate 'Low' and 'Moderate' profile risks through business planning

Where control adequacy ratings are less than an agreed scale for 'Low' and 'Moderate' profile risks, review the value of adopting enhancements in Standard Operating Procedures and policies as a way of improving levels of control and mitigating the impact of these risks.

Strategy c) Regularly communicate to staff the organisations overall performance in Risk Management

Integrate risk reporting and communications to the culture and internal reporting of the organisation.

Strategy d) Communicate success in taking opportunities that have a managed risk

Showcase examples of risks that are taken where significant benefits to the organisation and Region accrue. This could involve wither internal and/or external communications.

5.0 Definitions

Definitions sourced from AS/NZS ISO31000

Risk – effect of uncertainty on objectives

Risk Management – coordinated activities to direct and control an organisation with regards to risk

Risk management process – systematic application of management policies, procedures and practices to activities of communicating, consulting, establishing the context, and identifying, analysing, evaluating, treating, monitoring and reviewing risks (see figure 1.1)

- Communicate and consult – with internal and external stakeholders at all stages of the risk consideration and decision-making processes
- Establish the context – determine the criteria against which the risk is to be evaluated and managed, considering both internal and external stakeholders

- Identify the Risk – consider the range of potential likelihood and consequence of the occurrence of risk events
- Analyse the Risk – consider the range of potential likelihood and consequence of the occurrence of risk events
- Evaluate the Risk – by comparison of pre-established criteria, and consideration of the balance between benefits and adverse outcomes
- Treat the Risk – develop cost-effective strategies, options, and action plans for the treatment of risks that show both positive and negative outcomes
- Monitor and Review the Risk – monitor the effectiveness of all steps, and measures taken in order to achieve improvements, to react to changes in circumstances, and to ensure priorities are still relevant
- Record the Process – all relevant data pertaining to decision-making should be recorded, to satisfy legal and business needs, and to serve as a data-base for re-use. The scale and maintenance of such records should be cost-effective

Other definitions

Consequence - the impact on an organisation should an event occur. Details contained in Table 2

Contractor – An independent entity that agrees to furnish certain number or quantity of goods, materials, equipment, personnel, and/or services that meet or exceed stated requirements or specifications, at a mutually agreed price and within a specified timeframe.

Co-ordinators – all third line managers

Employee – Includes all permanent and temporary employees of Council within the meaning of the *Employment Relations Act 2000*

Senior management Team –Comprises of the Chief Executive and Direct Report Managers

Environmental Sustainability Risk – Risks include

- Climate change
- Energy Management
- Environmental Quality
- Flood hazards from rivers

Senior Manager – All second level Managers

Hazard Risk – Is a source of potential harm or a situation with a potential to cause injury, damage or loss. The main types of hazards identified for West Coast region include:

- Natural Hazards – Earthquake, land subsidence associated with earthquakes
- Flood Hazard from rivers and, Electrical Storms
- Other risks – power supply failure, equipment failure, sea level rise

Likelihood – The probability of an event occurring. Details contained in Table 1

Managerial and Corporate Risk – this category includes (but not limited to) risks associated with

- Compliance (legal) risk – risks to meet statutory or regulatory obligations
- Commercial– risk such as failed contract or business relationship
- Human resources
- Health and Safety
- Insurance liability
- Governance
- Information technology
- Financial and Systems Risk – Risk such as financial controls and systems such as fraud
- Records management
- Financial management
- Reputational exposure
- Management reporting
- Security
- Professional advice

Managers – all direct reports to the Senior Managers

Monitor -To check, supervise, observe critically, or record progress of an activity, action, or system on a regular basis in order to identify change

Operational and maintenance risk – Risk which occurs in, hampers, or effects an individual division or area of an organisation. This includes risks associated with service delivery and maintenance.

Risk Analysis – A systematic use of available information to determine how often specified events may occur and the magnitude of their consequences

Risk Appetite – Is the level of risk that Council is prepared to accept, before action is deemed necessary to reduce it. Acceptable risk levels represent a balance between the potential benefits of calculated risk and the threats that it inevitably brings.

Risk Assessment – The overall process of risk analysis and risk evaluation

Risk control – That part of risk management which involves the implementation of policies, standards, procedures and physical changes to a thing, work process or system of work to eliminate or minimise both adverse and moderate risks

Risk Coordinator – a nominated person or persons who has the primary responsibility of administrating risk management for the organisation

Risk evaluation – The process used to determine risk management priorities by comparing the level of risk against predetermined standards, target risk levels or criteria

Risk identification – The process of determining what can happen, how and why

Risk Management Programme – The implementation of risk management including the creation of governance structures, well defined roles and responsibilities, the risk register, and other risk identification tools

Risk Minimisation – A selective application of appropriate control measures, techniques and management principles to reduce either the likelihood of an occurrence or its consequences or both

Risk Treatment Options – Options to reduce or remove the causes, lessen the probability and reduce or mitigate impacts of an events occurrence

Risk Rating – The level of severity applied to a risk based on its impact to Council, the Community and other stakeholders. Details contained in Table 3

Strategic Risk -Risk which will affect or hamper across the organisation its ability to operate or deliver its policy, strategy or services.

Technical Risk – Risk such as failed equipment or managing physical assets

6.0 Application

Risk Management applies equally to all employees and contractors

Employees and contractors all have joint responsibility for ensuring risk management is a key part of their approach to the delivery of the Council's functions, operations and services.

6.1 Council

Council will:

- ensure an appropriate risk governance structure is in place;
- support Corporate Risk Management policy including Risk Management as an element of the Council Ten Year and Annual Plans as well as other strategies as plans and documents;
- be responsible for setting risk appetite;

6.2 Audit and Risk Committee

The Audit and Risk Committee will:

- Deliver on its mandate as outlined in its constitution including acting in a risk monitoring advisory and improver role for Council and the Chief Executive. The Audit and Risk Committee should support the overall risk management process.
 - Ensure Council has appropriate risk management and internal controls in place
 - Approve and review risk management programmes and review risk treatment options for extreme risks
 - Responsible for making recommendations to Council for setting risk appetite
 - provide guidance and governance to support significant and/or high profile elements of the risk management spectrum

6.3 Chief Executive

The Chief Executive is responsible for:

- Nominating a risk management sponsor;
- Reporting extreme and high risks to the Audit and Risk Committee and/or Council with treatment options;
- oversight of the risk management process;

- promotion of a risk aware culture within Council through the risk management programme
- providing direction and advice on the management of risks within Council and ensuring that appropriate treatment measures are in place to mitigate Council exposure;
- promoting a culture of risk management and ensuring strategic, comprehensive and systematic risk management programmes operate throughout Council;
- ensuring that the Council's organisation vision and values (relevant to risk) are aligned and synchronised with the strategic direction (including Community outcomes and budgetary considerations) and culture;
- ensuring that risk management is considered in everything Council undertakes and is incorporated in the messages given to the organisation;
- supporting the Audit and Risk Committee in delivering its duties; and
- supporting the internal audit process.

6.4 Senior management

Senior managers are responsible within their departments for:

- maintaining the overall responsibility for the effective and efficient management of all types of risks related to Council activities and delivery of the Risk Management Framework and objectives;
- promotion of a risk management culture;
- communicate and raise awareness of risk management to Council managers and staff
- identify, manage and monitor risks in their departments
- assistance in setting the Council's risk attitude;
- ensuring that Council's assets and operations, together with liability risks and hazards to the public, are adequately protected through appropriate risk planning and budgeting, internal audit processes, and appropriate internal systems and controls;
- ensure that risk management is in place and reviewed as required and at least annually for all risks for timely updating and continuous improvement;
- ensuring legislative and governance requirements and obligations are met; and
- integration of risk management with Councils' policies, process and practices.

6.5 Managers

All Managers will:

- be responsible for the registration and maintenance of risks in the risk register pertaining to their departments and at a Council wide level as required and appropriate;
- manage activity / project / asset risks;
- the on-going identification and assessment of risk including appropriate responses;
- the management of the relevant risks as delegated within the agreed acceptable risk tolerance levels;
- provide support and assistance to the Risk Coordinator in the delivery of all duties and responsibilities;
- ensuring the effectiveness of risk controls;

- be responsible for ensuring risk management and process are imbedded in strategies, policies, business plans, contracts, and standard operating procedures; and
- be proactive in implementing best practice in all facets of business including asset management planning, emergency management planning, and disaster and recovery plans.

6.6 Risk coordinator(s)

The risk coordinator(s) will:

- coordinate the risk management process;
- assist with the development and maintenance of the risk register;
- reports extreme and high risks to the Executive Management Team with treatment plans;
- planning and executing reviews and audits of the risk register;
- measures and reports the effectiveness and adequacy of risk management and internal control processes and systems, and report to the Executive Management Team;
- assisting with the education of staff on risk management;
- providing technical assistance on risk management; and
- facilitate the management of cross-organisational risks.

6.7 All staff

All staff will:

- have awareness of the risk management framework; and
- identify, monitor and report issues and potential risks as they occur

6.8 Contractors

All contractors are responsible for:

- ensuring Council's assets and operations, together with liability risks and hazards to the public, are adequately protected through adherence to Council's policies and procedures;
- responding immediately to the investigation of any report of a hazard or incident received from a resident, Council officer, employee or visitor;
- adhering to legislative, regulatory and corporate legislation and standards
- maintaining appropriate and adequate insurances are required under their contract; and
- ensuring that they conduct their daily duties in a manner that will not expose Council to loss or risk, and that these duties are done in accordance with the relevant procedures, policies, and legislative requirements

7.0 The Risk Management Process

7.1 Assessment and Review

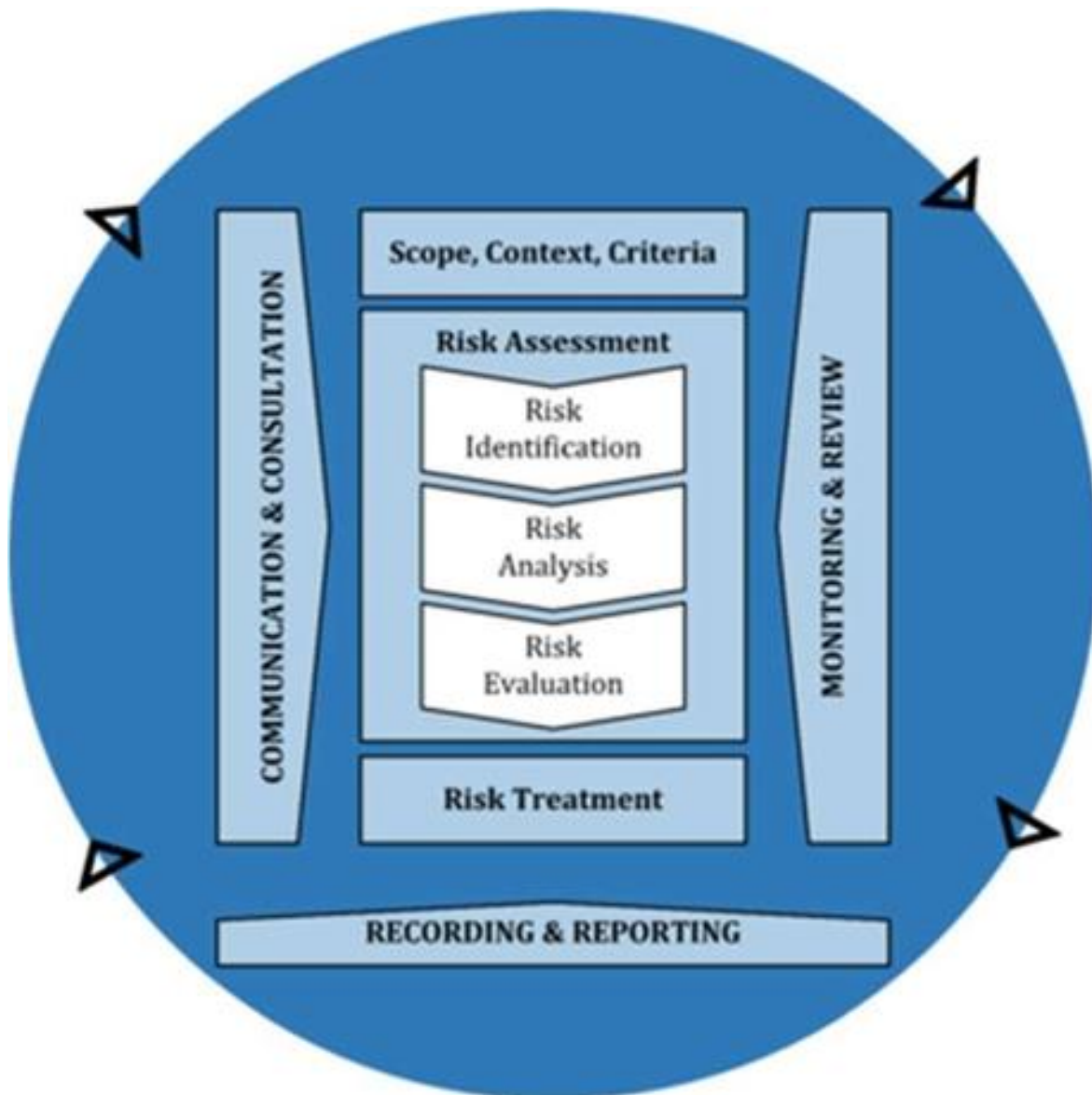
For the Risk Management process to be efficient and effective within Council, it must be:

- an integral part of management;
- embedded in the culture and practices; and
- tailored to the business planning and processes of the organisation

The process comprises a number of steps as recommended by ISO AS/NZS 31000 The steps are detailed in the flowchart below:

Risk management policy

Page 9 of 16



Step 1: Communication and Consultation

Communication and consultation with internal and external stakeholder should take place during all stages of the risk management process.

Eternal stakeholder communication informing and consulting on:

- the Councils approach to risk management;
- effectiveness of the council's risk management approach;
- and gathering feed-back as appropriate on risk management including risk appetites and fiscal choice.

Internal stakeholder communication including:

- communicating the risk management processes

- gathering feed-back in relation to risk management and processes
- ensuring accountability of roles and responsibilities are clearly understood in relation to the risk management process

7.2 Step 2: Establishing the Context

The establishment of the context is an integral element within the process of risk management as it establishes and defines the various environments in which risk is to be considered, assessed and managed.

The level of contextual relevance should be considered on;

- an external context - which is the extent to which the Council's external environment will impact on its ability to achieve its corporate objectives
- an internal context – which is about understanding the internal operating environment
- the context of the risk management process – establishment of the objectives, strategies, scope
- defining the risk criteria – the organisation should define criteria to be used to evaluate the significance of risk

7.4 Step 3: Identify Risks

Risk identification is a key step to ensure the risk exposures to which Council may be subjected a recorded. This sets the foundation for the establishment of effective and efficient risk mitigation, control and review.

Council categorises risks in the following way:

- Health & Safety
- Reputation / Image
- Strategic Outcomes
- Legal and Regulatory
- Governance
- Relationships
- Service Delivery
- Environmental
- Statutory Obligations
- Financial Loss

All risks must be linked to Council outcomes, strategies and plans and form part of Councils overall vision for the region, sphere of responsibility and/ or influence.

The key elements of Councils risk identification processes are:

- the cyclical risk assessments undertaken by Councils internal and external auditors;
- risk assessments undertaken within individual divisions and departments including asset management planning, activity planning, contract management, legislative compliance, occupational health and safety, human resources, professional advice; security, financial

management, reputational exposure, management reporting, records management, information technology, and systems;

- the liability risk assessments undertaken by Councils public liability insurer;
- legislative, regulatory and /or industry information obtained from various sources
- feed-back received from the communication and consultation process both from external and internal stakeholders;
- employees and members of the public are also encouraged to report potential risk exposures

Each risk identified will be entered and maintained in the risk register by the risk coordinator or delegate as required.

7.3 Step 4: Risk Assessment

Risk analysis aims at understanding the level of significance of a risk and ways to control and/or mitigate it.

A full accurate and objective assessment of any identified risk must be undertaken to:

- determine existing controls
- determine the risk likelihood (Table 1)
- determine the consequence of the risk (Table 2)
- establish the risk rating (Table 3)

An assessment of risk should be carried out three times during the life of the risk

Stage 1: Inherent risk - the risk exposure prior to management controls being put in place;

Stage 2: Managed risk – the risk exposure with the current level of management controls;

Stage 3 Residual risk – when no further controls are required and the level of risk is tolerable

7.4 Step 5: Risk evaluation

After the likelihood and consequence factors have been determined, the level of risk is calculated by multiplying the Probability/Likelihood of the risk occurring (Table 1) with the Consequence or Impact Levels (Table 2). The final outcome is the risk rating (Table 3).

The results of the risk evaluation will determine in the first instance the risk management strategies required tailored to the risk profile. Once the risk has been assessed according to the relative risk level it poses, it is then possible to target the treatment of the risk exposure.

7.5 Step 6: Risk Treatment

The treatment of risk is dependent on a number of factors including Council's risk appetite and selection of risk control options.

Risk control options include:

- **Risk avoidance** – avoid the identified risk by deciding not to proceed with the activity likely to generate risk (where this is practicable);

- **Risk transfer** – reducing exposure by transferring the risk to another party e.g. contracting out
- **Reduce the Likelihood** of occurrence through measures such as audit compliance, programmes, contract conditions, preventative maintenance, engineering controls, inspections, process policies and procedures; and
- **Reduce the consequence** through measures such as contingency planning, disaster recovery plans, contractual arrangements, financial management controls and risk minimisation plans

Residual risk

Residual risk is the risk left after the risk treatment process has been performed and controls applied. The acceptance of residual risk is dependent on Council’s agreed risk appetite and cost-benefit analyse of options.

Risk appetite

The risk management strategies developed and acceptable residual risk are required to take into account Council’s agreed risk appetite.

West Coast Regional Council determines its risk appetite across seven outcomes namely:

- | | | |
|----|------------------------------------|-------------------|
| 1. | Value our people | Very low appetite |
| 2. | Strong governance & representation | Low |
| 3. | Good relationship & partnerships | Very low |
| 4. | Resilience & sustainability | Low |
| 5. | Financial sustainability | Low |
| 6. | Deliver effective and efficiency | Medium |
| 7. | Fulfilling statutory obligations | |

Cultural, Outcome, Expectation, and Liability. Steps taken and risk treatment is a driver in the selection of risk treatment tools and actions and priorities.

- **Cultural**
Our cultural appetite defines our behaviour and the principles to be applied across Council but is not necessarily measurable or actionable. The cultural risk appetite is classified as low including:
 - a) reputational risk exposure
 - b) ratepayer/customer complaints
 - c) engagement in any activity that will put Council’s long-term vision and values at risk
 - d) comprises to Council being an equal opportunity employer
- **Expectation and Responsibility**
Council’s expectation and responsibility risk appetite defines its tolerance for strategic and operational actions. These risks, specific to activities or known risks are measurable and supported by risk control options: The Expectation and Responsibility risk appetite is:

- a) Council has zero risk appetite for Strategic risks. These risks are to be mitigated and controlled as far as practicable down to a low or medium risk rating
 - b) Council has zero risk appetite for harm or injury to its employees, contractors, or visitors and these potential harms will be mitigated and controlled as low as practicably possible
 - c) Council has a low tolerance of operational and maintenance risk. These risks will be mitigated and controlled to where the cost of control is equal to the marginal cost of the risk.
 - d) Council has a low tolerance towards technical risk failure. These risks will be mitigated and controlled to where the cost of control is equal to the marginal cost of the risk. Council has low to zero risk appetite where the risk of asset failures are critical to the health, safety and well-being of the community
 - e) Council has a low risk appetite towards other corporate and managerial risks. Council has a zero tolerance towards internal/ external fraud or deception.
- **Liability**
Council's liability risk appetite defines the level of liability for which it is prepared to accept using internal mitigations or management before it seeks external support or remedies to resolve matters. Council has a range of risk appetites associated with different classes of assets and events outlined in Councils Risk Management and Contingency Plan.
 - a) Buildings, Contents, Plant & Machinery; covered by Council's Material Damage Policy. In general Council is liable for the first \$2,500 of each claim and in the case of natural disaster damage 2.5% of the site sum insured. Council's risk appetite for this category of assets is low.
 - b) Public liability and Professional Indemnity; cover of \$15,000,000 for each and every claim. Council's risk appetite for this risk category is low
 - c) Other infrastructure; Council takes a calculated risk for this category of assets and assesses that no more than 30% of the infrastructure would be damaged in a major disaster, and that the Crown would subsidise 60% of restoration costs. Council's risk appetite for his category is low/medium.
 - d) Other insurance cover; cover exists for Motor vehicles, mobile plant, business interruption, statutory liability, employer's liability, cyber liability and remotely piloted aircraft. Council's risk appetite for this category is low.
 - e) Uninsured risks; are assets not covered by Council's insurance. Support is anticipated from the Crown in the event of a natural disaster.

7.6 Step 7: Monitoring and review

Risks are constantly changing so risk needs to be systematically and periodically monitored and reviewed.

- **Implementation**
 - a) All risks and internal controls will be monitored and reviewed by the Chief Executive and Audit and Risk Committee on an annual basis

- b) Significant risks will be monitored and reviewed by the Chief Executive and Audit and Risk Committee on a quarterly basis
 - c) Any significant risk issues will be brought to the attention of the Chief Executive and the relevant General Managers on a prioritised basis
 - d) Risk reviews formally undertaken by internal and external auditors will be reported to the Audit and Risk Committee
 - e) The Chief Executive will ensure that all corporate risks will be maintained and monitored on an on-going basis, including regular risk assessments of assets and activities
 - f) The Chief Executive will ensure all risks are reviewed annually
 - g) The Chief Executive will ensure all staff, contractors and other stakeholders have induction training on risk management, and that risk training opportunities are made available
 - h) The Chief Executive will promote risk management and ensure that responsibilities are clearly understood by both internal and external stakeholders
- **Performance measuring**
Performance measures to track progress in implementing the risk management objectives and plans should be established and reviewed by the Chief Executive, General Managers, and/or Managers annually.

The tracking process should include:

- a) The inherent risks (with different reporting requirements for significant risks)
- b) The control measures
- c) Actions to be undertaken
- d) Due date of the actions
- e) Outcomes to be achieved
- f) Responsible person
- g) Acceptance of the residual risk
- h) Supporting plans or strategies

A risk profile for each division or activity structure should be established and established to provide a clear picture of the actual risk position and of the possible or likely future risks

8.0 References and Sources

1. International standard – ISO AS/NZS31000 Risk Managements
2. Council’s Risk Management and Contingency Planning

9.0 Records

- Councils risk register
- Councils insurance portfolio

10.0 Review

This document is to be reviewed every year, as delegated, from date of adoption by Council, with each review to be approved by the Chief Executive.

10. Attachments

The attachments are;

- Table 1: Probability/ Likelihood Levels –
- Table 2: Consequence or Impact Levels
- Table 3: Combined Qualitative Risk Levels

Table 1: Probability/ Likelihood Levels

Level	Descriptor	Description
A	Almost certain	The event is expected to occur (>90%)
B	Likely	The event will probably occur (50%-89%)
C	Moderate	The event may well occur (20%-49%)
D	Unlikely	The event will probably not occur (10%-19%)
F	Rare	The event is not expected to occur but we can't be certain (<10%)
Note Time period is 10 Years		

Table 2: Consequence or Impact Levels

	In-significant	Minor	Moderate	Major	Catastrophic
Health & Safety	No injury or potential injury	Minor injury – First aid only	Hospitalisation	Severe injuries or potential injuries	Long-term disability or death
Reputation / Image	Customer complaint	Negative community coverage	Negative community and some regional coverage	Negative regional and some national media coverage	Sustained negative national media coverage
Strategic Outcomes Legal and regulatory	Internal query	Special Audit by outside agency or enquiry by Ombudsman	Litigation	District or Environmental Court (excluding normal operations)	High Court or Criminal Action
Relationships	Disagreement	Dispute or major disagreement	Temporary loss of contact	Mediation or external party required to restore relationship	Irreversible breakdown
Service Delivery <i>Unplanned or unapproved delay of a major project</i>	Delay up to one month	Delay greater than one month but less than three months	Delay in major project of over three months and less than six months	Delay in major project of over six months and less than one year	Delay in major project of over a year
Environmental impact	Managed in-house	Managed with committed external resources	Managed by additional external resources	Short-term assistance required from outside the region	Ongoing assistance required outside of the region
Governance & Statutory obligations	Request for information from government Department	External review	Government Departmental enquiry	Government intervention	Ministerial enquiry or Appointment of commissioners
Financial Loss	<\$5,000; Council <\$50,000 Community	<\$10,000; Council <\$100,000 Community	<\$50,000 Council; <\$500,000 Community	<\$150,000 Council; <\$500,000 Community	>\$150,000 Council; >\$500,000 Community

Table 3 Combined Qualitative Risk Levels

Probability/ likelihood	Consequences				
	In-significant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A Almost certain	Medium	Significant	High	High	High
B Likely	Medium	Significant	Significant	High	High
C Moderate	Low	Medium	Significant	High	High
D Unlikely	Low	Low	Medium	Significant	High
E Rare	Low	Low	Medium	Significant	High

Report to: Council	Meeting Date: 9 November 2021
Title of Item: LGFA Debt	
Report by: Neil Selman, Acting Corporate Services Manager	
Reviewed by: Heather Mabin, Acting Chief Executive	
Public excluded? No	

Report Purpose

The purpose of this paper is to seek Council approval for the rollover of \$2,000,000 of debt, maturing 26 November 2021, held by LGFA.

Report Summary

Council has a \$2,000,000 debt held with LGFA that is due to be rolled over on 26 November 2021. The rollover of debt is in line with Council's overall strategy for interest rate risk management and is in line with Council's policy and Long-term Plan 2021-2031.

Draft Recommendations

It is recommended that Council:

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

Issues and Discussion

Background

Investment and Borrowing Policy

In line with Council's Investment & Borrowing Policy, Council maintains a spread of maturities for its various borrowings with LGFA. These include;

2,000,000	Rolling six-month Commercial paper maturing 26 Nov 2021
1,400,000	Maturing 30 May 2022
1,400,000	Maturing 30 May 2023
1,400,000	Maturing 30 May 2024
1,400,000	Maturing 30 May 2025
1,000,000	Maturing 30 May 2026
8,600,000	

New Zealand Local Government Funding Agency Limited (LGFA)

Zero coupon debt security

The Council is a member of the LGFA borrowing programme as a borrower. Under the LGFA borrowing programme, the Council issued a zero-coupon debt security (Debt Security) to LGFA for \$2,000,000 on 7 June 2019. On the maturity date of the Debt Security, the Council will be required to repay \$2,000,000 (plus an interest amount) to LGFA.

The Debt Security was originally due to reach maturity on 26 November 2019. However, the Council and LGFA agreed (on three separate occasions) to roll-over the Debt Security and the maturity date of the Debt Security is now 26 November 2021. If the Debt Security is not rolled-over for a further period of time the Council will be required to repay \$2,000,000 to LGFA on 26 November 2021.

Conditions precedent to issue of Debt Security

As a condition precedent to the issue of the original Debt Security in June 2019:

1. the Council was required to issue security stock to LGFA;
2. the Chief Executive was required to sign the following documents:
 - chief executive certificate;
 - officer's certificate;
 - security stock certificate (in respect of the issue of security stock to LGFA); and
 - stock issuance certificate (in respect of the above security stock certificate); and
3. an authorised signatory of the Council was required to sign the "NZ Local Government Funding Agency Term Sheet" (which set out the terms of the Debt Security).

The Council will need to repeat this process for the new debt security (to give effect to the proposed roll over).

Current situation

Zero coupon debt security

The Council intends to issue a new \$2,000,000 zero coupon debt security to LGFA on 26 November 2021 to, in effect, roll over the Debt Security (as defined in the Background section above) for a further six months.

As a condition precedent to the issue of the new debt security, the Council must issue further security stock to LGFA and the following documents must be signed:

1. Chief Executive Certificate;
2. Security Stock Certificate (in respect of the security stock that will need to be issued to LGFA);
3. Stock Issuance Certificate (in respect of the above security stock certificate); and
4. Final Terms for the debt securities issued by the Council to LGFA on 26 November 2021,

(the latest draft form of the documents noted at 1. – 3. above are attached to this report. These drafts may be subject to minor changes).

The documents at 1., 2. and 3. above have been prepared by Council's solicitors. The document at 4. above will be prepared by LGFA, will be provided directly to the Council and will set out the terms of the debt security to be issued by the Council on 26 November 2021.

The Council intends to delegate authority to:

1. any two of the Acting Chief Executive, Chair Allan Birchfield and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to sign the documents noted at 1. – 3. above; and
2. any two of the Acting Chief Executive, Chair Allan Birchfield and Cllr Debra Magner (Chair of Council's Audit and Risk Committee) to execute the document noted at 4. above.

Considerations

Implications/Risks

There is a financial risk of needing to repay or refinance the debt on 26 May 2022.

Significance and Engagement Policy Assessment

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

Tangata whenua views

Not applicable

Financial implications

Not applicable

Legal implications

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

Attachments

Attachment 1: Chief Executive Certificate

Attachment 2: Security Stock Certificate

Attachment 3: Stock Issuance Certificate

CHIEF EXECUTIVE CERTIFICATE

I, Heather Mabin, the Chief Executive of West Coast Regional Council ("**Council**") certify as follows:

1. RESOLUTIONS

- 1.1 The Council has, by all necessary resolutions duly passed ("**Resolutions**"):
- (a) approved the transactions contemplated by the documents referred to in the schedule to this certificate ("**Documents**"), or delegated sufficient authority to the person(s) who has approved those transactions to give that approval; and
 - (b) authorised execution of the Documents by the Council, or delegated sufficient authority to the person(s) who authorised execution of the Documents to give that authorisation.
- 1.2 The Resolutions remain in full force and effect.

2. DUE EXECUTION

The Documents have been or, in the case of the Document specified at paragraph 1 of the schedule to this certificate, will be properly executed by the Council.

3. COMPLIANCE WITH THE ACT

For the purposes of section 118 of the Local Government Act 2002 ("**Act**"), in entering into the Documents and performing its obligations under the Documents, and all other documentation contemplated by or entered into in connection with the Documents, the Council has complied with the Act.

4. MULTI-ISSUER DEED

- 4.1 For the purposes of clauses 2.2 and 4.5 of the multi-issuer deed ("**Multi-Issuer Deed**") dated 7 December 2011 (as amended from time to time) between various local authorities and New Zealand Local Government Funding Agency Limited ("**LGFA**") and subsequently acceded to by the Council, that:
- (a) all necessary regulatory or statutory authorisations, consents, approvals or licenses in relation to the Council's entry into the Multi-Issuer Deed, the Accession Deed, the Notes Subscription Agreement, the issuance of the Security Stock Certificates issued in respect of the Multi-Issuer Deed and the Securities and the issuance of the Securities from time to time have been obtained and are current and satisfactory;
 - (b) the Council has complied with the conditions specified in clause 2.2 of the Multi-Issuer Deed;
 - (c) the representations and warranties set out in clause 6.1 of the Multi-Issuer Deed are true, accurate and correct in all material respects as of the date of this certificate by reference to the facts and circumstances existing on that date;
 - (d) no Event of Default, Potential Event of Default or Event of Review has occurred and is continuing in relation to the Council and no such event

will occur on or after the Issue Date as a result of the Council issuing the Securities; and

- (e) the Council is in compliance with the Multi-Issuer Deed and the Notes Subscription Agreement.

4.2 Words and expressions defined in the Multi-Issuer Deed have the same meanings in this paragraph 4.

5. DEBENTURE TRUST DEED

The Debenture Trustee Deed entered into between the Council and Covenant Trustee Services Limited dated 26 February 2019 is in full force and effect. No amendments have been made to the Debenture Trust Deed since it was entered into.

This certificate is given by me in my capacity as Chief Executive of the Council in good faith on behalf of the Council and I shall have no personal liability in connection with the issuing of this certificate.

DATED: 26 November 2021

SIGNED:

Heather Mabin
Acting Chief Executive
West Coast Regional Council

SCHEDULE "Documents"

1. Final Terms for the debt securities issued by the Council to New Zealand Local Government Funding Agency Limited on 26 November 2021 under the Multi-Issuer Deed dated 7 December 2011 (as amended from time to time) between various local authorities and LGFA and subsequently acceded to by the Council ("**Multi-Issuer Deed**").
2. Security Stock Certificate in favour of LGFA in relation to the Council's obligations in respect of Zero Coupon securities issued by the Council during the calendar year from 1 January 2021 to (and including) 31 December 2021 under the Multi-Issuer Deed.
3. Stock Issuance Certificate in respect of the issue of the Security Stock evidenced by the Security Stock Certificate referred to above.

Stock Certificate No: 7

WEST COAST REGIONAL COUNCIL
(the **Council**)

Principal Office: West Coast Regional Council
388 Main South Road
Paroa
GREYMOUTH 7805

Stock Transfer Office: Computershare Investor Services Limited
Level 2, 159 Hurstmere Road
Takapuna
AUCKLAND
(the **Registrar** and **Paying Agent**)

**Security Stock in respect of the issue of debt securities to LGFA from
1 January 2021 to (and including) 31 December 2021**

Security Stock Certificate

The Security Stock referred to in this Certificate is Security Stock constituted and secured by a debenture trust deed (**Trust Deed**) dated 26 February 2019 between the Council and Covenant Trustee Services Limited and is issued with the benefit and subject to the provisions of the Trust Deed, the conditions endorsed on and/or otherwise applicable to such Stock and this Certificate, including the further conditions (included in the term **Conditions**).

THIS IS TO CERTIFY THAT

1. New Zealand Local Government Funding Agency Limited (**Holder**) will, upon registration of the Stock pursuant to the Trust Deed, be the registered Holder of Security Stock (**Stock**) in a nominal amount equal to the aggregate amount, from time to time, of the liabilities, advances and other accommodation or obligations referred to in clause 2 of this Certificate;
2. **SUBJECT** to the provisions of clause 3 of this Certificate, the Stock is issued by way of continuing security for the due payment and satisfaction to the Holder of all obligations and liabilities of the Council to the Holder in respect of the debt securities (being "Zero Coupon Securities" as defined in the Multi-Issuer Deed dated 7 December 2011 (as amended from time to time) between the Holder and various local authorities and subsequently acceded to by the Council (**Multi-Issuer Deed**)) (**Securities**) issued by the Council on issue dates from 1 January 2021 to (and including) 31 December 2021 in accordance with the Multi-Issuer Deed, whether incurred before or after the issue of the Stock and whether matured or not and whether incurred by the Council alone, or jointly, or jointly and severally with others and whether as principal or surety and whether absolute or contingent and shall include, but not by way of limitation, obligations and liabilities in respect of interest (whether capitalised or otherwise compounded or current);
3. **THE** Stock is issued on the special condition that at any date (**Relevant Date**) the Priority Total Amount relating to the Stock is not more than:
 - (a) the lesser of:
 - (i) the aggregate amount (as finally determined) of all the liabilities, advances and other accommodation or obligations referred to in clause 2 of this

Certificate at the Relevant Date, including capitalised interest owing at the Relevant Date but excluding any interest accrued pursuant to the terms of the Securities and owing at the Relevant Date; and

(ii) the nominal amount of the Stock,

(such lesser amount being referred to in this Certificate as the **Priority Principal Amount**); and

(b) as interest, all interest (for the avoidance of doubt excluding capitalised interest) accrued pursuant to the terms of the Securities and payable to the Holder on the amount referred to in paragraph 3(a)(i) above (up to the Priority Principal Amount) but excluding any interest accrued pursuant to the Securities which has been due and owing since a date more than six months prior to the Date of Enforcement,

AND upon any distribution of the money available to Stockholders pursuant to the provisions of clause 15 of the Trust Deed the Stock shall entitle the Holder to payment pari passu with the other Stockholders in respect only of their Priority Principal Amount together with interest calculated pursuant to the provisions of paragraph (b) above **PROVIDED ALWAYS** that any amounts owing to the Holder in respect of which this Stock is issued but which do not form part of the Priority Total Amount shall rank for payment subsequent to the Priority Total Amounts of the other Stockholders but pari passu with any amounts referred to in the equivalent to this proviso in Security Stock Certificates held by other Stockholders (and as consistent with clause 6.3.1(c) of the Trust Deed);

all in accordance with the Trust Deed (including the Conditions).

GIVEN by or on behalf of the Council this 26th day of November 2021

SIGNED for and on behalf of
WEST COAST REGIONAL COUNCIL

Acting Chief Executive

Witness:

Signature of witness

Full name of witness

Occupation of witness

Address of witness

NOTES:

- (1) The Holder is entitled to the benefit of, is bound by, and is deemed to have notice of, all the provisions of the Trust Deed (including the Conditions) (which may be inspected at the Principal Office of the Council).
- (2) This Certificate must be surrendered to the Council or the Registrar before transfer of the whole or any part of the Stock can be registered.
- (3) All sums specified in this Certificate relate to New Zealand currency.
- (4) Words and expressions used in this Certificate and in the Conditions shall have the same definition as in the Trust Deed unless otherwise defined or the context otherwise requires.

CONDITIONS

1. **SUBJECT** as herein provided, the Holder of the Stock is entitled pari passu and rateably with the holders of all other Stock constituted by the Trust Deed to the benefit of, and is subject to, the provisions of the Trust Deed (including the Conditions).
2. **EVERY** Holder will be recognised by the Council, the Paying Agent and the Registrar as entitled to its Stock and to the Principal Money and interest payable thereon free from any equity, security interest, set-off or cross-claim or counter-claim between the Council and the original or any intermediate holder of the Stock (not being the Holder).
3. **THE** Stock may, to the same extent as the debts, liabilities, advances or other accommodation or obligations to which it relates, be transferred in accordance with the Trust Deed by an instrument in writing in the usual or common form, and the following provisions shall apply:
 - (a) every instrument of transfer must be executed by the transferor in the manner required by the Council or the Registrar or as required by the FMC Act and the transferor shall be deemed to remain the owner of the Stock until the name of the transferee is entered in the Register (as defined in the Trust Deed) in respect thereof;
 - (b) every instrument of transfer must be left at the registered office of the Registrar for registration accompanied by any Certificate in respect of the Stock to be transferred and such other evidence as the Council or the Registrar may require to prove the title of the transferor or its right to transfer the Stock. Upon being satisfied as to the due execution of the transfer, and the due compliance with the provisions of any Act relating to stamp duties, the Registrar will register the transfer in accordance with the Registrar and Paying Agency Agreement (as defined in the Trust Deed) and will recognise the transferee as the Holder entitled to the amount of Stock comprised in the transfer;
 - (c) all instruments of transfer which shall be registered will be retained by the Council or the Registrar, but any instrument of transfer which the Registrar may decline (on reasonable grounds) to register shall be returned to the person who has delivered the same together with the reasons for such non-registration;
 - (d) the Registrar shall not be obliged to, but may, register any transfer of Stock during the period between the Registrar's close of business on the Record Date immediately preceding the date for repayment of the Principal Money (or any part of the Principal Money) or payment of interest and the date for repayment of the Principal Money (or any part of the Principal Money) or payment of interest, or the period between the Registrar's close of business on the date 14 days before any meeting (inclusive of the date on which such meeting is held) of Holders is convened in accordance with the Trust Deed and the date of such meeting. For the purposes of these Conditions, **Record Date** means the tenth day before the relevant date for payment of any Principal and/or interest in respect of any Stock or, if such day is not a business day then such day as determined by the Paying Agent in accordance with its usual practice;
 - (e) no fee shall be charged by the Council for the registration of a transfer;
 - (f) the Council, the Trustee, the Paying Agent and the Registrar will recognise only the Holder as the absolute owner thereof and, except as ordered by a court of competent jurisdiction or by statute, shall not be bound to take notice or see to the execution of any trust whether express, implied or constructive to which any Stock may be subject. The receipt of such Holder, or in the case of joint Holders

the receipt of any of them, of the Principal Money and the interest from time to time accruing due in respect thereof or for any other money payable in respect thereof, or the compliance with the payment directions of the Holders or any one of joint Holders, shall be a good discharge to the Council, the Trustee, the Paying Agent or to the Registrar, as the case may be, notwithstanding any notice it may have whether express or otherwise of the right, title, interest (including security interest) or claim of any other person to or in respect of such Stock, interest or money. No notice of any trust express, implied or constructive, nor of any security interest, shall be entered on the Register in respect of any Stock,

provided that the requirements for transfer in paragraphs (b), (c) and (d) shall not apply to the extent that the Council and the Registrar agree a different method of transfer either with the Trustee or, in respect of a particular transfer, with the relevant transferor and transferee.

STOCK ISSURANCE CERTIFICATE

I, Heather Mabin, the Chief Executive of West Coast Regional Council (the **Council**) hereby certify that:

1. the issue of Security Stock with a nominal amount equal to the aggregate amount, from time to time, of the liabilities, advances and other accommodation or obligations referred to in the Stock Certificate for that Stock¹ (the **New Stock**) under the terms of the Debenture Trust Deed dated 26 February 2019 (the **Trust Deed**) has been duly authorised by the Council, or has been authorised by a person or persons within the delegated authorities approved by the Council;

2. as at the date of this certificate (but prior to the issuance of the New Stock if it is to be issued on the date of this certificate) the total nominal amount of Stock issued and outstanding under the Trust Deed (showing separately the respective total nominal amounts) is as follows:

(i)	Debenture Stock of:	\$0
(ii)	Security Stock (issued with a fixed nominal amount) of:	\$0

together with:

(iii)	Security Stock (issued with a floating nominal amount), which as at 26 November 2021 amounted to:	\$8,774,959 plus accrued interest
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3. no Enforcement Event has occurred and remains unremedied;

4. for the purposes of section 115(3) of the Act, the loans or obligations secured by the New Stock have been raised for the benefit of all of the Council's district;

5. for the purposes of section 118 of the Act, the Council has complied with the Act in entering into and the performance of its obligations under the Trust Deed, the Registrar and Paying Agency Agreement and all other obligations entered into by the Council in connection with the Council's borrowing and granting security under the Trust Deed, including in respect of the New Stock.

This Certificate is given by me as Chief Executive of the Council in good faith on behalf of the Council and I shall have no personal liability in connection with the issuing of this Certificate.

¹ The initial nominal amount of the Security Stock issued with a floating nominal amount under this Certificate is \$2,000,000.

Unless otherwise defined or the context otherwise requires, terms with a defined meaning in the Trust Deed shall have the same meaning where used in this Certificate.

Dated: 26 November 2021

Acting Chief Executive
West Coast Regional Council

Report to: Council	Meeting Date: 9 November 2021
Title of Item: Operations Monthly Works Report	
Report by: James Bell – Engineering Officer, Paulette Birchfield - Engineer, Brendon Russ – Engineer	
Reviewed by: Randal Beal – Director of Operations	
Public excluded? No	

Purpose

The purpose of this report is to provide Council with an overview of the works undertaken during the month of October 2021. Also presented in this report will be the production and sale of rock from the Council owned quarries during the month of September 2021.

Report Summary

Council Engineers have undertaken river protection works on behalf of the Nelson Creek and Franz Josef Rating Districts. Council Engineers have also undertaken coastal protection works on behalf of the Hokitika Rating District.

Draft Recommendations

It is recommended that Council resolve to:

Receive this report.

Issues and Discussion

Current Situation:

Nelson Creek Rating District

On 9 September 2021 Council was notified by the Nelson Creek Rating District spokesman that flooding in had removed the gravel buffer on the true right bank and was eroding the berm and toe of the stopbank in several areas that are unprotected by rock.

This stopbank has a series of small rock spurs that have degraded over time, with sections in-between having minimal protection. As it is a maintenance scheme only, the erosion will be repaired, and some works undertaken to divert the creek away from the bank. During the repair works gravel will be used to level and widen the crest to make access for heavy vehicles safer.

Quotes for the repair works were sought from approved contractors. GH Foster was awarded the works and is due to begin the erosion repair at the end of October 2021.



Photo 1: Looking downstream at erosion of one of the unprotected berms



Photo 2: Looking downstream where the gravel bund has been removed.

Hokitika Seawall

Work has been completed extending the emergency rock protection along the Hokitika beachfront. This work was from Tudor Street to Richards Drive. MBD Contracting LTD have completed this emergency work with rock coming from the local Camelback Quarry at a total price of \$476,209.55+GST



Completed emergency rock works

Franz Josef Emergency Works

Emergency works has continued on the true left of the Waiho River. The earthworks component of the stopbank has been completed. Rock is being recovered from the Waiho River and placed along the stopbank. 6,500T tonnes of rock has been recovered and placed, with a further 2,000T required to complete the project.



Looking up stream from Milton & Others Stopbank

Quarry Rock Movements for the period of September 2021 (Excluding Royalty Arrangements)

Quarry		Opening Stockpile Balance	Rock Sold	Rock Produced	Closing Stockpile Balance
Camelback	Large	33,374	4,065	0	29,309
Blackball		0	0	0	0
Inchbonnie		0	141.46	141.46	0
Kiwi		0	0	0	0
Miedema		0	0	0	0
Okuru		450	0	0	450
Whitehorse		0	0	0	0
Totals		33,824	4026.46	141.46	29,759

Other Sales:

262T of rubble was sold to Henry Adams Contracting from Camelback Quarry. This rubble was sold at \$2.00 per tonne for a total of \$524.00 GST exclusive.

IRG Project updates

Greymouth Flood Protection Wall Upgrade

The stop bank has been surveyed and we are currently evaluating a range of options for alignments. Discussions with affected parties are ongoing. A Variation to the current consent has been lodged and is on hold while affected party discussions with stakeholder are undertaken. Physical works will commence in stages with the first stage expected to commence November 2021. WSP have been engaged to provide geometric design advice for the first stage of the project.

Hokitika Flood & Coastal Erosion Protection

Hokitika Seawall

BECA have been engaged to design and prepare a resource consent application for the seawall which is expected to be ready for submitting by end of November 2021. Once the recommended design is received, the tender for the project can be released. Physical works can commence as soon as the consent is issued, this is later than initially planned, however rock has been produced in advance and we factored some slippage in the project plan. No further rock production will be undertaken until the consent process is completed.

Hokitika River – Raising of stop banks

Coastwide surveyors are engaged to prepare construction drawings which are expected by mid-November 2021.

We are expecting physical works to commence early 2022, this is 4 months later than initially planned, however this project will be completed this financial year.

Franz Josef (Stage One)

Land River and Sea has completed design and construction drawings; the final report will be presented to Council at the December Council meeting.

Physical works, depending on the resource consent process, is expected to commence December 2021, this is 4 months later than forecast but the project is expected to be completed within the contract timeframes. The procurement process will be as per Councils delegation manual.

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.

- 8.1 Confirmation of Confidential Minutes 12 October 2021
- 8.2 Commercial Property Investment
- 8.3 Cyber Security
- 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 7 of LGOIMA for the passing of this resolution.
8.			
8.1	Confirmation of Confidential Minutes 12 October 2021		Clause 7 subclause 2 (a)
8.2	Commercial Property Investment		Clause 7 subclause 2 (a)
8.3	Cyber Security		Clause 7 subclause 2 (a)
8.4	Response to Presentation (if any)		Clause 7 subclause 2 (a)
8.5	In Committee Items to be Released Media		Clause 7 subclause 2 (i)

I also move that:

- Heather Mabin
- Neil Selman
- Daniel Jackson

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.

RESOURCE MANAGEMENT COMMITTEE

Resource Management Committee Meeting

(Te Huinga Tu)

A G E N D A

(Rarangī Take)

1. Welcome (*Haere mai*)
2. Apologies (*Nga Pa Pouri*)
3. Declarations of Interest
4. Public Forum, Petitions and Deputations (*He Huinga tuku korero*)
5. Confirmation of Minutes (*Whakau korero*) 12 October 2021
 - **Matters Arising**
6. Chairman's Report
7. **Planning and Operations Group**
 - Planning and Resource Science Report
 - Regional Coastal Plan
 - Hokitika FMU Recommendations Report
 - Te Tai o Poutini Plan Update
8. **Consents and Compliance Group**
 - Consents Report
 - Compliance Report
 - Compliance Monitoring & Enforcement Metrics Report
9. **General Business**
 - December Council / RMC Meeting

THE WEST COAST REGIONAL COUNCIL

MINUTES OF THE MEETING OF THE RESOURCE MANAGEMENT COMMITTEE HELD ON 12 OCTOBER 2021, AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD, GREYMOOUTH, COMMENCING AT 11.55 A.M.

PRESENT:

S. Challenger (Chairman), A. Birchfield, P. Ewen, D. Magner, B. Cummings, J. Hill, L. Coll McLaughlin (via Zoom), J. Douglas via Zoom, F. Tumahai

IN ATTENDANCE:

H. Mabin (Acting Chief Executive), C. Helem (Acting Consents & Compliance Manager), N. Costley (Strategy & Communications Manager), R. Beal (Operations Director), J. Armstrong (Te Tai o Poutini Project Manager) via Zoom, N. Selman (Financial Consultant) via Zoom, T. Jellyman (Minutes Clerk)

WELCOME

Cr Challenger opened the meeting with a Karakia.

1. APOLOGIES

There were no apologies.

Carried

DECLARATION OF INTEREST

Cr Cummings declared an interest in matters relating to Punakaiki as he is ratepayer in this area.
Cr Challenger declared an interest in some of the resource consents that were granted during the reporting period.

PUBLIC FORUM, PETITIONS AND DEPUTATIONS

There was no public forum.

PRESENTATION

There was no presentation.

2. MINUTES

The Chairman asked the meeting if there were any changes to the minutes of the previous meeting.

Moved (Cummings / Birchfield) *that the minutes of the previous Resource Management Committee meeting dated 14 September 2021, be confirmed as correct.*

Carried

Matters Arising

There were no matters arising.

3. CHAIRMAN'S REPORT

Chair Challenger reported that he has a quiet month since the LTP has been adopted.

5. REPORTS

5.1 PLANNING AND OPERATIONS GROUP

5.1.1 PLANNING AND RESOURCE SCIENCE REPORT

J. Armstrong spoke to this report. She drew attention to the invitation from the South Westland Freshwater Management Unit Group's (SWFMU) to hold the December meeting in Fox Glacier. Cr Challenger stated that members of the SWFMU are keen to show their work on freshwater in their area, and how they would like to manage this going forward. It was agreed that the meeting would be held in Fox Glacier in the morning, attendees would travel down the night before and site visits would be arranged.

J. Armstrong reported that minor changes were made to the final submission on Intensive Winter Grazing Regulations. She drew attention to the track changes in appendix 2 of her report and advised that the submission has now been submitted.

J. Armstrong advised that the Greenhouse Gas Emissions report has been received. She highlighted the statistics from the West Coast. Cr Cummings stated that he finds it hard to believe that the West Coast is higher for nitrous oxide than Nelson and Canterbury. Cr Cummings stated that he would like to know how this is worked out. J. Armstrong to follow up on this and to follow up on Cr Coll McLaughlin's concerns regarding emissions intensity.

Cr Challenger noted that the flood alarm on the Hokitika River has not been working for the past week. J. Armstrong agreed to follow up on this.

It was agreed that motion number 2 (a) would be amended to hold both meetings (RMC and Council) at Bruce Bay (subject to confirmation). It was noted that the SWFMU meeting could be held at Fox Glacier. It was noted that there have been extensive renovations being carried out at the Bruce Bay Marae and therefore it was agreed that J. Douglas and H. Mabin would work on venue options.

It is recommended that the Council resolve to:

Moved (Ewen / Magner)

1. *Receive the report.*

Carried

Moved (Challenger / Magner)

2. a) *Accept the South Westland Freshwater Management Unit (FMU) Group's invitation to hold the December 2021 Resource Management Committee and Council meeting at the Bruce Bay Marae on 14 December subject to confirmation; and*

b) *Accept SWFMU Group's invitation to participate in a hosted site visit of South Westland's waterbodies and relevant areas on the following day, to assist with decision-making on the SWFMU Group's Recommendations, subject to being confirmed with the Bruce Bay Marae.*

*Against Cr Ewen
Carried*

Moved (Cummings / Magner)

3. *Agree with the updated staff advice in Appendix 1 about which national documents to submit on.*

Carried

5.1.2 TE TAI O POUTINI PLAN UPDATE

J. Armstrong spoke to this report. She advised that research work on natural hazards has been held up due to Covid as most of those engaged to carry out this work are based in Auckland and have been unable to get to the West Coast. J. Armstrong advised that work is continuing with maps and overlays.

She advised that eight workshops will be held over the next six weeks to look at natural hazard content.

J. Armstrong reported that staff are keen to get as much work as possible done before the meeting on 16 December which is when the draft plan will be approved for publishing. J. Armstrong advised that the draft plan will be out for public feedback prior to notifying the proposed Plan going out in July 2022. This will then go through the formal submission process, with mediations and hearings held as required.

Cr Ewen commented on the Notice of Motion that Cr Birchfield put forward at the recent TTPP meeting and he congratulated those who voted against it but is disappointed there wasn't more support. He stated this was a re-look at private land and the lack of compensation to landowners. Cr Ewen spoke of his previous comments that the West Coast was sitting at 86% and will get to 90% of land 'locked up'. Cr Ewen spoke of the concerns the late Sir Michael Cullen had aired about this matter. He stated that there are tens of thousands of hectares of land involved and there is no compensation for these landowners. Cr Ewen stated that the issue of compensation for private land owners will not go away. He expressed concern about upcoming legislation and the angst among rural property owners regarding this issue. Cr Cummings agreed. Cr Magner agreed with Cr Ewen and feels that Council needs to make a stand on the impingement private property rights.

J. Douglas stated this has been a great stressor in the relationship with central government since the SNA and wetlands issues have come up. J. Douglas stated this is an expensive fight and Council should not give up.

Cr Birchfield stated this is a real worry and landowners are very concerned, as he feels it is likely that there may only be around 7% of land that will still have quite a few restrictions on it. Cr Birchfield stated that this time next year there will be a new TTPP committee in place and he will bring this matter up again then.

Cr Cummings drew attention to Local Government Review document contained in today's agenda, which highlights a lot of the problems that we are likely to have with the lack of land, lack of funding / rates and lack of people. Extensive discussion took place. Cr Birchfield expressed concern about funding with only 31,000 ratepayers.

Cr Challenger acknowledged the huge amount of work ahead for J. Armstrong's team.

F. Tumahai thanked J. Armstrong and her team for their work, he stated this is not personal and he is annoyed with the government. J. Douglas stated the Crown are repeating their past mistakes.

Moved (Birchfield / Cummings)

It is recommended that the Resource Management Committee resolve to:

1. *Note the report.*

*Against Cr Ewen
Carried*

5.2.1 CONSENTS MONTHLY REPORT

C. Helem spoke to this report and took it as read. He outlined various consenting matters and offered to answer questions.

C. Helem reported that the Barrytown Joint Venture hearing has been adjourned until Friday 26 November.

Cr Cummings spoke of the phone calls he has received from property owners at Punakaiki who are concerned about possible river protection work. He is concerned about gravel extraction from the Punakaiki River as the NIWA report says not to take gravel from the Punakaiki, Pororari and Fox rivers. Cr Cummings is concerned that Council is issuing consents for gravel extraction in this area, and is concerned about possible litigation if Council is going against NIWA's advice. Cr Cummings stated that last time there was a problem in this area he repaired the groynes at his own expense using his own machinery. He stated there is now no sandbar in place and the groynes are getting washed over by the sea.

C. Helem advised that gravel extraction sites often depend on the locality of where the gravel is required. C. Helem advised in this case the gravel was used for DoC carpark at Punakaiki. He advised that the extraction area was assessed by a Council engineer who advised that this would not have any impact and could be replenished.

C. Helem provided extensive information relating to consent conditions for gravel extraction. Discussion took place and it was agreed that a precautionary approach should be taken to reports such as the NIWA report that have been commissioned by Council.

F. Tumahai asked for an update on the site visit in relation to the Mawhera consent. C. Helem advised that it is likely this is on hold awaiting further information regarding affected parties. F. Tumahai advised that Ngati Waewae will be opposing this. C. Helem offered to provide an update.

Moved (Ewen / Tumahai) *That the October 2021 report of the Consents Group be received.*

Carried

5.2.2 COMPLIANCE & ENFORCEMENT MONTHLY REPORT

C. Helem spoke to this report and outlined compliance matters. C. Helem answered questions regarding legal proceedings. He confirmed that prosecution decisions are made on a case by case basis and it is WCRC that lays any charges.

Moved (Birchfield / Cummings) *That the October report of the Compliance Group be received.*

Carried

GENERAL BUSINESS

Cr Challenger advised that he will not be present for the November meeting as he will be attending a management training course related to his profession.

The meeting closed at 12. 45 a.m.

.....
Chairman

.....
Date

Report to: Resource Management Committee	Meeting Date: 9 November 2021
Title of Item: Planning and Resource Science Report	
Report by: Lillie Sadler, Planning Team Leader	
Reviewed by: Rachel Vaughan, Acting Planning and Science Manager	
Public excluded? No	

Report Purpose

To update the Committee on planning developments over the last month and seek their agreement on the updated staff advice in Appendix 1.

Draft Recommendations

It is recommended that Council resolve to:

1. *Receive the report.*
2. *Agree with the updated staff advice in Appendix 1 about which national documents to submit on.*

Issues and Discussion

Freshwater Implementation

Freshwater Management Unit (FMU) Groups' update:

Hokitika: The Group's Recommendations Report is in draft form. Please see separate agenda item for this report.

Grey and Kawatiri: Staff are working with the Groups to finalise the Long-term Visions.

South Westland: The draft Recommendations Report is being edited and will be ready to present to the Resource Management Committee (RMC) at the 14 December meeting.

Anticipated documents to be notified for submissions

The Table in Appendix 1 is updated based on recent updates from the Ministry for the Environment. Updated information is shown with underline.

Submission on changes to wetlands definition and regulations

The draft submission on the Government's proposed changes to the wetlands definition in the National Policy Statement for Freshwater Management (NPSFM), and some of the National Environmental Standard for Freshwater (NESF) Regulations for activities in or adjoining wetlands was circulated to Councillors, Poutini Ngāi Tahu partners, and some stakeholders for feedback. Following circulation we received further input from Poutini Ngāi Tahu, and substantive changes were made to the submission. Straterra also provided feedback. A revised version was recirculated to the RMC for their approval. The final version was lodged on 26 October as the closing date for submissions was 27 October, prior to the November RMC meeting. A copy of the final submission is attached to this report at Appendix 2.

COVID-19 Response (Management Measures) Legislation Bill

The COVID-19 Response (Management Measures) Legislation Bill was published on 12 October and is being progressed through Parliament under urgency. This omnibus bill makes amendments to various legislation to assist the Government and New Zealanders to manage more effectively, and recover from, the impacts of COVID-19. Changes to legislation that are relevant to this Council are:

1. The COVID-19 Recovery (Fast-track Consenting) Act 2020 (Fast-Track Act), which provides a unique resource consent process to fast track projects that can boost employment and economic recovery, had a sunset date of 8 July 2022. The Bill proposes to extend that date to 8 July 2023.
2. The date for the first Emissions Reduction Plan, and the first, second and third emissions budgets, is extended from 31 December 2021 to 31 May 2022.
3. The requirement in section 79 of the Resource Management Act for local authorities to initiate 10-year reviews of regional policy statements and regional and district plans under the Resource Management Act by the close of 30 September 2024 is deferred.

Note that the two-year extension of time to update regional policy statements (RPS) to meet the National Planning Standards by May 2024 does not apply to this Council's RPS, as it was notified prior to the Standards coming into effect.

The changes are to be repealed on 1 October 2024.

The Bill had its second Reading on 19 October, and is currently before the Committee of the Whole House for MPs to consider it in detail and vote on proposed changes.

Discussion document on shaping the emissions reduction plan

Overview

The Government has released a draft Emission Reduction Discussion document under the Climate Change Response Act 2002 (CCRA). The CCRA also establishes a system of emissions budgets and emissions reduction plans.

Emissions reduction plans set out the policies and strategies for achieving emissions budgets. A new plan must be published before each budget period and can also look out to the next two budget periods. This has come up with 114 questions on several aspects of mitigation, starting with questions about Principles, meeting net zero, systems and tools, circular economy, and transitioning key sectors (transport, energy and industry, building and construction, agriculture, waste, F-gases, and forestry, amongst other). The focus seems to be on reduction but there is little attention given to sinks (some reference is made to forest sinks).

A Focus on the Key Points

Staff have discussed the approach to responding to the call for submissions and agreed that not all questions will be answered as part of our submission response due to resource constraints. The analysis on forestry sinks for instance, would require a new workstream and extensive work (all yet to be done). This said, the general ideas can be presented. Further, all aspects of the discussion document are interconnected and relevant to Council, and none should be considered in isolation. This said, our intent is to present a succinct submission of about a couple of pages in length.

Workshop

Staff discussed the idea of a workshop. Staff were of the opinion that this is a very important topic and it is good to have a workshop to get some direction from Councillors.

The response will need to be consistent with our submission on waste (to be workshopped at the Council workshop potentially week of 15 Nov together with workshop on GHG mitigation).

Submissions close on 24 November.

Here is a link to the discussion document:

<https://environment.govt.nz/assets/publications/Emissions-reduction-plan-discussion-document.pdf>

New national waste strategy and legislation consultation

The Government has released a document titled “*Te kawē i te haepapa para: Taking responsibility for our waste*”, with proposals for a new national waste strategy, and changes to current waste legislation. Aotearoa New Zealand is one of the highest generators of waste per person in the world, and this has negative impacts on the environment and contributes to climate change.

The proposals are closely linked to the chapter in the discussion document on an Emissions Reduction Plan’s (ERP) on waste, which is also open for consultation. The discussion document - ERP and waste strategy proposals have been developed alongside each other, and together outline the Government’s plan to move to a circular economy for waste, and actions to reduce emissions from the waste sector.

To be effective in driving change, the government are stating their new Waste Strategy and AIPs also need to connect strongly with local government planning and reporting. Given their greater breadth and scope, and potential changes in local government responsibilities, the strategy and AIPs are likely to be relevant to both regional and territorial authorities, and to more planning than the waste management and minimisation plans currently required by the WMA. There are implications for further regional responsibilities.

Submissions close on 26 November. Staff will seek direction from the RMC in the 15 November workshop as to whether to submit or not.

Resource Science

The following link shows data visualisation for hydrology flood alarm levels. One flood warning alarm was triggered.

<https://www.wcrc.govt.nz/services/flood-monitoring>

Attachments

Appendix 1: Anticipated documents to be notified for submissions in 2021

Appendix 2: Submission on “Managing our wetlands: a discussion document on proposed changes to the wetland regulations”

Appendix 1: Anticipated documents to be notified for submissions in 2021

Document	Main points	Approximate period of notification for submissions	Recommendation to submit or not
<u>“Transitioning to a low-emissions and climate-resilient future: emissions reduction plan discussion document”</u>	<p>Principles for Government decisions on the emissions reduction plan include a fair, equitable and inclusive transition, and upholding Te Tiriti o Waitangi.</p> <p>Various pathways and actions are proposed to meet the national 2050 net-zero greenhouse gas and methane targets, including policies and strategies to transition key sectors:</p> <ul style="list-style-type: none"> • <u>transport</u> • <u>energy</u> • <u>waste and f-gases</u> • <u>building and construction</u> • <u>agriculture and forestry.</u> 	Submissions close <u>24 November 2021</u>	<u>Staff are still reviewing the document and will advise in due course.</u>
<u>“Te kaw e i te haepapa para: Taking responsibility for our waste”</u>	<p>The document proposes a new national waste strategy that sets a different direction to transform the way we think about and manage waste, based on a circular economy approach.</p> <p>The document also outlines issues and options for developing new more comprehensive waste legislation to regulate the management of waste, and products and materials circulating in our economy. Once developed, the new legislation would replace the Waste Minimisation Act 2008 and the Litter Act 1979).</p>	Submissions close <u>midnight 26 November 2021</u>	<u>Staff are still reviewing the document and will advise in due course.</u>
Resource Management (Regional Responsibility for	MP Mark Cameron’s bill was drawn from the Parliamentary Member’s bill ballot on 1 July 2021. The	Not yet known	To be further advised in due course. This Bill was only recently introduced to Parliament for their

Certain Agricultural Matters) Amendment Bill	Bill seeks that regional councils do not have to prescribe some farming rules, including for intensive winter grazing, the application of synthetic nitrogen fertiliser to pastoral land, and sediment control measures. It also seeks to revoke the freshwater Stock Exclusion Regulations.		consideration. It is yet to have its First Reading, where it will be debated and voted on. If successful, it is usually sent to a Select Committee to then go through a public submission process.
Proposed amendments to the National Environmental Standard for Sources of Human Drinking Water	MfE is considering proposed amendments to the National Environmental Standard for Sources of Human Drinking Water to strengthen how risks to source waters are considered in RMA decision making. These amendments are intended to work in tandem with provisions in the Water Services Bill to provide a proactive and preventative approach for managing risks to drinking water sources.	Public consultation is anticipated in August-September 2021	Staff to advise nearer the time whether to submit or not.
Future Local Government review	An independent review of local government will explore how councils can maintain and improve the well-being of New Zealanders in the communities they serve, long into the future.	No document to be released for submissions at this stage but by 30 September 2021, a report will go to the Minister signalling the probable direction of the review and key next steps	To be advised in due course
Natural and Built Environments Bill		Late 2021, aiming for it to come into force late 2022	<u>To be advised in due course</u>
Strategic Planning Bill	Provides for the development of long-term (30 yrs minimum) regional spatial strategies that integrate	Bill likely to be Introduced to	<u>To be advised in due course</u>

	<p>land-use planning, environmental regulation, infrastructure provision and climate change response. Mandates use of spatial planning.</p> <p>Requires central govt, local govt, and mana whenua to work together to prepare a strategy.</p>	Parliament in late 2021	
Managed Retreat & Climate Change Adaptation Bill	<p>Will focus on the necessary steps to address effects of climate change and natural hazards.</p> <p>Will deal with complex legal and technical issues (e.g. liability and compensation) around managed retreat.</p>	Consultation will likely occur in June and July 2021. Bill likely to be Introduced to Parliament in late 2021.	<u>To be advised in due course</u>
National Adaptation Plan	<p>Work on the National Adaptation Plan (NAP) is underway, and will need to be completed by August 2022.</p> <p>The NAP will be an all of government strategy and action plan. The plan will guide action on climate change adaptation between 2022 and 2026 and will respond to and prepare for the risks in New Zealand's first climate change risk assessment.</p>	<u>Consultation in early 2022</u>	<u>To be advised in due course</u>

Appendix 2: Submission on “Managing our wetlands: a discussion document on proposed changes to the wetland regulations”



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22 October 2021

Managing our Wetlands
Ministry for the Environment
P O Box 10362
Wellington 6143

Dear Sir/Madam

Submission on the Discussion Document for NPSFM wetlands definition and NESF Regulations

Thank you for the opportunity to make a submission on the Discussion Document for "*Managing our wetlands: A discussion document on proposed changes to the wetland regulations*".

The West Coast Regional Council's (the Council) submission on the Discussion Document is attached to this letter. The Council has prepared this submission in consultation with our *Poutini Ngai Tahu* partners, under the *Mana Whakahono a Rohe Agreement* with *Poutini Ngai Tahu*.

The Council supports the majority of the changes proposed in the Discussion Document as follows:

- *Natural wetland definition*: changes to exclusion clause (c) will improve its implementation;
- *Wetland restoration, maintenance and biosecurity Regulations*: making these activities within or near a natural wetland permitted, rather than needing a consent, will enable these activities to be undertaken;
- *Additional consenting pathways*: Providing for the specified activities within or near a natural wetland as discretionary activities, rather than prohibiting them, will assist with protecting wetland values through the effects management hierarchy, and this should be extended to other activities.

The Council **have serious concerns** about the exclusion clause (a) of the "natural wetland" definition as it currently stands. We seek that the "natural wetland" definition be further amended so that on the West Coast only, the definition **does not apply** to induced wetlands.

While the current definition is appropriate in other regions with a lot fewer wetlands, on the West Coast it will result in considerable areas of induced wetlands on private land not being able to be utilised, resulting in significant adverse economic and social impacts.

We also seek an amendment to the wording of the 10 and 100 metre setback buffers around natural wetlands.

Further explanation about the changes we seek is given in the submission.

Our contact details for service are:

Lillie Sadler
Planning Team Leader
West Coast Regional Council
PO Box 66
Greymouth 7840

Phone: 021 190 6676

Email: ls@wcrc.govt.nz

Please contact Lillie Sadler if you have any questions regarding the content of our submission or require additional information.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'H Mabin', with a long horizontal flourish extending to the right.

Heather Mabin

Acting Chief Executive Officer

West Coast Regional Council comments on “Managing our wetlands: A discussion document on proposed changes to the wetland regulations”

Summary of Feedback

Note that Poutini Ngāi Tahu seek a subsequent amendment to the Council’s support for quarrying, landfills, cleanfills, managed fills, and district plan-enabled urban development on the West Coast within or adjoining wetlands to be a discretionary activity. That is, Poutini Ngāi Tahu seek that these activities have non-complying status. This recommendation is under the Discussion Document Section 4 in this Summary, and in the main body of the submission.

Discussion Document Section 2: change to the definition of a ‘natural wetland’

We **support** the changes to exclusion (c) in the natural wetland definition as the revised wording is more appropriate to ensure clarity around the interpretation of natural wetlands within pasture areas.

Submission recommendations:

That exclusion clause (a) of the “natural wetland” definition in the NPSFM is amended to add an additional exclusion sub-clause (a)(i) for the West Coast only, see the underlined, italicised text below:

natural wetland means a wetland (as defined in the Act) that is not:

(a)(i) in the West Coast Region only, an induced wetland community formed as a consequence of human activity or non-natural processes;

(a)(ii) in all other Regions, a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former ‘natural wetland’); or....

That the definition of “natural wetland” in the NPSFM is amended by adding to the current definition:

*“A **natural wetland** in the West Coast Region is a wetland that is indigenous-dominated, representative, rare, and created and maintained by natural processes of hydrology”;*

or words to this effect.

That a definition of an “induced wetland” is added to the “natural wetland” definition as follows:

*“For the purposes of implementing the natural wetland definition in the West Coast Region only, **induced wetland** is an ecological term meaning wetlands that have been formed by human activities”;*

or words to this effect.

Proposed amended definitions:

“natural wetland means a wetland (as defined in the Act) that is not:

(a)(i) in the West Coast Region only, an induced wetland community formed as a consequence of human activity or non-natural processes;

(a)(ii) in all other Regions, a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former ‘natural wetland’); or

(b) a geothermal wetland; or

(c) any area of pasture that has more than 50 percent ground cover comprising exotic pasture species or exotic species with pasture.”

*“A **natural wetland** in the West Coast Region is a wetland that is indigenous-dominated, representative, rare, and created and maintained by natural processes of hydrology.”;*

or words to this effect.

*“For the purposes of implementing the natural wetland definition in the West Coast Region only, **induced wetland** is an ecological term meaning wetlands that have been formed by human activities”;*

or words to this effect.

Discussion Document Section 3: Better provision for restoration, maintenance and biosecurity activities in ‘natural wetlands’

We **strongly agree** with the following proposed changes:

- Including maintenance in the Regulations;
- Permitting removal of exotic species as part of restoration and maintenance activities in accordance with the NESF Regulation 55 standard conditions:
- Allow activities that are necessary to implement regional or pest management plans;
- Making restoration and maintenance a permitted activity;
- Making weed clearance using hand-held tools a permitted activity.

Discussion Document Section 4: Additional consenting pathways

Submission recommendations:

That:

- a) a consenting pathway be provided in the NESF for other activities not covered in the discussion document, to address specific effects in particular situations through the effects management

hierarchy (avoid, remedy, mitigate, offset, compensate). These include food production, that is, agriculture and horticulture, and forestry;

- b) temporary drainage is permitted in the NESF where it needs to be done to protect rare/threatened species, where the wetland is not permanently drained, and its functioning as a wetland is maintained;
- c) a consenting pathway be provided in the NESF for temporary drainage, other than in a) above, which does not impact the wetlands' integrity and survival. A definition of temporary drainage should also be added, along the lines that the drainage is modified for a short time, or words to this effect.

We **strongly agree** with providing a discretionary consent pathway in the NESF for quarrying, cleanfill, mining, and district plan-enabled urban development.

We **neither agree or disagree** with having a discretionary consent pathway in the NESF for landfills and managed fills, but note that if effects can be managed, and appropriate effects management results in no biodiversity net loss or a gain, then that results in a long-term benefit.

Submission Recommendation:

Poutini Ngāi Tahu **requests** a subsequent amendment:

In the event that the natural wetland definition is amended in the NPSFM for the West Coast induced wetlands meaning they do not come under the NPSFM and NESF provisions, and only indigenous-dominated, representative, rare wetlands formed by natural hydrological processes are protected; then quarrying, landfills, cleanfills, managed fills, and district plan-enabled urban development on the West Coast within, or adjoining, these rare wetlands are a non-complying activity.

Additional comments re wetland buffers

Submission recommendation:

That the NESF be amended so that the 10m and 100m buffers should only apply if there will be hydrological change potential, and/or other adverse effects on a natural wetland, rather than the buffers being outright 'no-go' areas.

Introduction

This submission provides feedback from the West Coast Regional Council (WCRC or the Council) in response to the Ministry for the Environment's (MfE) *“Managing our wetlands: A discussion document on proposed changes to the wetland regulations (2021)”*.

Given the importance of wetlands to our Treaty partners, we have worked with Poutini Ngāi Tahu when preparing our response. We wish to acknowledge that wetlands are regarded as taonga to Poutini Ngāi Tahu. We acknowledge that wetlands have historical, cultural, economic, and spiritual significance. Wetlands can be reservoirs for knowledge, wellbeing, and utilisation. They are mahinga kai (food gathering) sites and provide significant habitats for a range of culturally important plants and animals. They are breeding grounds for native fish and tuna and a large range of culturally significant plants for weaving e.g. harakeke, raupō, toetoe and kuta, and carving e.g. tōtara, kahikatea. Many wetlands also comprise a variety of culturally important medicinal plants for rongoā (Māori medicinal use).

This submission responds to most, but not all, of the questions raised in the discussion document. The Council supports the proposed changes to the restoration, biosecurity and maintenance activities, and providing consent pathways for the activities specified. However, we have concerns about the proposed changes to the “natural inland wetland” definition, including matters that are not covered in the discussion document.

Other changes are sought to additional activities needing a consent pathway, and the 10m and 100m buffers from wetlands.

Due to the technical nature of the proposed changes, Council obtained advice from consultant Ecologist Dr Vaughan Keesing. We agree with Dr Keesing's advice, and this forms the basis of most of our responses.

We note that MfE have released their guidance document on *“Defining ‘natural wetlands’ and ‘natural inland wetlands’”*. This guidance document explains how to interpret and apply the current wetlands definition in the NPSFM, and does not comment on the proposed changes to the definition. We therefore make no comments on the guidance document, but still maintain that clarification of the natural wetland definition in 3.21 of the NPSFM, and changes to it, are required in the NPSFM as it is the legally-binding document.

Explanation for the changes we are seeking:

The West Coast Region has the highest proportion of wetlands compared to other regions in New Zealand. The current Freshwater Package definition of a wetland incorporates a lot of wetlands in the West Coast Region and consequently our submission is seeking to differentiate between natural wetlands and induced wetlands.

The higher proportion of wetlands in the West Coast Region compared to the rest of New Zealand reflects both the large amount of rainfall we receive, past land use patterns, and significantly large areas of undeveloped land under the administration of the Department of Conservation (84.17%). The West Coast is the wettest region in New Zealand with average yearly rainfall totals of between 1,746mm to 11,228mm¹. Rainfall is predicted to increase as a result of climate change. This has the potential for more wetlands to form in the Region in the future, and most of them will be induced.

Historically on the West Coast, lowland areas had kahikatea forest, and there would not have been many inland natural wetlands present. Induced wetlands have occurred by removal of large kahikatea and rimu forests which absorbed water out of the soil, and so no excess water was left to form wetlands. Forest cover would typically dry out the first 20-30 cm of soil. When the forest and tree roots were removed, the groundwater level rose because there were no longer trees acting as a transpiration pump ('drinking' the water), and the groundwater came closer to the surface where there were dips and depressions. These dips in the ground started to accrue wetland plants. They do not necessarily look like they have been induced but they have, and there would not have been a wetland there before the clearance.² Appendix 1 shows the pre-human extent of forest and wetlands.

Given the significant number of wetlands on the West Coast we consider it is very important to ensure we can differentiate between natural wetlands and historically induced wetlands when determining which wetlands need to be protected. In its current planning framework, the West Coast has:

¹ West Coast State of Environment Report 2018 - <https://www.wcrc.govt.nz/environment/state-of-environment>

² Statistics New Zealand website

23	206	229
Schedule 1 wetlands	Schedule 2 wetlands	Total Scheduled wetlands

In regards to land area, this comprises:

	Land area	Schedule 1 & 2 wetland area	Privately owned land area	No. of private landowners
Buller	794,794 ha	4,542 ha	1,027 ha	161
Grey	351,530 ha	2,886 ha	1,618 ha	34
Westland	1,189,489 ha	50,404 ha	1,042 ha	97
West Coast	2,335,993 ha	57,832 ha	3,687 ha	229

The Council has been through a publicly notified process for identifying and mapping significant wetlands, and wetlands likely to be significant, and protecting them through objectives, policies and restrictive rules in our Regional Land and Water Plan. A substantial number of these are on public conservation land and already have a level of protection under this land tenure. Additional protection is given by the Regional Plan.

The West Coast region is unique in that there is approximately only 14% of land available for productive use to support the Region’s economic and social wellbeing, given the significant amount of conservation land. Not all of the remaining 14% of available land is suitable for use. Some of the proposed changes outlined in the discussion document will reduce the percentage of available land even further.

We understand why ‘natural’ and ‘induced’ wetlands need to be recognised and protected nationally, and the current wetlands definition is likely to be appropriate and necessary for other regions that have very few natural wetlands left. We stress that there are significant differences between other regions and the West Coast, which means that for our region alone we are seeking a differentiation between natural and induced wetlands to enable the region to continue to be able to provide for our economic and social wellbeing while continuing to protect our natural wetlands. This key matter is reflected in our following comments seeking additional changes to the “natural wetlands” definition and Regulations for the West Coast region only, as well as our wider comments on the proposed changes outlined in the discussion document.

Feedback

Discussion Document Section 2: change to the definition of a 'natural wetland'

Question 1. Do you agree with the proposed changes to the definition of 'natural wetland'? Why/why not?

Exclusion clause (c):

The Government proposes the following changes to clause (c):

"(c) Any area of pasture that has more than 50% ground cover comprising exotic pasture species or exotic species associated with pasture."

We **support** the proposed changes to exclusion (c), as the revised wording is more appropriate to ensure clarity around the interpretation of natural wetlands within pasture areas. A pasture is a community including a range of plants like creeping bent and (creeping) buttercup and other 'wetland' tolerant plants which come with pasture in most cases. These two plant species are prevalent in West Coast pasture due to the rainfall and wetter soils.

Without the proposed change, those pasture plants will continue to trigger the Clarkson dominance and/or prevalence criteria for 'natural wetlands', even when it is clear they are a grazed, managed vegetation community.

Feedback: We **support** the changes to exclusion (c) in the natural wetland definition as the revised wording is more appropriate to ensure clarity around the interpretation of natural wetlands within pasture areas.

Exclusion clause (a)

The Government does not propose any changes to exclusion clause (a) of the natural wetland definition, which is currently worded:

*"**natural wetland** means a wetland (as defined in the Act) that is not:*

"(a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former 'natural wetland'); or..."

We do not agree with retaining the current wording of exclusion clause (a) for the West Coast region. We seek that the definition be modified so it does not capture induced wetlands, that is, those that are not indigenous-dominated, representative, rare types formed by natural hydrological processes.

There are a great many induced wetland states with sufficient wetland species that could pass the Clarkson tests for a “natural wetland” (vegetation, soil and hydrology (B. R. Clarkson et al. 2021; Ministry for the Environment 2020; Fraser, Singleton, and Clarkson 2018; Ministry for the Environment 2021), that are not a pond or a stormwater treatment wetland. These include, for example, areas that ‘back up’ behind a track or a culvert, depressions in land cleared of forest that become wet from raised ground water, old sediment retention ponds and other holes dug for purposes, but not a current pond. The exclusion clause (a), that is, types of ‘wetland’ areas that could be captured as a ‘natural wetland’ but are not intended to be, needs to better address the range of induced conditions. This can be done by rephrasing the exclusion not as “a wetland constructed by artificial means” but as an induced wetland community formed as a consequence of human activity or “non-natural” processes. This change will help to account for those induced features that are not products of natural processes.

Submission Recommendation:

That exclusion clause (a) of the “natural wetland” definition in the NPSFM is amended to add an additional exclusion sub-clause (a)(i) for the West Coast only, see the underlined, italicised text below:

natural wetland means a wetland (as defined in the Act) that is not:

(a)(i) in the West Coast Region only, an induced wetland community formed as a consequence of human activity or non-natural processes;

(a)(ii) in all other Regions, a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former ‘natural wetland’); or

Question 2. Should anything else be included or excluded from the definition of ‘natural wetland’?

Additional definitions for types of wetland to be protected

We seek that an additional definition be added to the “natural wetland” definition explaining what type of wetland should be protected on the West Coast.

The NPSFM should state that the wetland types that should be protected (avoid loss of extent of) as a priority are wetlands in their pre-human form, condition, locations, and extent, that are now rare. This means fully indigenous, representative wetlands formed by natural hydrological processes.

This matter is highly important to managing wetlands on the West Coast, as a considerable proportion of “natural wetlands” that will be identified through the identification, mapping and monitoring process that is required by 3.23 of the NPSFM (and the current natural wetland definition) are likely

to be induced wetlands. Such induced wetlands will be deemed as needing protection from certain activities within and adjoining them, although they are not technically “natural wetlands”. For clarification, it would also be useful to add a definition of “induced wetland” as part of the natural wetland definition in the NPSFM.

The improvement of the natural wetland definition and exclusions is crucial for West Coast landowners and Council so that any confusion over whether the definition applies can be better avoided.

Submission Recommendations:

That the definition of “natural wetland” in the NPSFM is amended by adding to the current definition: “A **natural wetland** in the West Coast Region is a wetland that is indigenous-dominated, representative, rare, and created and maintained by natural processes of hydrology”; or words to this effect.

That a definition of an “induced wetland” is added to the “natural wetland” definition as follows: “For the purposes of implementing the natural wetland definition in the West Coast Region only, **induced wetland** is an ecological term meaning wetlands that have been formed by human activities”; or words to this effect.

Proposed amended definitions:

“**natural wetland** means a wetland (as defined in the Act) that is not:

(a)(i) in the West Coast Region only, an induced wetland community formed as a consequence of human activity or non-natural processes;

(a)(ii) in all other Regions, a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former ‘natural wetland’); or

(b) a geothermal wetland; or

(c) any area of pasture that has more than 50 percent ground cover comprising exotic pasture species or exotic species with pasture.”

“A **natural wetland** in the West Coast Region is a wetland that is indigenous-dominated, representative, rare, and created and maintained by natural processes of hydrology.”;

or words to this effect.

“For the purposes of implementing the natural wetland definition in the West Coast Region only, **induced wetland** is an ecological term meaning wetlands that have been formed by human activities”;
or words to this effect.

Discussion Document Section 3: Better provision for restoration, maintenance and biosecurity activities in ‘natural wetlands’

Removing the need for consents to undertake restoration actions is supported. Recognition of biosecurity and maintenance actions to enhance and protect natural wetland is supported. Allowing restoration, biosecurity and maintenance activities within, and close to, wetlands will reduce consent costs and delays for Council, DoC, and volunteer groups who undertake pest plant and weed control in the West Coast.

Question 3. Should maintenance be included in the regulations alongside restoration? Why/why not?

Feedback: We **strongly agree** with including maintenance in the regulations because maintenance, especially in small wetlands surrounded by production landscapes, adjoining infrastructure edges or unmaintained weed areas, is a crucial requirement to maintain or gain integrity and viability of the wetland community which we value.

Question 4. Should the regulations relating to restoration and maintenance activities be refined, so any removal of exotic species is permitted, regardless of the size of the area treated, provided the conditions in regulation 55 of the NES-F are met? Why/why not?

Feedback: We **strongly agree** with permitting removal of exotic species as part of restoration and maintenance activities in accordance with the NESF Regulation 55 standard conditions. This will enable exotic weeds to be removed to help maintain or restore a wetland.

Question 5. Should activities be allowed that are necessary to implement regional or pest management plans and those carried out by a biosecurity agency for biosecurity purposes? Why/why not?

Feedback: We **strongly agree** that activities should be allowed that are necessary to implement regional or pest management plans for biosecurity purposes. If such activities are not permitted, Council could be viewed as failing their obligations in terms of weed and pest management. It could also have the perverse outcome of losing wetland values and extent if pest plants take over, meaning that Council would fail to meet their obligations under the NPSFM.

Question 6. Should restoration and maintenance of a 'natural wetland' be made a permitted activity, if it is undertaken in accordance with a council-approved wetland management strategy? Why/why not?

Feedback: We **strongly agree** with making restoration and maintenance a permitted activity. This will remove the time delays, cost, and administration around consent attainment, and removes a disincentive for this activity to be undertaken.

Notwithstanding this, we query how the permitted regulation would work if it is conditional on complying with a council-approved wetland management strategy, as strategies are usually non-regulatory documents.

Question 7. Should weed clearance using hand-held tools be a permitted activity? Why/why not?

Feedback: We **strongly agree** with making weed clearance using hand-held tools a permitted activity, it is a careful and low risk method.

Discussion Document Section 4: Additional consenting pathways

Consenting pathways are a crucial tool to achieve biodiversity (including wetland) gains through the consent process. Management, restoration and maintenance of wetlands requires substantial funds and long-term ownership. Modern plans and processes such as the recognition of the offset process are now a main leverage tool to require active management and restoration of indigenous habitats where they are adversely affected by development. While there are sceptics (Brown et al. 2013), and in some cases rightly so, the biodiversity gains made over the last 10 years on the West Coast because of a consenting pathway that had mitigation and offset tools, that were sufficiently compliance checked, has been substantial. This includes, for example, the Holcim Quarry Rehabilitation at Cape Foulwind³, and the Rio Tinto bauxite mining restoration at Barrytown on the West Coast (<https://www.sciencedirect.com/science/article/abs/pii/S0341816215300783>).

Providing consent pathways for specified activities can contribute to maintaining West Coast communities' social and economic wellbeing, via income, employment, people being able to use their land, and retaining land values, while also protecting significant wetland values.

³ Phibbs, H. L., *Assessing the Success of Restoration Plantings at Cape Foulwind, New Zealand*. (M.Sc Forestry Science thesis, University of Canterbury, 2003)

Furthermore, if a natural wetland is identified as being of the 10% of remaining indigenous representative natural wetlands, then prohibition on activities within those features is entirely appropriate. If, however, the process identifies a wide range of wetlands which include exotic-dominated, induced, features and production landscape-regenerated induced wetlands which do not have the functions and values we seek to protect, then the prohibited status is overbearing and causes loss of opportunity through offset.

Feedback: We **strongly support** a consenting pathway being provided for other activities not covered by the discussion document because it provides flexibility to address specific effects in particular situations through the effects management hierarchy (avoid, remedy, mitigate, offset, compensate). The establishment of more activities that have a pathway is immensely sensible and is most likely to result in good biodiversity offset gains, otherwise no gain will occur. If there is no incentive for a landowner to maintain or restore a wetland (via consent conditions), the wetland values may not be maintained or restored. There will be no gain in biodiversity values by protecting a degraded wetland. The wetland could become more degraded by weeds and woody vegetation establishing. On the West Coast, induced wetlands can dry out by woody vegetation such as manuka establishing in them, followed by other woody terrestrial species - known ecologically as succession. This is why sphagnum moss harvesting using good practice techniques is beneficial for maintaining wetlands, as it removes the woody vegetation. The greater the leverage to attain management and restoration by offset requirements, the greater the potential to result in meaningful size and quality of managed wetlands, including on land unlikely to be managed or have restoration of indigenous wetland undertaken.

We note that the NESF currently prohibits drainage within, or within 100 metres of, a wetland. The prohibition should reflect a difference between drainage that is temporary or permanent rather than complete or partial. Complete or partial drainage may be difficult to determine on the West Coast where rainfall can refill a wetland. Prohibiting permanent drainage is appropriate, but a permitted or consenting pathway should be provided in the NESF for temporary drainage which does not impact the wetlands' integrity and survival. For example, there was a situation this year in our Region where a rare skink population was at risk of harm as a nearby creek mouth was blocked and water in the adjoining wetland was backing up and threatening the skinks habitat. The creek mouth could not be opened due to the prohibited wetland drainage regulation. It was luck that the creek mouth opened naturally and lowered the water levels so the skinks were unharmed. This particular wetland continues to exist because it naturally refills with water. The NESF should make temporary drainage permitted

in the NESF where it needs to be done to protect rare/threatened species, where the wetland is not permanently drained, and its functioning as a wetland is maintained.

Submission recommendations:

That:

- a) a consenting pathway be provided in the NESF for other activities not covered in the discussion document, to address specific effects in particular situations through the effects management hierarchy (avoid, remedy, mitigate, offset, compensate). These include food production, that is, agriculture and horticulture, and forestry;
- b) temporary drainage is permitted in the NESF where it needs to be done to protect rare/threatened species, where the wetland is not permanently drained, and its functioning as a wetland is maintained;
- c) a consenting pathway be provided in the NESF for temporary drainage, other than in a) above, which does not impact the wetlands' integrity and survival. A definition of temporary drainage should also be added, along the lines that the drainage is modified for a short time, or words to this effect.

Poutini Ngāi Tahu have advised that they consider a non-complying consent pathway for quarrying, landfills, cleanfills, managed fills, and district plan-enabled urban development within or near natural wetlands is more appropriate. This reflects the high value that Poutini Ngāi Tahu place on natural wetlands on the West Coast.

Submission Recommendation:

Poutini Ngāi Tahu **requests** a subsequent amendment:

In the event that the natural wetland definition is amended in the NPSFM for the West Coast induced wetlands meaning they do not come under the NPSFM and NESF provisions, and only indigenous-dominated, representative, rare wetlands formed by natural hydrological processes are protected; then quarrying, landfills, cleanfills, managed fills, and district plan-enabled urban development on the West Coast within or adjoining these rare wetlands are a non-complying activity.

Consenting pathway for quarrying

Question 8. Should a consent pathway be provided for quarries? Is discretionary the right activity status? Why/why not? (See page 10 for a definition of a discretionary activity.)

Feedback: We **strongly agree** with providing a discretionary consent pathway in the NESF for quarrying. Modern quarrying requires compliance with firm consent conditions, and the use of offsets can provide biodiversity gains.

Consenting pathway for landfills, cleanfills and managed fills

Question 10. Should a consenting pathway be created for landfills, cleanfills and managed fills? Is discretionary the right activity status? Why/why not? (See page 10 for a definition of a discretionary activity.)

Feedback: We **neither agree or disagree** with having a discretionary consent pathway in the NESF for landfills and managed fills, but note that if effects can be managed, and appropriate effects management results in no biodiversity net loss or a gain, then that results in a long-term benefit.

We **strongly agree** with having a discretionary consent pathway for cleanfill in the NESF as this would provide a clearer rule framework to assess the environmental effects of this activity on natural wetlands on a case by case basis, considering the merits of each proposal, in the West Coast Region.

Consenting pathway for mining (minerals)

Question 12. Should a consenting pathway be provided for mineral mining? Is discretionary the right activity status? Why/why not? (See page 10 for a definition of a discretionary activity.)

Feedback: We **strongly agree** that a discretionary consenting pathway should be provided for mining in the NESF. Even more so than modern quarrying, modern mining (new and expansion) comes with considerable requirements for public licence and extensive ecological effects management, as well as considerable, well adhered to, ecological offsets. For example, rehabilitation work has been undertaken on the Denniston Plateau for a number of years. Some of the more major gains in habitat recovery and protection, species protection and research into restoration come from mine offset programmes, for example, Baber, King, and Robertson (2015), Simcock and Ross (2017), B. Clarkson et al. (2017), and others such as the Oceania gold mine rehabilitation project at Reefton.

Providing a discretionary consent pathway in the NESF for mining is important for the West Coast. The effects management hierarchy is typically achievable in this Region's environment.

We note that Straterra supports a discretionary activity consenting pathway for mining in the NESF.

Council also supports two other points made by Straterra:

- a) that the Regulations should not specify which minerals are able to be mined because the effects of disturbance of wetlands does not change based on mineral or even development activity (e.g. urban development) type; and
- b) resource consents for mining should not be subject to any conditions beyond those set out in the 'gateway test'. The NES-F is about addressing the effects of activities, including those of the extractive sector on wetlands. These effects depend on the mining method, and do not depend on the type of mineral being extracted. Often two minerals can be found together in the ground as a function of the geology. It would be impossible to mine one or the other separately. Alluvial gold mines on the West Coast often collect pounamu as a by-product, and at times as a co-product. The same process produces both minerals simultaneously.

Consenting pathway for plan-enabled development

Question 15. Should a consenting pathway be provided for (district) plan-enabled urban development? Is discretionary the right activity status? Why/why not? (See page 10 for a definition of a discretionary activity.)

Feedback: We **strongly agree** that a discretionary consenting pathway should be provided in the NESF for district plan-enabled urban development. Where housing development is allowed, a consent pathway with an effects management requirement would be appropriate.

For the West Coast Region this is important as significant areas of lowland are likely to have wetlands, and potentially other parts of the Region, even when the amended exclusion (c) applies. In the future, district councils may be looking at areas for managed retreat from natural hazard risks, or to extend existing urban areas, which may also have wetlands that meet the current NPSFM definition.

Additional comments regarding the 10 and 100m wetland buffers

The 100m and 10m buffers about natural wetlands should never be a total barrier, they should be a trigger to require assessment of any hydrological change potential and/or other adverse effects within, or within 10m of, the wetland. If there will be no harm, or harm that can be managed to zero effects, then there should be a consent pathway to proceed. This approach is consistent with the intent of Regulation 53 of the NESF (prohibited earthworks, water use, damming, diversion, discharge which results in complete or partial drainage of a wetland), in that it only applies if the activity will cause complete or partial drainage (this should state permanent, not temporary, drainage). The 10m

and 100m buffers should only apply if there will be hydrological change potential and/or other adverse effects.

Another problem with buffer areas is they can become weed fields between the wetland and the development, where no one is obliged to look after the weedy buffer area.

Submission Recommendation:

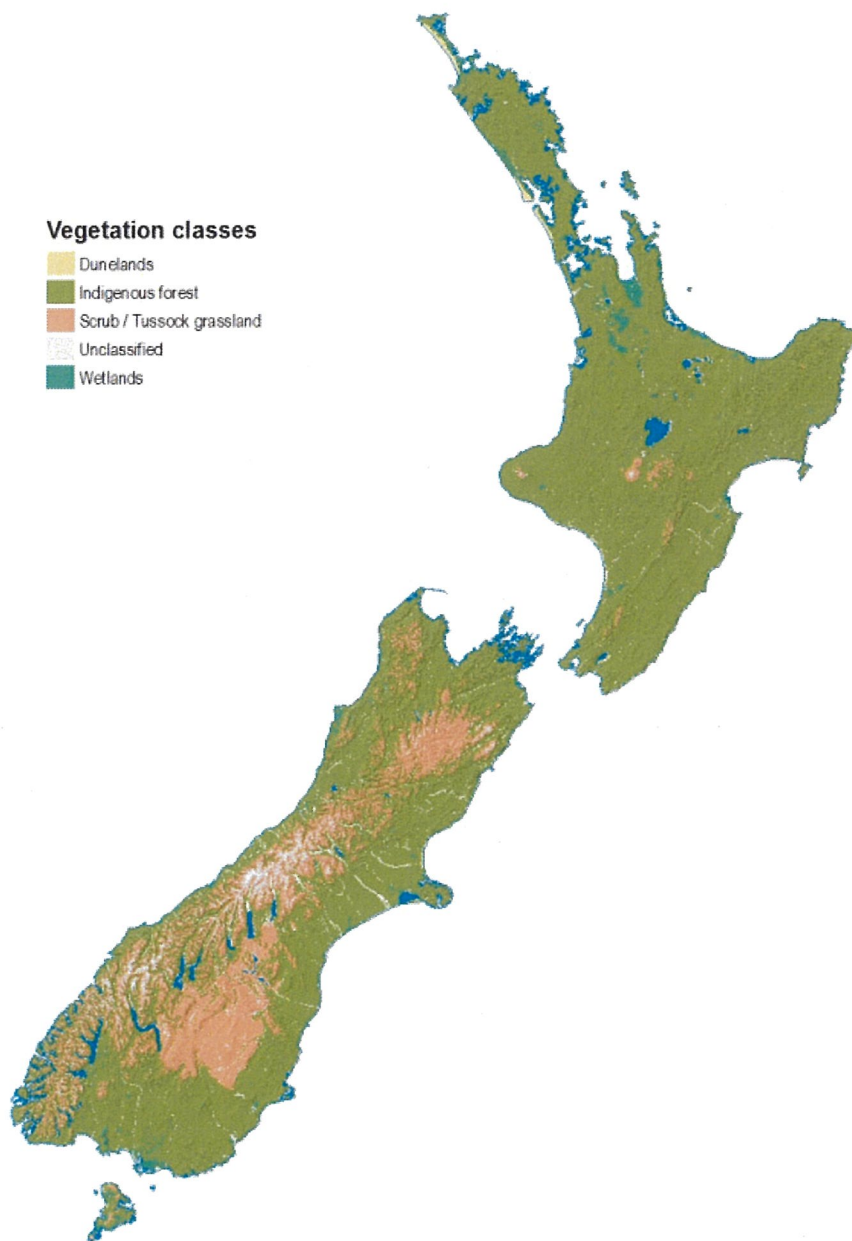
That the NESF be amended so that the 10m and 100m buffers should only apply if there will be hydrological change potential, and/or other adverse effects on a natural wetland, rather than the buffers being outright 'no-go' areas.

End of submission

Appendix 1

Figure 1

Predicted pre-human vegetation



Report to: Resource Management Committee	Meeting Date: 9 February 2021
Title of Item: Proposed Regional Coastal Plan	
Report by: Rachel Vaughan, Acting Planning, Science and Innovation Manager	
Reviewed by: Heather Mabin, Acting Chief Executive Officer	
Public excluded? No	

Report Purpose

To update the Committee of progress with the proposed Regional Coastal Plan (pRCP or the Plan) process, and outline options to move forward with the pRCP.

Report Summary

The Resource Management Committee agreed in March 2021 to re-align timeframes for the pRCP.

Several issues were previously identified with the pRCP which need addressing before the pRCP is progressed. Reasons were put forward for not progressing the Plan in its current state, these were:

- The Plan does not give proper effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement, and,
- the submissions do not provide enough scope to make the changes needed to the Plan.

Further, the Government has signalled the new Natural and Built Environments Bill to become the Natural and Built Environments Act (NBEA), will be released for consultation in 2022.

Given the workload for implementation under the National Policy Statement Freshwater and the current statutory reviews under the RMA reforms and Emissions Reporting requirements, Staff were wanting to delay adoption of the current plan.

The aim was to undertake early preparation work to develop a new coastal plan incorporating the new Natural and Built Environments Act (NBEA) in 2022 and the requirements of the New Zealand Coastal Policy Statement and the Regional Policy Statement

The Te Tai o Poutini Plan (TTPP), the combined district plan for the West Coast, is being progressed, it may potentially address some coastal matters that may not need to be duplicated in the pRCP. These are:

- Rules to address significant risk from coastal hazards, and overlays where those rules apply; and,
- Rules for Coastal Natural Character.

This paper outlines reasons for choosing to re-align timeframes to progress the pRCP and seeks direction from Council on the approach to work with stakeholder to scope the future coastal plan.

Draft Recommendations

That the report is received.

Issues and Discussion

Background

During the consultation process for the 2021-31 Long-term Plan a submitter sought that the West Coast Regional Council work with Māui and Hector's Dolphin Defenders NZ Inc., to implement protections in the Regional Coastal Area. The submitter also outlined support the Regional council in its leadership role, and in doing so, we also remind it of its duties under the NZCPS in implementing these protections for endangered species in its coastal waters.

The process to date for the pRCP has been in accordance with the requirements of the Resource Management Act:

- The pRCP was publicly notified on 25 January 2016.
- Submissions were received and notified, 27 submissions with a range of issues.
- 28 further submissions were received.
- The next stage of assessing submissions and recommending changes to the pRCP then slowed while the proposed Regional Policy Statement (pRPS) was progressed.
- When mediation of appeals on the pRPS was completed in February 2020, a planning consultant, Lynda Murchison, was contracted to assist with progressing the pRCP to hearings and decisions.

Options for progressing the pRCP were considered in a Council workshop, options put forward for consideration were:

1. Obtain the views of our Treaty partner Poutini Ngāi Tahu
2. Wait until the NBEA exposure draft is released (April-June this year) to see what the transitional provisions look like;
3. Discuss the options with DoC, Forest & Bird, and Westpower to gauge what their response is, if they disagree with this pathway; and
4. Consider Council's communications around how to respond to enquiries about what is happening with the pRCP.

The Council elected to re-align timeframes in the pRCP, to allow staff to prepare the direction for a new coastal plan in 2022.

Current situation

The Government's intention is for the Natural and Built Environments Bill and the Strategic Planning Bill to be introduced to Parliament in early 2022, and to be passed before the end of the current Parliamentary term. This will follow the standard legislative process. The Exposure Draft of the NBE Bill which was consulted on earlier this year did not include sufficient information to give guidance for early preparation of a new coastal plan. When the Bill is released for consultation, it should contain sufficient direction to start doing preparatory work on a new plan.

TTPP is currently being progressed and may potentially address some coastal matters that may not need to be duplicated in the pRCP. TTPP will include rules to address significant risk from natural hazards, and overlays (maps) showing where those rules apply. There is also work being done on activities adjacent to waterbodies and the coastal natural character rules.

Direction was sought at the October TTPP Committee meeting on this further work. The draft "coastal tsunami" overlay and associated rules have been completed, workshopped with the district councils and runanga. The rules went to the October TTPP committee meeting.

The draft TTPP is due to be signed off by the Governance Committee in December 2021, and released for public feedback in late January 2022. The Plan will be updated and notified by mid 2022.

The following work on the pRCP was undertaken this year, all funded by Envirolink:

- Review of Schedule 6: Inanga (Whitebait) Spawning Sites in the Coastal Marine Area
- Review of six low-ranked Coastal Hazard Areas in Schedule 3C
- Final editing of a review of the operative Coastal Plan Schedule 2.1 Coastal Protection Areas (for significant indigenous biodiversity habitats).

This work will be useful in the current pCRP or form the background for preparation of a new plan, regardless of the decision Council makes on the following options.

The proposed Natural and Built Environments Act (NBA) will be the main replacement for the Resource Management Act (RMA) once enacted. It is central to the reform of the resource management system. An exposure draft for this document has been released. This indicated there will be a requirement to prepare a combined plan of all planning documents for the region. This sits alongside the requirement for the TTPP, a combined district and regional plan for the West Coast Region.

Further, an Implementation Standard for the first set of National Planning Standards will apply with the existing pCRP. The implementation standard specifies the timeframes that apply to the first set of planning standards. Different timeframes apply to different planning standards and different local authorities.

These implementation timeframes are:

- that all councils must meet basic electronic accessibility and functionality requirements within one year from when the planning standards come into effect, and
- regional councils have three years to adopt the standards for their regional policy statements, and ten years for their regional plans

This means that Councils have ten years to adopt the standard for the Coastal Plan, but this must be done for the TTPP. The NBEA exposure draft also indicates a combined plan will be required for the region, ie, combining the Regional Policy Statement, TTPP and the cRCP.

Options Analysis

Options are:

1. Consult with stakeholders in the short term with the aim of re-aligning the timeframes of the pRCP,
2. Progress the pRCP to operative status, or
3. Do nothing.
4. Development of a coastal management strategy.

1. Option 1 is considered the most prudent option. This would involve allowing staff to continue with the current planning work stream and continue to align the timeframe with the pending changes to the Resource Management reforms and planning standards. This option also does not require additional resourcing as staff can fit the consultation into their normal workstream. It would allow preparatory work toward the potential requirements for NBEA.

It is then considered that a programme of work be carried out with each of the submitters on the pRCP to discuss pathways for resolution of outstanding issues in submissions. Resolutions could be carried over into a new coastal plan developed under the NBEA. This would have to be

undertaken as staff time allows. Consideration will have to be given to any law change, updates and work in the Te Tai Poutini Plan.

2. Option 2 is the least favourable option. This option will require additional staff resources not allowed for in the Long Term Plan budget. In addition, duplication of work may occur after the NBEA comes into effect. To progress the pRCP, consultation with the Department of Conservation and Te Poutini Ngāi Tahu is considered important as the principal stakeholders in the process.
3. The do nothing option is also not favourable due to the interest in the pRCP.
4. Another option is for Council to develop a coastal management strategy separate from the RMA process. The strategy could then inform any changes required to the RPS or the pRCP and the 'One Plan' for the region which the NBEA will require, as well as Council's asset management planning and LTCP processes. Changes to statutory documents would still need to be undertaken using the appropriate public consultation and notification procedures under the RMA or LGA respectively, in due course. This option would also require considerable staff resource not allowed for in the Long Term Plan budget. It doesn't appear there is considerable coastal use or consent pressure to justify this option. It may be something the Council bear in mind for the future after background research and public opinion is sought.

Costs and Benefits

The impact of these is mainly on staff workload and capacity. The Government is yet to indicate what priority implementation of the RMA reform bills will be. It is worth noting the considerable rates increase that has already been implemented to account for the TTPP and implementation of the freshwater requirements under the National Policy Statement and National Environment Standards for Freshwater.

Three other matters that need to be considered for staff resourcing and costs are which relate to the Coastal Plan situation are:

1. From 2021-2027, the freshwater plan change to the Land and Water Plan will proceed, and when the National Environmental Standard for Air Quality changes are released in late 2021, the Regional Air Quality Plan review will need to be progressed.
2. The Minister for the Environment made it clear in his press release earlier this year that he expects Councils to continue with their implementation of the new NPS and NES instruments, and that these are going to be brought through into the new legislative framework. It is reasonable to extrapolate that this also applies to other RMA plan reviews and changes.
3. There will be workstreams to implement the NBEA, SPA, National Policy Statements and the National Planning Standards between 2022-2029.

Considerations

Implications/Risks

There are powers of Ministers to direct reviews of coastal plans and request information about the monitoring of coastal plans. The Environment Minister also has extensive power to require plan reviews. The risk is that the coastal plan process may be found to be non-compliant with RMA timeframes under the first Schedule. In addition, limited monitoring of the current plan has been undertaken. To reduce this risk, staff will undertake to consult with relevant Ministries on the obligations of the WCRC having due regard to directives from RMA reform documents.

The other risk is cost associated with the decision-making process on the pRCP including staff time, hearing costs, possible appeal mediation and legal costs. This is also unbudgeted in the Long Term Plan, as consultant and legal costs would easily be exceeded in matters proceeded to court.

Significance and Engagement Policy Assessment

The 2020/21 Annual Plan, Page 3 “Other Resource Management Targets - Plan & Strategy preparation & review.”, No 3 is:

“Hold hearings for proposed Regional Coastal Plan and release decisions in 2021.”

This plan was superseded by the 2021 Long Term Plan, which states:

Complete Te Tai o Poutini Plan to operative stage, and ensure ongoing maintenance through its TTPP Committee

As the TTPP became Council’s priority in 2021, it was considered that the pCRP timeframes be re-aligned pending direction on government outcomes.

Tangata whenua views

Consultation with tangata whenua will be undertaken in accordance with the Mana Whakahono a Rohe Agreement.

Views of affected parties

All submitters on the pRCP were advised of the Committee’s approach regarding the aligned timeframes for the pRCP following the March 2021 workshop.

One submission was lodged on the LTP regarding the status of the Coastal Plan. The submitter sought a recommendation that the West Coast Regional Council work with Māui and Hector’s Dolphin Defenders NZ Inc., to implement protections in the Regional Coastal Area.

Staff can work with the submitter to better understand the outcomes sought and determine options for the revised coastal plan.

Financial implications

These are discussed above. There is no budget allowance for staff resources, hearings or legal fees associated with completing the pRCP for the current financial period. At would be a financial risk for Council to proceed with the current pRCP.

Legislation

The requirement to have a pRCP is covered under the RMA.

Report to: Resource Management Committee	Meeting Date: 9 November 2021
Title of Item: Planning and Resource Science Report	
Report by: Lillie Sadler, Planning Team Leader	
Reviewed by: Rachel Vaughan, Acting Planning and Science Manager	
Public excluded? No	

Report Purpose

To present the Hokitika Freshwater Management Unit (FMU) Group's Recommendations Report, and seek approval of the recommendations.

Draft Recommendations

It is recommended that Council resolve to:

1. *Approve the Hokitika Freshwater Management Unit Group Recommendations, to be implemented as much as practicable, to give effect to the National Policy Statement for Freshwater Management 2020.*

Issues and Discussion

Background

The National Policy Statement for Freshwater Management (NPSFM) 2020 requires regional councils to give effect to it, including by identifying freshwater management units (FMU's) across the whole region, establishing community representative groups for each FMU, and consequently making changes to freshwater regional plans.

In 2018 the Council identified six FMU's in the Region (later reduced to four). The Hokitika FMU extends from the Taramakau River catchment on the north side of the River, to the north bank of the Waiho River. A map showing the Hokitika FMU catchment boundaries can be found on Page 7 of the Recommendations Report, attached as Appendix 1 to this report.

The Hokitika FMU Group is the third FMU community Group to be formed. The Hokitika FMU is within the takiwā of Te Rūnanga o Ngāti Waewae, and includes the shared takiwa of Te Rūnanga o Ngāti Waewae and Te Runanga o Makaawhio, between the south bank of the Hokitika River and the north bank of the Poerua River.

The Hokitika FMU Group members were: Francois Tumahai (Te Rūnanga o Ngāti Waewae rep), Phillippa Lynch (Te Rūnanga o Ngāti Waewae rep), Jackie Douglas (Te Rūnanga o Makaawhio rep), Kees van Beek (Chair), Mark Birchfield, Mark Turner, Tom Gledhill, Catherine Chagué, Chris Windley, Merryn Bayliss, and Debra Magner (West Coast Regional Council rep). A Westland District Council rep, Jane Neale, was appointed to the Group, with Planning Manager Fiona Scadden initially attending in support. The Group was supported by Regional Council Science and Planning and staff.

The Group commenced meeting in June 2020, and held 13 meetings in total, with the last meeting on 17 August 2021. Two meetings were postponed due to staff shortages and sickness.

Recommendations Report

The Group's Recommendations are based on matters covered during the FMU meetings. The Report has background explanation outlining why the Group has arrived at these recommendations, which include a mix of regulatory and non-regulatory measures.

The NPSFM 2020 version is what has guided the FMU Group through their process. The NPSFM 2020 came into effect in the early stages of the Group's process. The 2020 Freshwater Package includes mandatory actions and limits that will need to be adopted by the Council.

Note that Recommendation 8 is to reduce the timeframe for consumptive water take permits from 35 years to 10 years (excluding community takes for drinking supply), and make these takes a controlled activity. This Recommendation is the same as the one agreed to between the Resource Management Committee, and the Grey and Kawatiri FMU Groups in 2020. This makes the Recommendation consistent across these three FMUs.

Attachments

Appendix 1: Hokitika Freshwater Management Unit Group Recommendations Report

Appendix 1: Hokitika Freshwater Management Unit Group Recommendations Report



THE WEST COAST REGIONAL COUNCIL

To: Resource Management Committee Meeting
From: Hokitika Freshwater Management Unit Group
Date: 28 October 2021
Subject: Recommendations from the Hokitika Freshwater Management Unit Group

1. Executive summary

The National Policy Statement for Freshwater Management (NPSFM), versions 2014, 2017 and 2020, require regional councils to identify freshwater management units (FMU's), establish community representative groups for each FMU, and make changes to freshwater regional plans. Under the NPSFM 2020, current water quality and stream health must be maintained or enhanced.

The Hokitika FMU Group consisted of seven selected community members, one representative each for Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio, one representative each for the West Coast Regional Council (WCRC or the Council) and the Westland District Council, and WCRC support staff. This Group worked through issues associated with water quality and quantity, from June 2020 to August 2021, and produced recommendations to the Regional Council's Resource Management Committee.

The Group identified a range of values associated with freshwater that were important to the Hokitika FMU community. These values, combined with water monitoring results and policy requirements, shaped discussions and subsequent recommendations. The Group was aware that Te Mana o te Wai is a fundamental concept in the NPSFM. The needs of Tai Poutini/West Coast hapū, Ngāti Waewae and Ngāti Māhaki, will be at the forefront of policy development, and integrated management, ki uta ki tai, is

imperative when managing freshwater. The Group acknowledged that there are waterbodies within the Hokitika FMU that require improvement, particularly in regard to faecal contamination and amenity.

The Group took part in a number of field trips, to learn more about a range of relevant activities, and heard several presentations from non-Council staff. A list of these is in Appendix 1.

The Hokitika FMU encompasses a small community. While the Hokitika FMU covers only a part of the Westland District, to give some context to the FMU area, according to government statistics, the resident population of Westland District in 2020 was 8,920. In 2020, GDP for the Westland District was dominated by tourism (21.4%), agriculture, forestry and fishing (17.8%), and electricity, gas, water and waste services (11.3%). GDP in Westland District was provisionally down 9.4% for the year to March 2021 compared to a year earlier. Growth for this period was lower than that over the whole West Coast Region (-4.4%), and New Zealand (-3.0%), due largely to the Covid-19 Pandemic.

Many people within the community feel strongly about the quality and health of water resources within this FMU and would like to see improvements where required. At the same time the small community depends significantly on primary industries for their economic survival, so balanced approaches, utilising methods that are less economically disruptive, were deemed favourable by many of the Group members.

Just prior to the Covid-19 Pandemic, tourism was the largest industry in terms of employment and GDP. It is assumed that the economic importance of tourism will return in future. Tourism depends on healthy, appealing waterbodies but its impacts must also be managed like any other industry.

While scarcity of water is currently not a significant issue in the Hokitika FMU, changes to the allocation and consenting of water takes were recommended in order to make things fairer and future proofed for both consumptive and non-consumptive use.

2. List of recommendations

1. **The Group recommends targeted regulation for specific areas in the future where required, providing the Council works on the provisions with Poutini Ngāi Tahu and consults the community and stakeholders prior to development of policy.**
2. **NPSFM national bottom line numerical objectives should be observed for all attributes consistent with the NPSFM concept of “maintain or improve”.**
3. **Include provisions in the Regional Land and Water Plan to ensure freshwater is managed so that: Mahinga kai is safe to access, harvest and eat; species are plentiful enough for long term harvest; and the range of species is present across all life stages.**
4. **Include provisions in the Regional Land and Water Plan to protect and enhance where degraded the mauri of freshwater bodies so that freshwater is available for Poutini Ngai Tahu cultural use.**
5. **Include provisions in the Regional Land and Water Plan that ensure cultural allocations for the values of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are provided for in the allocation of water.**

6. **Council to support Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio to increase their capacity to undertake cultural monitoring of waterbodies.**
7. **The Group proposes that Rule 55 should be amended within the existing (operative) Regional Land and Water Plan, that is, the conjunction between (i) and (ii) should be "and", not "or".**
8. **Amend timeframes of water permits for consumptive water takes to 10 years from 35 years. Amend consent status to controlled for renewal of water take permits for the first and second renewals of 10 year water permits.**
9. **Community drinking water supply permits may be issued with consent durations of up to 35 years.**
10. **When managing sediment effects on freshwater, efforts need to be made to differentiate between those caused by human activity, and those associated with natural events.**
11. **The Group supports the use of farm plans to manage problematic additions of sediment to waterways.**
12. **The Group supports the Council strengthening regional rules to prevent discharges containing faecal contaminants directly to water. They also supported the use of treatment via constructed wetlands, and land-based systems, providing they are effective.**
13. **Te Runanga o Ngati Waewae supports the Council implementing requirements for stock exclusion fencing and farm plans, and promoting riparian planting, to limit faecal contaminants entering waterways.**
14. **The Council dedicates resources to support Enviroschools as funds permit.**
15. **The Council promotes educational initiatives aimed at enabling the community to better understand and protect their freshwater resources. When doing this, consider opportunities to work in partnership with other organisations e.g., Department of Conservation, Westland District Council, Poutini Ngāi Tahu, Dairy NZ, Beef and Lamb.**
16. **The Council works with training providers including Tai Poutini Polytech to ensure that students undertaking earthworks and agriculture courses learn about freshwater values and how to ensure their activities protect and/or enhance them.**
17. **The Council encourages the local community to be involved in the monitoring of environmental quality within the Hokitika FMU.**
18. **Water clarity is maintained or improved in waterbodies valued for their natural character.**
19. **Waterbodies are above the bottom line for any relevant attribute, and if not, ensure that they are improved to above the bottom line by 2030.**
20. **Promote the provision of public toilets in popular scenic areas to ensure that the amenity value and natural character of waterbodies are maintained.**

21. **Freshwater biosecurity risks are adequately managed within the Council’s jurisdiction and the spread of aquatic pest fish and plants is mitigated as much as possible.**
22. **Council considers emerging science around the health impacts of nitrate when managing nitrogen loss within drinking water catchments.**
23. **The Council monitors water quality in the Hokitika River.**
24. **Future monitoring of cultural indicators includes the Hokitika River in any assessments.**
25. **Council seeks funding from central government to assist with resourcing the additional monitoring stipulated in the NPSFM 2020.**
26. **The Council ensures that onsite wastewater treatment systems are situated, installed, and maintained properly in the Hokitika water supply catchment.**
27. **The Council promotes investigation of municipal sewerage treatment options for Lake Kaniere residents, including a potential land-based discharge downstream of the water supply intake.**

3. Long term vision for freshwater

The Hokitika Freshwater Management Unit group developed a long-term vision to sum up the Hokitika FMU's aspirations:

In the Hokitika FMU, freshwater is valued and will be managed utilising the ki uta ki tai (mountains to the sea) philosophy. The mauri of the water is protected for our community's future wellbeing.

This Vision will be achieved, no later than 2032, by the following goals:

- a) utilise the ki uta ki tai (mountains to the sea) philosophy to manage freshwater;*
- b) the mauri of the water has been protected or has been enhanced where it was degraded;;*
- c) supports freshwater ecosystems that are healthy and resilient;*
- d) supports healthy and diverse populations of mahinga kai species that are safe to access, harvest and eat;*
- e) freshwater is used efficiently and overallocation is avoided;*
- f) freshwater is managed to ensure that it is of a quality suitable for the community's drinking water and recreation; and*
- g) commercial and industrial activities, including agricultural and tourism are supported where these do not compromise a) to f).*

4. Background

The 2014 NPSFM, amended in 2017, guided the Hokitika FMU Group initially. The NPSFM 2020 came into force on 3 September 2020 and provided guidance from that point onwards.

The NPSFM provides regional councils with a certain degree of flexibility in how they go about identifying FMUs.

The WCRC suggests that the scale of the FMU needs to be appropriate for objective and limit-setting, freshwater accounting, and monitoring.

An FMU should not be so large that it prevents the setting of objectives that are specific enough to be effective. Equally, an FMU should not be so small that it results in undue complexity and cost in either the planning process or in the management of the FMU.

The West Coast FMUs took into account existing monitoring sites and community boundaries, combined with catchment boundaries which have an overarching influence on the distribution of water and people. A range of water resource monitoring is undertaken by the Council in the Hokitika FMU (Figure 1).

The Hokitika FMU includes the takiwā of Ngāti Waewae and Ngāti Māhaki. The area between the north bank of the Poerua River and the south bank of the Hokitika River is a shared takiwā area between the two hapū.

The NPSFM seeks to ensure that what is valued about each FMU will be maintained or enhanced. To understand what is valued, and therefore what needs to be achieved in each FMU, the Council worked

with Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu), and engaged the local communities.

The FMU community groups were established for each FMU. These groups consult with the local community and work together to understand the issues in that FMU, identify values and provide a package of recommendations to Council for consideration (including recommended objectives and limits where required). Those recommendations, if agreed, will influence the Regional Land and Water Plan. The FMU Group's composition is tailored to suit the circumstances in each FMU.

The NPSFM – Regional Implementation Strategy was approved by Council in May 2018. In accordance with the Strategy, two public information sessions were held, on 21 January 2020 in Hokitika, and on 23 January 2020 in Hari Hari, for the Hokitika FMU community. Following this, community member applications were considered and brought to the Council's Resource Management Committee for approval.

The Hokitika FMU Group convened in June 2020 and consisted of seven community members:

Kees van Beek (Chair), Mark Birchfield, Mark Turner, Tom Gledhill, Catherine Chagué, Chris Windley, and Merryn Bayliss. Community members came from a range of backgrounds representing a broad array of professional and personal interests. The Te Rūnanga o Ngāti Waewae representatives on the FMU Group were Francois Tumahai and Philippa Lynch, and the Te Rūnanga o Makaawhio representative on the FMU Group was Jackie Douglas. The Westland District Council (WDC) was approached to provide a representative, with Jane Neale nominated to attend by the WDC, with Planning Manager Fiona Scadden initially attending in support. The Regional Council representative was Debra Magner.

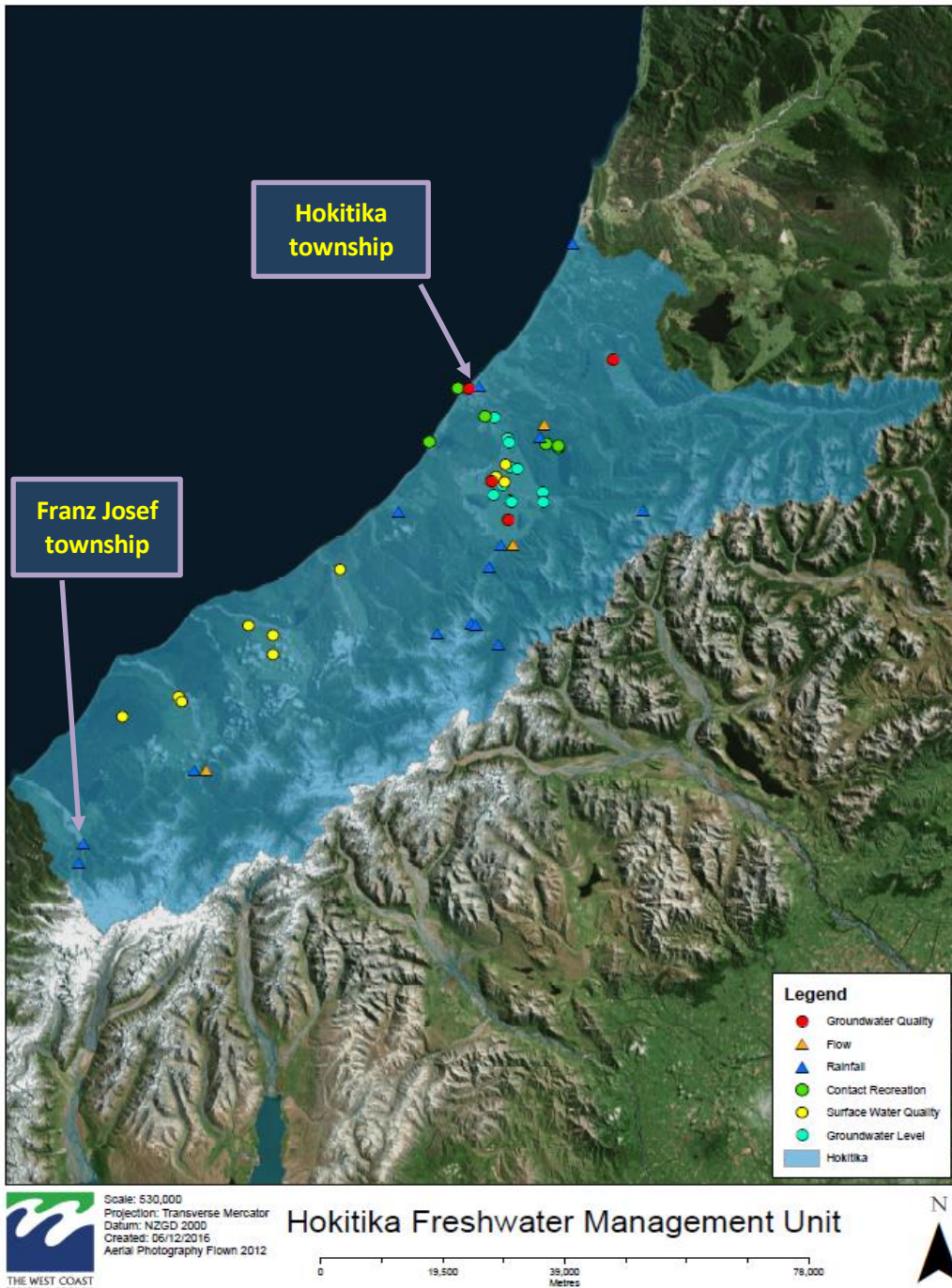


Figure 1: Location of Hokitika FMU boundary and monitoring locations within the FMU

4.1 Hokitika FMU meetings

Over the period for which this Group has met, it has covered a variety of topics during their monthly meetings. Through this process, and in accordance with the NPSFM, the Group has identified values that are important to the community, and which are affected by water quantity and quality.

The state or condition of these values can be measured using attributes (numeric, narrative or both), with target attribute states set within a framework containing outcomes, objectives, limits and methods (Figure 2).

Te Mana o te Wai
National objectives framework –
a process undertaken to achieve the long term vision

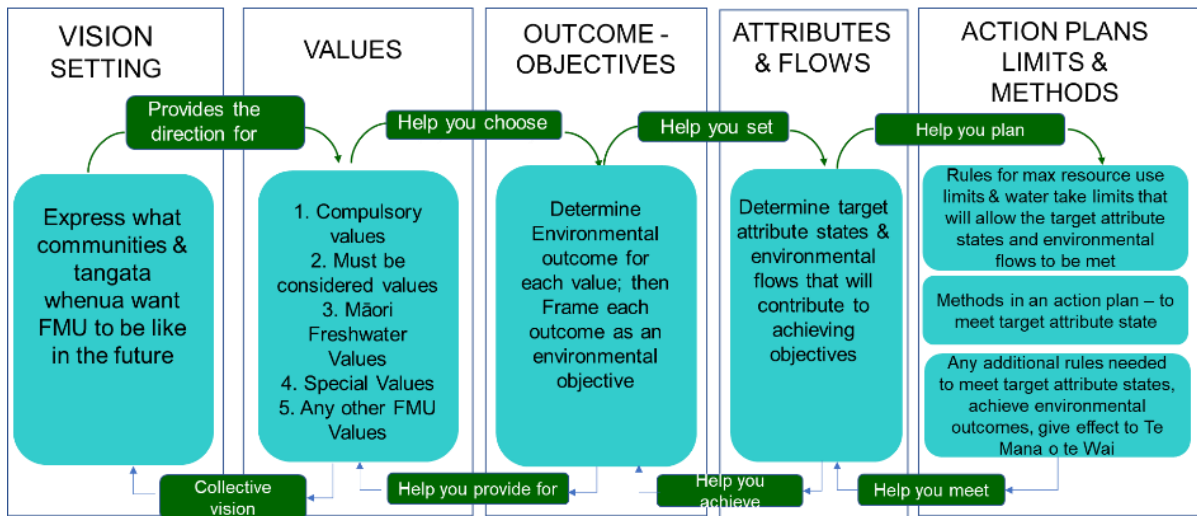


Figure 2: National objectives framework – a process undertaken to achieve the long-term vision.

Regular updates from the FMU have been posted on the WCRC’s website and Facebook. Updates have also been provided to the Council’s Resource Management Committee. Recommendations on values that will assist with Council’s efforts to meet the requirements of the NPSFM 2020 follow.

Note that there are mandatory actions and limits in the NPSFM 2020, which regional councils must undertake and adopt. This report recommends some values which may already be required by the 2020 NPSFM, hence they are an endorsement. Other values are recommended that are specific to the Hokitika FMU.

5. Values

An important part of the process was to identify community values pertaining to freshwater environments. The Group members each provided a range of values that they considered to be important to the Hokitika FMU community. These were generated as part of an initial brainstorming session and aimed to include all possible values that might exist across the FMU. They are not formal recommendations. These are listed in the table below (Table 1).

Table 1: Hokitika FMU values as stipulated by the Hokitika FMU community group members.

Values - Hokitika FMU		
		Verbatim values
Amenity and natural character	Amenity	Ability to appreciate natural beauty of streams and surrounds
		Aesthetic views - R&R
		Amenity and natural character
		Clarity
		Clear streams
		Natural beauty, scenic value
		Recreation
		Scenic value
Commercial use	Agricultural use	Animal pollution e.g., stock pollution
		Agriculture
		Farming
		Farming e.g., stock water
		Stock control
		Stock Water
	Horticulture	Horticulture
Tourism	Commercial ecotourism e.g., kayaking, guided trips	
Poutini Ngāi Tahu cultural and spiritual values	Cultural and spiritual values	Cultural
		Cultural and spiritual values
		Cultural use - ceremonies
		Cultural values for Tangata Whenua and the community
		Green stoning
		Mauri of the water
		Spiritual / Cultural values
		Te mana o Te Wai
		Upholding Cultural values
Domestic use	Domestic use	Household water (off grid)
		Water garden irrigation
	Efficiency	Encourage homes to be fitted with rainwater water storage tanks, to minimise use of current water infrastructure and supply
Drinking water	Drinking	Access to clean drinking water
		All waterways to be drinkable, safely, year-round
		Drinking Water/ Right to our own supply
Ecological health	Ecological health	Freshwater quality, not only maintain but improve
		Healthy ecosystem
		Healthy macroinvertebrates and instream fauna
		Improving quality
		Limit N+P
		No waterway to be contaminated with industrial waste on any scale
		Protection of wetlands and margins
		Reduce or halt discharges into water
		Rivers supporting healthy ecosystems and biodiversity
	Toxin free	Low nitrates

Values - Hokitika FMU		
		Minimal chemicals
		Poison free drinking water
		Protect from toxins - no toxic discharge
		Spraying with herbicides, pesticides and other man-made chemicals, not allowed within 10 metres of any waterway
		We want pure clean water. No man-made products of any description in our streams, creeks, rivers or lakes
Flow regime	Flood mitigation	Clean out flow
		Flood risk / hazard mitigation
	Hydro power	Electricity Generation
		Hydro
		Hydro- Power
		Micro & mini hydro
	Renewable energy from hydro electricity	
Food	Food gathering	Fishing
		Fishing for food
		Food gathering
		Use for food production (via agriculture) without negative impacts
	Mahinga kai	Kai moana and fishing
		Mahinga Kai
		Kai moana
		Places to gather kai (keep clean)
	Shellfish gathering	Keep shellfish beds healthy and clean
	Whitebaiting	Whitebait
Industrial and commercial values	Fire fighting	Fire fighting
	Industrial use	Economic prosperity from industry e.g., Mining
		Percent of water and level taken for commercial use
	Mining	Gravel Extraction
		Mining
Recreation	Contact recreation	Recreational mining and fossicking
		All waterways to be swimmable, year-round, without fear of being made sick while
		Contamination of water by onsite wastewater treatment systems facility
		Eliminate sewage outflow from Franz Josef
		Swimming / contact recreation
		Swimming safely in the rivers and streams
	Secondary contact	Swimming
		Boating, canoeing, white-water rafting
		Fishing
		Fishing as recreation
		Recreational activities
		Recreational opportunities

6. Attributes, outcomes and objectives

Regional councils must work with tangata whenua and engage with communities to identify all values for each FMU and set environmental outcomes for each value that fulfils the long-term vision, the NPS objectives, and any additional community objectives.

All attributes relevant to the values must be identified and their baseline states determined.

There are a number of attributes that must be measured, many of which have compulsory attribute states (Figure 23).

An attribute is a measurable characteristic (that is, numeric, narrative, or both), that can be used to assess the extent to which a particular value is provided for. For example, the NPSFM has an objective around maintaining/improving swimmability.

The attribute measured for this is the bacteria *Escherichia coli* (*E. coli*). Target attribute states are required – for *E. coli*, target attribute states are provided in the NPSFM National Objectives Framework tables and range from A (best) to E (worst)¹.

The Council must set target attribute states at or above the bottom line and plan what actions should be taken to meet these targets. They are required to improve or at the very least maintain the current state of waterways. FMUs can choose to add additional attributes or set higher targets.

The Group became familiar with the relationship between community values (which included Poutini Ngāi Tahu values), and the attributes/objectives required to safeguard these values (Figure 3). The Group supports in principle the attributes prescribed under the current NPSFM, where they are relevant to the Hokitika FMU community and environment, as long as they do not create an impractical or unreasonable financial burden for members of the community.

While the focus in the Hokitika FMU discussions has been on improving a number of key attributes (*E. coli* and sediment), NPSFM national bottom line numerical objectives need to be observed for all attributes consistent with the NPSFM concept of “maintain or improve”.

¹ This categorisation is stipulated for all compulsory attributes, all of which have a bottom line that requires improvement if transgressed.

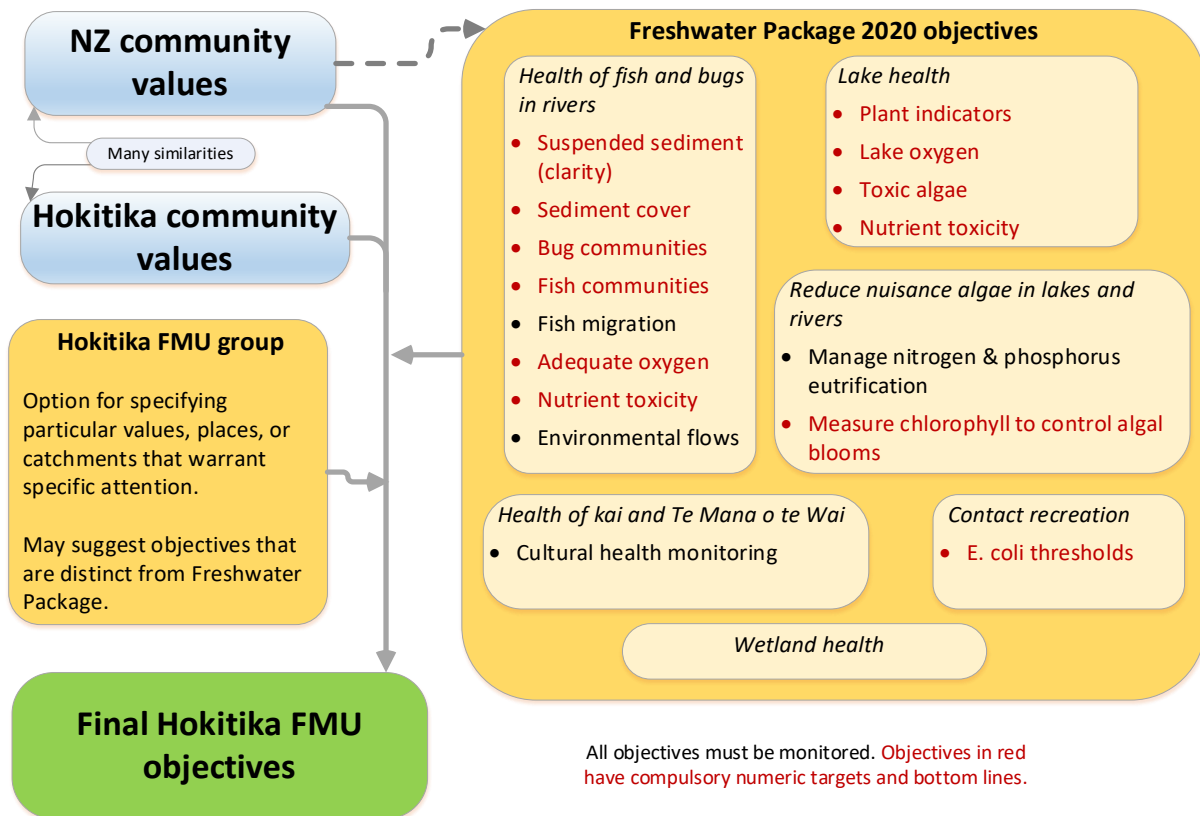


Figure 3: Community values and objectives combine with the compulsory attributes and measures contained within the NPSFM 2020 to reach a final list of objectives for the FMU.

7. Recommendations' framework

The recommendations are listed throughout the remainder of this report under headings which capture the topic areas covered by the FMU Group. All recommendations are numbered from one onwards.

Recommendations

1. **The Group recommends targeted regulation for specific areas in the future where required, providing the Council works on the provisions with Poutini Ngāi Tahu and consults the community and stakeholders prior to development of policy.**
2. **NPSFM national bottom line numerical objectives should be observed for all attributes consistent with the NPSFM concept of "maintain or improve".**

When preparing the recommendations, the Group was aware of the Council's limited ability to financially resource modelling complicated environmental processes and undertaking large scale environmental monitoring programmes, due to the regions size and small rating population. Council staff advised the Group that the work needed to create and maintain the tools required to underpin sophisticated regulatory measures and monitoring programmes is expensive. The Group was made aware that large investments in science were required to robustly estimate what impact land management changes can have on water quality on the West Coast. These matters were at the forefront of the Group's minds and

the need to be realistic about what could be achieved when the Group was preparing their recommendations. Council staff explained to the Group that current water quality-related objectives and policies in Council plans apply over the entire region, except for the Lake Brunner catchment (in the Grey FMU) where there are stricter provisions due to concerns over aspects of lake health. There was discussion amongst the Group over setting unique objectives and methods for a specific area within the Hokitika FMU. It was decided that objectives and methods that apply equally across the FMU will achieve the improvements required. This approach will also create an even regulatory playing field that is fairer and easier for the community to understand.

The Group considered that the NPSFM 2020, other government policy and rules, and recommendations made by the Group will provide good protection for freshwater values overall, and specific limits can be set for specific areas if needed in the future. This is reflected in Recommendation 1.

8. Poutini Ngāi Tahu cultural considerations

Recommendations

3. **Include provisions in the Regional Land and Water Plan to ensure freshwater is managed so that: Mahinga kai is safe to access, harvest and eat; species are plentiful enough for long term harvest; and the range of species is present across all life stages.**
4. **Include provisions in the Regional Land and Water Plan to protect and enhance where degraded the mauri of freshwater bodies so that freshwater is available for Poutini Ngai Tahu cultural use.**
5. **Include provisions in the Regional Land and Water Plan that ensure cultural allocations for the values of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are provided for in the allocation of water.**
6. **Council to support Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio to increase their capacity to undertake cultural monitoring of waterbodies.**

The NPSFM recognises that tangata whenua are to be actively involved in freshwater management (including decision making processes), and that cultural values are identified and provided for.

Water is a taonga (treasure) to Poutini Ngāi Tahu and having the ability to exercise tino rangatiratanga over water within their takiwā is of utmost importance to them. The representatives of Poutini Ngāi Tahu on the FMU Group emphasised that the Ngāi Tahu ki uta ki tai (from the mountains to the sea) practice recognises the connections between land, groundwater, surface water and coastal water. Water and land are interrelated resources, and a holistic approach is needed to their management. Land and water are not separate entities, because what happens on the land affects water. The representatives highlighted that all water is important and valued by Poutini Ngāi Tahu, and the whole community, whether it is groundwater, coastal water or water flowing in rivers or drains.

The representatives explained the importance of maintaining the mauri - the life-giving essence - of water. If water is degraded it impacts mana as it reduces the ability for both hapū to collect and provide safe mahinga kai so they can manaaki their visitors. The representatives explained that mana whenua, as kaitiaki, have an inherited responsibility to pass healthy water onto future generations.

Ngāti Waewae and Ngāti Māhaki consider that cultural and public health uses of water and the ecological values of water need to be recognised and provided for before consumptive uses of water are provided for.

The Poutini Ngāi Tahu representatives outlined why water is a taonga to them and highlighted some of the ways in which they use water (Figure 4). Some of the reasons why it is a taonga and some of the ways they use water are listed below:

- Role in creation stories
- Role in identity
- Connections through historical accounts
- Navigational routes – traditional travel routes
- Wāhi tapu – sacred places, sites and areas
- Cultural purposes e.g., ceremonies
- Mahinga kai
- Cultural materials e.g., weaving and medicines
- Gathering of pounamu - it is not taken from areas with poor water quality.

The representatives emphasised that mahinga kai is not just the gathering of food. It includes a range of natural materials along with the places that they are gathered from, and the practices used for collection. Sometimes water quality issues have reduced mahinga kai abundance which has meant that harvests are not possible and intergenerational traditional knowledge can consequently be lost.

The NPSFM 2020 requires regional councils to develop monitoring plans which are also informed by Mātauranga Māori (traditional Māori knowledge). The Poutini Ngāi Tahu representatives explained how they determine the cultural health of a waterway. While traditional western science measurements can help inform their assessment, the collection of this information alone is not sufficient for mana whenua to be able to determine the cultural health of a waterway. The Cultural Health Index (CHI) is an example of a cultural method for determining the health of a waterway which was explained to the Group. The representatives emphasised that traditional knowledge (Mātauranga Māori) is required to utilise this method, and therefore cultural health monitoring assessments to determine the cultural health of waters within the Hokitika FMU can only be undertaken by rūnanga-mandated Poutini Ngāi Tahu whanau.

The current WCRC science programme needs to be more in line with the NPSFM 2020 to ensure their monitoring plan is informed by Mātauranga Māori. The FMU Group is aware that cultural health monitoring can only be undertaken by mandated Poutini Ngāi Tahu whanau in the Hokitika FMU catchment. The Council needs to support and work with Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio to enable cultural monitoring to occur.

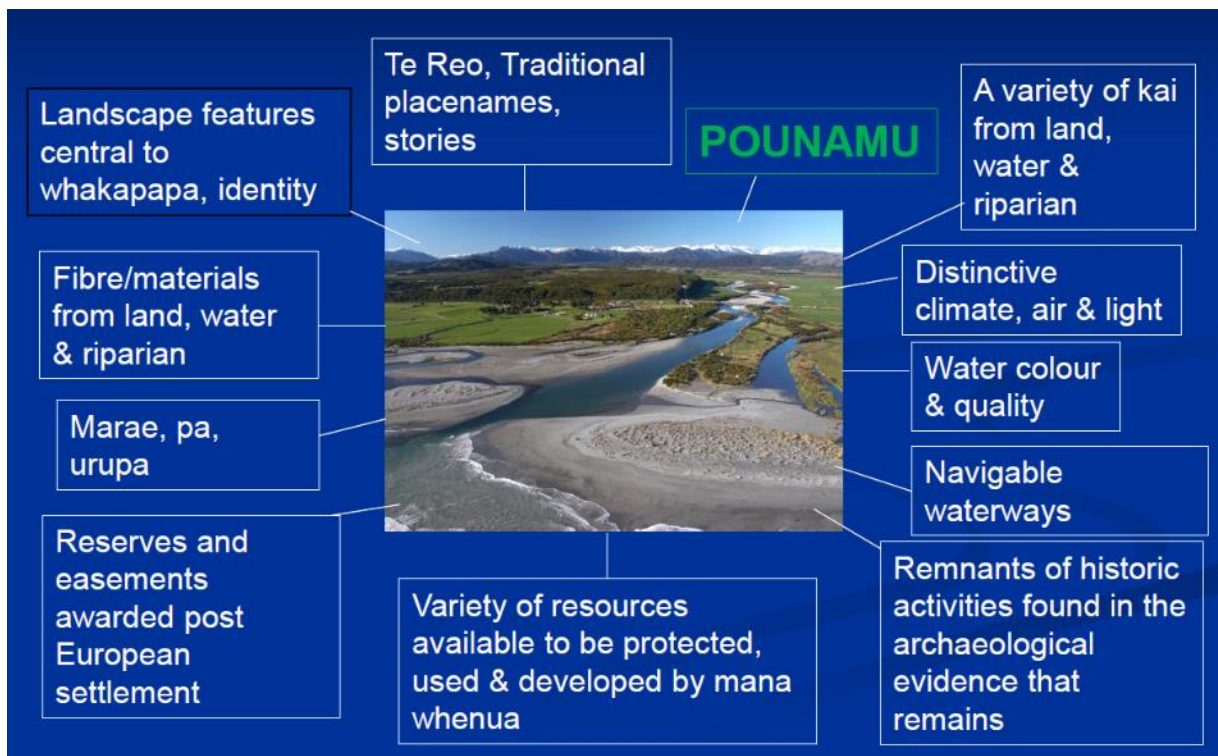


Figure 4: An overview of some of the eco-cultural attributes of a catchment

9. Water quantity

Recommendations

7. **The Group proposes that Rule 55 should be amended within the existing (operative) Regional Land and Water Plan, that is, the conjunction between (i) and (ii) should be "and", not "or".**
8. **Amend timeframes of water permits for consumptive water takes to 10 years from 35 years. Amend consent status to controlled for renewal of water take permits for the first and second renewals of 10 year water permits.**
9. **Community drinking water supply permits may be issued with consent durations of up to 35 years.**

9.1 FMU Overview

Community values are underpinned by a range of attributes as diverse as the selection of values themselves. The Group considered water quantity as fundamental, interacting with other attributes and underpinning all values.

While the West Coast has a reputation for abundant water, low flows and droughts can come about relatively quickly in the region. Given a higher frequency and quantity of rain, the depth and energy stored within grass roots are less than grass in other drier areas of the country. Therefore, West Coast grass can

be more susceptible to dry periods. Solutions such as irrigation can be required for relatively short, dry periods to ensure continuity of production.

Pasture irrigation is not currently occurring in the Hokitika FMU. However existing land use practices may need alteration to future proof them in the face of climate change, which predicts wetter spring/winters and drier summer/autumns overall.

There are 48 consents designated for water takes within the Hokitika FMU. While drinking water drives the majority of resource consents for water takes (Figure 5), it accounts for a relatively small quantity compared to that used by hydroelectric power generation (Figure 6). While hydroelectric use is often considered as non-consumptive, this is complicated where water is diverted from one catchment to another.



Figure 5: Number of consents for water takes by type, and the quantity of water used by type, in the Hokitika FMU.

The majority of large takes occur east of Hokitika township (Figure 6), most of which relate to hydroelectric power generation (Figure 5).

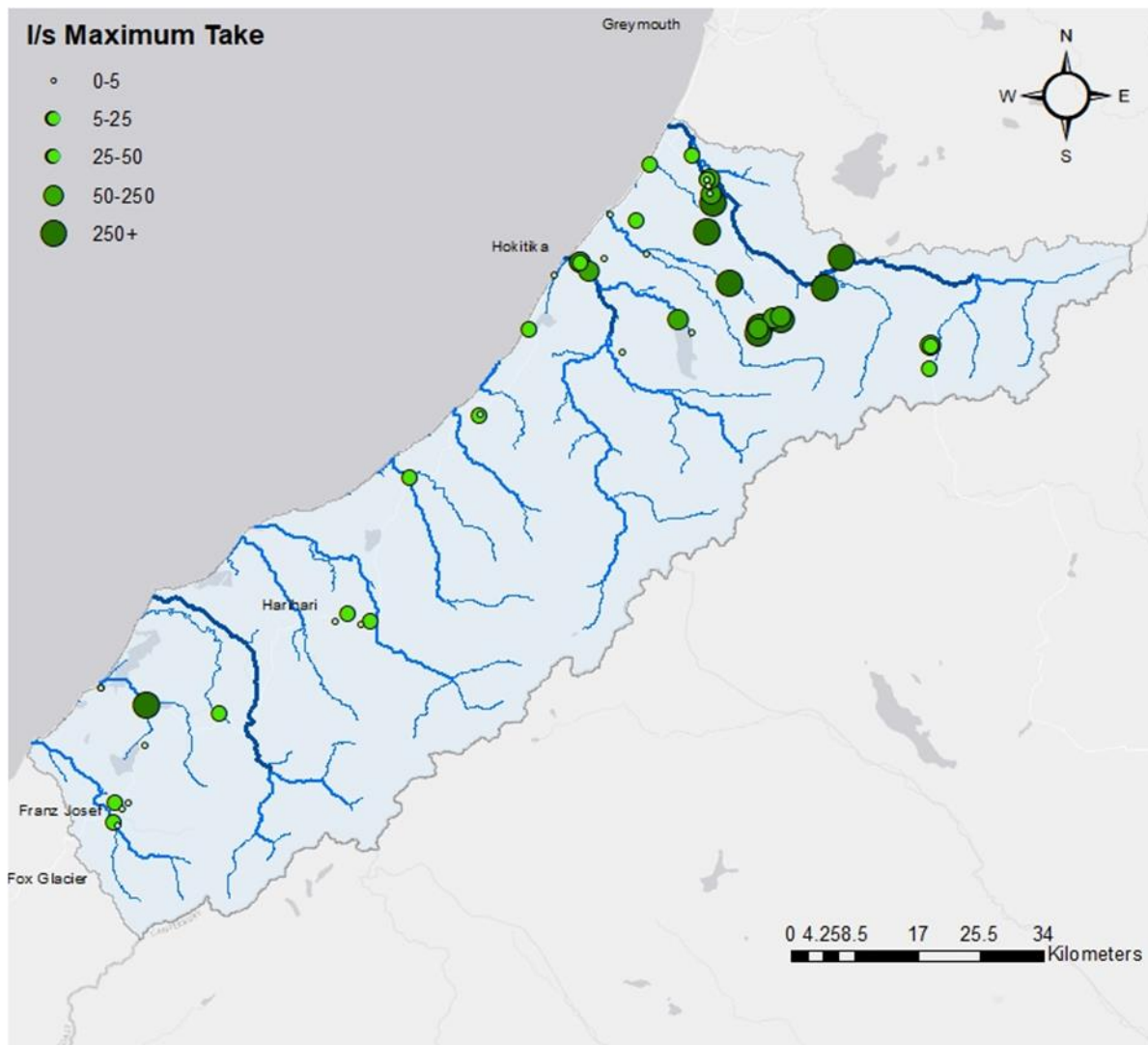


Figure 6: Current allocation framework within the Hokitika FMU, based on consented water takes as of 2019.

9.2 Consumptive and non-consumptive takes

Water takes fall into two categories: consumptive and non-consumptive. A consumptive water take occurs when the water is consumed, or it is removed from the immediate catchment without being returned. Examples of this would be irrigation where water is lost to the atmosphere via evapotranspiration, or a water bottling plant. Non-consumptive takes are those where all, or almost all, of the water is kept within the immediate system. An example of this would be a ‘run of the river’ hydro scheme, where water might be diverted over a short distance before re-entering the natural channel. An example of a consumptive hydroelectric take would be where water from the Kawhaka River is diverted into the Taramakau River via the Kapitea Lakes.

9.3 Consents and permitted activity rules for water takes

Most consumptive water take permits currently issued by the WCRC are granted for 35 years. The Group considered a national review of timeframes allocated to water take consents. Reducing the timeframes as much as some other regions may not be necessary in certain areas due to the consistent rainfall

received and investment that hinges on water permit continuity. Most of the Group considered the current lifespan of permits in the Hokitika FMU to be largely adequate as there was no shortage of water in the FMU. The Poutini Ngāi Tahu representatives considered the current 35 year consent duration for consumptive water take permits on the West Coast could be too great to respond to changes in resource use and future climate variability. They consider that amending timeframes for most new permits to 10 years from 35 years is appropriate. Poutini Ngāi Tahu also consider that community drinking water supply permits are a critical public service, and a 35 year duration is still appropriate for these water takes.

The recommendation to reduce the timeframe for consumptive water take permits to 10 years is not intended to prevent future water takes, but does have cost implications for more frequent reviews of permits. This matter was considered by Council for the Grey and Kawatiri FMU Groups' recommendations to reduce the timeframe to 10 years. Council and both of these FMU Groups agreed to make renewal of consumptive water take permits, excluding takes for community drinking water supplies, to occur every 10 years, and also change the rule so that renewal of the permit is a controlled activity. This means that the permit must be granted, and the Council only has discretion of certain controls listed in the relevant plan which could be developed around water availability and allocation. The controlled activity renewal is limited to two renewals. This allows for an adaptive approach. Poutini Ngāi Tahu representatives support having the same recommendation as the Grey and Kawatiri FMU Groups.

9.4 Rule 55 within the existing Regional Land and Water Plan

Rule 55 within the existing Regional Land and Water Plan contains an error. The conjunction between (i) and (ii) should be "and", not "or". The Group was supportive of amending Rule 55 in the Land and Water Plan in order to make it more sensible and meaningful.

The Group proposes that Rule 55 should read as follows:

18.3.3 Restricted Discretionary Takes, Uses, and Diversions of Water

Rule 55. Take and use of surface water

Unless permitted by Rules 39, 40, or 42, or controlled by Rules 52 or 53, the taking and use of surface water where:

- (i) The total volume of water allocated from the river is less than 20% of the mean annual low flow (MALF) of the river; ~~or~~ and*
- ((ii) The applicant accepts a minimum flow based on 75% of the mean annual low flow (MALF) of the river; is a **restricted discretionary** activity.*

In considering any resource consent under this rule the council will restrict the exercise of its discretion to the following:

- (a) The amount of water to be taken;*
- (b) The flow available in the source water body;*
- (c) The current allocation from the source water body;*
- (d) The minimum flow to be applied to the take, if required;*
- (e) Any adverse effect on any existing lawful take of water, if consent is granted;*
- (f) The instream values supported by the source water body and related waterbodies, and any potential adverse effect of the taking on those values, if consent is granted;*
- (g) Any need to prevent fish and eel entering the intake;*
- (h) The means and timing of the take, and the rate of take;*
- (i) The quantity of water required for the intended use;*
- (j) The duration of the resource consent;*

- (k) The information and monitoring requirements; and
- (l) The review of conditions of the resource consent.

An application for resource consent under this Rule does not need to be notified.

For smaller streams with high instream values the location and rate of take and the seasonal timing of the take can be controlled by conditions on the consent as set out in the explanation to Policy 7.3.1.

10. Water quality

10.1 FMU Overview

WCRC stream monitoring data was used as a baseline to investigate state (Table 2) and trends (Figure 7) for water quality within the Hokitika FMU. These results, in conjunction with the communities' priorities and NPSFM objectives, were instrumental in determining which objective/attribute combinations were the highest priority to address in the Hokitika FMU.

Council has 10 river surface water quality monitoring sites visited throughout the year in the Hokitika FMU. Some of these sites are sampled monthly while others further south are sampled quarterly. All but one site are located in intensively farmed catchments. Council intentionally biases sampling towards areas that are likely to be impacted.

Of the summer bathing beach monitoring sites, two are located in freshwater environments in the Hokitika FMU (Lake Mahinapua and Kaniere River). There are also four groundwater bores assessed quarterly for quality.

Nutrient enrichment and toxicity, algal blooms, faecal contamination, macroinvertebrates (fauna health), sediment, and habitat quality are some key main characteristics that Council measures. The NPSFM requires councils to monitor many of these under its list of compulsory attributes/objectives. Attributes that were in the D and E categories did not meet the NPSFM standards.

Faecal contamination (*E. coli*) was below the bottom line and increasing at several sites that had catchments dominated by intensive agriculture. This is likely to be associated with agricultural intensification, and processes like earthworks, livestock pugging, and surface runoff.

Clarity has deteriorated at some of these sites but is reasonably good overall. An exception is the Okutua Stream in Okarito Forest which was below the bottom line for clarity, although it is a reference site. The reason for this is the heavily brown stained water, caused by large quantities of dissolved organic matter (DOM). This occurs naturally as a result of leaching from the surrounding forest and wetlands. While DOM reduces clarity, quantities of suspended and deposited sediment are minimal, and water quality is very high. The NPSFM allows for exemptions when there is a completely natural cause. Nutrients were typically low with no sites below bottom lines.

Waterways in the Hokitika FMU are considered to be 'Cool and Wet' climatically when compared around New Zealand. Warm summer conditions are not normally prolonged but spells of hot, dry weather do occur, which is evident in Table 2. Riparian cover was lacking in Duck Creek (Hokitika) and Un-named Creek at Adamsons Road (Whataroa) where water temperatures were in the C category.

Table 2: Attribute states for monitored streams in the Hokitika FMU. Any site/attribute combinations that are a 'D' or an 'E' are below the bottom line and require intervention under the NPSFM. Blanks exist where there is no data for that site.

Site	Nutrient toxicity		Algal blooms		Faecal contamination	Fauna health	Sediment	Oxygen
	Nitrate toxicity	Ammonia toxicity	Dissolved reactive phosphorus*	Chlorophyll a	E. coli	SQMCI	Clarity	7 day mean summer min*
Berry CK	A	A	A	B	E	B	A	
Duck Ck	A	A	A	A	A	A	A	C
Ellis Ck	A	A	B	A	A	B	A	
Harris Ck	A	C	D	B	E	B	C	B
La Fontaine Stm A	A	A	A	C	B	B	A	A
La Fontaine Stm B	A	A	A	A	D	B	A	B
Murray Ck	A	A	C	A	B	B	A	
Okutua Stm	A	A	A	A	A	B	D	A
Unnamed Ck	B	A	A	B	D	C	A	C
Vickers Ck	A	A	A	A	A	B	A	B

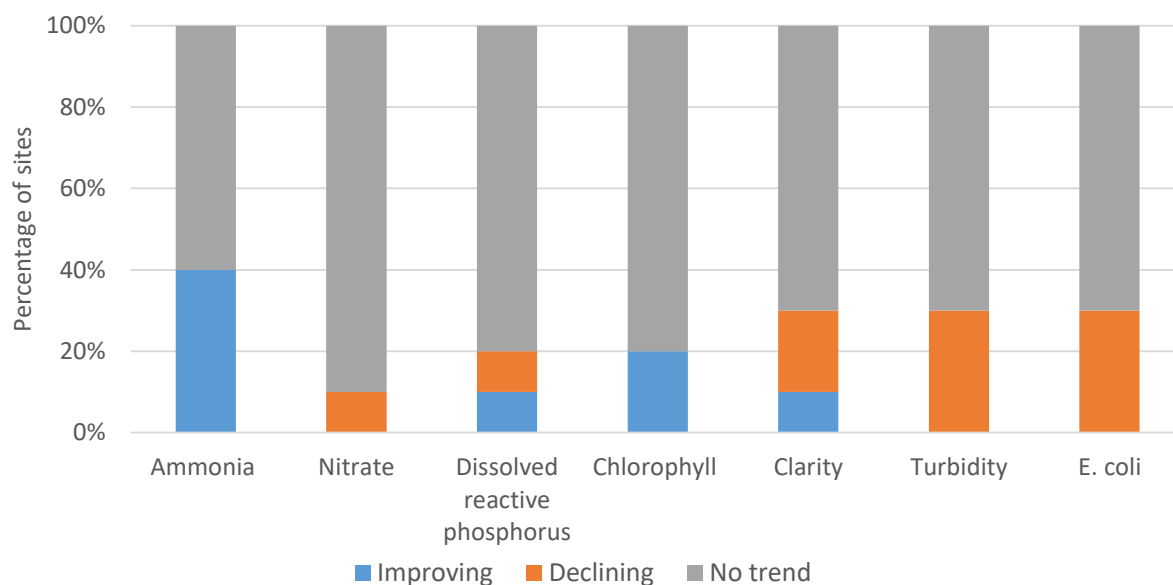


Figure 7: Attribute trends for monitored streams in the Hokitika FMU.

A small amount of data from 2009 and 2021 exists for several of the lakes within the FMU, which allows us to assess their state against some of the compulsory attribute states in the NPSFM (Table 3). Water quality was good for the majority of lakes that were measured.

The WCRC scientists have advised that it is unclear what has driven the low levels of dissolved oxygen in Lake lanthe or Lake Mapourika. These results do not align with other water quality measures or potential activity within the catchment. There may be natural processes occurring in these deep lakes that lead to low oxygen levels at the lakebed. A greater threat to all of these Lakes is the potential introduction of pest organisms like Rudd (an introduced pest fish), and the weed Lagarosiphon.

Table 3: Attribute states for lakes in the Hokitika FMU. Any site that is a 'D' is below the bottom line.

	Ammonia	Total nitrogen	Total phosphorus	Phytoplankton	Oxygen at lakebed
Lake lanthe	A	B	A	B	C
Lake Kaniere	A	A	A	A	
Lake Mahinapua	A	B	B	A	A
Lake Mapourika	A	A	A	B	D
Lake Wahapo	A	A	B	A	A

10.2 Faecal contamination and *E. coli*

As previously mentioned, Table 2 shows that faecal contamination (as indicated by *E. coli* concentrations) was below the national bottom line and contamination levels are increasing at several stream monitoring sites. There have also been exceedances of bathing beach bacteriological standards. Rivers tend to have the most exceedances, followed by beach sites, while lakes are normally good on a consistent basis (Figure 8). *E. coli* comes from the gut of warm-blooded animals and represents both the degree of faecal contamination to a waterbody, and levels of pathogens like campylobacter.

Recent analysis indicated a declining water quality trend due to increasing *E. coli* levels at some Hokitika sites (Figure 8) with some below the national bottom line. Sites within the FMU that have a "D" or "E" rating require intervention under the NPSFM. The Group discussed whether, a) they were happy with the NPSFM 2020 *E. coli* thresholds, b) there were any additional locations within the FMU that require special consideration, and c) there were any values that require special consideration in regard to pathogen contamination. The Group endorsed the implementation of the NPSFM 2020 target attribute states for *E. coli*, and no further recommendations for specific limits in specific areas were sought at this point in time.

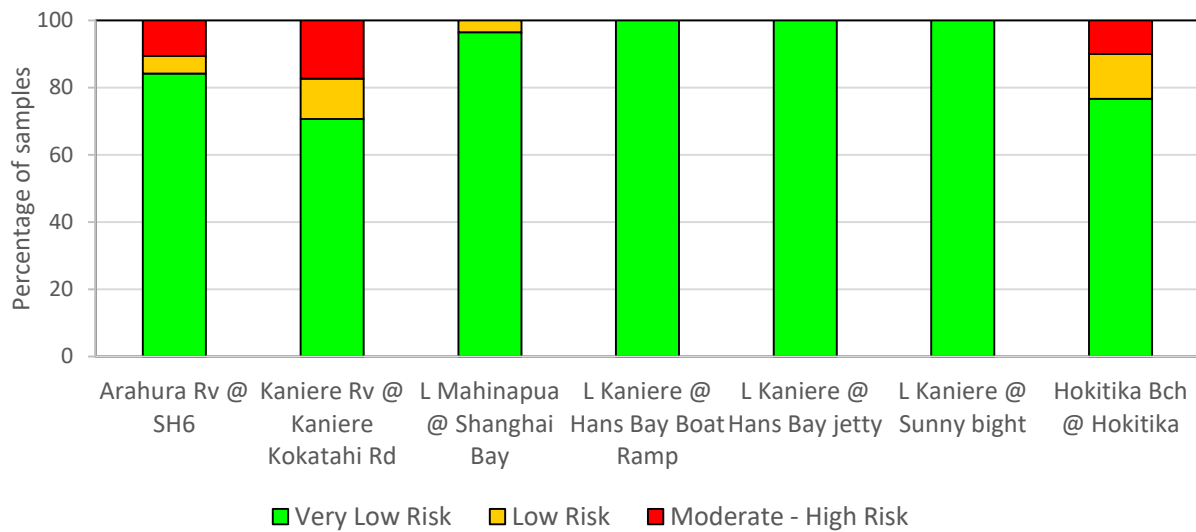


Figure 8: Percentage of times contact recreation sites in the Hokitika FMU are of a particular pathogen risk category.

10.3 Sediment

Recommendation

10. When managing sediment effects on freshwater, efforts need to be made to differentiate between those caused by human activity, and those associated with natural events.
11. The Group supports the use of farm plans to manage problematic additions of sediment to waterways.

The Group discussed how sources of sediment can originate from both natural events like slips, and anthropogenic activities like earthworks. If streams have high sediment loads it will be important to differentiate between sources. The NPSFM 2020 has compulsory numerical objectives for clarity (a proxy for suspended sediment), and deposited sediment. The numerical objectives are broken down into groups based on geology types, so intrinsic characteristics are considered when these sediment objectives are applied to specific waterways. This means that less stringent clarity standards will be applied in catchments with erodible geology.

What is not catered for well in these standards is the role of dissolved substances that reduce clarity but are completely unrelated to suspended sediment. The best example of this is Okutua Stream in the Okarito Forest. This catchment is surrounded by native forest and has no current human disturbance. Yet this site is below the bottom line because of high concentrations of dissolved organic matter. The substances that cause this naturally occurring brown colouration significantly reduce clarity but they are unrelated to human activity and not indicative of suspended sediment.

The National Environmental Standard for Plantation Forestry (NESP) has a web tool to calculate erosion risk and potential impacts on fish, based on geology and slope. These tools and approaches could have direct relevance to managing sediment loss and meeting the requirements of the NPSFM.

The Group supported the use of farm plans to manage problematic additions of sediment to waterways.

Catchment care groups have the potential to disseminate and share information. The scope of topics and support they provide is potentially very broad and could serve a wide range of participants needs. Care groups could tie in with farm planning to help minimise sediment entering waterways or could be independent of this if desired.

10.4 Nutrient and macroinvertebrate attributes

Council monitoring has indicated that nuisance periphyton growth is not an issue for most Hokitika FMU waterways. A predominantly cool, wet climate plays a large part in this. It is, however, possible to have occasionally high algal abundance in some waterways during warm, dry periods, particularly if this combines with a lack of shade and high nutrient levels.

Macroinvertebrates are useful bioindicators of aquatic health. The NPSFM 2020 provides a bottom line for macroinvertebrates, setting a minimum Macroinvertebrate Community Index (MCI) and Quantitative Macroinvertebrate Community Index (QMCI) score of 90 and 4.5, respectively. There is also a 'Macroinvertebrate Average Score Per Metric' (ASPM, which is calculated from a group of several metrics), with a bottom line of 0.3. Like other attributes, the NPSFM 2020 stipulates that these macroinvertebrate attributes shall not deteriorate beyond their current state. The Group considered that the constituents of the NPSFM 2020, other government policy and rules, and recommendations made by the Group, will provide good protection for ecological values. No recommendations are put forward on this matter.

11. Mitigating on-farm sources of faecal contamination to waterways

Recommendations

12. **The Group supports the Council strengthening regional rules to prevent discharges containing faecal contaminants directly to water. They also supported the use of treatment via constructed wetlands, and land-based systems, providing they are effective.**
13. **Te Runanga o Ngati Waewae supports the Council implementing requirements for stock exclusion fencing and farm plans, and promoting riparian planting, to limit faecal contaminants entering waterways.**

There are many ways faecal contamination can enter waterways from a farm. Some are of a point source nature like farm dairy effluent (FDE). Others consist of many smaller 'diffuse' sources that accumulate. Many of these can be tackled by addressing the drainage pathways of contaminated runoff across the land.

The Group participated in a field trip looking at farms in the Arahura and Hokitika catchments, and discussed the issues that caused faecal contamination in them. Currently, only the Lake Brunner catchment has specific regulations that go beyond those which are standard in the rest of the region.

Treating effluent contaminated water involves retention or slowing down the flow in order to encourage settling, or filtration through vegetation or soil (vertical percolation). Concentrated sources of effluent,

for example, dairy shed effluent, require specific strategies and infrastructure to manage. An example of this is the low rate application of FDE to land, as required in the Lake Brunner catchment (Grey FMU), which is more effective for FDE disposal and grass growth. A combination of many small contaminant sources can accumulate to form a significant contribution. It is most effective and practical to tackle these sources near their origins. There is a wealth of guidance on how to achieve this, provided by the likes of Dairy NZ, AgResearch, and many regional councils.

Group members outlined the West Coast issue of high rainfall that causes problems on farms. They considered the conflicting needs – rapid drainage for flood mitigation and drier pasture (reduced pugging, higher growth) versus reducing or slowing drainage to improve contaminant assimilation. The Group did consider that stock should be carefully managed around waterways if there was potential for them to cause measurable degradation of waterbodies.

Dairy companies and WCRC already monitor dairy shed effluent and more could be made of this data for environmental reporting.

12. Discussion around recommendations based on values and specific locations

While the Group initially identified a lot of values for freshwater (see Table 1), those values outlined in this part of the Report were identified throughout the Group process as being the most important.

12.1 Education and monitoring

Recommendations

14. **The Council dedicates resources to support Enviroschools as funds permit.**
15. **The Council promotes educational initiatives aimed at enabling the community to better understand and protect their freshwater resources. When doing this, consider opportunities to work in partnership with other organisations e.g., Department of Conservation, Westland District Council, Poutini Ngāi Tahu, Dairy NZ, Beef and Lamb.**
16. **The Council works with training providers including Tai Poutini Polytech to ensure that students undertaking earthworks and agriculture courses learn about freshwater values and how to ensure their activities protect and/or enhance them.**
17. **The Council encourages the local community to be involved in the monitoring of environmental quality within the Hokitika FMU.**

Education is important to inform people what the local environmental issues are and why they are important. Monitoring of environmental quality is fundamental to understanding the health of our waterways. By incorporating the community into monitoring programmes we increase the overall monitoring effort (and subsequently our knowledge pool). But it serves a dual purpose as an education and awareness tool. The Group discussed these topics.

Enviroschools is a national initiative bringing a broad range of environmental issues into West Coast classrooms. Council staff periodically take part in Enviroschools programmes when invited, and could

continue to do so, bearing in mind the extent of engagement is dictated by the Enviroschools coordinator rather than the Council. Tai Poutini Polytechnic (TPP) is another educational institution offering a range of primarily practical courses. Again, the TPP make decisions on the content of their courses but it could be beneficial to have Council staff informing relevant courses on water quality, consenting, and compliance considerations to the likes of the digger students.

12.2 Amenity and natural character

Recommendations

18. **Water clarity is maintained or improved in waterbodies valued for their natural character.**
19. **Waterbodies are above the bottom line for any relevant attribute, and if not, ensure that they are improved to above the bottom line by 2030.**
20. **Promote the provision of public toilets in popular scenic areas to ensure that the amenity value and natural character of waterbodies are maintained.**
21. **Freshwater biosecurity risks are adequately managed within the Council's jurisdiction and the spread of aquatic pest fish and plants is mitigated as much as possible.**

Amenity and natural character are important freshwater values in the Hokitika FMU. Attributes that relate to these values are diverse, often complicated and hard to measure, but may also be straightforward e.g. clarity. Many freshwater attributes that relate to these values also relate to others, so improving them can have a dual benefit. Group discussion of these values did branch out into others like ecological and cultural health, drinking water, and commercial needs. Aquatic pest plants and fish such as Rudd and Lagarosiphon can reduce the amenity values of water bodies.

Te Rūnanga o Makaawhio are in favour of manual extraction of pest plants over chemical control means. It might be more expensive, but it is more culturally appropriate. However, it does need to be recognised that chemical control methods are often more effective.

12.3 Commercial Use

The Group discussed stock drinking water and ensuring water quality is adequate for stock use via reticulated networks. It was considered important for water quality to be suitable for other relevant commercial uses in order to maintain economic sustainability.

Regarding the use of water for hydro electricity generation, the Group suggested there should be a more robust permissions process associated with new hydroelectric power schemes that allows for greater local input and weighting of their values. No recommendations are put forward on these matters but note that they are addressed in the Long-term Vision.

12.4 Drinking Water

Recommendations

22. Council considers emerging science around the health impacts of nitrate when managing nitrogen loss within drinking water catchments.

Drinking water is an important value and widely rated as a top one by the Group. It is worth noting that drinking water quality is already protected by other legislation like the New Zealand Drinking Water Standards (NZDWS 2018). *E. coli* can be managed effectively by standard treatment methods but treatment such as chlorination is often unpopular with communities. Treatment (including chlorine) is important and normally a legal requirement for larger municipal supplies. The new Water Services Bill will significantly increase the degree of regulation that potable water supplies are subject to. Other points to note are:

- All waterways are unlikely to be drinkable, but those that are part of a potable supply require adequate protection.
- Storage facilities could in some circumstances be used to reduce cost associated with managing water treatment and supply. Storage is used on many dairy farms between plate cooling and washdown water. Storage also builds community resilience should a large earthquake disrupt municipal supply.

Recent international research has found links between nitrates and bowel cancer. Nitrate levels that have potential to cause cancer may be lower than the current levels of nitrate considered to be safe under existing health guidelines. This is recent research, and more studies are required to better understand potential links between nitrate and cancer.

Members of the Group expressed concern about potential increases in onsite wastewater treatment systems and human effluent discharges in the Lake Kaniere catchment. The reason for concern was that Lake Kaniere is the source of Hokitika's drinking water and its quality should not be jeopardised. This is further discussed under section 12.6 Lake Kaniere, with two recommendations.

12.5 Hokitika River

Recommendations

23. The Council monitors water quality in the Hokitika River.

24. Future monitoring of cultural indicators includes the Hokitika River in any assessments.

25. Council seeks funding from central government to assist with resourcing the additional monitoring stipulated in the NPSFM 2020.



Figure 9: Hokitika River at the Gorge.

Some Group members believe that the health of the Hokitika River (Figure 9) has deteriorated over the last 40 years in terms of water quality, availability of flounder, and recreational value. However, there is no empirical data to confirm this hypothesis.

The cultural health assessments could be a good vehicle for assessing the health of the Hokitika River. Cultural monitoring will complement conventional Council monitoring. The information that will be captured by each monitoring approach supports the NPSFM's fundamental concept of Te Mana o te Wai.

12.6 Lake Kaniere

Recommendations

- 26. The Council ensures that onsite wastewater treatment systems are situated, installed, and maintained properly in the Hokitika water supply catchment.**
- 27. The Council promotes investigation of municipal sewerage treatment options for Lake Kaniere residents, including a potential land-based discharge downstream of the water supply intake.**

The Group shared opinions on the recent subdivision development proposals at Lake Kaniere (also refer to section 12.4). There was interest in doing more monitoring at Lake Kaniere, as well as other lakes within the FMU.

The main threat to drinking water quality from urban activities are pathogens. Some Group members were concerned about the increasing numbers of onsite wastewater treatment systems within Hokitika's drinking water supply catchment.

Pathogens are effectively assimilated in discharges to land via retention and percolation, providing soils and systems are appropriate for the task. Hokitika's water supply is adequately treated to manage pathogen risks. When combined with the dilution offered by the Lake the pathogen risk to humans when drinking from the municipal supply is extremely low. However, there was still concern that:

- Onsite wastewater treatment systems could be installed inappropriately increasing the chances of contamination.
- There should be a limit to how much development occurs in a municipal water supply catchment.
- Other contaminants associated with urban septage could be present, mobile, and not easily accounted for, such as medications, and chemicals associated with cleaning products.

There are a number of regulations under the RMA and Building Code that control the use of onsite wastewater treatment systems. If these regulations are met then they may continue to be used in the catchment.

Concerns were raised by some members around 1080 entering Lake Kaniere during drops, including 1080 baits and carcasses in the catchment. Lake Kaniere is a Statutory Acknowledgment Area in the Ngāi Tahu Settlement Act 1998. The Group considered whether a recommendation was needed around the use of 1080 in the Hokitika FMU. Several members were either undecided or did not wish to make a recommendation on the use of 1080, therefore none has been added. Further to this, WCRC staff advised the Group that the Regional Council no longer has the role of managing approval for 1080 drops, but approval is still required from Community Public Health (CPH - Ministry of Health). CPH place conditions on approvals for buffer distances from waterways to avoid 1080 pellets entering water.

Given that the West Coast Regional Council no longer has any authority for 1080 drops, recommendations relating to the use of 1080 are outside the scope of this FMU Group project.

12.7 Outstanding water bodies (OWBs)

The NPSFM 2020 requires that: “The significant values of outstanding water bodies are protected” (Ref NPS-FW 2020, 2.2, Policy 8); and, “Every regional council must identify outstanding water bodies (if present) within each FMU” (Ref NPS-FW 2020, 3.8 (3) (d)).

The Group devoted time during several sessions considering which waterbodies might be nominated for assessment as OWBs, and why. Some nominations of OWBs were:

- The **Hokitika River**: put forward by Te Rūnanga o Makaawhio because of the historical value, spiritual value, mahinga kai and waka, industrial value, and recreation value. Grove Swamp would be a specific part of the catchment identified for mention – Grove Swamp has the rare Australasian Bittern.
- **Ōkārito Lagoon and catchment**: Feeding grounds for migratory birds, whitebait spawning, mountain to sea connecting waterway system, Ōkārito Rowi, Giant Kahikatea - only 2% left in country; source of Ōkārito community drinking water; wild river catchment is in the Westland Tai Poutini National Park.

The Group discussed if the Lagoon is in the coastal marine area because it has some tidal influence. Ōkārito is mostly a freshwater lagoon as it is fed by freshwater rivers, streams, and an aquifer. The aquifer could be put forward for consideration as an OWB. The Ōkārito Lagoon is identified in the Regional Coastal Plan as a coastal lagoon in the coastal marine area. The coastal marine area boundary (in the foreshore area) is determined by identifying the Mean High Water Spring line, which is worked out by calculating the average of high tides over 18 years. Other councils have included lagoons as OWBs.

- **Waitangiroto River**: White Heron sanctuary.
- **Waitangi Forest Conservation area – catchments within**: Scenic, unspoiled natural form and character.
- **Mahinapua** (creeks, lake, lagoons): A sanctuary for whitebait spawning, already protected under the Ngāi Tahu Lake Mahinapua Management Plan. It is a tapu lake.
- **Lake Ianthe**: Aesthetic and overall amenity value.
- **Taramakau River**: This has historic value to the West Coast.

- **Franz Josef Glacier and the Waiho River:** This has important legends associated with it and ties in with the mountain to sea philosophy.
- **La Fontaine Stream:** This is an important trout fishery.
- **Kawhaka Creek and Kawhaka water race:** Used a lot for recreation, fishing and swimming.
- **Shearer Swamp:** Valuable biodiversity.
- **Totara Lagoon:** There is concern around the historic and potentially current contamination arising from within the catchment. Totara Lagoon has important ecological and mahinga kai values.
- **Lake Kaniere:** This is the Hokitika town water supply.

13. Conclusions

The Hokitika FMU Group has made recommendations for the consideration of the Council Resource Management Committee. The process has included familiarising the Group with the content and expectations of the NPSFM, and the health of waterbodies within their FMU. A broad range of values associated with freshwater were identified including those relating to recreation and amenity, Ngāti Waewae and Ngāti Māhaki cultural values, mahinga kai, drinking, ecological health and commercial/industrial applications.

In the Hokitika FMU, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio are partners with Council regarding water resource management, as underpinned by the NPSFM and the Mana Whakahono ā Rohe Iwi Participation Arrangement. As per Te Mana o te Wai, all water has value regardless of its location, for a range of purposes. It is important to consider the broad interconnectivity of factors affecting water quality under the ki uta ki tai philosophy. The current generation need to pass healthy water on to future generations.

The Hokitika FMU (and West Coast) is a large area with a small population, heavily dependent on a narrow range of industries, with tourism, agriculture, and mining being the main ones. All of these industries have potential to impinge on values of water that have been identified as important by the community. It is important to note that many of the values identified relate to the water's role in supporting people's livelihoods. So a balanced approach was at the forefront of the Group's collective consciousness when considering recommendations.

Another key consideration, associated with a small population/large area, is the Council's and Hokitika communities' limited means to develop and maintain extensive monitoring and regulatory frameworks. Full implementation of the NPSFM won't be possible without gaining resources and/or assistance from industry, central government, and volunteers. The need for balance combined with limited means have played a large part in shaping the nature and extent of the recommendations made.

The extent of emphasis the Group placed on the health of water resources was influenced by the nature of water state and trends within the FMU, the values of mana whenua, and the extent of emphasis placed on objectives in the NPSFM itself. Reducing faecal contamination and preserving the integrity of drinking water supplies were a high priority. Frequent and heavy rainfall is a fact of life in the Hokitika FMU, and the Group wanted to ensure that natural factors were considered when regulating activities.

While droughts can occur on the West Coast, these are of lower relevance in the Hokitika FMU and impacts from consumptive water takes were not considered important. The potential for non-consumptive use like hydro electricity generation is significant in this FMU and the Group wanted the local community to be able to have a major part in assessing new schemes.

Attempts have been made to make allocation fairer for a broader range of stakeholders, and to create greater adaptability if allocation needs change. There are already policies in place and data being collected that, with better implementation and refinement, could add value to our ability to monitor and manage water takes.

A number of water bodies were nominated for consideration as Outstanding Fresh Water Bodies.

Appendix 1: Field trips and external presentations

The Group took part in a number of field trips to learn more about a range of relevant activities (Figure 10). There were also several presentations given by non-council staff.

Field trips included:

- A farm visit in the Arahura catchment. Effluent and stock management were discussed, as well as the problem of dealing with high rainfall and frequent flood events.
- Popular swimming sites on the Kawhaka River and Kaniere River.
- A farm in the Kokatahi area, Hokitika Valley. Effluent and stock management issues were discussed.
- An alluvial gold mine just south of Hokitika. Matters included sediment and water management, duration of activity, and rehabilitation.
- A visit to Totara Lagoon. Historical activities in the catchment were covered included the Westland District Council landfill, sawmilling and timber treatment, goldmining and farming. A number of scientific investigations have been completed in this catchment and these were outlined to participants.
- A demonstration session on the Arahura River showing the different testing procedures undertaken when assessing water quality and stream health.

External presentations included:

- Mapping threatened aquatic species for all FMUs as is required under the NPSFM 2020.
- The Lakes 380 project, including West Coast examples <https://lakes380.com/> The 24 lakes on the West Coast include: Lake Poerua, Lake Rototekoiti, Skifington Swamp, Lake Brunner, Lake Kāurupātaka, Lady Lake, Lake Mahinapua, Lake Mapourika, Lake Moeraki, Lake Morgan, Lake Paringa, Lake Douglas, Lake lanthe, Kangaroo Lake, Lake Kaniere, Lake Eggeling, Lake Gault, Lake Greaney, L46774, and Alpine Lake.
- An outline of the work undertaken by Landcare Trust and opportunities for involvement.



Figure 10: Hokitika FMU Group members investigating macroinvertebrate fauna, visiting a farm in the FMU, and considering some of the environmental challenges faced by farmers like flooding.

Report to: Resource Management Committee	Meeting Date: 9 November 2021
Title of Item: Te Tai o Poutini Plan Update	
Report by: Jo Armstrong, Project Manager	
Reviewed by: Heather Mabin, Acting Chief Executive	
Public excluded? No	

Report Purpose

Update the Resource Management Committee (RMC) on matters relating to the Te Tai o Poutini Plan Committee.

Report Summary

The TTPP Committee met on 29 October 2021. There was discussion on several topics that the Regional Council shares an interest in, including Natural Hazards and Mineral Extraction.

Four workshops were held in October to discuss some of the natural hazards overlays and accompanying rules. Four further workshops are scheduled in November to cover the remaining natural hazards topics.

Draft Recommendations

It is recommended that Resource Management Committee resolve to:

1. Note the report.

Issues and Discussion

Update on Natural Hazards in the Draft TTPP

Work continues on developing provisions for natural hazard management. Consideration is being given to a variety of hazards including coastal hazards, coastal and lake tsunamis, flooding, landslides and fault lines.

Individual district council and iwi workshops to discuss natural hazard overlays took place in October. The TTPP Committee requested the workshops to help them fully understand the implications of any rules they propose in the draft plan. Councillor Coll-McLaughlin attended all four of the workshops. There was good discussion on the first suite of natural hazards, and four more workshops are scheduled in November to cover the remainder of the overlays.

As the lockdown in Auckland continues the ability of our consultants to deliver some natural hazards research is still impacted. It is very unlikely that we will have this research in time to include it in the draft e-plan format of TTPP. This will result in us developing a companion booklet to the Draft Plan, which will include the most up to date hazards maps with brief explanations. All Natural Hazards provisions will be in the booklet, which will be published alongside the draft, to enable people to see the whole suite of overlays, and provide feedback.

The Draft Plan will be published in late January 2022 to provide an opportunity for informal feedback which can be considered before the Proposed Plan is notified in July 2022. Formal submissions will be taken on the Proposed Plan.

Economic Analysis of Mineral Extraction Provisions

The Committee discussed the possibility of getting some economic analysis on the possible benefits of including specific minerals extraction zones in TTPP, as opposed to only having general rules throughout the Plan. Identified zones allow for much more enabling provisions for mineral extraction, as that is the anticipated land use in the identified areas.

Also under discussion at the meeting were:

- Sites of Significance to Maori
- Highly Productive Land
- Noise Contours
- Community Living Precinct
- Coastal Environment

Further information on topics under development, and the anticipated delivery schedule for TTPP can be found on the Te Tai o Poutini Plan website at: <https://tppp.nz/wp-content/uploads/2021/11/TTPP-Monthly-Report-30-September-2021.pdf>

Report to: RMC Committee	Meeting Date: 9 November 2021
Title of Item: Consents Monthly Report	
Report by: Leah Templeman, Consents & Compliance Business Support Officer	
Reviewed by: Colin Helem	
Public excluded? No	

Purpose

For the Resource Management Committee to be kept informed of activities in the Consents department, and to provide an update on current matters.

Summary

This is the Consents report for October 2021 activities.

RECOMMENDATION

That the November 2021 report of the Consents Group be received.

Site Visits

One Consent site visit was undertaken 1 October 2021 to 31 October 2021

08/10/2021	RC-2021-0129 Askin Mining Hokitika	Meet onsite with Consents Officer Rachel Clark, Compliance Officer Emma Carrad, miner and landowner. Walked over the site, looked to see if any waterbodies or any wetlands on the site. Observed existing ponds used for previous mining and testing. Will be expanded and cleaned out for current mining operation.
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Non-notified Resource Consents Granted

Thirteen non-notified resource consent applications were granted 01 October 2021 to 31 October 2021

RC-2020-0051 Greid Mining Limited German Gully	To undertake earthworks associated with alluvial gold mining within Minerals Permit (MP) 60067 at German Gully, Waimea Forest.
	To take and use water for alluvial gold mining activities within MP 60067 at German Gully, Waimea Forest.
	To discharge sediment-laden water to land in circumstances where it may enter water, associated with alluvial gold mining within MP 60067 at German Gully, Waimea Forest.
RC-2021-0074 Thomas Michael Graham & Marie Louise Hill Snodgrass Road	To alter the foreshore or seabed to reconstruct a protection/retaining wall, Orowaiti Lagoon.
	To reconstruct and maintain a protection/retaining wall, Orowaiti Lagoon.
	To occupy space in the CMA with protection/retaining wall, Orowaiti Lagoon.

RC-2021-0130
Silco Farms (Rotokohu) Ltd
Landing Creek

To disturb the bed of Landing Creek to undertake river protection works.

To disturb the dry bed of Landing Creek to undertake gravel extraction for river protection purposes.

RC-2021-0117
Jesse Paley-Atkins
Gentle Annie Campground
Mokihinui

To discharge treated onsite sewage wastewater from a campground to land in circumstances where it may enter water at Gentle Annie, Mokihinui.

RC-2021-0085
Westland Schist Ltd
Styx & Kokatahi/ Toaroha Rivers

To disturb the dry bed of the Styx River for the purpose of selected stone removal.

To disturb the dry bed of the Kokatahi/Toaroha River for the purpose of selected stone removal.

RC-2021-0124
Brad & Lilly Houston
Aorangi Estate

To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, at Lot 3 Aorangi Estate.

RC-2021-0126
Tony Watson
Rutherglen Road

To discharge treated onsite sewage wastewater from a dwelling to land in circumstances where it may enter water, at Lot DP 329760, Rutherglen.

RC-2021-0052
Fitzherbert Investments Ltd
Arthurstown and within Mining
Permit MP 60357

To undertake mining, including earthworks and vegetation clearance, in the Westland District, Arthurstown.

To undertake earthworks associated with alluvial gold mining, Arthurstown.

To disturb the bed of Pine Creek associated with its diversion, Arthurstown .

To divert water in Pine Creek and its tributaries associated with alluvial gold mining, Arthurstown.

To take surface water from Pine Creek and groundwater via seepage associated with alluvial gold mining

To discharge contaminants to land where it may enter water associated with alluvial gold mining, Arthurstown.

<p>RC-2021-0132 Arnold Contracting Ltd Waitangitaona River</p>	<p>To disturb the dry bed of the Waitangitaona River for the purpose of removing gravel.</p>
<p>RCF-2021-0136 The Christian Church Community Trust Waikiti Downs</p>	<p>To discharge dairy effluent to land where it may enter surface and groundwater for stockholding areas, Waikiti Downs.</p> <p>To take groundwater for community drinking water and stock use, Waikiti Downs.</p>
<p>RCF-2021-0137 The Christian Church Community Trust Brunner Station</p>	<p>To discharge dairy effluent to land where it may enter surface and groundwater for stockholding areas, Brunner Station.</p> <p>To take groundwater for community drinking water and stock use, Brunner Station.</p>
<p>RC-2021-0134 The Christian Community Trust Lake Haupiri</p>	<p>To discharge contaminants (products of combustion) to air from a multi-fuel boiler, Haupiri.</p> <p>To discharge contaminants (products of combustion) to air from a waste oil fired boiler, Haupiri.</p>
<p>RC-2021-0135 Mark Edwin O'Donnell Lake Kaniere</p>	<p>To discharge treated onsite sewage wastewater from a domestic dwelling to land at Lot 2 DP 545976 Andrews Terrace, Lake Kaniere.</p>

Changes to Consent Conditions

One application to change consent conditions was granted in the period 01 October 2021 to 31 October 2021

<p>RC-2016-0034-V5 Amalgamated Mining Ltd Notown</p>	<p>Variation to extend the gold mining area within MP 55738</p>
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No Limited Notified and no Notified Resource Consent were Granted 01 October 2021 to 31 October 2021

No applications for Limited Notified were granted in the period 01 October 2021 to 31 October 2021

Report to: RMC Committee	Meeting Date: 9 November 2021
Title of Item: Compliance and Enforcement Monthly Report	
Report by: Chris Barnes Senior Compliance Officer	
Reviewed by: Colin Helem, Acting Consents & Compliance Manager	
Public excluded: No	

Purpose

For the Resource Management Committee to be kept informed of activities in the Compliance and Enforcement department, and to provide an update on current matters.

Summary

This is the Compliance and Enforcement report for October 2021 activities.

RECOMMENDATIONS

1. That the November 2021 report of the Compliance Group be received.

Site Visits

A total of 142 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	114
Mining compliance & bond release	5
Complaints	5
Dairy farm	18

This report covers the period of 1 October 2021 to 29 October 2021.

- A total of 4 complaints and incidents were recorded.

Non-Compliances

There was one non-compliance that occurred during the reporting period.

Activity	Description	Location	Action/Outcome	INC/Comp
Earthworks within the CMA	Complaint about rock protection work being carried out within the Coastal Marine Area.	Fox River	A site visit was carried out and established that a rock wall had been constructed. Enquires established that the person had applied for a resource consent for the work which was not yet granted. Enquires are still ongoing.	Complaint

Other Complaints/Incidents

Note: These are the other complaints/incidents assessed during the reporting period whereby the activity was found to be compliant, or non-compliance is not yet established at the time of reporting.

Activity	Description	Location	Action/Outcome	INC/Comp
Earthworks	Enquiry about demolished concrete being used to fill land In the Snodgrass Road area after the Westport Floods.	Westport	Compliance officers visited the site and ascertained that the activity was compliant with the regional rules.	Complaint
Discharge to air	Complaint received that a business is burning solid waste off site in a furnace in a residential area.	Hokitika	Enquires are still ongoing.	Complaint
Dead Stock	Complaint received regarding dead stock in a waterway.	Barrytown	The site was investigated, and staff were unable to locate any dead stock. Follow up enquiries established that the issue was first seen 3 weeks prior to the complaint been received.	Complaint

Update on Court proceedings

Cowan prosecution

Four charges were laid in the Queenstown District Court for unlawful earthworks and diversion of water relating to the excavation of a drain in a schedule 2 wetland in Haast.

This matter has now been dealt with through the council's alternative justice pathway, the charges have now been dismissed.

Mr Cowan paid \$20,000 to a Haast community group to go towards a community bike park. He also engaged a consultant to prepare a remedial action plan and obtained a resource consent to enable the remedial works in the plan to be undertaken to mitigate the adverse effects of his unauthorised works.

The mitigation work is still ongoing as the area requires seasonal planting.

There are no other council prosecutions before the courts and no other serious matters under investigation that could lead to prosecution at this time.

Formal Enforcement Action

No formal enforcement action was undertaken during the reporting period.

Mining Work Programmes and Bonds

The Council received two work programmes during the reporting period, one has been approved and the other programme has just recently been received.

Date	Mining Authorisation	Holder	Location	Approved
13/10/2021	RC-2019-0040	Sullivan & Morris	Hokitika	No
18/10/2021	RC-2014-0174	M&M Aggregates Limited	Camerons	Yes

The following bond was received

Date	Mining Authorisation	Holder	Location	Amount
07/10/2021	RC11088, RC110043, RC03175, RC030164, CML37150	BT Mining Limited	Stockton	\$15,622,425

There are no bonds recommended for release

Report to: RMC Committee	Meeting Date: 9 November 2021
Title of Item: Compliance Monitoring and Enforcement Metrics Report	
Report by: Colin Helem Acting Consents & Compliance Manager	
Reviewed by: Heather Mabin, Acting Chief Executive	
Public excluded: No	

Purpose

The purpose of this report is to table to the Committee the report on the analysis of the 2020/2021 Compliance Monitoring and Enforcement (CME) Metrics for the Regional Sector.

Summary

Every year the regional sector made up of 16 regional and unitary councils commission a report to measure performance in the field of compliance, monitoring and enforcement associated with our role under the Resource Management Act.

This is the fourth annual report on the activities of Aotearoa's environmental first responders and enforcement officers.

RECOMMENDATIONS

It is recommended that Council resolve to:

Receive this report.

Attachment

Attachment 1: ANALYSIS OF THE 2020/2021 COMPLIANCE MONITORING AND ENFORCEMENT METRICS FOR THE REGIONAL SECTOR

**ANALYSIS OF THE
2020/2021
COMPLIANCE
MONITORING AND
ENFORCEMENT
METRICS
FOR THE REGIONAL SECTOR**



FOREWORD

Kia ora,

Every year the councils of Aotearoa's regional sector commission a report to measure our own performance in the areas of compliance, monitoring and enforcement, associated with our role under the Resource Management Act.

Compliance, monitoring and enforcement isn't done for its own sake. Our work programmes are some of the key drivers we use to support positive behaviour change and positive outcomes on behalf of New Zealand's environment.

This is the fourth year of these annual reports with a different appearance this year. Trends in individual CME metrics are becoming more evident.

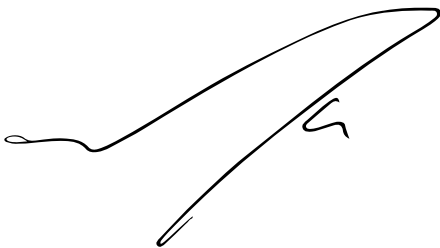
When compared to the last three years, it was 'business as usual' in the 2020-21 year and there's a consistent delivery of CME work streams across New Zealand. It is great to see more people working in CME roles across the sector since the last report, actively monitoring, responding to and enforcing in favour of the environment. By tracking and providing these metrics on our work, we're seeing for ourselves an improving record of environmental regulation as well as opportunities for improvement.

The analysis that follows will be a useful reference for the reform that is currently taking place around resource management, Three Waters (stormwater, waste water and drinking water) and the review of Local Government.

The solid evidence base of these metrics in relation to compliance, monitoring and enforcement can assist informed decision-making, both nationally and at a regional level.

Readers should have confidence in our commitment to continuous improvement. The Compliance and Enforcement Special Interest Group (CESIG) is made up from relevant representatives of regional and unitary councils in New Zealand. We will continue to support the funding of this annual survey as we explore ways to improve our own performance and get the most intelligence from what the survey tells us year on year.

Ngā mihi nui



Michael McCartney

Chief Executive Officer at Horizons Regional Council

SUMMARY



542 FTE'S
IN CME ROLES



283,470
ACTIVE RESOURCE
CONSENTS



UP 11%
FROM LAST
YEAR

83%

COUNCILS MONITORED AN AVERAGE
OF **83%** OF ALL CONSENTS THAT
REQUIRED MONITORING UNDER THE RMA

99%
OF COMPLAINTS
RESPONDED TO

802
FORMAL
WARNINGS



5,225
ABATEMENT
NOTICES



2,150
INFRINGEMENT
FINES

18

ENFORCEMENT
ORDERS



95 PROSECUTIONS
(71 IN PROGRESS)



75 CORPORATES
CONVICTED



45 INDIVIDUALS
CONVICTED



\$5,187,565
IN FINES

CONTENTS

PART 1 - INTRODUCTION	
Reading this report	6
How does this reporting process differ year on year?	7
Data limitations	7
CME under the Resource Management Act New Zealand	7
PART 2 - ANALYSIS	
Regional Context	8
Working with Iwi	9
CME Operations (managing the workload)	10
Registering notifications	10
Complaints received	11
Complaints responded to & attended	11
Confirmed breaches	14
Monitoring resource consents	15
Compliance gradings	17
Compliance assessment	17
Monitoring permitted activities	22
Making decisions on priorities	23
Staffing levels	24
CME Policies and Procedures	30
Educating and Engaging with the Regulated Community	33
Acting on Non-Compliance	34
Prosecutions	39
Penalties	43
CME Reporting	47
PART 3 - REGIONAL SCORECARDS	48
APPENDIX 1 - METRICS SURVEY QUESTIONS	66
APPENDIX 2 - LONG FORM RESPONSES (QUESTION 3)	71
Table 1: Percentage and types of breaches	14
Table 2: Total consents that require monitoring	16
Table 3: Council FTEs for different aspects of the CME role	26
Table 4: Comparison of council FTEs, population and number of formal actions	27
Table 5: Decision making process and delegation to authorise filing of charges	31

Table 6: <i>Total use of formal instruments against relevant section of the Act</i>	35
Table 7: <i>Other sanctions handed down under the RMA</i>	43
Table 8: <i>Prosecution outcomes: fines</i>	44
Table 9: <i>Prosecutions Involving Other Sanctions Imposed by Courts</i>	45
Table 10: <i>Prosecutions Involving Restorative Justice, Diversion or Other Alternative Justice</i>	46
Table 11: <i>CME reporting channels</i>	47
Figure 1: <i>Regional context data</i>	8
Figure 2: <i>Recording conventions for incoming complaints across the regional sector</i>	10
Figure 3: <i>Number of individual complaints and incidents</i>	12
Figure 4: <i>Number of individual complaints and incidents responded to and physically attended.</i>	13
Figure 5: <i>Total number of consents in different categories of compliance on a per monitoring event basis</i>	18
Figure 6: <i>Percentages of consents in full compliance, low risk/ technical non compliance, moderate non compliance and significant non compliance on a per monitoring event basis.</i>	20
Figure 7: <i>Nationwide percentages of consents in full compliance, low risk/ technical non compliance, moderate non compliance and significant non compliance on a per monitoring event basis.</i>	21
Figure 8: <i>Proportion of permitted activity monitoring programmes for different industries</i>	22
Figure 9: <i>Council FTEs in CME roles</i>	25
Figure 10: <i>Comparison of CME resourcing and number of formal enforcement actions</i>	28
Figure 11: <i>Comparison of CME resourcing and GDP</i>	29
Figure 12: <i>Total use of formal instruments</i>	36
Figure 13: <i>Total formal warnings and abatement notices</i>	37
Figure 14: <i>Total infringement notices and enforcement orders</i>	38
Figure 15: <i>Prosecutions across the regional sector</i>	40
Figure 16: <i>Individuals convicted across the regional sector</i>	41

INTRODUCTION

PART 1

This report is the fourth report in a series of reports aimed at increasing information available to the sector. Improving the availability of CME functions information is a sector-led effort, under the leadership of CESIG. The questions are designed by the regional sector with the aim of improving and complementing the present national monitoring system's compliance, monitoring and enforcement related questions and analysis.

All 16 of New Zealand's regional councils and unitary authorities (the 'regional sector') have participated since 2018. Each year we see three distinct groups within the regional sector Auckland Council, the small unitary councils and the regional councils.

CME is a tool in achieving the purpose of the RMA. The RMA is New Zealand's environmental legislation with the purpose of sustainably managing natural and physical resources. Regional councils, unitary authorities and territorial local authorities have the primary role in compliance, monitoring and enforcement of the Resource Management Act 1991 (RMA).

In February this year the government announced it would repeal the RMA and enact new legislation based on the recommendations of the Resource Management Review Panel, replacing it with three new pieces of legislation. This will be based on the Natural and Build Environments Act, Strategic Planning Act and the Climate Adaption Act.

Monitoring and understanding implementation remains critical to understanding our nations environmental management. The success of that management is largely dependent on the quality of implementation.

In this reporting period we must acknowledge COVID-19 and the impact it is having worldwide. In June 2020 New Zealand was through the initial nationwide lockdown. During the lockdown periods CME monitoring is considered an essential service, so continues as 'normal' but this is not at 100%. This year the most significant impacts are to the Auckland Region who went into Alert level 3 on the following dates:

- 12th August to the 30th August
- 14th of February to the 17th of February
- 28th February to the 7th of March

READING THIS REPORT

Each council was sent an online survey comprising 44 questions (Appendix 1). They were given 2 weeks to collect and input the data into an online platform. After inputting the initial data, they were sent a link that allowed them to log in and change their information at any time.

This report sets out data provided for each section of the survey, as follows:

- A short analysis of the findings, at both a regional and national scale
- The tables and graphs of the information
- A boxed section containing the exact questions relevant to that section
- Responses to open-ended questions have been aggregated and analysed and the theme of the response presented in this report.
- Verbatim answers are provided where responses can not be summarised

HOW DOES THIS REPORTING PROCESS DIFFER YEAR ON YEAR?

The questionnaire has not differed following year two, this allows us to track the successes and improvements over time. For this reason, it is critical the consistency is maintained.

Following the first year there were significant learnings and improvements to the questionnaire, the questionnaire was refined based on these improvements.

Throughout this document we have aimed to report data from previous years so we can see patterns when they are arising. In year two questions were condensed and rearranged, with the purpose of enriching the data by ensuring clarity in wording. This year's format follows year two, meaning all results are directly comparable.

In year one and two the report was conducted by independent consultant Dr Marie Doole. From year three onwards collection and reporting was conducted by Sprout Customer Research.

DATA LIMITATIONS

Reporting of activities in complex, reflective measures can be difficult. When reading the report keep in mind the following aspects and data:

- Not all requested information can be provided by all councils which results in gaps in the dataset.
- The project does not include any data auditing and it is therefore unknown how accurate the information provided by councils is. Each council had a representative that sense checked and was responsible for the final data points entered into the survey.
- Throughout the report there are some instances where the way a council reports has changed or improved. Making the data incomparable to prior years.

CME UNDER THE RESOURCE MANAGEMENT ACT NEW ZEALAND

This report is a sector led effort by the Compliance and Enforcement Special Interest Group (CESIG). It aims to improve the quality of information available on the CME functions. Whilst the data set is not perfect it provides interesting insight into CME operations under the RMA and, it's value increases year on year. As we enter the fourth year we are seeing trends arising. The outcomes of improvements made by individual councils to improve how they implement CME is also evident.

Implementation of CME and the way it is adopted and exercised is up to individual councils under the broad framework of the RMA. Implementation in a robust manner leads to positive environmental outcomes. Limited national direction has placed an emphasis on individual councils to develop their own operations under the relatively broad framework of the RMA. This role has developed differently over the jurisdictions. The regions also differ based on GDP, area, population and population growth.

As the sector develops, formalisation and standardisation of parameters have been developed. In 2018, the Ministry released Best Practise Guidelines, this has been influential in forming standardised and comparable measures.

KEY DEFINITIONS

Compliance: adherence to the RMA, including the rules established under regional and district plans and meeting resource consent conditions, regulations and national environmental standards.

Monitoring: the activities carried out by councils to assess compliance with the RMA. This can be proactive (e.g., resource consent or permitted activity monitoring) or reactive (e.g., investigation of suspected offences).

Enforcement: the actions taken by councils to respond to non-compliance with the RMA. Actions can be punitive (seek to deter or punish the offender) and/or directive (e.g. direct remediation of the damage or ensure compliance with the RMA).

ANALYSIS

PART 2

REGIONAL CONTEXT

The graph below shows the diversity of the regions reported on. Regionally New Zealand is diverse and contextually there are large differences.

The population of Auckland is more than double other regions. To demonstrate the diversity of the differences in population the West Coast is home to the equivalent of 2% of Auckland's population. Population in the West Coast is declining, in other regions we see an increase.

The Southmost regions (Southland, Canterbury and Otago) cover the largest geographical area. The area Nelson covers is considerably lower than the rest of New Zealand.

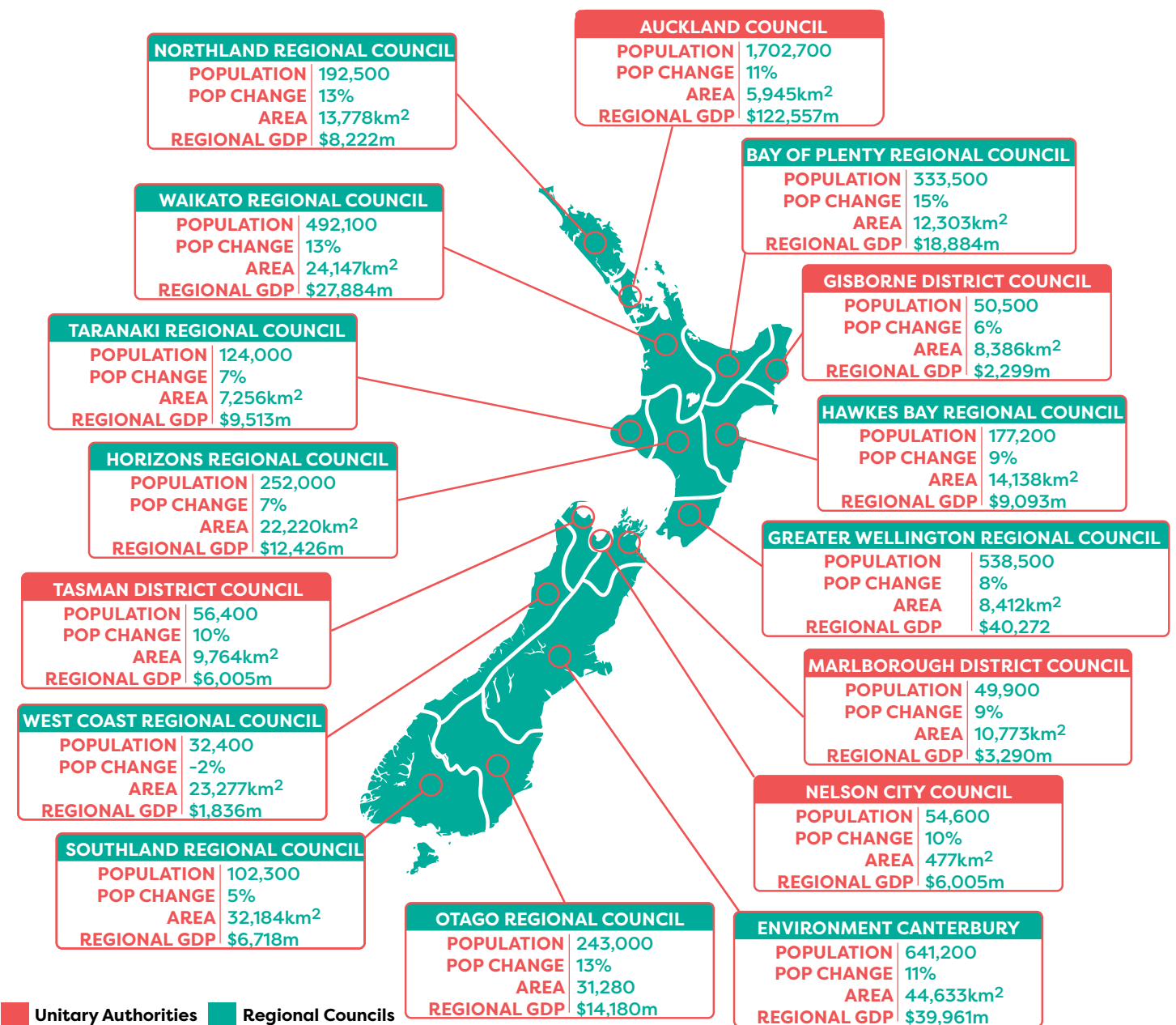


Figure 1: Regional context data

WORKING WITH IWI

Having good relationships with iwi and hapū is becoming increasingly important as we strive towards proper recognition to the principles of Te Tiriti of Waitangi and providing greater recognition of te ao Māori including mātauranga Māori in the RM reform.

Qualitative reports show there is a commitment from councils to strengthen these relationships. Majority of councils have formalized agreements or are actively working towards these; four councils have no formal agreements.

Many councils:

- Advise iwi if major incident occurs or advise when an incident occurs in waterways
- Have iwi involvement in cultural impact assessment
- Iwi provide victim impact statements for sentencing

Other commitments included:

- Appointed iwi representatives
- Paid advisory roles
- Positions on committees or council
- Working parties
- Identifying iwi priorities as part of decision making
- On going co design processes with mana whenua
- Planning and policy interactions
- Iwi involvement in operational meetings
- Meetings with iwi to discuss opportunities for iwi and hapū to be involved in compliance and monitoring
- Joint work programs to identify where council and iwi can work together to improve incident response, compliance and enforcement
- Mutual education on compliance monitoring
- Involvement in monitoring
- Involvement of iwi in notified consents
- Involvement in consents management (or sent consent applications)
- Financial support from councils to build environmental monitoring capacity
- Reporting to iwi on CME (summary updates of enforcement actions (prosecutions, enforcement orders, abatement notices and infringement notices)

Northland Regional Council and Southland Regional Council show strong commitments to iwi on CME based on historical partnerships.

“Environment Southland, refers to the iwi relationship as te kōura tuia – the ‘golden thread’ that we weave through all our work. It’s just part of how we operate. There is a commitment to the responsibility of improving Southland’s local government understanding of all things Māori.”

A full set of responses is available in appendix 2.

Question 4: In no more than 300 words describe your regional key commitments to work with iwi/ Māori on CME. For example, joint management agreements or other co-management agreements.




CME OPERATIONS - MANAGING THE WORKLOAD

REGISTERING NOTIFICATIONS

Complaints are registered by individual councils in one of two ways, either as individual incidents or by event. The 2017/2018 report recommends it would be optimal for the sector to work towards a standardised approach.

This year 3 councils have changed the way they register complaints West Coast and Gisborne all opted to change to one incident per event. Horizons changed to an individual incident per notification. Majority of councils now register an “incident“ per notification.

RECORDING CONVENTIONS FOR INCOMING COMPLAINTS

-  An individual “incident” per notification
-  One incident per event, regardless of the number of separate complainants
-  Both an individual “incident” per notification and one incident per event, regardless of the number of separate complainants

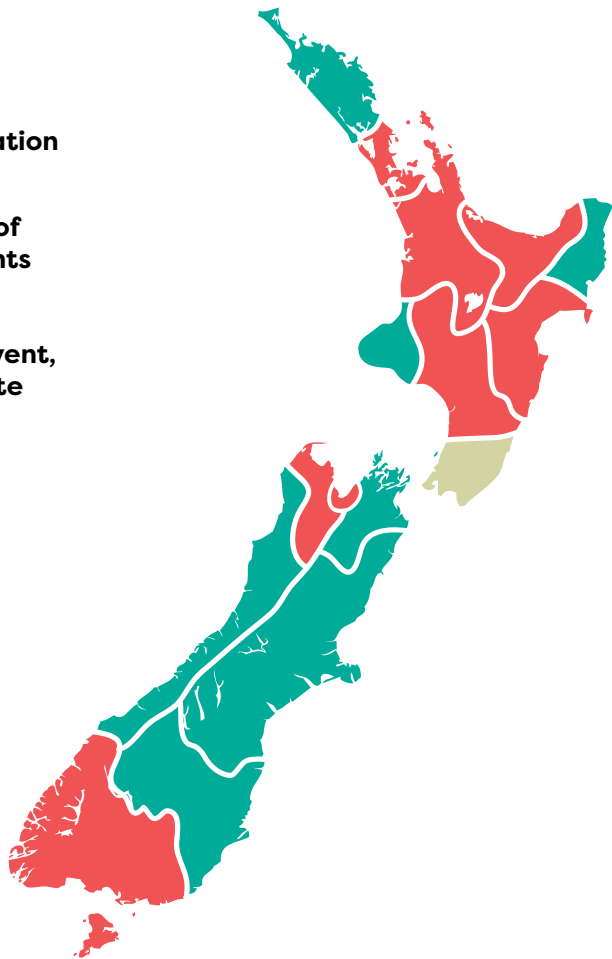
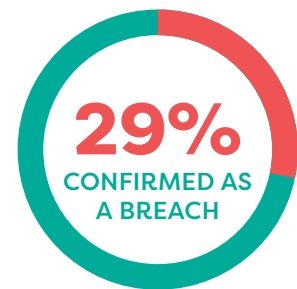
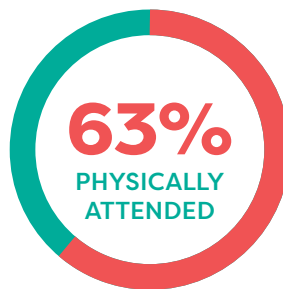


Figure 2: Recording conventions for incoming complaints across the regional sector

Question 5. Does your council register/count:

- An individual “incident” per notification?
- One incident per event, regardless of the number of separate complainants?

NATIONWIDE COMPLAINTS



COMPLAINTS RECEIVED

Nationwide there continues to be a large variation, explained by the contextual differences of regions. At first glance the regional individual complaints look like they are on an upward trend, however this can be accounted for by Horizons Regional Council individual complaints. Similarly at first glance individual complaints appear to be increasing, Southland now have individual incidents. Gisborne's incidents exclude 1,276 noise complaints accounting for the variation from last year.

Significant points of interest include are the

- An increase in complaints for Environment Canterbury (642) and Waikato (495)
- A decrease in complaints from Auckland (1,900) and Otago (326)
- An increase in incidents from Environment Canterbury (564)
- A decrease in incidents in Northland (208)

COMPLAINTS RESPONDED & ATTENDED

Nearly all complaints made to councils were responded to. Councils responded to 100% of complaints with the exception of 2 regional councils Bay of Plenty responded to 99% of complaints, Environment Canterbury responded to 87% of complaints.

The percentage of events physically attended increases year on year, with the West Coast Regional Council and Southland Regional Council physically attending an increasing number of incidents. This year Gisborne District Council provided data, having the second highest percentage behind Taranaki Regional Council (100% physically attended).

Question 6. How many notifications (complaints) were received from members of the public (or other sources, but excluding information from council monitoring activity) relating to environmental incidents or potential breaches of environmental regulation?

This might include information from, for example, emergency services attending an incident or perhaps a council staff member observing something while on other duties but excludes information from council monitoring activity. Please note answer unknown if your council does not record the information requested.

Question 7. How many of these notifications were responded to by council?

This response may be in any form – e.g. phone call, site visit, desktop audit.

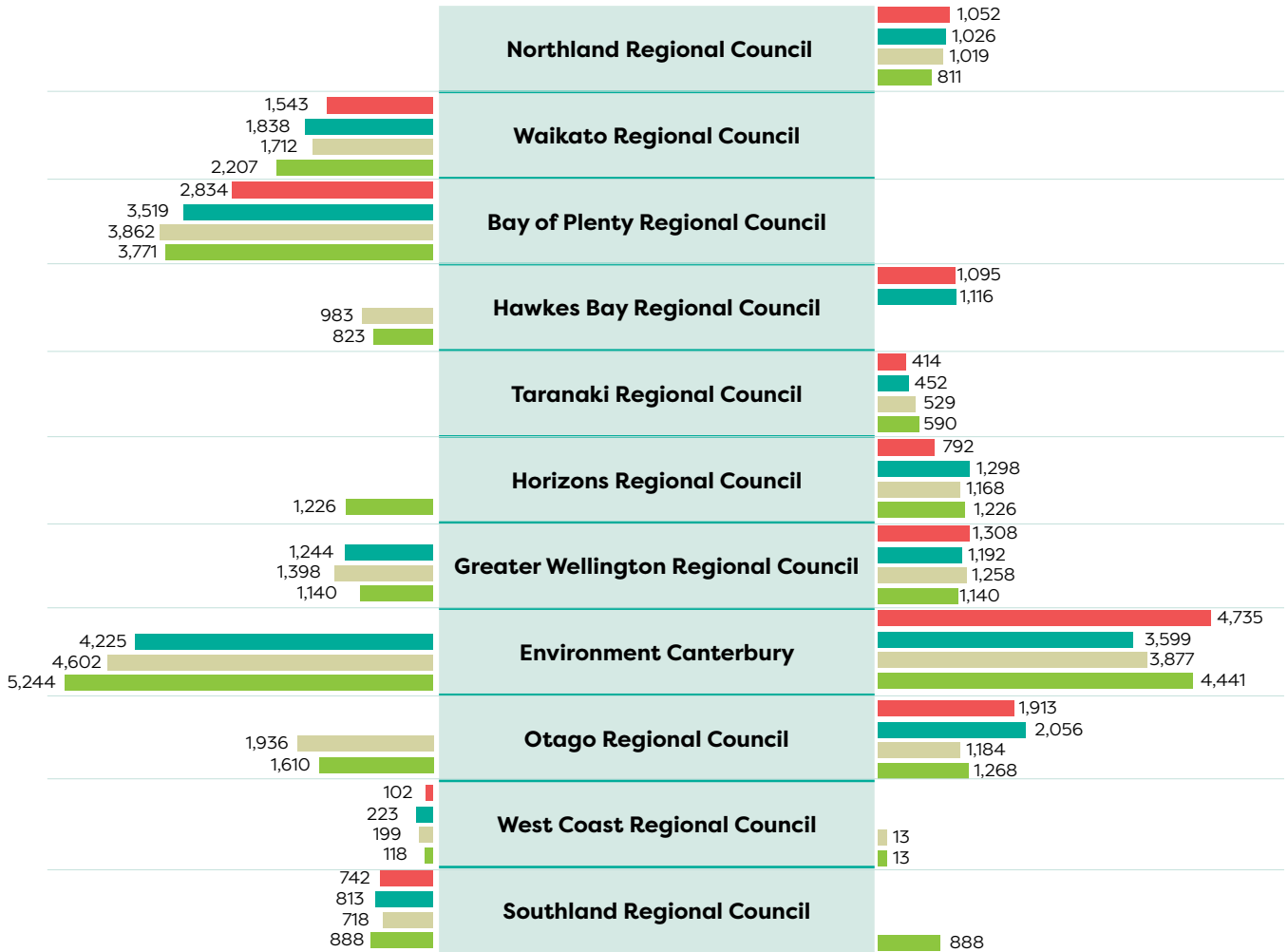
Question 8. How many of these notifications were physically attended by council staff?

If one incident had multiple visits, only count this as one.

NUMBER OF INDIVIDUAL COMPLAINTS AND INCIDENTS

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021

REGIONAL COUNCILS



UNITARY AUTHORITIES

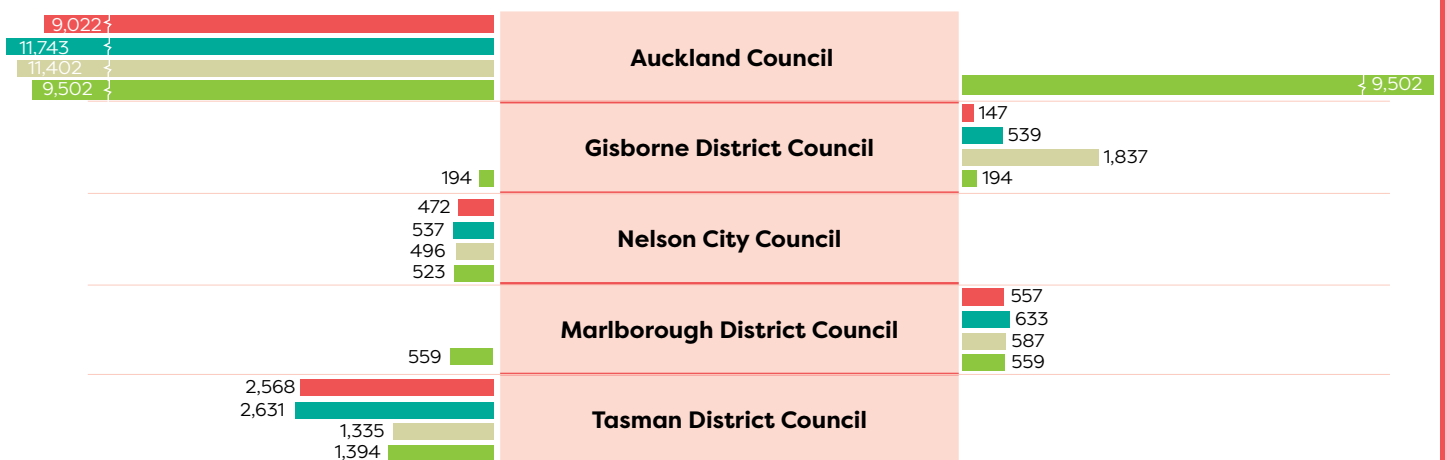


Figure 3: Number of individual complaints and incidents

NUMBER OF INDIVIDUAL COMPLAINTS RESPONDED TO AND PHYSICALLY ATTENDED

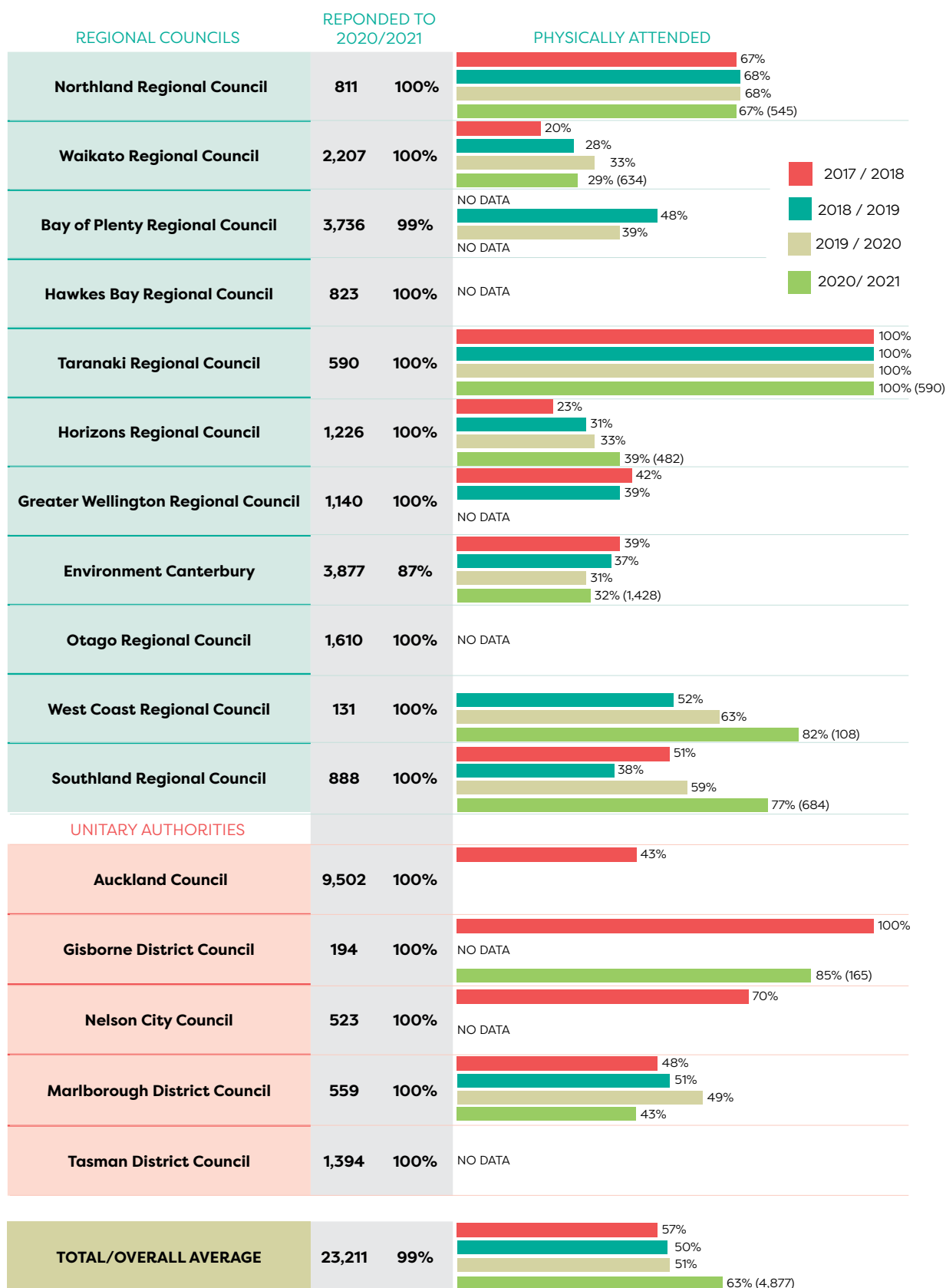


Figure 4: Number of individual complaints and incidents responded to and physically attended.

CONFIRMED BREACHES

The average confirmed breaches has remained relatively stable year on year, on both unitary and regional levels. Year on year Waikato Regional Council shows a consistent increase in notifications confirmed as breaches. Environment Canterbury shows a decrease on last year, this year breaches are inline with year 2018/2019. No data was provided by Auckland Council.

PERCENTAGE OF CONFIRMED BREACHES

REGIONAL COUNCIL	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	Breaches by type	
					Resource consent	Non-consented activity
Northland Regional Council		48%	42%	47% (379)	10%	90%
Waikato Regional Council	24%	7%	26%	37% (810)	58%	42%
Bay of Plenty Regional Council		25%	20%	23% (866)		
Hawkes Bay Regional Council						
Taranaki Regional Council	37%	37%	40%	39% (233)	16%	84%
Horizons Regional Council						
Greater Wellington Regional Council	17%	15%	18%	19% (213)		
Environment Canterbury	23%	29%	68%	24% (1,085)	30%	70%
Otago Regional Council						
West Coast Regional Council	50%	41%	17%	21% (28)	50%	50%
Southland Regional Council	17%	18%	29%	34% (298)	23%	NA
UNITARY AUTHORITIES						
Auckland Council		29%	22%			
Gisborne District Council				35% (67)	55%	45%
Nelson City Council	70%					
Marlborough District Council	34%	23%	21%	22% (122)	28%	NA
Tasman District Council						
TOTAL AVERAGE	40%	27%	27%	29% (4,101)		

Table 1: Percentage and types of breaches

Question 9. How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?

Question 10. How many of the breaches were for:

Breach of a resource consent?

Breach of permitted activity rules?

NATIONWIDE COMPLIANCE INSPECTIONS

CONSENTS **283,470** / REQUIRED MONITORING **38,214** / PERCENTAGE MONITORED **83%**

MONITORING RESOURCE CONSENTS

This year the number of consents increases a further 11% bringing the total active consents to 283,470.

While it appears that consents that require monitoring are decreasing, Auckland and Waikato were unable to provide data this year. Annually Auckland has the largest consent volumes, this year they have confirmed consent volumes including those that require monitoring have increased but could not provide accurate figures. The largest increases in consents that require monitoring is Southland Regional Council (1,793 more). Environment Canterbury (3,096 less), and Tasman District Council (1,448 less) reported significantly less consents that required monitoring.

For the majority, the proportion monitored is on a par with last year. All regional councils monitored over 70% of consents that required monitoring. Unitary authorities monitored around 60% or above.

Marlborough District Council has a lower proportion monitored (active consents and those that required monitoring were on par with previous years). Gisborne provided data this year.

Question 11. How many individual, active resource consents exist in your region?

Exclude Land Use Consents where the activity is completed e.g., Land use subdivisions where the subdivision is complete, and certificates issued or land use – building where the building has been constructed.

Question 12. How many consents required monitoring during this period, in accordance with your monitoring prioritisation model/strategy?

Question 13. How many of these consents were monitored (including desktop audit) in the period?

		TOTAL CONSENTS				REQUIRED MONITORING				NUMBER MONITORED				
		2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021	
REGIONAL COUNCILS	Northland Regional Council	3,812	9,738	9,910	10,164	3,724	3,847	3,731	3,505	94%	93%	88%	86%	3,001
	Waikato Regional Council	4,500	4,787	11,419	11,839	1,500	525	1,674		77%	100%+	100%		
	Bay of Plenty Regional Council	5,500	9,057	8,458	8,407	1,900	2,380	3,316	3,324	69%	70%	85%	86%	2,858
	Hawkes Bay Regional Council	3,144	5,928	8,300	8,452	3,144	3,446	3,550	3,355	94%	93%	93%	93%	3,116
	Taranaki Regional Council	4,837	4,784	4,625	4,517	2,930	2,743	2,788	2,510	100%	100%	100%	100%	2,510
	Horizons Regional Council	4,700	5,204	5,468	6,619	1,700	1,648	1,367	1,823	82%	80%	81%	89%	1,618
	Greater Wellington Regional Council	6,375	6,604	6,863	7,138	1,544	1,782	1,633	1,779	94%	95%	94%	87%	1,547
	Environment Canterbury	20,417	18,500	22,051	22,648	20,417	4,625	4,410	1,314	28%	72%	89%	96%	1,258
	Otago Regional Council	5,984	5,588	5,656	5,785	3,827	1,161	3,256	3,136	66%	52%	64%	71%	2,237
	West Coast Regional Council		3,474	3,000	5,682		868	900	1,268		100%+	87%	92%	1,167
	Southland Regional Council	5,376	5,590	5,824	5,995	3,188	4,586	4,127	5,920	100%	78%	73%	72%	4,265
	REGIONAL SUBTOTAL	64,645	79,254	91,574	97,246	43,874	27,611	30,752	27,934	80%	85%	87%	87%	23,577
UNITARY AUTHORITIES	Auckland Council	103,690	108,326	115,723	130,371	17,759	11,778	13,162		71%	60%	72%		18,708
	Gisborne District Council	1,250		10,500	8,893	699			1,135	34%			60%	681
	Nelson City Council	1,200	784	656	675	550	619	656	675	100%	100%	100%	100%	675
	Marlborough District Council	20,802	21,377	29,459	29,459	2,686	3,261	3,529	3,529	83%	89%	93%	98%	3,475
	Tasman District Council	15,764	13,042	7,230	16,826	4,250	2,478	6,389	4,941	46%	75%	26%	57%	2,833
		UNITARY SUBTOTAL	142,706	143,529	163,568	186,224	25,944	18,136	23,736	10,280	67%	81%	73%	79%
	TOTAL	207,351	222,783	255,142	283,470	69,818	45,747	54,488	38,214	74%	83%	80%	83%	

Table 2: Total consents that require monitoring

COMPLIANCE GRADINGS

In 2018 the MfE released Best Practise Guidelines, including a suite of recommended compliance categories. The intention of this is to make data on compliance levels nationally comparable. Uptake of the framework is now at 100%, with the remaining two councils adopting it this year.



Question 14. In the 2020/2021 year, did you use the four compliance grades as recommended by Ministry for the Environment?

Yes / No

Question 16. When will your council be adopting the four compliance grades recommended by Ministry for the Environment?

COMPLIANCE ASSESSMENT

The following section focuses on the levels of compliance amongst those monitored based on the MfE framework. This year Gisborne's data is included, meaning for the first year there is data available for all regional councils and regulatory authorities based on the MfE framework.

The report analyses the compliance gradings of over 64,000 consent monitoring events, overall this is on a par with last year for both regional councils and unitary authorities.

Levels of full compliance differ between 36% in Otago Regional Council and 95% West Coast Regional Council. Previously we were seeing a downward trend in full compliance, however this year there is a slight increase in full compliance. Northland Regional Council, Waikato Regional Council, Taranaki Regional Council, Horizons Regional Council, West Coast Regional Council, Auckland Council and Nelson City Council are reporting more full compliance than last year, with Hawkes Bay Regional Council, Otago Regional Council, Southland Regional Council and Tasman District Council reporting less.

Southland's moderate and significant non-compliance is increasing. Hawkes Bay have seen an increase in moderate non-compliance. Gisborne has higher significant-non compliance than others.

*Numbers provided will not equate to the consents totals earlier in this report as some sites had more than one monitoring visit over the year. The tables below relate to the percentage of monitoring visits that fit within different grades.

*GWRC are unable to exclude telemetry water readings from statistics.

Question 15. What grades do you apply to non-compliance? (e.g., technical non-compliance, significant non-compliance)

Fully Compliant

Technical/Low Non-Compliance

Moderate Non-Compliance

Significant Non-Compliance

Other (please specify)

Question 15. What were the levels of compliance with consents according to the grades you use?

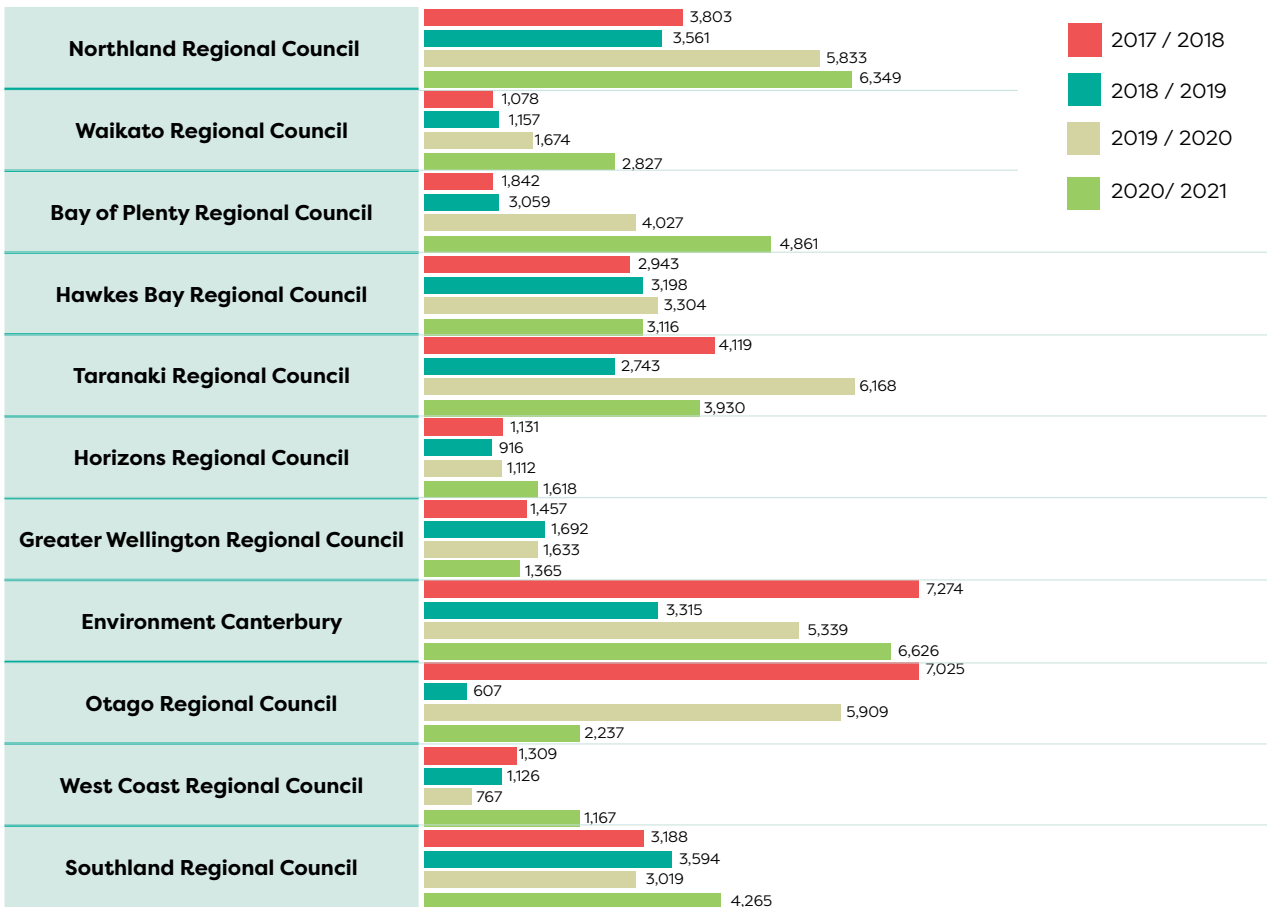
Note 1: Numbers provided under each grade is per monitoring event not per consent. E.g. a consent may be monitored four times in the year: on one occasion it may be Technically Non-Compliance and on three occasions it may be Fully Compliant, this would add three to the total of Fully Compliant and one to the total for Technical Non-compliance.

Note 2: The compliance grade is based on the condition with the worst compliance grade. e.g. a consent with five conditions Fully Compliant and one condition Moderate Non-Compliance has an overall compliance grade of Minor Non-Compliance

Note 3: Daily telemetry water readings where compliance with water take limits is continuously monitored are to be excluded from compliance grade totals.

TOTAL NUMBER OF CONSENTS IN DIFFERENT CATEGORIES OF COMPLIANCE ON A PER MONITORING EVENT BASIS

REGIONAL COUNCILS



UNITARY AUTHORITIES

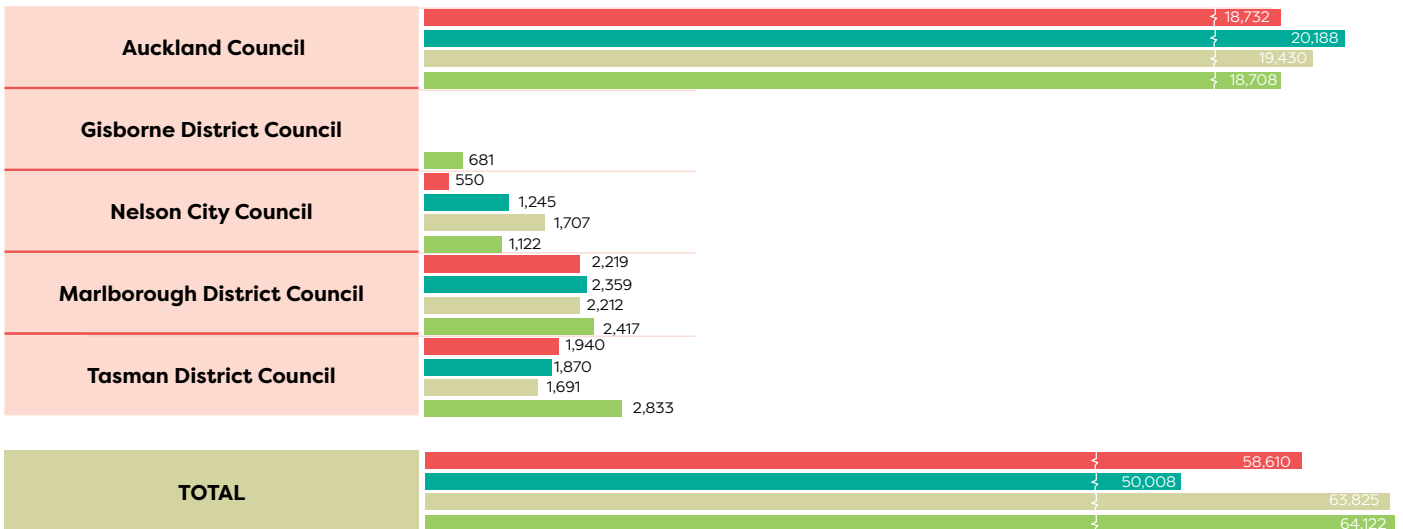


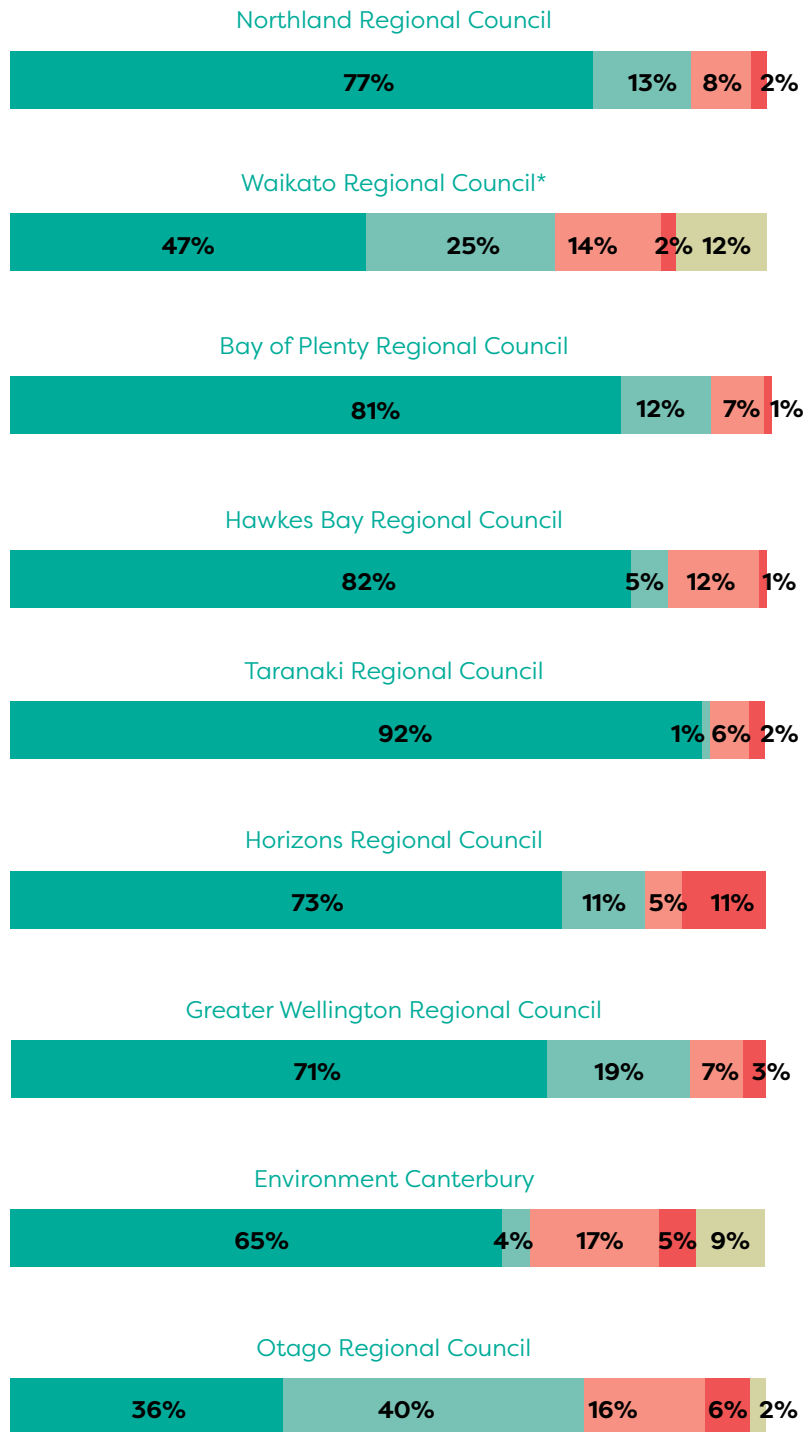
Figure 5: Total Number of Consents in Different Categories of Compliance on a Per Monitoring Event Basis

Question 15. What grades do you apply to non-compliance? (e.g., technical non-compliance, significant non-compliance)

- Fully Compliant
- Technical/Low Non-Compliance
- Moderate Non-Compliance
- Significant Non-Compliance
- Other (please specify)

PERCENTAGES OF CONSENTS IN FULL COMPLIANCE, LOW RISK/ TECHNICAL NON COMPLIANCE, MODERATE NON COMPLIANCE AND SIGNIFICANT NON COMPLIANCE ON A PER MONITORING EVENT BASIS

FULL COMPLIANCE LOW RISK/TECHNICAL NON-COMPLIANCE MODERATE NON-COMPLIANCE SIGNIFICANT NON-COMPLIANCE OTHER COMPLIANCE GRADING



* The non-compliance rating system used at WRC considers multiple factors, and not solely whether the non-compliance results in actual significant environmental effect. As such the data is not directly comparable to those Councils that apply the MfE compliance rating system.

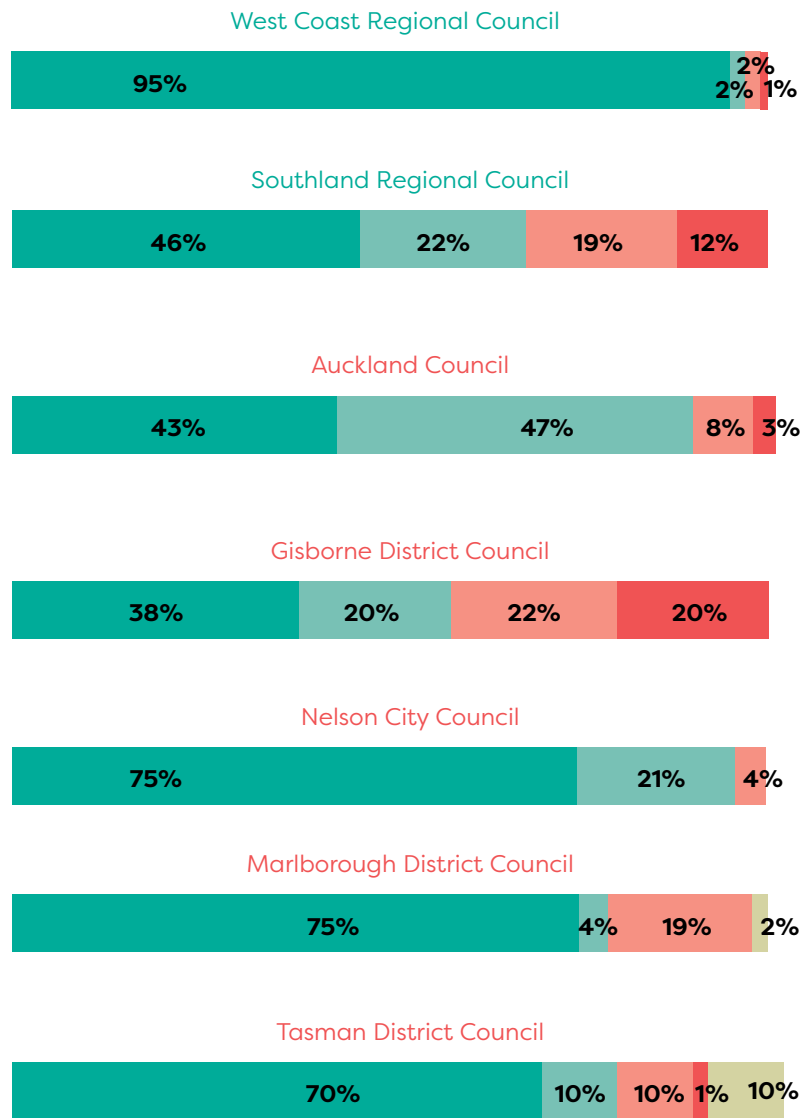


Figure 6: Percentages of consents in full compliance, low risk/ technical non compliance, moderate non compliance and significant non compliance on a per monitoring event basis.

NATIONWIDE COMPLIANCE RATING OF CONSENTS MONITORED

TOTAL CONSENTS MONITORED **64,122**

NATIONWIDE COMPLIANCE RATING OF CONSENTS MONITORED

FULL COMPLIANCE LOW RISK/TECHNICAL NON-COMPLIANCE MODERATE NON-COMPLIANCE SIGNIFICANT NON-COMPLIANCE OTHER COMPLIANCE GRADING

REGIONAL COUNCILS



UNITARY AUTHORITIES

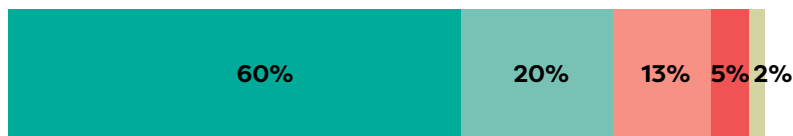


Figure 7: Nation wide percentages of consents in full compliance, low risk/ technical non compliance, moderate non compliance and significant non compliance on a per monitoring event basis.

MONITORING PERMITTED ACTIVITIES

Permitted activities remained similar to 2019/2020, with forestry and dairy making up nearly half of permitted activities. Last year Greater Wellington Regional Council did not have a monitoring program for Forestry, this year they have adopted one meaning all regional councils and unitary authorities now have a monitoring program in place.

PERMITTED ACTIVITY MONITORING PROGRAMMES FOR DIFFERENT INDUSTRIES

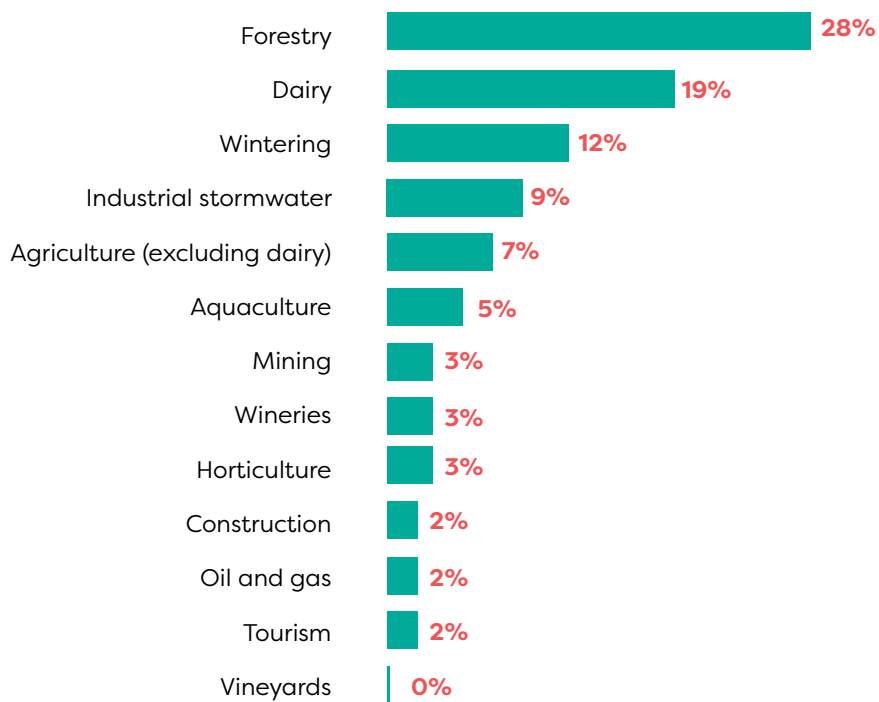


Figure 8: Proportion of permitted activity monitoring programmes for different industries

Question 18. Which permitted activities do you have a monitoring programme for?

List of activities with tick box if yes:

- Agriculture (excluding dairy)
- Aquaculture
- Construction
- Dairy
- Forestry
- Horticulture
- Mining
- Oil and gas
- Tourism
- Vineyards
- Wineries
- Wintering
- Other (please specify)

MAKING DECISIONS ON PRIORITIES

All councils have established formalised prioritisation assessment for complaints, notifications and incidents, with many having a response time. Most have some form of coding to prioritise.

Methods of determining priority and urgency for physical attendance are:

- Elevated response programs
- Triage plans or dedicated triage personnel
- Risk based priority models
- Attending all within a timeframe (e.g., 4 hours)
- Priority setting matrix
- Categorisation based on impact score and escalation factors

Assessment for appropriate action include:

- Environmental impact/ adverse effect/ consequence
- Zone priority
- If still happening
- Duration
- Clean up/ mitigation
- Quality of the information provided
- Reliability of the source
- Hours- out of hours response is limited to 'High priority/Significant' incidents
- Balance against health, safety and wellbeing considerations
- History of compliance
- Frequency of notification

To determine which consents are monitored the following methods are used:

- Risk-based approaches/ priority systems
- Zone Delivery models
- Approved RMA Compliance Plan 2020-22
- Active monitoring
- Strategic Compliance Monitoring Programme based on the National Strategic Compliance Framework
- Individual monitoring programmes per consent
- Strategic priority setting framework

QUESTION 19. What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?

QUESTION 20. Describe how you determine which consents are monitored and how frequently? If there is a prioritisation model or compliance strategy, add link

QUESTION 21. Describe the basis, which was used for determining what, if any, permitted activities were monitored. If there is a prioritisation model or compliance strategy, add link

STAFFING LEVELS

The number of FTE's continues to increase, this year there is a 9% increase overall. Most regions report smaller increases of between 1-3 FTE's. The largest increase is Horizons Regional Council at 13 more FTE's, followed by Environment Canterbury with 8 more FTE's. Taranaki Regional Council has an increase of 7 FTE's. Gisborne District Council has seen an increase of 2 FTE's and is currently recruiting more. There are no significant decreases in the number of FTE's.

There continues to be large variation in the total number of FTE's, this is expected because of the variation in regions (population, area, GDP, development type, intensity and council funding base). Auckland Council has around a third of all FTE's. Taranaki Regional Council remains the highest ratio of FTE per 100 (0.4), with Greater Wellington Regional Council having the lowest (0.03).

Note: FTEs should only be counted once under each of these categories. However, if a team member has more than one role then calculate what portion of their time is generally spent in each role, or only answer question 24 if your officers do a combination of roles. An example of an answer to each of the questions in this section might look like 22 FTEs spread across 40 individuals. Exclude any in-house or contract lawyers. Include managers in your count. Include any vacant positions in your counts.

Question 22. How many FTEs does your council have who carry out monitoring roles?

Question 23. How many FTEs does your council have who carry out environmental incident or pollution response roles?

Question 24. How many FTEs does your council have who carry out investigation or enforcement roles?

Question 25. How many FTEs does your council have who carry out a combination of the above roles?

Note 1: Include contractors

Note 2: Only answer this question if you have not included these staff in questions 21, 22 or 23

Question 26. How many FTEs does your council have in CME support roles?

This includes administrative roles, e.g. staff who assist with issue of notices, reminder notices, upload of unpaid infringements to Ministry of Justice.

COUNCIL FTEs IN CME ROLES

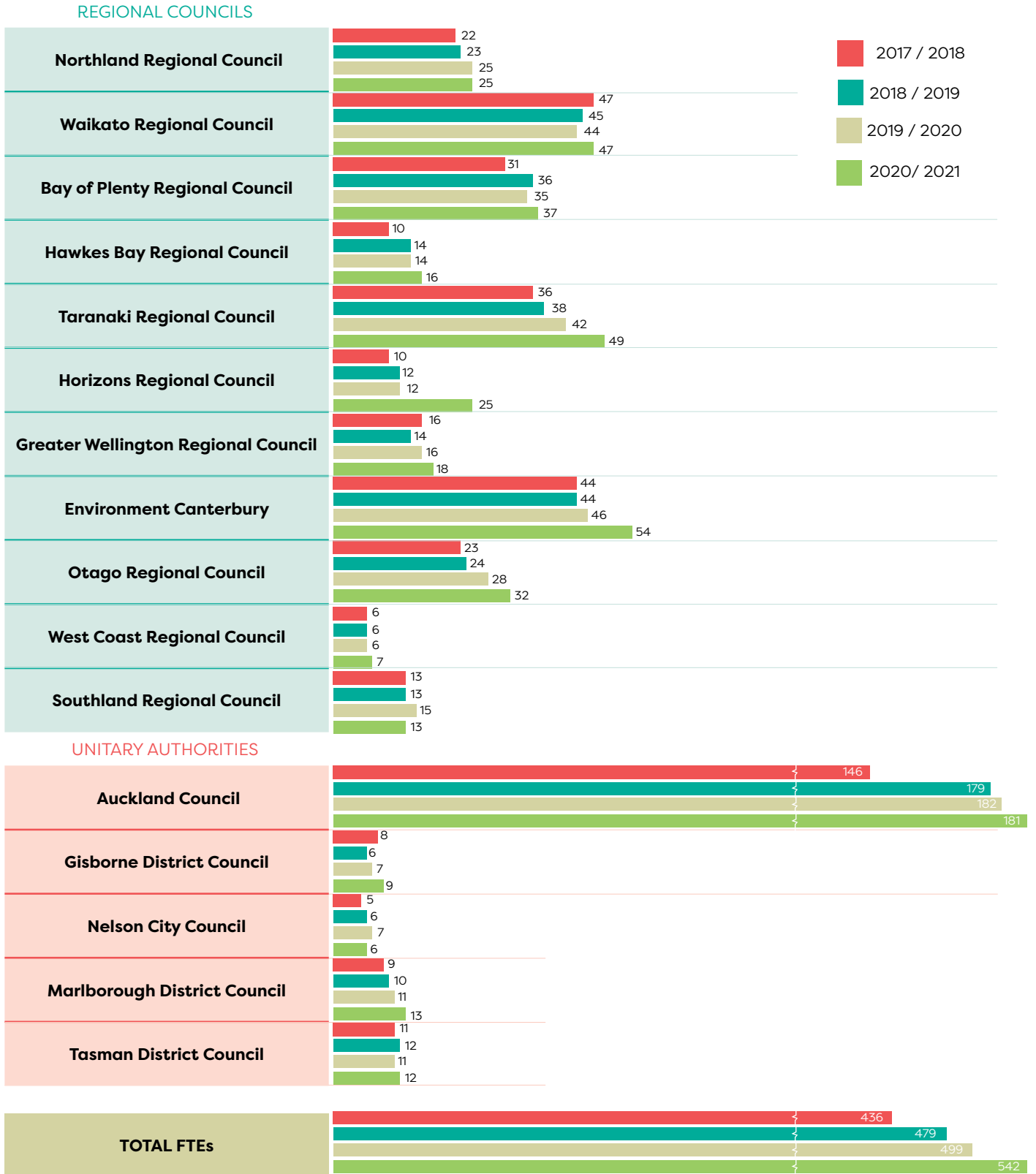


Figure 9: Council FTEs in CME roles

COUNCIL FTE'S IN SPECIFIC ROLES

		MONITORING			COMBINATION			ENVIRONMENTAL INCIDENT OR POLLUTION			INVESTIGATION OR ENFORCEMENT			SUPPORT		
		2018 / 2019	2019 / 2020	2020 / 2021	2018 / 2019	2019 / 2020	2020 / 2021	2018 / 2019	2019 / 2020	2020 / 2021	2018 / 2019	2019 / 2020	2020 / 2021	2018 / 2019	2019 / 2020	2020 / 2021
REGIONAL COUNCILS	Northland Regional Council				20	21	22	0	0	0	1	1	1	2	3	2
	Waikato Regional Council	20	20	22				9	8	9	10	10	10	7	6	6
	Bay of Plenty Regional Council	17	16	17				4	4	4	4	3	4	12	12	12
	Hawkes Bay Regional Council	9	9	10	0	0	0	2	2	3	1	1	1	2	2	2
	Taranaki Regional Council	27	29	35	2	2	2	3	4	5	4	5	5	2	2	2
	Horizons Regional Council	0	0	13	10	10	0	0	0	9	1	1	1	1	1	2
	Greater Wellington Regional Council	0	0	0	13	15	17	0	0	0	0	0	0	1	1	1
	Environment Canterbury	31	31	28	0	0	0	8	5	7	4	4	4	1	6	15
	Otago Regional Council	15	15	18	8	3	2	0	3	4	0	3	3	1	4	5
	West Coast Regional Council	0	0	0	5	5	6	0	0	0	0	0	0	1	1	1
	Southland Regional Council	8	8	8	0	0	0	1	1	1	2	3	2	3	3	2
REGIONAL SUBTOTAL		126	128	151	57	56	49	26	27	42	26	31	31	32	40	50
UNITARY AUTHORITIES	Auckland Council	65	69	69	19	16	88	32	41	0	49	43	0	14	13	24
	Gisborne District Council	4	0	0	0	7	8	0	0	0	1	0	0	1	0	1
	Nelson City Council	0	0	0	5	6	5	0	0	0	0	0	0	1	1	1
	Marlborough District Council	2	2	5	7	8	1	0	0	0	1	0	5	0	1	2
	Tasman District Council	0	0	0	10	9	10	0	0	0	0	0	0	2	2	2
	UNITARY SUBTOTAL		71	71	74	41	46	112	32	41	0	51	43	5	18	17
UNITARY SUBTOTAL MINUS AUCKLAND		6	2	5	22	30	24	0	0	0	2	0	5	4	4	6
TOTAL		197	198	225	98	102	160	58	68	42	77	74	36	50	57	79
TOTAL MINUS AUCKLAND		132	129	156	79	86	72	26	27	42	28	31	36	36	44	55

Table 3: Council FTEs for different aspects of the CME role

COUNCIL FTE'S AND FORMAL ACTIONS BASED ON POPULATION

		FTE/1000				FTE 2020/2021	Population Estimates 2020	Formal actions per 1000 2020/2021
		2017 / 2018	2018 / 2019	2019 / 2020	2020 / 2021			
REGIONAL COUNCILS	Northland Regional Council	.13	.13	.13	.13	25.00	192,500	1.59
	Waikato Regional Council	.10	.10	.09	.10	47.18	492,100	0.95
	Bay of Plenty Regional Council	.10	.11	.11	.11	37.20	333,500	0.39
	Hawkes Bay Regional Council	.06	.08	.08	.09	16.00	177,200	0.98
	Taranaki Regional Council	.31	.32	.34	.40	49.00	124,000	3.29
	Horizons Regional Council	.04	.05	.05	.10	25.00	252,900	1.83
	Greater Wellington Regional Council	.03	.03	.03	.03	17.75	538,500	0.25
	Environment Canterbury	.07	.07	.07	.08	54.00	641,200	0.97
	Otago Regional Council	.10	.10	.12	.13	31.60	243,000	0.35
	West Coast Regional Council	.17	.16	.17	.20	6.50	32,400	1.23
	Southland Regional Council	.13	.13	.15	.12	12.50	102,300	1.63
REGIONAL SUBTOTAL / AVERAGE		.11	.12	.12	.14	29.25	284,509	1.22
UNITARY AUTHORITIES	Auckland Council	.09	.11	.11	.11	181.00	1,702,700	3.12
	Gisborne District Council	.18	.13	.14	.18	8.90	50,500	1.56
	Nelson City Council	.10	.10	.12	.10	5.50	54,600	0.57
	Marlborough District Council	.20	.20	.21	.25	12.50	49,900	1.12
	Tasman District Council	.15	.22	.20	.21	12.00	56,400	0.99
	UNITARY SUBTOTAL		.15	.15	.16	.17	43.98	382,820
AVERAGE		0.12	0.13	0.13	0.15			

TABLE 4: Comparison of council FTEs, population and number of formal actions (excluding prosecutions but including warnings)

The relationship between FTE's per thousand and formal actions per thousand is shown below, councils with higher staffing levels per thousand tend to have more formal actions per thousand.

Taranaki Regional Council has the highest levels of formal actions per thousand and also the highest FTE per thousand. Greater Wellington has the lowest formal actions per thousand and also the lowest FTE's per thousand.

Horizons Regional Council and Taranaki Regional Council have the largest increases in FTE's per thousand. Horizons Regional Council has seen a large increase in the number of FTE's last year, while for Taranaki Regional Council his has happened gradually over time.

CME RESOURCING AND NUMBER OF FORMAL ENFORCEMENT ACTIONS

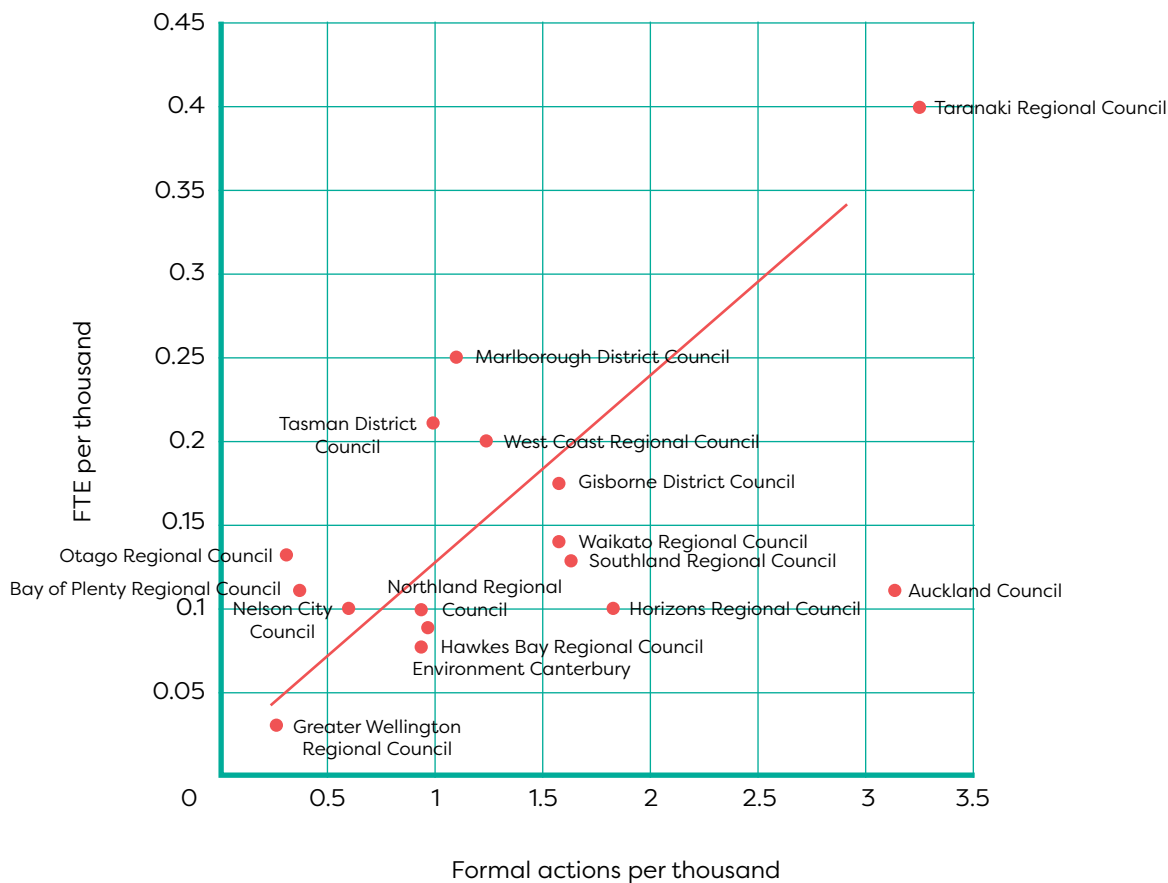


Figure 10: Comparison of CME resourcing and number of formal enforcement actions

This figure shows regions with higher GDP tend to have more FTE's. While this holds true for Auckland Council, Environment Canterbury and Waikato Regional Council, Greater Wellington Regional Council has the second highest GDP and is mid range for the number of FTE's.

COMPARISON OF CME RESOURCING AND GDP

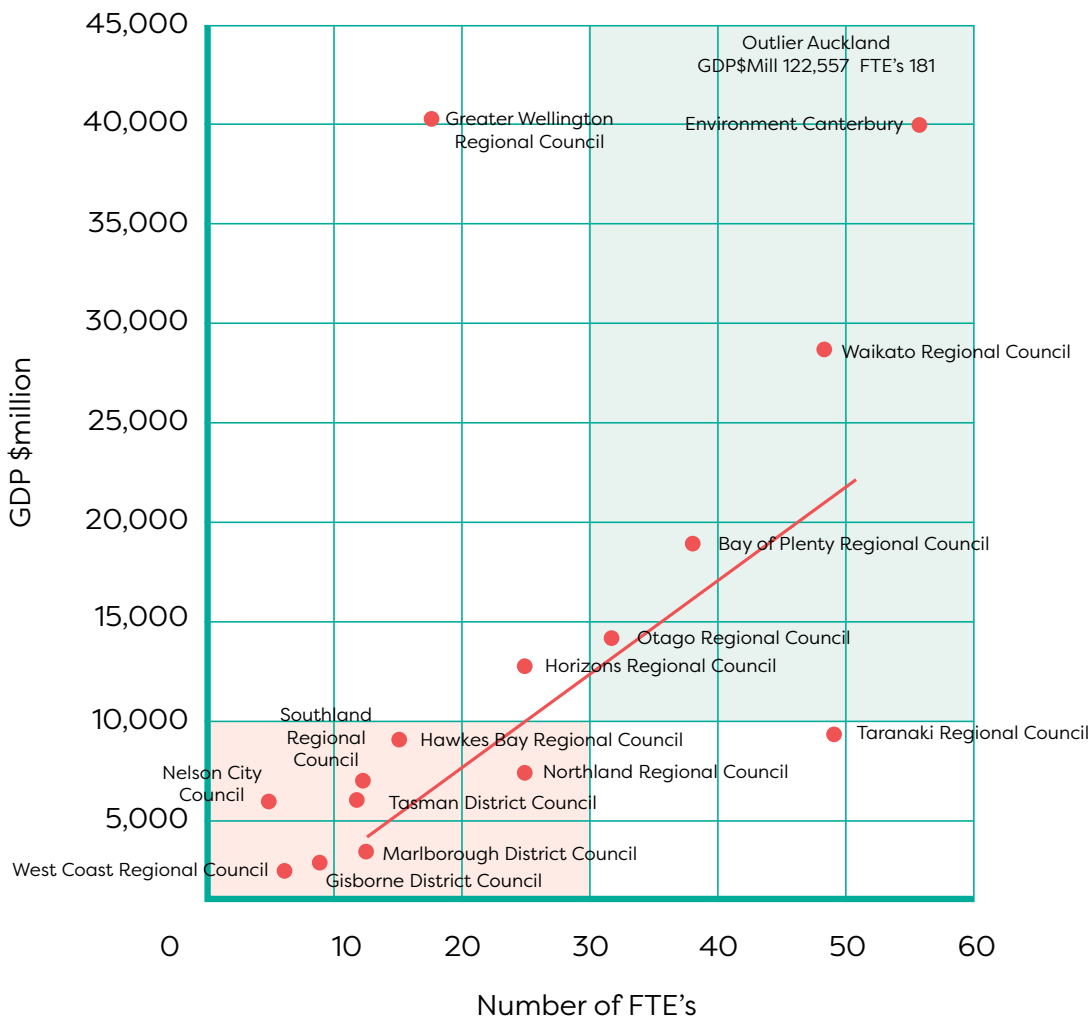


Figure 11: Comparison of CME resourcing and GDP

CME POLICIES AND PROCEDURES

Credibility of regulators is maintained through having coherent policy in place. These questions help us understand how policy informs CME operations and the decision-making process with regulators.

This year the remaining councils have adopted enforcement policies. Meaning all councils and unitary authorities have both active enforcement and conflict of interest policies inline with Best Practise Guidelines.

The Guidelines state that all councils 'should have an operational enforcement policy, which the council uses to determine what enforcement action (if any) to take in response to non-compliance'.

Decisions on prosecutions are usually a process with multiple parties, those involved include:

- Investigating officer
- Senior officer
- Team leader
- Manager
- Compliance Manager
- Regulatory Manager
- Group Manager
- Director Resource Management
- Prosecution panel/ Prosecution Decision Group
- Enforcement Decision Group
- Enforcement and Prosecution Committee
- Enforcement Specialist
- Legal council
- General Manager
- CEO/ CE

Delegation usually fell with a Manager, Director, General Manager, Group Manager, General Manager, CE, or CEO.



ENFORCEMENT
POLICIES



CONFLICT OF
INTEREST POLICIES

* MfE Best Practice Guidelines at p73

Question 27. Does your council have an enforcement policy? Yes No

Question 28. What is your process for making decisions on prosecutions?

Question 29. Who has the delegation to authorise filing of charges for a prosecution at your council?

Question 20. Does your council have a conflict of interest policy? Yes No

DECISION MAKING PROCESS AND DELEGATION TO AUTHORISE FILING OF CHARGES

DECISIONS ON PROSECUTION	DELEGATION
Northland Regional Council	
Enforcement decision group meets (this group changes depending on the alleged offence). Usually consists of the investigating officer plus their manager, plus the Enforcement Specialist.	Group Manager - Regulatory Services or the Compliance Monitoring Manager/Deputy GM - Regulatory Services.
Waikato Regional Council	
Investigating officer reports to a panel of 3 senior managers with recommendations. If the panel authorises prosecutions, this will be conditional on an independent legal review, which studies the file in entirety and applies the Evidential and Public Interest Tests. If the legal review is satisfied that the tests are met, charges are filed.	See decisions on prosecution
Bay of Plenty Regional Council	
Significant incidents/breaches are delegated to our dedicated investigators, who will undertake a thorough investigation of the matter and present the outcomes to an Enforcement Decision Group (EDG). The EDG makes a recommendation (by consensus) for a response; if the recommendation is to prosecute, then the recommendation is subject to a legal opinion, before being referred to the General Manager for Regulatory Services.	General Manager - Regulatory Services
Hawkes Bay Regional Council	
1) EDG recommends prosecution. 2) Councils' solicitor provides a legal opinion. Must pass the evidential and public interest tests. 3) Signed off by GM Policy & Regulation 4) To CEO for final sign off	CEO
Taranaki Regional Council	
Chief executive in collaboration with Director Resource Management and Compliance Manager	Chief Executive
Horizons Regional Council	
All incidents and significantly noncomplying resource consent assessments are assessed. If the matter is deemed serious it is referred to the investigation programme. If a subsequent investigation determines a prosecution is required, then the investigation file is sent for legal review. This review focuses on whether the evidential sufficiency and public interest tests have been satisfied. Once this review is completed a report is prepared and provided to the Regulatory Manager and Group Manager Strategy and Regulation, who then pass the matter onto the Chief Executive for consideration and final decision	Group Manager Strategy and Regulation Regulatory Manager Team Leader Consents Monitoring Senior Consents Monitoring Officer
Greater Wellington Regional Council	
All decisions on enforcement outcomes for breaches of the RMA are made by the Enforcement Decision Group (EDG) to ensure consistency, transparency and fairness, with the exception of some formal warnings and advice letters. Any EDG recommendations to prosecute are required to go to the Prosecution Decision Group (PDG). Normally EDG consists of a minimum 3 persons. Delegation on decisions sits at team leader level. Decisions are generally made by consensus of the attendees. Where agreement cannot be reached the person with the delegated authority will make the decision. In extreme circumstances consultation with other delegated authority holders may be required. For recommendations of Infringement or less EDG may consist only of Officer and Team Leader. All enforcement action taken must be in accordance with the Resource Management Act 1991, Summary Proceedings Act 1957, Criminal Procedure Act 2011, Search and Surveillance Act 2012, Disclosure Act 2008, Sentencing Act 2002, Resource Management (Infringement Offences) Regulations 1999 and the GWRC Environmental Regulation Prosecution Guidelines.	General Manager - Environment Group

REGIONAL COUNCILS

REGIONAL COUNCILS	Environment Canterbury	Follow MfE CME guidelines, and an internal enforcement Decision Panel makes recommendations	Chief Executive
	Otago Regional Council	Recommendations for prosecution are considered at an 'Enforcement Decision Group' with Compliance Manager, Team Leaders, in-house legal counsel and Senior officer presenting the case. If considered appropriate by EDG, the file is reviewed by legal counsel to consider whether it meets the evidential test for prosecution. If it meets the evidential test, the file is considered by a 'Prosecution Decision Group' meeting with CEO, GM Regulatory, Compliance Manager and senior officer presenting the case.	To initiate and/or withdraw a prosecution for an offence against the RMA (GM Regulatory or GM Operations). If a decision has been made to prosecute, authority to file a charging document on decisions to prosecute for offences (Compliance Manager).
	West Coast Regional Council	Recommendation on action report submitted to the manager. Approval given to prepare a staff report for consideration at an EGD meeting. EDG consists of The CE, another manager separate from Consents and Compliance, the C & C Manager and officer in charge of the case. Final decision rests with the CE	The CE and the Consents and Compliance Manager
	Southland Regional Council	Incident response – investigation – enforcement decision group meeting – legal opinion – CEO approval	Chief Executive
UNITARY AUTHORITIES	Auckland Council	Enforcement criteria is utilized, followed by team leader discussion, then Manager discussion. Prosecution panel made up of Manager(s) and legal counsel is the final step.	Manager Compliance Response and Investigations
	Gisborne District Council	Enforcement Decision Group.	Director Environmental Services & Protection. Compliance Monitoring and Enforcement Manager. (There is an expectation of consultation with Chief Executive)
	Nelson City Council	Recommendation by investigating officer to team leader, then manager, then to two group managers (tier 2) after receiving legal advice	Authorised by two group managers after receiving legal advice
	Marlborough District Council	Stage 1: QA per review panel Stage 2: Enforcement and Prosecution Committee Stage 3: Legal Counsel Review	Enforcement and Prosecution Committee
	Tasman District Council	Investigating officer prepares a case which is presented to a decision-making group. If case meets the tests a detailed recommendation to proceed goes to the group manager who carries delegated authority to initiate prosecutions.	Group manager (Tier 2)

Table 5: Decision making process and delegation to authorise filing of charges

Question 28. What is your process for making decisions on prosecutions?

Question 29. Who has the delegation to authorise filing of charges for a prosecution at your council?

EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

Inline with the 'four E approach' giving clear direction on what is expected to the regulated community creates a robust approach. This question helps us understand the programs councils have in place.

All councils had at least one initiative in place. The most common education was about farming/dairy, earthworks and forestry. Majority did this through workshops and presentations.



**HAVE OR SUPPORT
EDUCATION AND
ENGAGEMENT
PROJECTS**

Delivery methods of information include:

- Workshops
- Presentations
- Meetings e.g., Industry stakeholder meetings
- Hui
- Information evenings
- Pocket guides
- Superhero programs
- Engagement programs
- Attendance at Fieldays
- Attendance at farm dairy effluent forums
- Attendance at liaison groups
- Contributions to Land Use and other Council publications
- Emails
- Newsletters
- Website
- Advertising campaigns
- Citizen science
- 0800 number
- Educational visits

Areas covered in education or engagement projects include:

- Dairy/ farming
- Earthworks
- Forestry
- Construction
- Wineries
- Marine Farms
- General community
- Catchment groups

Question 42. Does your council have, or support, any education or engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, workshops for earthworks contractors around erosion and sediment controls. Yes No

If yes, briefly describe

ACTING ON NON-COMPLIANCE

Question 31 helps us to identify what at sector level is occupying the largest proportion of resources and how/ if that resource allocation is shifting over time. In turn this helps with understanding priority areas and challenges for compliance programs.

In total there were nearly 8,195 actions this year, this is 1,287 more than last year. Councils are highly variable in the number of actions taken. This year Gisborne District Council showed the most significant increase in the proportion of formal actions (5 times last year). Hawkes Bay Regional Council, Taranaki Regional Council, Otago Regional Council, Southland Regional Council and Auckland Council all have more formal actions than last year. Majority of these cases are abatement notices with abatement notices increasing on last year.

Abatement notices make up the largest proportion of formal warnings, this year they have increased by around a quarter. Taranaki Regional Council, Environment Canterbury, Northland Regional Council and Auckland Council issue the most abatement notices. This year Environment Canterbury issued 191 more than last year, Auckland Council issued 843 more than last year.

367 more infringement fines were issued this year, an increase of 21%.

Waikato Regional Council and Environment Canterbury make up seven in ten formal warnings. This year there is an 18% drop in formal warnings, this is driven by Environment Canterbury with 218 less formal warnings compared to last year.

Auckland Council then Taranaki Regional Council have the most infringement notices, both increase in this period (Auckland increases 40%, Taranaki increases 46%).

QUESTION 31. Question 31 relates to the instruments issued in relation to the different sections of the Act (listed once for brevity)

- Section 9 Use of land
- Section 12 Coastal marine area
- Section 13 Beds of lakes and rivers
- Section 14 Water
- Section 15 Discharges of contaminants
- Section 17 Duty to avoid, remedy & mitigate
- Other breach e.g., Section 22

Formal warnings issued

Abatement notices issued

Infringement notices issued

Enforcement orders applied for

NATIONWIDE: ENFORCEMENT ACTIONS AND SECTIONS BREACHED





	 FORMAL WARNINGS	 ABATEMENT NOTICES	 INFRINGEMENT ORDERS	 ENFORCEMENT ORDERS	TOTAL ACTIONS
	802	5,225	2,150	18	8,195
SECTION 9 Use of land	45	141	201	7	394
SECTION 12 Coastal marine area	27	24	11	0	62
SECTION 13 Beds of lakes and rivers	51	90	26	3	170
SECTION 14 Water	68	222	28	0	318
SECTION 15 Discharges of contaminants	567	777	1,014	6	2,364
SECTION 17 Duty to avoid, remedy & mitigate	6	12	3	0	21
OTHER e.g. Section 22	38	7	867	2	914
Auckland Council (total abatement notices- no breakdown available this year)		3,965			3,965

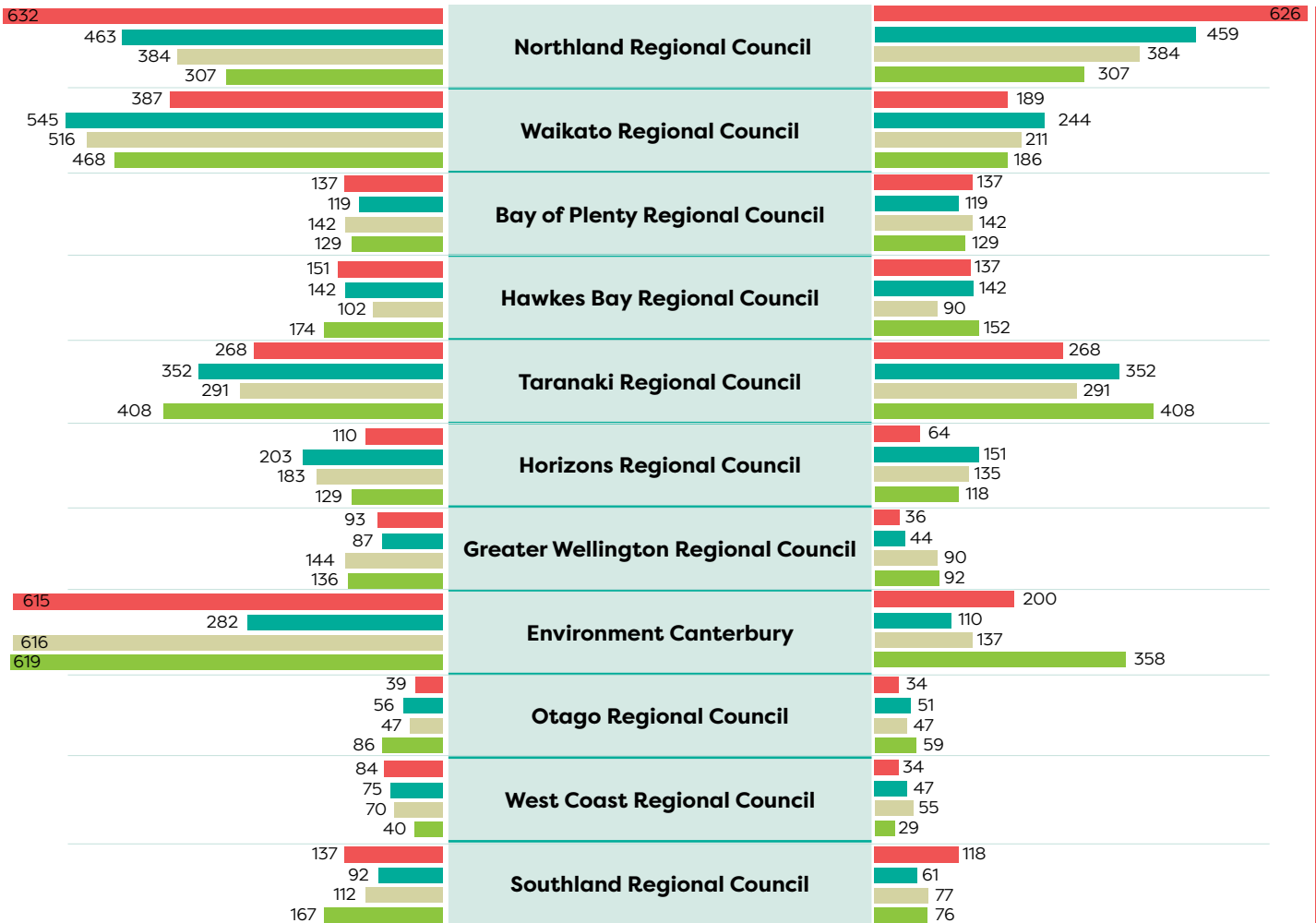
Table 6: Total use of formal instruments against relevant section of the Act (i. e., group of possible offences).

**Note this year Auckland Council only had total abatement notices available. These are included in the overall figure. Horizons Regional Council had 13 abatement notices that fell into more than one section these are counted in individual sections, but only count once in totals.*

TOTAL USE OF FORMAL INSTRUMENTS (EXCLUDING PROSECUTION)

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021

REGIONAL COUNCILS



UNITARY AUTHORITIES

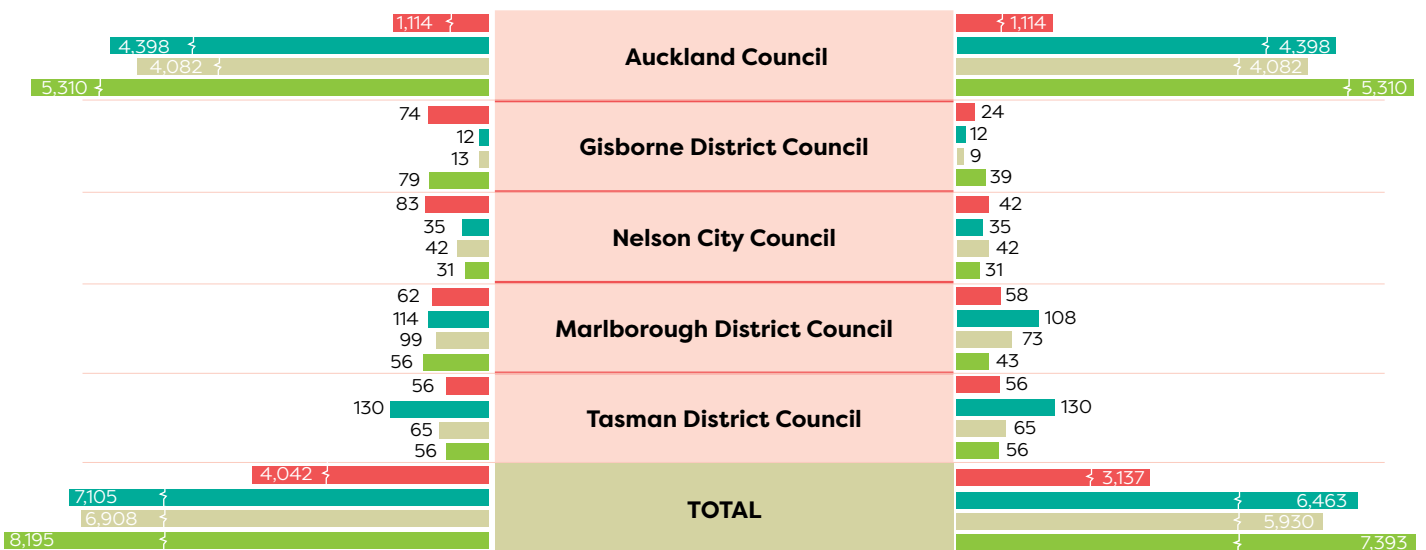


Figure 12: Total use of formal instruments (excluding prosecution)

TOTAL FORMAL WARNINGS AND ABATEMENT NOTICES

■ 2017 / 2018
 ■ 2018 / 2019
 ■ 2019 / 2020
 ■ 2020 / 2021

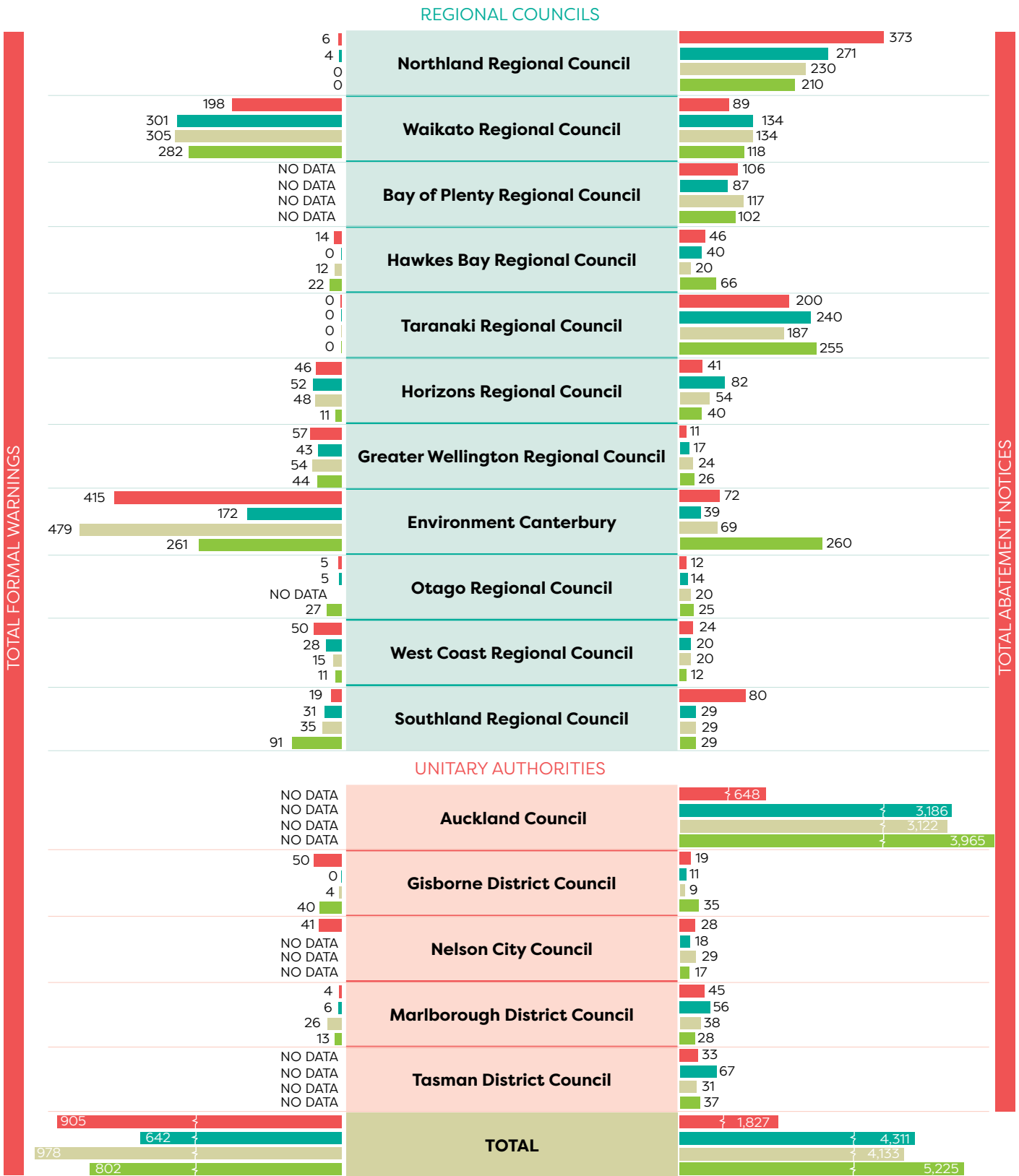


Figure 13: Total formal warnings and abatement notices

TOTAL INFRINGEMENT NOTICES AND ENFORCEMENT ORDERS

■ 2017 / 2018
 ■ 2018 / 2019
 ■ 2019 / 2020
 ■ 2020 / 2021

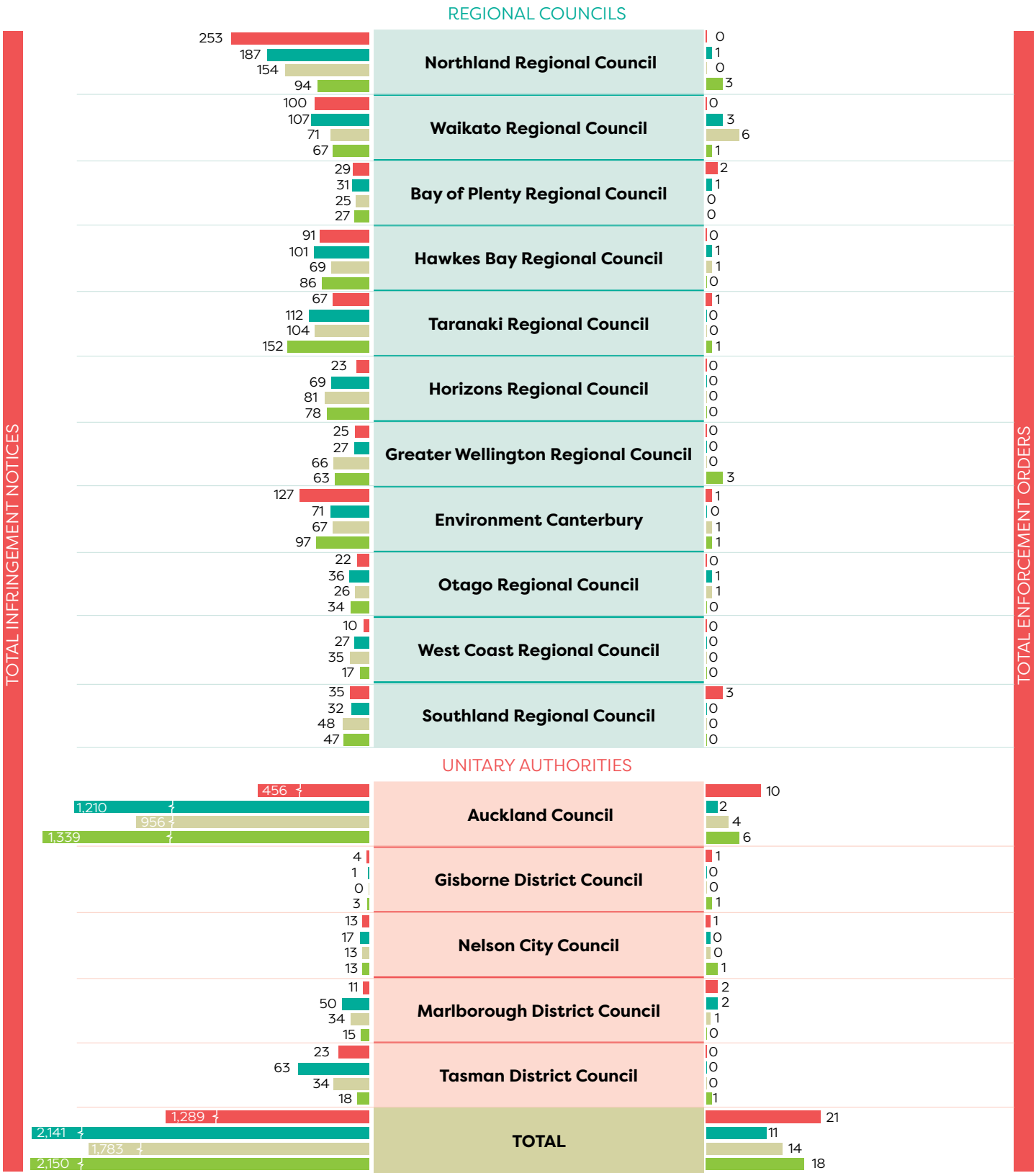


Figure 14: Total infringement notices and enforcement orders

NATIONWIDE PROSECUTIONS

CONCLUDED **95** / IN PROGRESS **71**

PROSECUTIONS

 **45**
INDIVIDUALS
ON 84 CHARGES

 **75**
CORPORATES
ON 175 CHARGES

Questions 32 to 37 address prosecutions, defendants and convictions. The degree to which prosecutions are used shows the willingness of agencies to use tools at the heavy end of the spectrum. Prosecutions work to deter offenders, they are valuable in encouraging compliance and behaviour change when used appropriately.

Where councils are unlikely to prosecute it may be perceived that non compliance is unlikely to result in consequence.

The overall prosecutions concluded are up 36% on last year, while those in progress are down on last year (39%). Regionally there are differences, this is between 0 and 20 for those that have concluded, and between 0 and 12 for those still in progress.

Number of individuals convicted remains on par with last year, the number of convictions entered is decreasing year on year. The number of corporates convicted has increased steadily since 2018, this year by around a quarter.

QUESTION 32. How many RMA prosecutions were:

Note: For this question please consider an entire case (regardless of number of charges and defendants) as one prosecution.

Concluded in the period?

Still in progress in the period?

QUESTION 33. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

QUESTION 34. For all of these (person) defendants what is the total number of convictions entered against them? For example, there may be a total of 27 separate convictions entered against a total of nine 'individual' defendants.

QUESTION 35. What is the total number of corporate (e.g., Crown, company, body corporate etc.) defendants convicted as a result of RMA prosecutions concluded in this period?

QUESTION 36. For all of these (corporate) defendants what is the total number of convictions entered against them? For example, there may be a total of 30 separate convictions entered against a total of 12 corporate defendants.

QUESTION 37. Total number of convictions against an individual [see categories for sections of the Act as above]
Total fine potential (Total x \$300,000)

Total number of convictions against a corporate entity [see categories for sections of the Act as above] Total fine potential (Total x \$600,000)

NATIONWIDE PROSECUTIONS ACROSS THE REGIONAL SECTOR

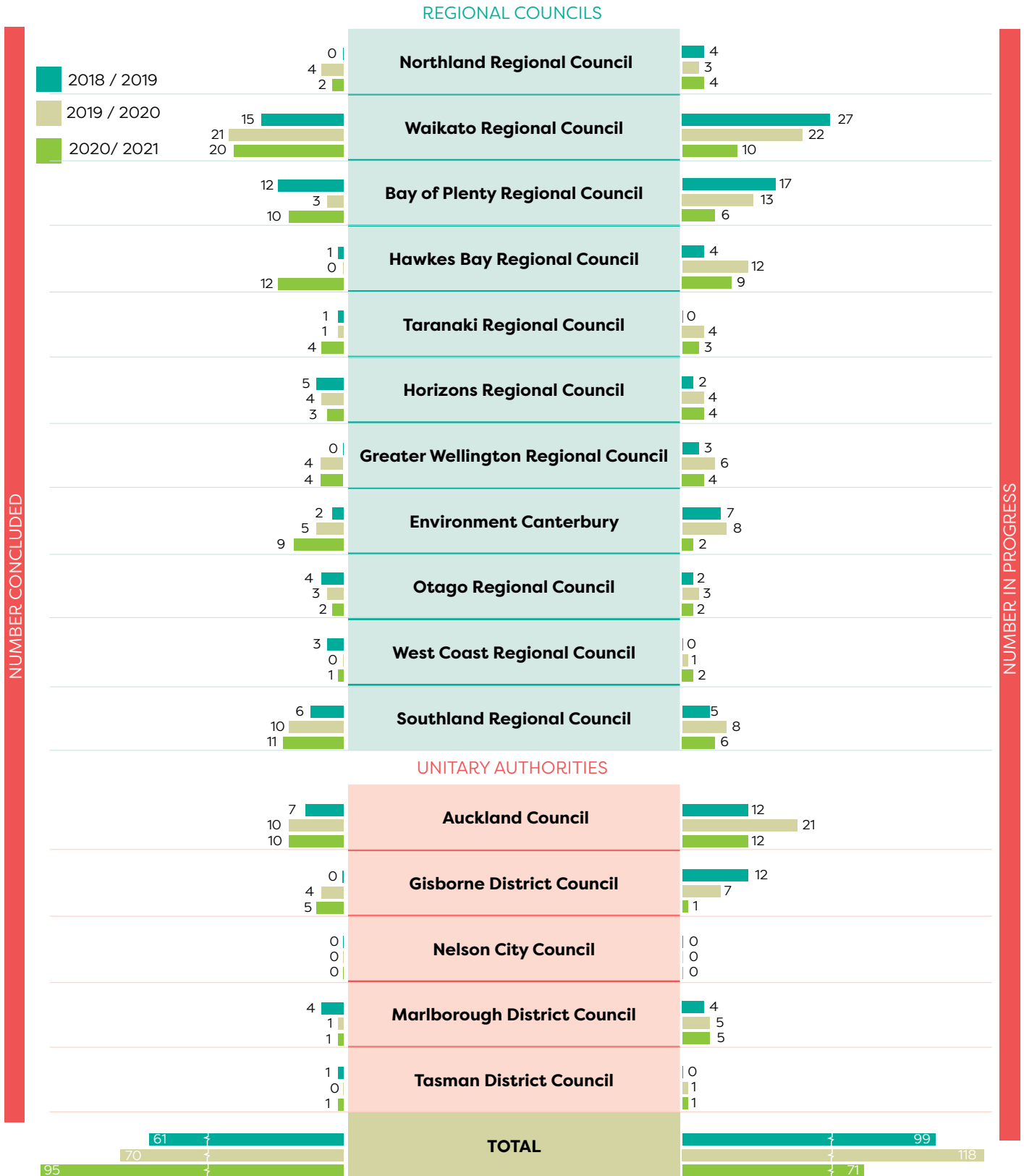


Figure 15: Prosecutions across the regional sector

INDIVIDUALS CONVICTED ACROSS THE REGIONAL SECTOR

■ 2017 / 2018
 ■ 2018 / 2019
 ■ 2019 / 2020
 ■ 2020 / 2021

REGIONAL COUNCILS

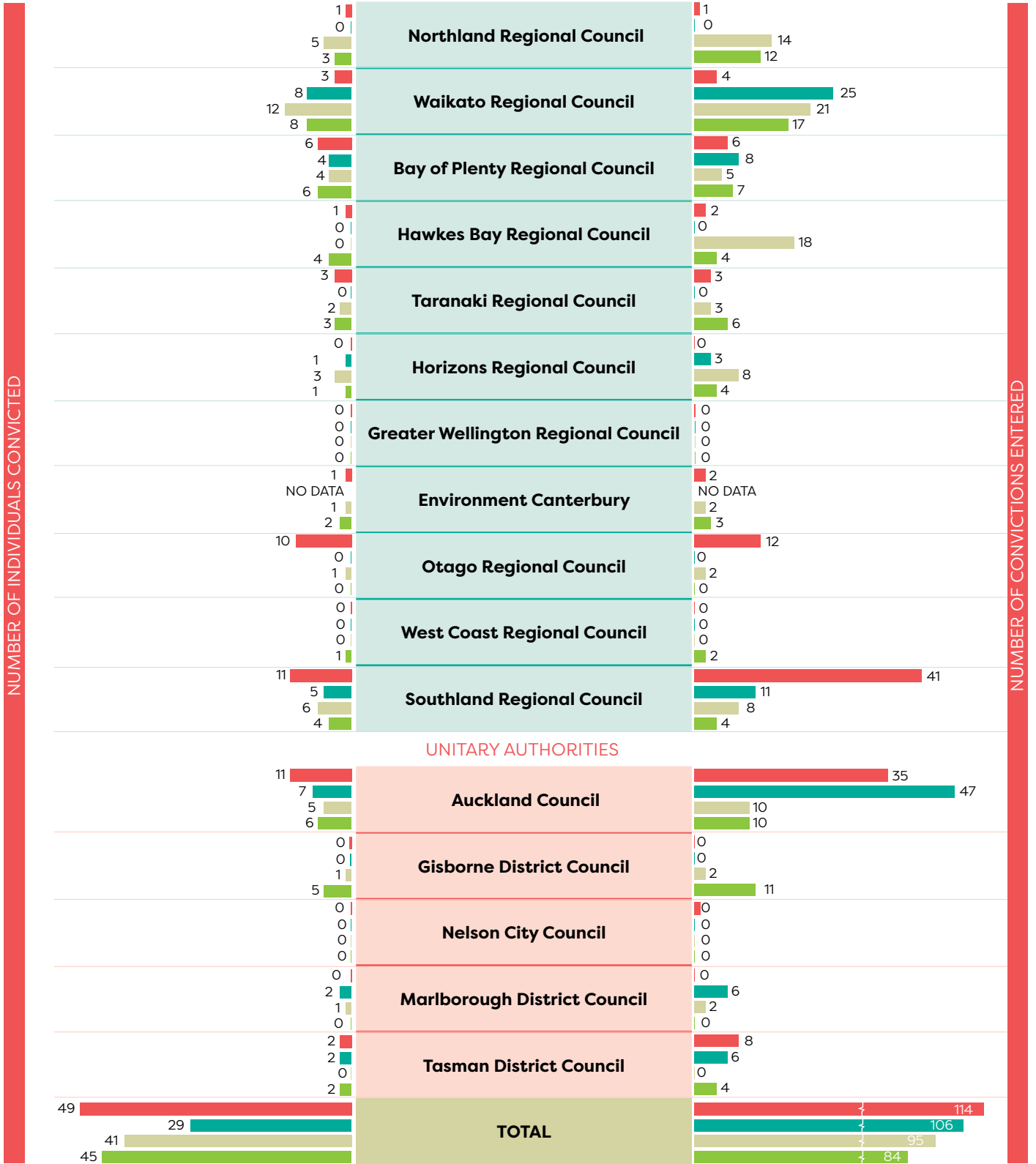


Figure 16 : Individuals convicted across the regional sector

CORPORATES CONVICTED ACROSS THE REGIONAL SECTOR

2017 / 2018 2018 / 2019 2019 / 2020 2020 / 2021

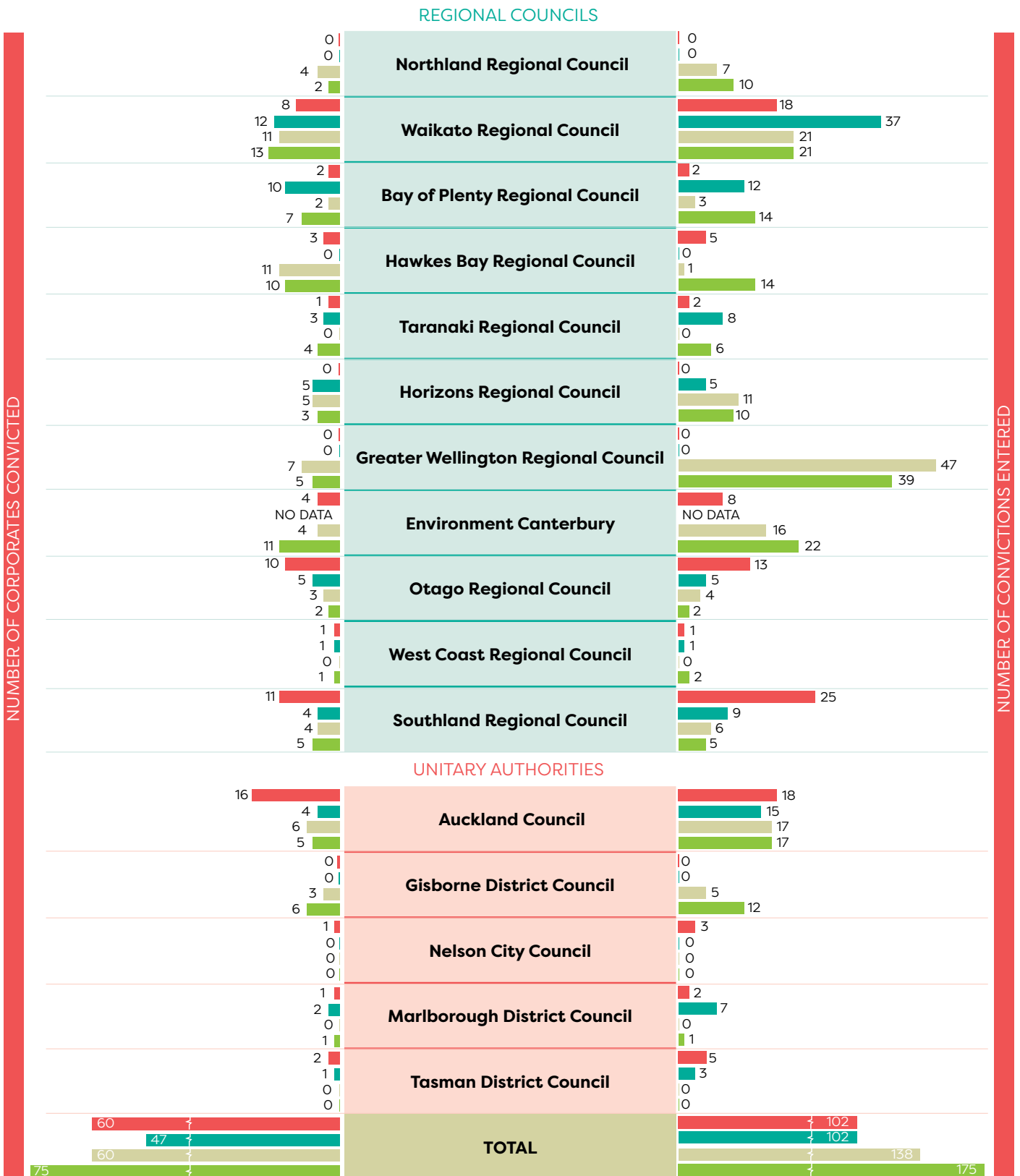


Figure 17 : Corporates convicted across the regional sector

PENALTIES

Fines increased significantly this year totalling \$5,187,565 (\$1.7m more than last year). The majority of these are corporate fines \$4,273,025. This year 5 councils had no individual fines, 2 had no corporate fines. Following last year Waikato has more fines than other councils with \$1.34m of fines.

There were a range of sanctions handed down. This year there were no prison sentences. Nelson City Council was the only council this year to issue no fines or penalties as they had no prosecutions.

	NUMBER OF COUNCILS
ENFORCEMENT ORDER	7
REPARATION	4
COMMUNITY SERVICE	4
RESTORATIVE JUSTICE	6
DIVERSION	1
ALTERNATIVE JUSTICE	1
DISCHARGE WITHOUT CONVICTION	5

Table 7: Other sanctions handed down under the RMA

QUESTION 38. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period? Individual / Corporate

QUESTION 39. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period? Prison sentence / Enforcement order / Reparation / Community Service / Discharge without conviction / Other

QUESTION 40. How many prosecutions involved restorative justice, diversion or other alternative justice process?

- Restorative justice
- Diversion
- Alternative justice

QUESTION 41. Describe any outcomes relating to these processes.

NATIONWIDE TOTAL FINES

\$914,540
INDIVIDUAL

\$4,273,025
CORPORATE

	INDIVIDUAL FINES	CORPORATE FINES
REGIONAL COUNCILS		
NORTHLAND REGIONAL COUNCIL	\$3,000	\$60,800
WAIKATO REGIONAL COUNCIL	\$397,000	\$948,475
BAY OF PLENTY REGIONAL COUNCIL	\$69,800	\$326,450
HAWKES BAY REGIONAL COUNCIL	\$34,690	\$161,700
TARANAKI REGIONAL COUNCIL	\$105,000	\$600,000
HORIZONS REGIONAL COUNCIL	\$0	\$214,000
GREATER WELLINGTON REGIONAL COUNCIL	\$0	\$310,000
ENVIRONMENT CANTERBURY	\$36,000	\$319,300
OTAGO REGIONAL COUNCIL	\$0	\$547,750
WEST COAST REGIONAL COUNCIL	\$25,500	\$25,500
SOUTHLAND REGIONAL COUNCIL	\$51,250	\$103,500
REGIONAL SUBTOTAL	\$722,240	\$3,617,475
UNITARY AUTHORITIES		
AUCKLAND COUNCIL	\$67,500	\$232,250
GISBORNE DISTRICT COUNCIL	\$96,800	\$408,300
NELSON CITY COUNCIL	\$0	\$0
MARLBOROUGH DISTRICT COUNCIL	\$0	\$15,000
TASMAN DISTRICT COUNCIL	\$28,000	\$0
UNITARY SUBTOTAL	\$192,300	\$655,550
TOTAL	\$914,540	\$4,273,025

Table 8: Prosecution outcomes: fines

QUESTION 42. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period?

PROSECUTIONS INVOLVING OTHER SANCTIONS IMPOSED BY COURTS

	ENFORCEMENT ORDER	REPARATION	COMMUNITY SERVICE	DISCHARGE WITHOUT CONVICTION
REGIONAL COUNCILS				
NORTHLAND REGIONAL COUNCIL	1		1 (300hrs)	
WAIKATO REGIONAL COUNCIL	1	\$120,000		
BAY OF PLENTY REGIONAL COUNCIL		\$5,000		1
HAWKES BAY REGIONAL COUNCIL				
TARANAKI REGIONAL COUNCIL	1			
HORIZONS REGIONAL COUNCIL				
GREATER WELLINGTON REGIONAL COUNCIL				1
ENVIRONMENT CANTERBURY	1		1 (45hrs)	1
OTAGO REGIONAL COUNCIL				
WEST COAST REGIONAL COUNCIL				
SOUTHLAND REGIONAL COUNCIL	1	1 (\$15,000)		1
REGIONAL SUBTOTAL	5			4
UNITARY AUTHORITIES				
AUCKLAND COUNCIL	4			2
GISBORNE DISTRICT COUNCIL		\$6,500	(150hrs)	
NELSON CITY COUNCIL				
MARLBOROUGH DISTRICT COUNCIL				
TASMAN DISTRICT COUNCIL	1			
UNITARY SUBTOTAL	5			2
TOTAL	10			6

Table 9: Prosecutions involving other sanctions imposed by courts

QUESTION 43. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period?

PROSECUTIONS INVOLVING RESTORATIVE JUSTICE, DIVERSION OR OTHER ALTERNATIVE JUSTICE

	RESTORATIVE JUSTICE	DIVERSION	ALTERNATIVE JUSTICE
REGIONAL COUNCILS			
NORTHLAND REGIONAL COUNCIL	1		
WAIKATO REGIONAL COUNCIL	1		
BAY OF PLENTY REGIONAL COUNCIL	2		
HAWKES BAY REGIONAL COUNCIL	2		
TARANAKI REGIONAL COUNCIL			
HORIZONS REGIONAL COUNCIL			
GREATER WELLINGTON REGIONAL COUNCIL			
ENVIRONMENT CANTERBURY			
OTAGO REGIONAL COUNCIL	1		
WEST COAST REGIONAL COUNCIL			1
SOUTHLAND REGIONAL COUNCIL		1	
REGIONAL SUBTOTAL	7	1	1
UNITARY AUTHORITIES			
AUCKLAND COUNCIL			
GISBORNE DISTRICT COUNCIL			
NELSON CITY COUNCIL			
MARLBOROUGH DISTRICT COUNCIL	1		
TASMAN DISTRICT COUNCIL			
UNITARY SUBTOTAL	1	0	0
TOTAL	8	1	1

Table 10: Prosecutions involving restorative justice, diversion or other alternative justice

QUESTION 44. How many prosecutions involved restorative justice, diversion or other alternative justice process?

CME REPORTING

Question 44 addressed the ways in which this operational function was carried out, providing a range of 'standard' options and giving council respondents space to describe alternate approaches.

Most commonly councils use reports to other Councillors and Council committee meetings that are open to the public. Other mechanisms include zone meetings, putting data on the website, regulation committee meetings, compliance monitoring report, rates newsletter, media release and individual prosecutions.

CME REPORTING CHANNELS

	ANNUAL REPORT	REPORT TO COUNCILLORS	SNAPSHOT	REPORT(S) TO COUNCIL COMMITTEE MEETINGS (OPEN TO PUBLIC)	OTHER	TOTAL REPORTING CHANNELS
REGIONAL COUNCILS						
NORTHLAND REGIONAL COUNCIL	✓	✓	✓	✓	✓	5
WAIKATO REGIONAL COUNCIL		✓	✓		✓	3
BAY OF PLENTY REGIONAL COUNCIL	✓	✓	✓	✓		4
HAWKES BAY REGIONAL COUNCIL	✓	✓	✓	✓		4
TARANAKI REGIONAL COUNCIL	✓	✓		✓	✓	4
HORIZONS REGIONAL COUNCIL	✓	✓		✓		3
GREATER WELLINGTON REGIONAL COUNCIL	✓	✓		✓		3
ENVIRONMENT CANTERBURY	✓	✓	✓	✓	✓	5
OTAGO REGIONAL COUNCIL		✓		✓		2
WEST COAST REGIONAL COUNCIL		✓		✓	✓	3
SOUTHLAND REGIONAL COUNCIL					✓	1
UNITARY AUTHORITIES						
AUCKLAND COUNCIL					✓	1
GISBORNE DISTRICT COUNCIL	✓	✓		✓		3
NELSON CITY COUNCIL	✓	✓		✓		3
MARLBOROUGH DISTRICT COUNCIL	✓	✓	✓	✓		4
TASMAN DISTRICT COUNCIL	✓	✓		✓		3

Table 11: CME reporting channels



REGIONAL SCORECARDS

PART 3

The following pages are summaries of the key data for the regional and unitary councils on an individual basis. They enable councils to quickly and easily communicate the findings of the national scale analysis as it applies to them, and to use these figures as a basis for regional scale performance improvement. All pages contain identical categories of information, all of which is based on tables found elsewhere throughout the report.

CME METRICS REPORT 2020 / 2021

NATIONAL SUMMARY



5,042,900
NEW ZEALAND POPULATION
ESTIMATE 2020



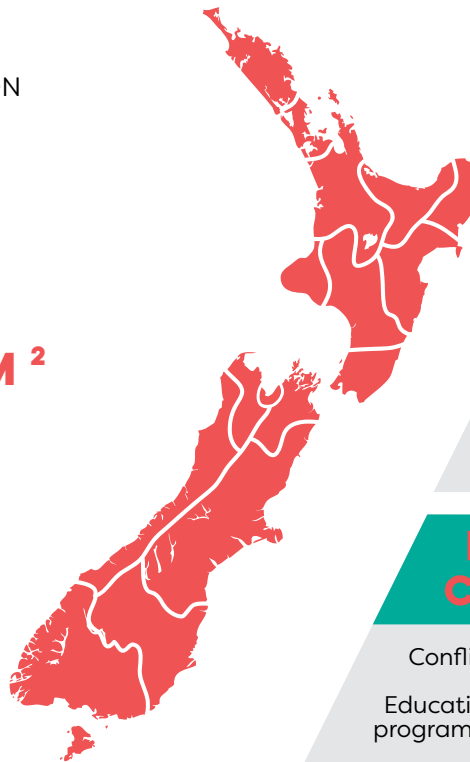
10.5%
POPULATION GROWTH
2015-2020



268,000 KM²
GEOGRAPHIC
AREA



\$323,142 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **542**
FTE/1000 **0.15**

POLICY CHECKLIST



Conflict of interest policy **16 / 16**
Education / engagement
programmes **16 / 16**
Enforcement policy **16 / 16**

CONSENTS



283,470
ADMINISTERED



38,214
REQUIRED
MONITORING



83%
CONSENTS MONITORED
OF THOSE REQUIRING IT

INCIDENTS



29,468
ENVIRONMENTAL
INCIDENTS REPORTED



99%
RESPONSE
RATE

ENFORCEMENT

802

WARNINGS
ISSUED

5,225

ABATEMENT NOTICES
ISSUED

2,150

INFRINGEMENT FINES
ISSUED

18

ENFORCEMENT ORDER
APPLICATIONS

95

PROSECUTIONS
CONCLUDED

71

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

NORTHLAND REGIONAL COUNCIL



192,500
NEW ZEALAND POPULATION
ESTIMATE 2020



13.1%
POPULATION GROWTH
2015-2020



13,778 KM²
GEOGRAPHIC
AREA



\$8,222 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **25**
FTE/1000 **0.13**

NATIONAL AVERAGE 0.15

CONSENTS



10,164
ADMINISTERED



3,505
REQUIRED
MONITORING



86%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



811
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

0

WARNINGS
ISSUED

210

ABATEMENT NOTICES
ISSUED

94

INFRINGEMENT FINES
ISSUED

3

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

4

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

WAIKATO REGIONAL COUNCIL



492,100
NEW ZEALAND POPULATION
ESTIMATE 2020



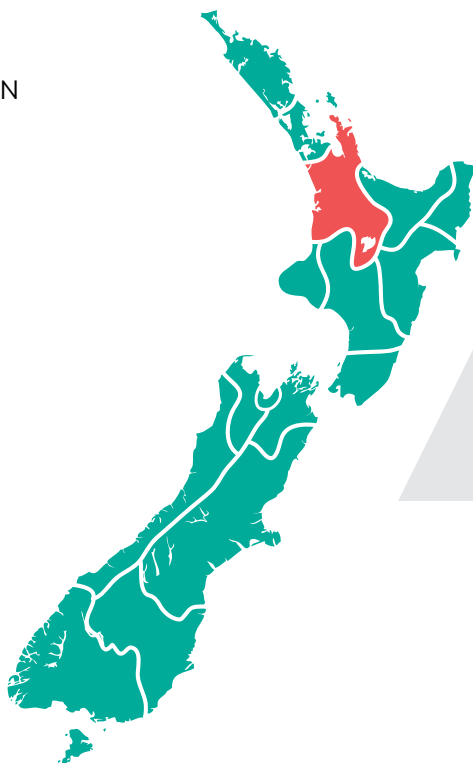
12.5%
POPULATION GROWTH
2015-2020



24,147 KM²
GEOGRAPHIC
AREA



\$27,884 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **47**
FTE/1000 **0.1**

NATIONAL AVERAGE 0.15

CONSENTS



11,839
ADMINISTERED



NO DATA
REQUIRED
MONITORING



NO DATA
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



2,207
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

282

WARNINGS
ISSUED

118

ABATEMENT NOTICES
ISSUED

67

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

20

PROSECUTIONS
CONCLUDED

10

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

BAY OF PLENTY REGIONAL COUNCIL



333,500
NEW ZEALAND POPULATION
ESTIMATE 2020



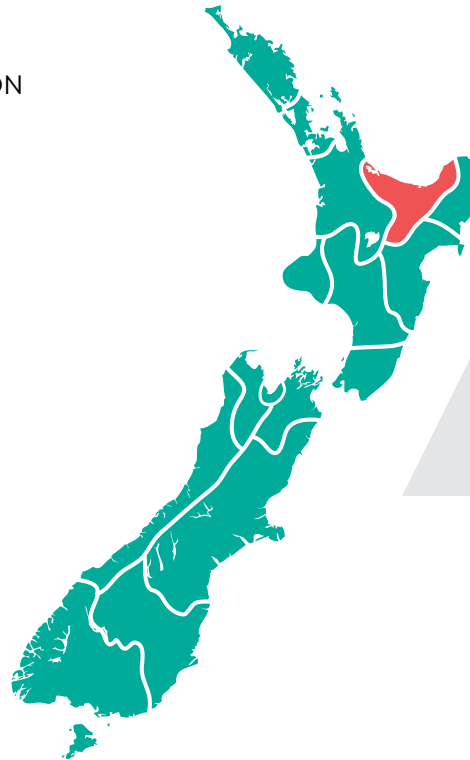
15.1%
POPULATION GROWTH
2015-2020



12,303 KM²
GEOGRAPHIC
AREA



\$18,884 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **37**
FTE/1000 **0.11**

NATIONAL AVERAGE 0.15

CONSENTS



8,407
ADMINISTERED



3,324
REQUIRED
MONITORING



86%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



3,771
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

102

ABATEMENT NOTICES
ISSUED

27

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

10

PROSECUTIONS
CONCLUDED

6

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

HAWKES BAY REGIONAL COUNCIL



177,200
NEW ZEALAND POPULATION
ESTIMATE 2020



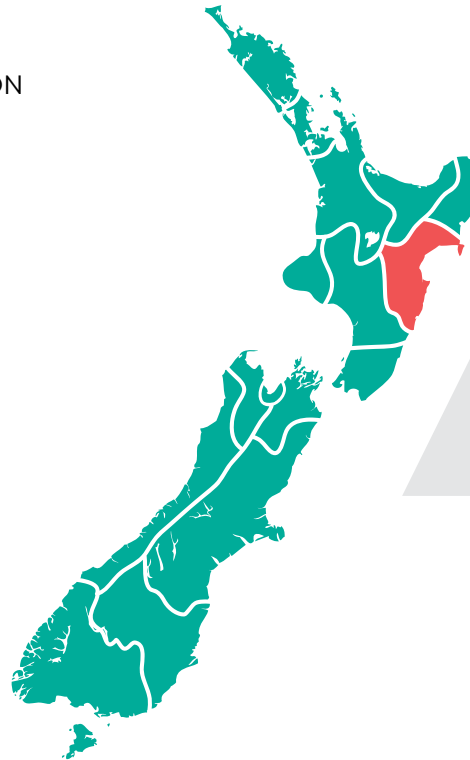
9.2%
POPULATION GROWTH
2015-2020



14,138 KM²
GEOGRAPHIC
AREA



\$9,093 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **16**
FTE/1000 **0.09**
NATIONAL AVERAGE 0.15

CONSENTS



8,452
ADMINISTERED



3,355
REQUIRED
MONITORING



93%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



823
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

22

WARNINGS
ISSUED

66

ABATEMENT NOTICES
ISSUED

86

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

12

PROSECUTIONS
CONCLUDED

9

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

TARANAKI REGIONAL COUNCIL



124,000
NEW ZEALAND POPULATION
ESTIMATE 2020



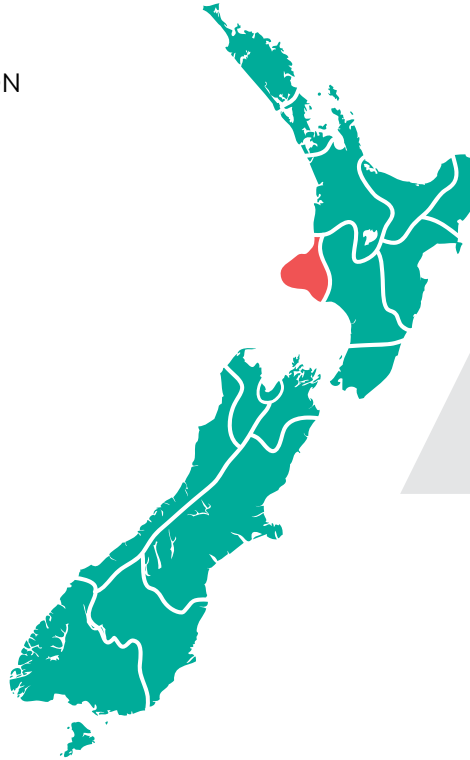
7.1%
POPULATION GROWTH
2015-2020



7,256 KM²
GEOGRAPHIC
AREA



\$9,513 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **49**
FTE/1000 **0.4**

NATIONAL AVERAGE 0.15

CONSENTS



4,517
ADMINISTERED



2,510
REQUIRED
MONITORING



100%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



590
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

0

WARNINGS
ISSUED

255

ABATEMENT NOTICES
ISSUED

152

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

4

PROSECUTIONS
CONCLUDED

3

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

HORIZONS REGIONAL COUNCIL



252,900
NEW ZEALAND POPULATION
ESTIMATE 2020



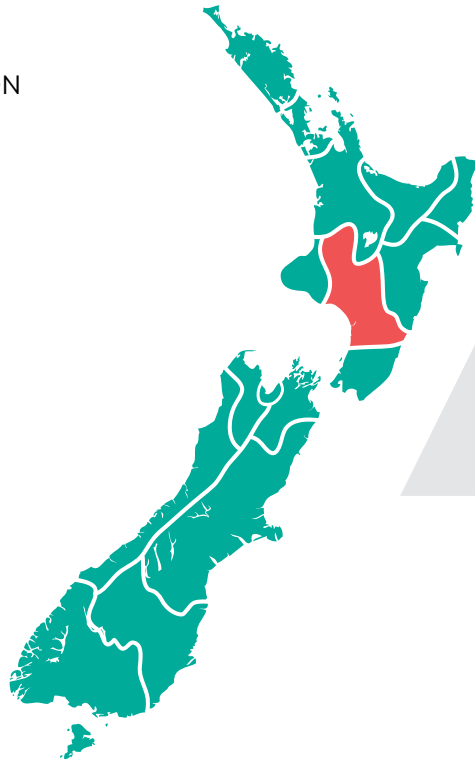
7.2%
POPULATION GROWTH
2015-2020



22,220 KM²
GEOGRAPHIC
AREA



\$12,426 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **25**
FTE/1000 **0.1**

NATIONAL AVERAGE 0.15

CONSENTS



6,619
ADMINISTERED



1,823
REQUIRED
MONITORING



89%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



1,226
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

11

WARNINGS
ISSUED

40

ABATEMENT NOTICES
ISSUED

78

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

3

PROSECUTIONS
CONCLUDED

4

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

GREATER WELLINGTON REGIONAL COUNCIL



538,500
NEW ZEALAND POPULATION
ESTIMATE 2020



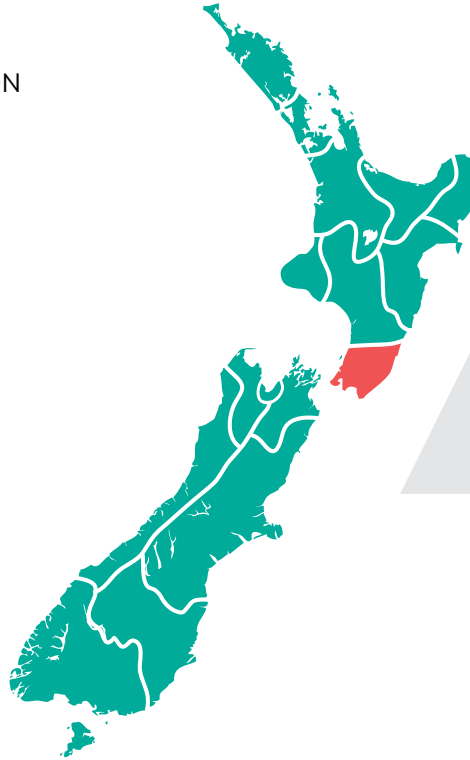
8.1%
POPULATION GROWTH
2015-2020



8,142 KM²
GEOGRAPHIC
AREA



\$40,272 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **18**
FTE/1000 **0.03**

NATIONAL AVERAGE 0.15

CONSENTS



7,138
ADMINISTERED



1,779
REQUIRED
MONITORING



87%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



1,140
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

44

WARNINGS
ISSUED

26

ABATEMENT NOTICES
ISSUED

63

INFRINGEMENT FINES
ISSUED

3

ENFORCEMENT ORDER
APPLICATIONS

4

PROSECUTIONS
CONCLUDED

4

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

ENVIROMENT CANTERBURY



641,200
NEW ZEALAND POPULATION
ESTIMATE 2020



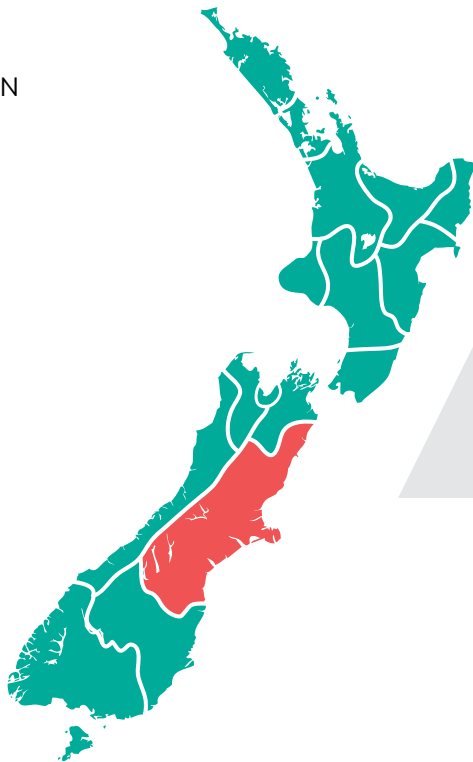
10.8%
POPULATION GROWTH
2015-2020



44,633 KM²
GEOGRAPHIC
AREA



\$39,961M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **54**
FTE/1000 **0.08**

NATIONAL AVERAGE 0.15

CONSENTS



22,648
ADMINISTERED



1,314
REQUIRED
MONITORING



96%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



4,441
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

261

WARNINGS
ISSUED

260

ABATEMENT NOTICES
ISSUED

97

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

9

PROSECUTIONS
CONCLUDED

2

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020/ 2021

OTAGO REGIONAL COUNCIL



243,000
NEW ZEALAND POPULATION
ESTIMATE 2020



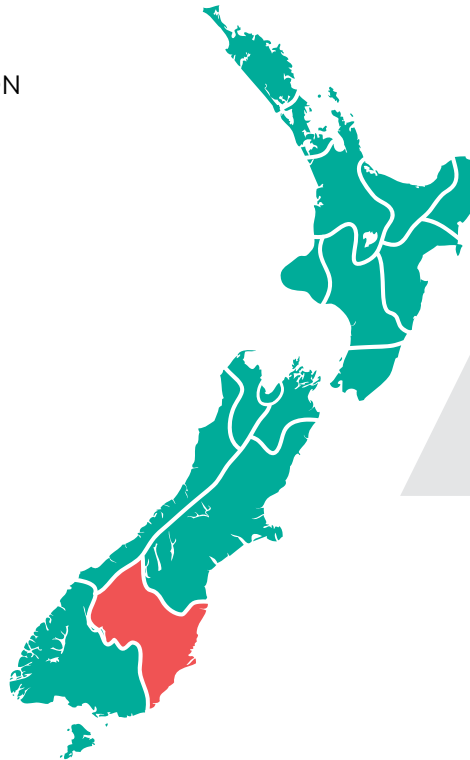
13%
POPULATION GROWTH
2015-2020



31,280 KM²
GEOGRAPHIC
AREA



\$14,180 M
GDP TO MARCH
2020



CME STAFF



FULL TIME
EMPLOYEES **32**
FTE/1000 **0.13**

NATIONAL AVERAGE 0.15

CONSENTS



5,785
ADMINISTERED



3,136
REQUIRED
MONITORING



71%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



1,268
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

27

WARNINGS
ISSUED

25

ABATEMENT NOTICES
ISSUED

34

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

2

PROSECUTIONS
CONCLUDED

2

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

WEST COAST REGIONAL COUNCIL



32,400
NEW ZEALAND POPULATION
ESTIMATE 2020



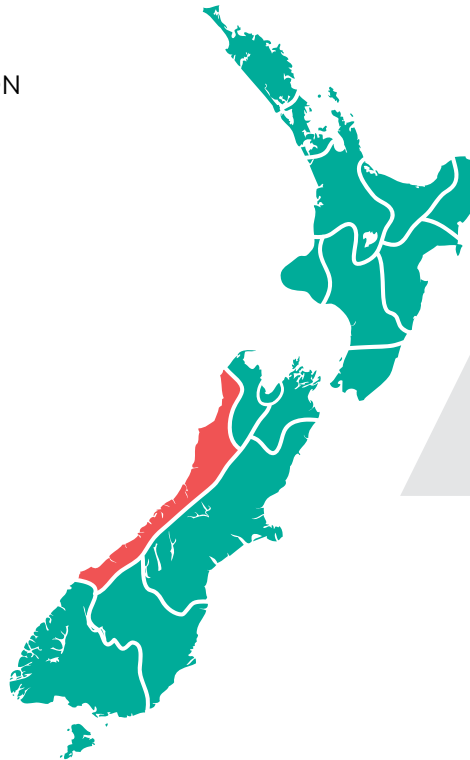
-1.5%
POPULATION GROWTH
2015-2020



23,277 KM²
GEOGRAPHIC
AREA



\$1,836 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **7**
FTE/1000 **0.20**
NATIONAL AVERAGE 0.15

CONSENTS



5,682
ADMINISTERED



1,268
REQUIRED
MONITORING



92%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



131
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

11

WARNINGS
ISSUED

12

ABATEMENT NOTICES
ISSUED

17

INFRINGEMENT FINES
ISSUED

NO DATA

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

2

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

SOUTHLAND REGIONAL COUNCIL



102,300
NEW ZEALAND POPULATION
ESTIMATE 2020



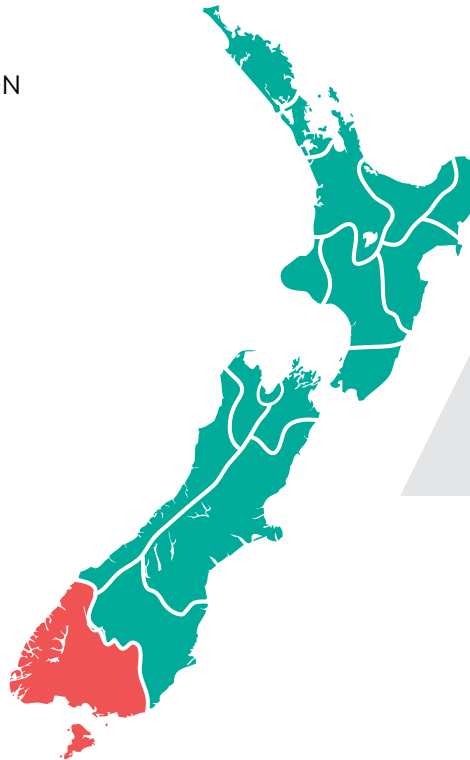
5.1%
POPULATION GROWTH
2015-2020



32,184 KM²
GEOGRAPHIC
AREA



\$6,718 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **13**
FTE/1000 **0.12**

NATIONAL AVERAGE 0.15

CONSENTS



5,995
ADMINISTERED



5,920
REQUIRED
MONITORING



72%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



888
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

91

WARNINGS
ISSUED

29

ABATEMENT NOTICES
ISSUED

47

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

11

PROSECUTIONS
CONCLUDED

6

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020/ 2021

AUCKLAND COUNCIL



1,702,700
NEW ZEALAND POPULATION
ESTIMATE 2020



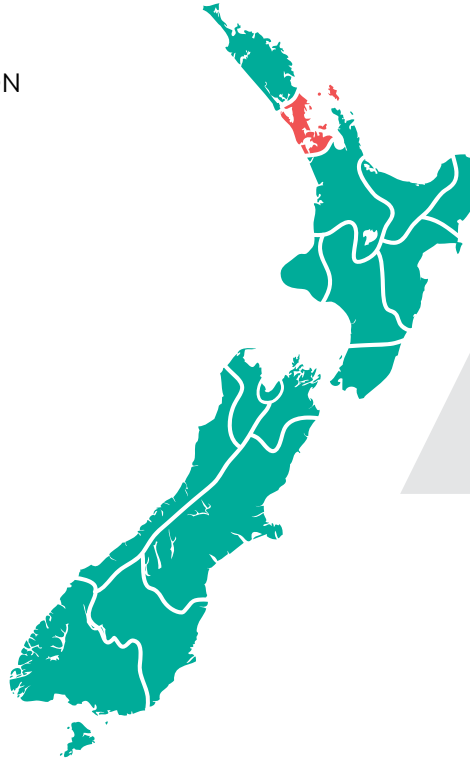
10.8%
POPULATION GROWTH
2015-2020



5,945 KM²
GEOGRAPHIC
AREA



\$122,557 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **181**
FTE/1000 **0.11**

NATIONAL AVERAGE 0.15

CONSENTS



130,371
ADMINISTERED



NO DATA
REQUIRED
MONITORING



NO DATA
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



9,502
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

3,965

ABATEMENT NOTICES
ISSUED

1,339

INFRINGEMENT FINES
ISSUED

6

ENFORCEMENT ORDER
APPLICATIONS

10

PROSECUTIONS
CONCLUDED

12

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

GISBORNE DISTRICT COUNCIL



50,500
NEW ZEALAND POPULATION
ESTIMATE 2020



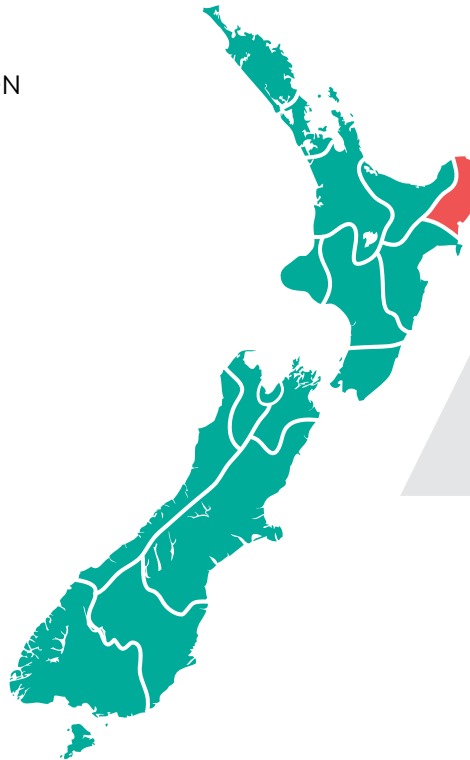
5.6%
POPULATION GROWTH
2015-2020



8,386 KM²
GEOGRAPHIC
AREA



\$2,299 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **9**
FTE/1000 **0.18**
NATIONAL AVERAGE 0.15

CONSENTS



8,893
ADMINISTERED



1,135
REQUIRED
MONITORING



60%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



194
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

40

WARNINGS
ISSUED

35

ABATEMENT NOTICES
ISSUED

3

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

5

PROSECUTIONS
CONCLUDED

1

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020/ 2021

TASMAN DISTRICT COUNCIL



56,400
NEW ZEALAND POPULATION
ESTIMATE 2020



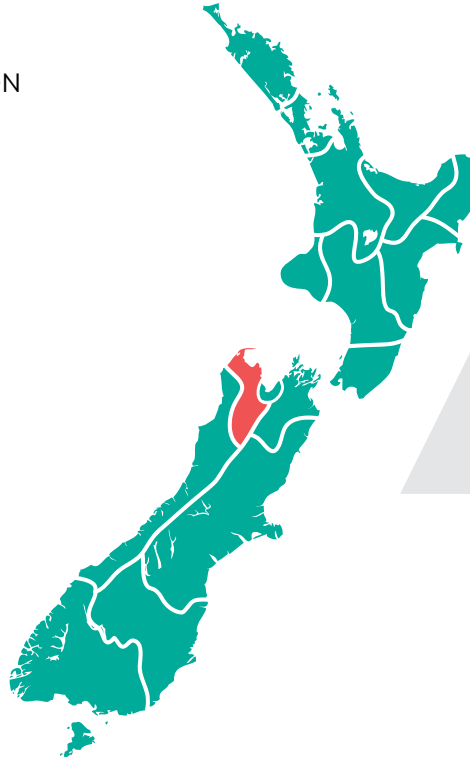
9.7%
POPULATION GROWTH
2015-2020



9,764 KM²
GEOGRAPHIC
AREA



\$6,005M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **12**
FTE/1000 **0.21**

NATIONAL AVERAGE 0.15

CONSENTS



16,826
ADMINISTERED



4,941
REQUIRED
MONITORING



57%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



1,394
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

37

ABATEMENT NOTICES
ISSUED

18

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

1

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

NELSON CITY COUNCIL



54,600
NEW ZEALAND POPULATION
ESTIMATE 2020



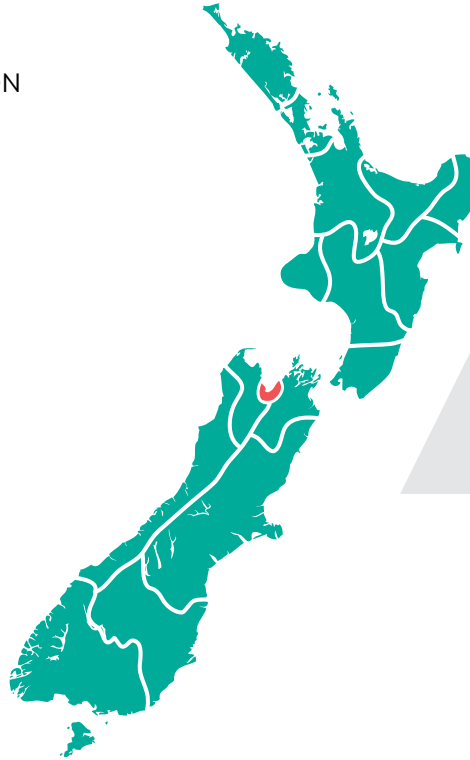
9.7%
POPULATION GROWTH
2015-2020



477KM²
GEOGRAPHIC
AREA



\$6,005M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **6**
FTE/1000 **0.1**
NATIONAL AVERAGE 0.15

CONSENTS



675
ADMINISTERED



675
REQUIRED
MONITORING



100%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



523
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

NO DATA

WARNINGS
ISSUED

17

ABATEMENT NOTICES
ISSUED

13

INFRINGEMENT FINES
ISSUED

1

ENFORCEMENT ORDER
APPLICATIONS

0

PROSECUTIONS
CONCLUDED

0

PROSECUTIONS IN
PROGRESS

CME METRICS REPORT 2020 / 2021

MARLBOROUGH DISTRICT COUNCIL



49,900
NEW ZEALAND POPULATION
ESTIMATE 2020



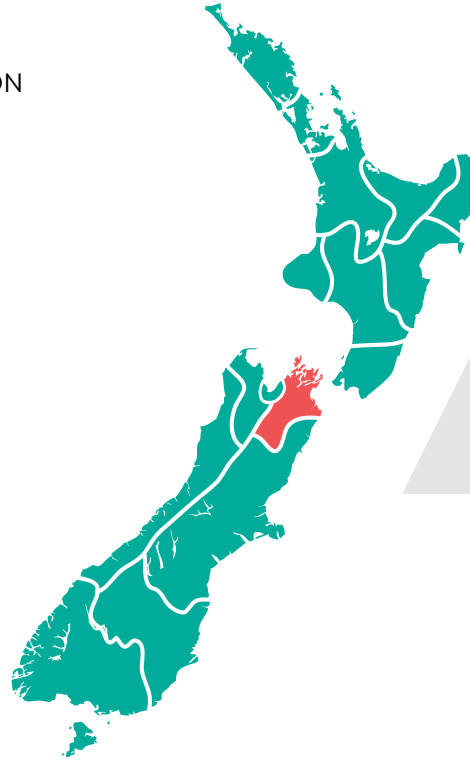
9%
POPULATION GROWTH
2015-2020



10,773 KM²
GEOGRAPHIC
AREA



\$3,290 M
GDP TO MARCH
2020



CME STAFF



FULL TIME EMPLOYEES **13**
FTE/1000 **0.25**

NATIONAL AVERAGE 0.15

CONSENTS



29,459
ADMINISTERED



3,529
REQUIRED
MONITORING



98%
CONSENTS MONITORED
OF THOSE REQUIRING IT
NATIONAL AVERAGE 83%

INCIDENTS



559
ENVIRONMENTAL
INCIDENTS REPORTED



100%
RESPONSE RATE
NATIONAL AVERAGE 99%

ENFORCEMENT

13

WARNINGS
ISSUED

28

ABATEMENT NOTICES
ISSUED

15

INFRINGEMENT FINES
ISSUED

0

ENFORCEMENT ORDER
APPLICATIONS

1

PROSECUTIONS
CONCLUDED

5

PROSECUTIONS IN
PROGRESS

METRICS SURVEY QUESTIONS

APPENDIX 1

1. Which council are you completing this survey on behalf of? [Regional/ Unitary]

2. And this is for?

- Northland Regional Council
- Waikato Regional Council
- Bay of Plenty Regional Council
- Hawkes Bay Regional Council
- Taranaki Regional Council
- Horizons Regional Council
- Greater Wellington Regional Council
- Environment Canterbury
- Otago Regional Council
- West Coast Regional Council
- Southland Regional Council
- Auckland Council
- Gisborne District Council
- Nelson City Council
- Marlborough District Council
- Tasman District Council

3. What is your name and contact details?

COMMENTS TO IWI

Post 2017/2018 regional context data from common national sources (e.g. Statistics New Zealand) instead of requiring councils to submit it. This also helped ensure comparability

4. In no more than 300 words describe your regional key commitments to work with iwi/Maori on CME. For example, joint management agreements or other co-management agreements.

Note: The report author may contact you for further information or clarification of your response.

CME OPERATIONS (MANAGING THE WORKLOAD)

COMPLAINTS

5. Does your council register/count:

- an individual “incident” per notification?
- one incident per event, regardless of the number of separate complainants?

6. How many notifications (complaints) were received from members of the public (or other sources, but excluding information from council monitoring activity) relating to environmental incidents or potential breaches of environmental regulation?

This might include information from, for example, emergency services attending an incident or perhaps a council staff member observing something while on other duties, but excludes information from council monitoring activity.

- No. of individual complaints/calls?
 - No. of individual incidents logged?
 - Unknown
7. How many of these notifications were responded to by council?
This response may be in any form – e.g. phone call, site visit, desktop audit
8. How many of these notifications were physically attended by council staff?
If one incident had multiple visits, only count this as one.
9. How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?
10. How many of the breaches were for:
- Breach of a resource consent?
 - Breach of permitted activity rules?

MONITORING RESOURCE CONSENTS & PERMITTED ACTIVITIES

RESOURCE CONSENTS

11. How many individual, active resource consents exist in your region?
Exclude Land Use Consents where the activity is completed e.g. Land use subdivisions where the subdivision is complete and certificates issued or land use – building where the building has been constructed.
12. How many consents required monitoring during this period, in accordance with your monitoring prioritisation model/strategy?
13. How many of these consents were monitored (including desktop audit) in the period?

COMPLIANCE GRADINGS

14. In the 2020/2021 year, did you use the four compliance grades as recommended by Ministry for Environment?
Yes/No
15. What grades do you apply to non-compliance? (e.g. technical non-compliance, significant non-compliance)
- Fully Compliant
 - Technical/Low Non-Compliance
 - Moderate Non-Compliance
 - Significant Non-Compliance
 - Other (please specify)
16. When will your council be adopting the four compliance grades recommended by Ministry for Environment?
17. What were the levels of compliance with consents according to the grades you use?

Note 1: Numbers provided under each grade is per monitoring event not per consent. E.g. a consent may be monitored 4 times in the year on one occasion it may be Technically Non-Compliance and on three occasions it may be Fully Compliant, this would add 3 to the total of Fully Compliant and one to the total for Technical Non-compliance.

Note 2: The compliance grade is based on the condition with the worst compliance grade. (e.g. a consent with five conditions Fully Compliant and one condition Moderate Non-Compliance has an overall compliance grade of Minor Non-Compliance)

Note 3: Daily telemetry water readings where compliance with water take limits is continuously monitored are to be excluded from compliance grade totals.

- Fully Compliant
- Technical/Low Non-Compliance
- Moderate Non-Compliance
- Significant Non-Compliance
- Other (please specify)

MONITORING PERMITTED ACTIVITIES

18. Which permitted activities do you have a monitoring programme for?

- Agriculture (excluding dairy)
- Aquaculture
- Construction
- Dairy
- Forestry
- Horticulture
- Industrial Stormwater
- Mining
- Oil and gas
- Tourism
- Vineyards
- Wineries
- Wintering
- Other (please specify)

MAKING DECISIONS ON PRIORITIES

19. What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?

20. Describe how you determine which consents are monitored and how frequently?

If there is a prioritisation model or compliance strategy, add link

21. Describe the basis, which was used for determining what, if any, permitted activities were monitored.

If there is a prioritisation model or compliance strategy, add link

STAFFING LEVELS

22. How many FTEs does your council have who carry out monitoring roles?

Include contractors.

23. How many FTEs does your council have who carry out environmental incident or pollution response roles?

Include contractors.

24. How many FTEs does your council have who carry out investigation or enforcement roles?

25. How many FTEs does your council have who carry out a combination of the above roles? Note 1: Include contractors

Note 2: Only answer this question if you have not included these staff in questions 21, 22 or 23

26. How many FTEs does your council have in CME support roles?

This includes administrative roles, e.g. staff who assist with issue of notices, reminder notices, upload of unpaid infringements to MoJ.

CME POLICIES AND PROCEDURES

27. Does your council have an enforcement policy?

Yes/ No

28. What is your process for making decisions on prosecutions?

29. Who has the delegation to authorise filing of charges for a prosecution at your council?

30. Does your council have a conflict of interest policy?

Yes/ No

ACTING ON NON-COMPLIANCE

31. What was the total number of actions taken during the period for:

- Formal warnings issued
- Abatement notices issued
- Infringement notices issued
- Enforcement orders applied for

Note: This relates to the instruments issued in relation to the different sections of the Act (listed once for brevity)

- *Section 9 Use of land*
- *Section 12 Coastal marine area*
- *Section 13 Beds of lakes and rivers*
- *Section 14 Water*
- *Section 15 Discharges of contaminants*
- *Section 17 Duty to avoid, remedy & mitigate*
- *Other breach e.g. Section 22*

PROSECUTION

32. How many RMA prosecutions were:

Note: For this question please consider an entire case (regardless of number of charges and defendants) as one prosecution.

- Concluded in the period
- Still in progress in the period

33. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

34. For all of these (person) defendants what is the total number of convictions entered against them?

For example, there may be a total of 27 separate convictions entered against a total of nine 'individual' defendants.

35. What is the total number of corporate (e.g. Crown, company, body corporate etc) defendants convicted as a result of RMA prosecutions concluded in this period?

36. For all of these (corporate) defendants what is the total number of convictions entered against them?

For example, there may be a total of 30 separate convictions entered against a total of 12 corporate defendants.

37. Total number of convictions against: [see categories for sections of the Act as above]

- *an individual*
- *a corporate entity*

Total fine potential (Individual total x \$300,000, corporate entity total x \$600,000)

38. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period?

- *Individual fines*
- *Corporate fines*

38. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period?

- *Prison sentence*
- *Enforcement order*
- *Reparation*
- *Community Service*
- *Discharge without conviction*
- *Other*

40. How many prosecutions involved restorative justice, diversion or other alternative justice process?

- *Restorative justice*
- *Diversion*
- *Alternative justice*

41. Describe any outcomes relating to these processes.

EDUCATING AND ENGAGING WITH THE REGULATED COMMUNITY

42. Does your council have, or support, any education or engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, workshops for earthworks contractors around erosion and sediment controls. Yes/No

43. If yes, briefly describe

CME REPORTING

44. What mechanisms do your council use to report CME data to the public? e.g. annual reports, reports to councillors

- *Annual Report*
- *Report to Councillors*
- *Snapshot*
- *Report(s) to Council committee meetings (open to public)*
- *Other (please specify)*

Northland Regional Council

NRC has a range of initiatives to work in partnership with Māori. A key one is the Te Tai Tokerau Māori & Council Working Party (TTMAC), which is an advisory committee established in 2014. This group meets monthly. Four of council's five other working parties have an equal number of Maori representatives sitting alongside councilors. This includes the Planning & Regulatory Working Party, which has oversight of CME as part of its purpose. Council has signed with two hapū the Mana Whakahono a Rohe; Patuharakeke and Ngatirehia with the intention to sign with Te Uri o Hau and Te Hikutu. This will be reviewed in terms of implementation in 2022. There is an agreed process for hapū signatories to meet with the Northland Regional Council to discuss opportunities for hapū to be involved in council compliance and monitoring activities.

SOUTHLAND REGIONAL COUNCIL

Ngāi Tahu ki Murihiku (tangata whenua) have a particular interest in the work of Environment Southland. And mutually, the council has responsibilities towards Māori and Māori cultural and spiritual values. The approach we have in Southland today is unique in the South Island. Its aim is to ensure Māori values are reflected in the council's decision-making, so that Southland's mauri is protected for now and generations to come. Te Aō Marama Incorporated (the environmental arm of Ngāi Tahu ki Murihiku) was one of the key facilitators when the relationship between the council and iwi began in the early 90s. Te Aō Marama was delegated the responsibility of dealing with councils on environmental matters, on behalf of the four papatipu rūnanga who hold mana whenua over all ancestral lands in Murihiku – Awarua, Hokonui, Ōraka Aparima and Waihōpai. For 25 years the relationship with Environment Southland continues to grow, with various protocols being developed to ensure smooth and efficient processes for plan development and consents management, a jointly funded iwi policy advisor position, an iwi management plan Te Tangi a Tauira, and a partnership to improve Southland's water and land through the People Water and Land programme – Te Mana o te Tangata, te Wai, te Whenua. The most recent milestone in the council's relationship with iwi is the inclusion of mana whenua positions on two of Environment Southland's committees. The successful candidates for these positions will start their work after the elections in October. Environment Southland, refers to the iwi relationship as te kōura tuia – the 'golden thread' that we weave through all our work. It's just part of how we operate. There is a commitment to the responsibility of improving Southland's local government understanding of all things Māori.

WAIKATO REGIONAL COUNCIL

The WRC has operative Joint Management Agreements (JMAs) with five 'River' Iwi – Waikato-Tainui, Raukawa, Te Arawa, Ngāti Maniapoto and Ngāti Tuwharetoa – as required by legislation. A key purpose of JMAs is to provide a framework for Iwi and the Council to discuss and agree processes for enabling co-management of planning, regulatory and other functions within the relevant Iwi's geographic area of interest. For all currently operative JMAs, this includes RMA compliance, monitoring and enforcement (CME) functions of Council. Whilst each of the JMAs was individually negotiated, there are common themes across all in relation to CME. The key commitments relating to CME within the JMAs generally include biannual operational meetings to discuss monitoring priorities, extent and methods; the potential for Iwi involvement in monitoring and enforcement processes; responses to non-compliance; consent review opportunities; the effectiveness of conditions and the effectiveness of compliance policies and procedures generally. The JMAs require various CME-related information to be provided, at different times – for example, summary updates of enforcement actions (prosecutions, enforcement orders, abatement notices and infringement notices) undertaken by the Council under the RMA for the JMA area. Agreed outcomes and actions from biannual operational meetings will, where appropriate, be reported up to the corresponding co-governance committees. The JMAs have facilitated closer personal and working relationship with Iwi which itself has engendered more effective engagement, co-operation and flow of information in both directions.

TARANAKI REGIONAL COUNCIL

The Council has 3 iwi appointed representatives on each of its Consents and Regulatory and Policy and Planning Committees. This provides for CME input at this level. In addition the Council engages directly with iwi over prosecutions and obtains victim impact statements for sentencing. The 4 local authorities in the region are currently trying to develop Iwi Relationship Agreements, under the Mana Wakahono a Rohe provisions of the RMA, with 7 iwi in the region, which potentially includes CME provisions.

HAWKES BAY REGIONAL COUNCIL

Hasn't changed from last year response which covered more the planning and policy interactions with iwi. We are obtaining cultural impact statements from iwi for most prosecutions as part of the sentencing.

ENVIRONMENT CANTERBURY

To give effect to the obligations under the Local Government Act 2002 and the related obligations under the Resource Management Act 1991, we have committed with Ngāi Tahu to improve relationships and interaction and integrate improved working practices across Environment Canterbury. The way we do this falls under the umbrella of our joint work programme Tuia, which includes a commitment to including rūnanga input to our 5-year CME plan. The 5-year plan has identified key areas where Rūnanga and Environment Canterbury can work together to improve Incident Response, compliance and enforcement. For example, we have begun alerting Rūnanga to compliance issues/incidents in their areas through incident response, have identified opportunities with providing and receiving mutual education and training around compliance monitoring, and are identifying Rūnanga priorities to help with decision making. Environment Canterbury are also funding rūnanga to provide advice to help inform our decisions relating to enforcement action.

WEST COAST REGIONAL COUNCIL

The West Coast Regional Council and Poutini Ngai Tahu have signed a Mana Whakahono a Rohe - Iwi Participation Arrangement. The arrangement formally acknowledges the partnership and relationship between Council and Ngai Tahu. The document can be found on Councils web site under Strategies - publications. Te Runanga Ngati Waewae and Te Runanga Makaawhio have representation on Council and in decision making on relevant Council committees such as the Resource management Committee.

AUCKLAND COUNCIL

Our Compliance Monitoring Unit has been part of the Council's review of the Cultural Values Assessment processes. This is a co-design process with mana whenua that has been on-going for the last few years. We are currently working through a 'winter works' shadowing programme with mana whenua and are working across Council departments to improve the application of Accidental Discovery Protocols which apply where cultural sensitive material is unearthed during construction.

GISBORNE DISTRICT COUNCIL

Joint management agreement over Waiapu catchment. Discussions on certain notified resource consent applications. Department of Internal affairs pilot 'strengthening treaty partnerships' currently underway.

MARLBOROUGH DISTRICT COUNCIL

MDC engage with Iwi and hapū in relation to CME with cultural impact and prioritises as required. MDC operates a Iwi working group in the development of plans. MDC currently have a draft Iwi Engagement Plan

BAY OF PLENTY REGIONAL COUNCIL

We do not currently have any formal CME focused arrangements with tangatawhenua; however, we are currently in the process of developing agreements in this regard in relation to a number of specific matters. Further to this, the role and importance of Māori as kaitiaki is considered in the day-to-day implementation of our compliance programme. In practical terms, this may include ensuring tangatawhenua are notified of incidents in their rohe ('no surprises' approach) and involved in project where appropriate (e.g., marae wastewater). CME information is also formally reported to co-governance groups (eg. Rangitaiki River Authority and TeMaru o Kaituna)

HORIZONS REGIONAL COUNCIL

No formal agreements under CME but is in early-stage development. Currently only engagement is through consent imposed conditions and cultural impacts assessments.

GREATER WELLINGTON

The Council has no formal CME agreements with Iwi. The proposed Natural Resource Plan for the Wellington Region lays out the collaborative work and strategy for involving Iwi. Part of that collaborative work is the ongoing establishment of Whaitua's to engage Iwi and communities in a catchment focused approach to management of the environment. This intrinsically includes a CME element.

OTAGO REGIONAL COUNCIL

No formal agreements at this stage with Iwi around CME, however, in the event of a major incident or comprehensive investigation Iwi are advised. We have used Iwi for cultural impact assessment reports on prosecution cases. We also notify Aukaha of any incidents involving waterways. ORC is working with Aukaha and Te Aō Marama Incorporated to improve engagement and involvement in CME activities.

NELSON CITY COUNCIL

No formal agreements are in place, Iwi are involved in revising Plan provisions and Council facilitates having an Iwi monitor on site alongside Council's monitoring officer when this is requested. All Iwi are sent a summary of all resource consent applications on a weekly basis. Council is also financially supporting Iwi to build capacity in state of the environment monitoring and to establish cultural health monitoring practices.

TASMAN DISTRICT COUNCIL

No formal agreements under CME responsibility at this stage but being developed. At a very early scoping stage.

CME Metrics Survey

2. Council Details

1. Which council are you completing this survey on behalf of?

Regional authority

2. And, is this for...

West Coast Regional Council

3. What is your name and contact details?

Name : Colin Helem

Phone number : 021 245 8606

3. Commitments to Iwi

4. In no more than 300 words describe your regional key commitments to work with Iwi/Māori on CME. For example, joint management agreements or other co-management agreements.

Note: The report author may contact you for further information or clarification of your response

The West Coast Regional Council and Poutini Ngai Tahu have signed a Mana Whakahono a Rohe - Iwi Participation Arrangement. The arrangement formally acknowledges the partnership and relationship between Council and Ngai Tahu. The document can be found on Councils web site under Strategies - publications. Te Runanga Ngati Waewae and Te Runanga Makaawhio have representation on Council and in decision making on relevant Council committees such as the Resource management Committee.

4. CME Operations (managing the workload)

5. Does your council register/count:

One incident per event, regardless of the number of separate complainants

6. How many notifications (complaints) were received from members of the public (or other sources, but excluding information from council monitoring activity) relating to environmental incidents or potential breaches of environmental regulation?

This might include information from, for example, emergency services attending an incident or perhaps a council staff member observing something while on other duties, but excludes information from council monitoring activity

No. of individual complaints/calls

118

No. of individual incidents logged

13

Please answer unknown if your council does not record the information requested.

7. How many of these notifications were responded to by council?

This response may be in any form – e.g. phone call, site visit, desktop audit

Enter number here

131

Please answer unknown if your council does not record the information requested.

**8. How many of these notifications were physically attended by council staff?
If one incident had multiple visits, only count this as one.**

Enter number here

108

Please answer unknown if your council does not record the information requested

9. How many of these notifications were confirmed as breaches of the RMA or subsidiary instruments?

Enter number here

28

Please answer unknown if your council does not record the information requested

10. How many of the breaches were for:

Breach of a resource consent

14

Please answer unknown if your council does not record the information requested

Breach of permitted activity rules

14

Please answer unknown if your council does not record the information requested

5. Monitoring of Resource Consents and Permitted Activities

11. How many individual, active resource consents exist in your region?

Exclude Land Use Consents where the activity is completed e.g. Land use subdivisions where the subdivision is complete and certificates issued or land use – building where the building has been constructed.

Enter number here

5682

Please answer unknown if your council does not record the information requested

12. How many consents required monitoring during this period, in accordance with your monitoring prioritisation model/strategy?

Enter number here

1268

Please answer unknown if your council does not record the information requested

13. How many of these consents were monitored (including desktop audit) in the period?

Enter number here

1167

Please answer unknown if your council does not record the information requested

6. Monitoring of Resource Consents and Permitted Activities

14. In the 2019/20 year, did you use the four compliance grades as recommended by Ministry for Environment?

Yes

15. What grades do you apply to non-compliance? (e.g. technical non-compliance, significant noncompliance)

Fully Compliant
Technical/Low Non-Compliance
Moderate Non-Compliance
Significant Non-Compliance

16. When will your council be adopting the four compliance grades recommended by Ministry for Environment?

Adopted several years ago

17. What were the levels of compliance with consents according to the grades you use?

Note 1: Numbers provided under each grade is per monitoring event not per consent. E.g. a consent may be monitored 4 times in the year on one occasion it may be Technically Non-Compliance and on three occasions it may be Fully Compliant, this would add 3 to the total of Fully Compliant and one to the total for Technical Non-compliance.

Note 2: The compliance grade is based on the condition with the worst compliance grade. (e.g a consent with five conditions Fully Compliant and one condition Moderate Non-Compliance has an overall compliance grade of Minor Non-Compliance.

Note 3: Daily telemetry water readings where compliance with water take limits is continuously monitored are to be excluded from compliance grade totals.

Full Compliance : 1104
Low Risk/Technical Non-Compliance : 27
Moderate Non-Compliance : 24
Significant Non Compliance : 12

7. Monitoring of Resource Consents and Permitted Activities

18. Which permitted activities do you have a monitoring programme for?

Dairy
Forestry
Wintering

8. Making Decisions on Priorities

19. What basis is used for determining what notifications/complaints/incidents are physically attended and with what urgency or priority?

Is it happening now.
Degree of adverse effect
What time of day is the complaint received, as do not attend outside of daylight hours due to health and safety.
Reliability of the complainant

**20. Describe how you determine which consents are monitored and how frequently?
If there is a prioritisation model or compliance strategy, add link**

Main monitoring portfolios assigned to compliance officers, mining, dairy forestry, gravel, whitebait stands, risk based on the main industries. Mining operations inspected 6 monthly or more frequent if issues. Dairy farms mostly inspected annually if they have consented discharge ponds or every second year if they irrigate to land and have a good system in place.

**21. Describe the basis which was used for determining what, if any, permitted activities were monitored
If there is a prioritisation model or compliance strategy, add link**

Dairy farming irrigating effluent to land is permitted activity and part of our dairy monitoring programme. Forestry activities permitted under the NES have a monitoring programme. Risk based effects determine the monitoring and frequency.

9. Staffing Levels

22. How many FTEs does your council have who carry out monitoring roles?

Include contractors.

Enter number here

Please answer unknown if your council does not record the information requested

23. How many FTEs does your council have who carry out environmental incident or pollution response roles?

Include contractors.

Enter number here

Please answer unknown if your council does not record the information requested

24. How many FTEs does your council have who carry out investigation or enforcement roles?

Enter number here

Please answer unknown if your council does not record the information requested

25. How many FTEs does your council have who carry out a combination of the above roles?

Note 1: Include contractors

Note 2: Only answer this question if you have not included these staff in questions 21, 22 or 23

Enter number here

5.5

Please answer unknown if your council does not record the information requested

26. How many FTEs does your council have in CME support roles ?

This includes administrative roles, e.g. staff who assist with issue of notices, reminder notices, upload of unpaid infringements to MoJ.

Enter number here

1

Please answer unknown if your council does not record the information requested

10. CME Policies and Procedures

27. Does your council have an enforcement policy?

Yes

28. What is your process for making decisions on prosecutions?

Recommendation on action report submitted to the manager. Approval given to prepare a staff report for consideration at an EGD meeting. EDG consists of The CE, another manager separate from Consents and Compliance, the C & C Manager and officer in charge of the case. Final decision rests with the CE

29. Who has the delegation to authorise filing of charges for a prosecution at your council?

The CE and the Consents and Compliance Manager

30. Does your council have a conflict of interest policy?

Yes

11. Acting on Non-Compliance

31. Please populate the table with the number of actions taken during the period.

	Formal warnings issued	Abatement notices issued	Infringement notices issued	Enforcement orders applied for
Section 9 Use of land	1	1	1	
Section 12 Coastal marine area				
Section 13 Beds of lakes and rivers		2	2	
Section 14 Water				
Section 15 Discharges of contaminants	10	9	14	
Section 17 Duty to avoid, remedy & mitigate				
Other breach e.g. Section 22				

12. Prosecution

32. How many RMA prosecutions were:

Note: For this question please consider an entire case (regardless of number of charges and defendants) as one prosecution.

Concluded in this period

1

Please answer unknown if your council does not record the information requested

Still in progress in this period

2

Please answer unknown if your council does not record the information requested

33. What is the total number of individual (person) defendants convicted as a result of RMA prosecutions concluded in this period?

Enter number here

1

Please answer unknown if your council does not record the information requested

34. For all of these (person) defendants what is the total number of convictions entered against them?

For example, there may be a total of 27 separate convictions entered against a total of nine 'individual' defendants.

Enter number here

2

Please answer unknown if your council does not record the information requested

35. What is the total number of corporate (e.g. Crown, company, body corporate etc) defendants convicted as a result of RMA prosecutions concluded in this period?

Enter number here

1

Please answer unknown if your council does not record the information requested

36. For all of these (corporate) defendants what is the total number of convictions entered against them?

For example, there may be a total of 30 separate convictions entered against a total of 12 corporate defendants.

Enter number here

2

Please answer unknown if your council does not record the information requested

37. What were the total number of convictions against

	An individual	A corporate entity
Section 9 Use of Land		
Section 12 Coastal marine area		
Section 13 Beds of lakes and rivers	1	1
Section 14 Water		
Section 15 Discharges of contaminants	1	1
Section 17 Duty to avoid, remedy and mitigate		
Other breach e.g. Section 22		
TOTAL	\$25,500	\$25,500
Total fine potential (Individual total x \$300,000, corporate entity total x \$600,000)		

38. What is the total amount of fines imposed by the courts as a result of RMA prosecutions concluded in this period?

Individual fines

25500

Please answer unknown if your council does not record the information requested

Corporate fines

25500

Please answer unknown if your council does not record the information requested

39. What other sanctions, if any, have been imposed by the courts as a result of RMA prosecutions concluded in this period?

40. How many prosecutions involved restorative justice, diversion or other alternative justice process?

Alternative justice : 1

41. Describe any outcomes relating to these processes.

Still in progress, money paid to a community project, resource consent obtained and a remedial action plan to fix the harm done to the environment.

13. Educating and Engaging with the Regulated Community

42. Does your council have, or support, any education or engagement projects relating to compliance with the RMA or any of its derivative regulation? For example, workshops for earthworks contractors around erosion and sediment controls.

Yes

43. If yes, briefly describe.

Will meet on site and engage with contractors, perhaps have support from Council engineers. participate in field days.

14. CME Reporting

44. What mechanisms do your council use to report CME data to the public? e.g. annual reports, reports to councillors

Report to Councillors

Report(s) to Council committee meetings (open to public)

Other (Please specify): Rates News Letter