



A G E N D A

Ordinary Council Meeting

**Hokitika-Westland RSA
24 Sewell Street
Hokitika**

**Thursday 26 January 2017
commencing at 10.15 am**

His Worship the Mayor R.B. Smith
Deputy Mayors Cr H.M. Lash and Cr L.J. Martin
Crs D.L. Carruthers, R.W. Eatwell, D.M.J. Havill,
J.A. Neale, G.L. Olson, D.C. Routhan.



ORDINARY COUNCIL MEETING

AGENDA FOR AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, TO BE HELD IN THE HOKITIKA-WESTLAND RSA, 24 SEWELL STREET, HOKITIKA ON THURSDAY 26 JANUARY 2017 COMMENCING AT 10.15 AM

Tanya Winter
Chief Executive

20 January 2017

COUNCIL VISION

Westland District Council will facilitate the development of communities within its district through delivery of sound infrastructure, policy and regulation.

This will be achieved by:

- Involving the community and stakeholders.
- Delivering core services that meet community expectations and demonstrate value and quality.
- Proudly promoting, protecting and leveraging our historic, environmental, cultural and natural resource base to enhance lifestyle and opportunity for future generations.

Purpose:

The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:

- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
- (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

Health & Safety Snapshot

| | Accidents | Incidents | Near Misses |
|-----------------------------|-----------|-----------|-------------|
| November 2015 | 0 | 1 | 0 |
| December 2015 | 0 | 0 | 0 |
| January 2016 | 0 | 1 | 0 |
| February 2016 | 0 | 0 | 0 |
| March 2016 | 1 | 0 | 0 |
| April 2016 | 0 | 1 | 0 |
| May 2016 | 0 | 1 | 0 |
| June 2016 | 0 | 1 | 0 |
| July 2016 | 0 | 0 | 0 |
| August 2016 | 1 | 0 | 0 |
| September 2016 | 0 | 1 | 0 |
| October 2016 | 0 | 0 | 0 |
| November 2016 | 0 | 0 | 0 |
| December 2016 | 0 | 0 | 0 |
| Up to the 20th January 2017 | 0 | 0 | 0 |

1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:

1.1 Apologies & Leave of Absence

Apology - Cr D.C. Routhan.

1.2 Interest Register

2. CONFIRMATION OF MINUTES:

2.1 Ordinary Council Meeting – 15 December 2016.

Pages 7-31

3. GENERAL BUSINESS:

3.1 Jim Little, Chief Executive, Tourism West Coast – Presentation to Council – 11.45 am

3.2 Hon Damien O'Connor, MP for West Coast-Tasman – Courtesy Visit - 12.15 noon

Lunch at 12.30 pm

Meeting to reconvene at 1.00 pm.

4. AGENDA ITEMS FOR DECISION

- 4.1 **Section 33 RMA: Transfer of Functions to West Coast Regional Council** Pages 32-70
- Group Manager: Planning, Community & Environment
- 4.2 **Easter Shop Trading Policy** Pages 71-82
- Group Manager: Planning, Community & Environment
- 4.3 **Marks Road Reserve \$5000 Reimbursement** Pages 83-96
- Group Manager: Corporate Services
- 4.4 **West Coast Wilderness Trail – Project Update** Pages 97-100
- Project Manager – West Coast Wilderness Trail
- 4.5 **Blue Spur Water Treatment Plant PH Correction – Retrospective Approval for Unbudgeted Expenditure** Pages 101-109
- Group Manager: District Assets

5. AGENDA ITEMS FOR DISCUSSION:

- 5.1 **West Coast Whitebaiters Association Letter – Taramakau Bridge Proposal – Proposal for access to Gentle Annie Walk Track - Mayor** Pages 110-116
- 5.2 **Signage on Old Christchurch Road - Mayor**
- 5.3 **Grey District Council – Offer to share Butlers Landfill - Mayor**
- 5.4 **Hokitika Carparking Plan - Group Manager: District Assets**
- 5.5 **Events Liquor Licensing – Cr Eatwell**
- 5.6 **Air B & B Rating – Cr Eatwell**
- 5.7 **Wanganui Flat Subdivision Rating - Cr Eatwell**
- 5.8 **Planning Matters - Mayor**
- 1) To review the staff delegations for planning.
 - 2) To focus performance on an Excellent Customer Service Basis.
 - 3) To establish a process to handle consents where the customers consent application is not meeting time lines.
 - 4) To establish policy that makes the use of consultants employed to review consultants reports submitted by applicants an exception approved by the Council.

- 5) To establish policy to allow financial compensation for applicants that have unnecessary and extra costs imposed on them by staff.
- 6) To clarify the expectation of the District Plan. ' **IE a plan that if it does not say you can't do it, you can**' and if there is an interpretation required by staff it goes to Council for approval.
- 7) Monks Heliport Resource Consent.
- 8) District Plan Review
- 9) Signage
- 10) Planning Report

5.9 Revenue to Council for services provided by Westland District Property Limited - Mayor

5.10 Community Owned Halls: Council costs for consents charged to the community – Deputy Mayor Lash

5.11 Christmas 2017 - plans to make the town hum – Mayor

5.12 Update on Review of CCO Structure – Chief Executive

5.13 Annual Plan Update - Corporate Planner

5.14 Lazar Park Upgrade – Cr Martin

5.15 Hokitika Foreshore Working Group and Terms of Reference – Cr Carruthers

5.16 Hokitika-Westland RSA Update – Balance Works – Group Manager: District Assets

6. MATTERS TO BE CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION'

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

- 6.1 Confidential Minutes**
- 6.2 Tender Approval: Kumara and Whataroa Water Treatment Plant Upgrades – Contract: 16/17/08**
- 6.3 Tender Approval : Hokitika Stormwater Upgrade Works - Contract 16/17/09**
- 6.4 Franz Alpine Resort**
- 6.5 CE Performance Review and Contract**
- 6.6 Elected Members and Staff**

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds

under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

| Item No. | Minutes/ Report of | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under Section 48(1) for the passing of this resolution |
|-----------------|--|--|--|---|
| 6.1 | Confidential Minutes | Confidential Minutes | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |
| 6.2 | Tender Approval: Kumara and Whataroa Water Treatment Plant Upgrades – Contract: 16/17/08 | Confidential Report | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |
| 6.3 | Tender Approval: Hokitika Stormwater Upgrade Works- Contract 16/17/09 | Confidential Report | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |
| 6.4 | Franz Alpine Resort | Confidential Briefing | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |
| 6.5 | CE Performance Review and Contract | Confidential Discussion | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |
| 6.6 | Elected Members and Staff | Confidential Discussion | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |

**Date of next Ordinary Council Meeting - 23 February 2017 at the Council Chambers
time to be confirmed**

MINUTES OF AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 15 DECEMBER 2016 COMMENCING AT 11.02 AM

The Acting Chief Executive gave a health and safety briefing for all those in attendance at the meeting.

1 MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:

1.1 Members Present

His Worship the Mayor R.B. Smith (Chair until 1.55 pm)
Deputy Mayors Cr H.M. Lash and Cr L.J. Martin (Chair from 1.55 pm)
Crs D.L. Carruthers, R.W. Eatwell, D.M.J. Havill, J.A. Neale, G.L. Olson,
D.C. Routhan.

Apologies:

Nil.

Staff in Attendance:

G.L.J. Borg, Acting Chief Executive; V. Goel, Group Manager: District Assets;
J.D. Ebenhoh, Group Manager: Planning, Community and Environment;
D.M. Maitland, Executive Assistant; L.A. Crichton, Finance Manager;
K.A. Jury, Corporate Planner.

1.2 Interest Register

His Worship the Mayor circulated the Interest Register.

The Acting Chief Executive noted that in accordance with Standing Orders, the Council meeting was being recorded on a trial basis again at this stage.

Standing Orders – Item 9.12

Items of business not on the agenda which cannot be delayed

Plan Change 7

His Worship the Mayor advised that at the 23 November 2016 Council meeting, a range of reports were presented in relation to the proposed Plan Change 7 which were considered by Councillors.

It was proposed that this item becomes an item of business not on the agenda which cannot be delayed to be placed after the 3.00 pm meeting with appellants for a final decision.

The meeting will be adjourned while there is a discussion with the appellants to Plan Change 7 which will be in the confidential part of the meeting. The decision making process to withdraw or continue will be in the open part of the meeting.

Moved Deputy Mayor Martin, seconded Deputy Mayor Lash and **Resolved** that Council consider Plan Change 7 as follows:

(A) The reason the item is not on the agenda:

At the time the agenda for the December meeting was produced, Council were of the understanding that the status quo prevailed, i.e. “The decision as to whether to proceed to the Environment Court or not was deferred after it had been conveyed that the appellants were in favour of the zone remaining”.

The appellants were invited to meet with Council at this meeting to seek their withdrawal. Correspondence was subsequently received from the appellants’ Solicitors advising they have no intention of withdrawing their objection to the Plan Change.

(B) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

Councillors have read every report in relation to the proposed Plan Change 7, and were also provided with all the information. The decision to proceed to the Environment Court was conveyed to the appellants and it was conveyed to the Council that the appellants were in favour of the zone remaining. Council now has very firm advice on that and asked to meet with the appellants. Correspondence has been received from the appellants Solicitors that they are not withdrawing the decision to proceed to the Environment Court. The item represents 6 years of investment that has been held up, 6 years of waiting, and this is the compelling reason to delay no further and have the matter heard at this Council meeting.

Moved Deputy Mayor Martin, seconded Deputy Mayor Lash and **Resolved** that Council also consider the following items for discussion:

- Mint Creek Water Supply, Whataroa
- Christmas Decorations/Lighting

2. CONFIRMATION OF MINUTES:

2.1 Ordinary Council Meeting – 24 November 2016

The Acting Chief Executive spoke to this item.

Moved His Worship the Mayor, seconded Cr Carruthers and **Resolved** that Standing Orders be suspended for the entire Council Meeting.

Moved His Worship the Mayor, seconded Cr Carruthers and **Resolved** that the requirement for a public forum section of the meeting be removed from Council's Standing Orders with Council retaining the discretion to reinstate as required.

Moved Deputy Mayor Martin, seconded Cr Deputy Mayor Lash and **Resolved** the Minutes of the Ordinary Council Meeting, held on the 24 November 2016 be confirmed as a true and correct record of the meeting.

The following items were taken out of order to the Agenda papers:

4. AGENDA ITEMS FOR DECISION

4.1 November Financial Report

The Finance Manager spoke to this item.

Deputy Mayor Martin noted that the \$45,000 upgrade to Lazar Park had been omitted from the Projects List.

Moved Cr Routhan, seconded His Worship the Mayor and **Resolved** that the Financial Performance Report to the 30 November 2016 be received.

4.2 Franz Josef/Waiiau Wastewater Treatment Plant – Funding Arrangements

The Corporate Planner spoke to this report.

Moved Cr Deputy Mayor Lash, seconded Cr Havill and **Resolved** that:

- A) Council confirms that a version of a “user pays” system is the preferred funding mechanism for the new Franz Josef wastewater facility, and
- B) Council instructs the Chief Executive to identify a range of supplementary funding methods that could be used to support the user pays mechanism.

4.3 Constitution and Board Appointment: Westland Holdings Ltd

Moved Deputy Mayor Lash, seconded Deputy Mayor Martin, and **Resolved** that:

- A) Council adopts the updated constitution of Westland Holdings Ltd, as attached to the Council Agenda.
- B) Council appoints Cr Carruthers to the Board of Westland Holdings Ltd.

Cr Carruthers and Cr Routhan abstained from voting.

4.4 Whataroa Cemetery Trustees – Maintenance Reimbursement Request*

Moved Cr Olson, seconded Deputy Mayor Martin and **Resolved** that Council reimburse the Whataroa Cemetery Trustees \$3,026.43 for reimbursement of historical maintenance costs, and that Council consider the maintenance of cemeteries in Westland District going forward as part of its 2017-2018 Annual Plan Process.

**Resolution was amended*

3. GENERAL BUSINESS:

3.2 Sunset Point – Presentation from Dr Anna Dyzel

Dr Anna Dyzel gave a Powerpoint presentation regarding Sunset Point as follows:

| | |
|---|--------------------------|
| Mayoral Project Brief | Rehabilitation Work |
| Chinese Emphasis and Information Panels | European History |
| Maritime Theme | Consultation |
| Service Club Involvement | Ships Bow |
| Mine “wall” replicas | Other items to reinstall |
| Pam Fairmaid Memorial Seat | Kiwirail Picnic Seat |
| Donations | |

Dr Dyzel sought the following in relation to Sunset Point:

- Council approval in principle.
- A resolution from Council around the Chinese emphasis.
- Council staff to draw up the basic infrastructure plans.

Dr Dyzel advised there is no ratepayers money required from the Hokitika Lions Club for the above works.

His Worship the Mayor thanked Dr Anna Dyzel for her presentation to Council and also thanked the Hokitika Lions Club for the enthusiastic way that they are undertaking work in the community.

4.5 2016-2019 West Coast Triennial Agreement

Moved Cr Routhan, seconded Cr Havill and **Resolved** that Council adopt the 2016-2019 West Coast Triennial Agreement as attached to the Council Agenda.

4.6 Sunset Point Erosion Control – Retrospective Approval for Unbudgeted Expenditure

Moved Deputy Mayor Lash, seconded Deputy Mayor Martin and **Resolved** that:

- A) Council retrospectively approves the accepted quotation of \$187,458.96 (excl. GST) plus contingencies (\$60,000 excl. GST) for retrospective protection works undertaken at Sunset Point.
- B) Council acknowledges that the above expenditure will reflect as an adverse variance in the current year (2016/17) financial reports.
- C) Council recognizes and values the volunteer contributions made in kind, noting that the cost to Council is \$250,000.

4.7 2017 Council Meeting Schedule

Moved Cr Havill, seconded Deputy Mayor Lash and **Resolved** that the schedule of Council Meetings for 2017 be adopted as follows:

| Month | Meeting Date | Venue |
|----------|--------------|-----------------------|
| January | 26 | Hokitika-Westland RSA |
| February | 23 | Chambers |
| March | 23 | Chambers |
| April | 27 | Chambers |
| May | 25 | Chambers |
| June | 22 | Chambers |

| | | |
|------------------|----|----------|
| July | 27 | Chambers |
| August | 24 | Chambers |
| September | 28 | Chambers |
| October | 26 | Chambers |
| November | 23 | Chambers |
| December | 14 | Chambers |

3. GENERAL BUSINESS CONT.

3.1 Presentation from Ian Collier, Air New Zealand

Moved Cr Havill, seconded Deputy Mayor Lash and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 12.05 pm to enable a presentation from Ian Collier, Air New Zealand.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

Presentation from Ian Collier, Air New Zealand

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

| Minutes/ Report of | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under Section 48(1) for the passing of this resolution |
|--|--|--|---|
| Presentation from Ian Collier, Air New Zealand | Confidential Briefing | Good reasons to withhold exist under Section 7 | Section 48(1)(a) & (d) |

This resolution is made in reliance on Section 48(1)(a) and 48(2)(a)(i) and (ii) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

| Item | Section |
|---|------------------|
| Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information. | Schedule 7(2)(b) |

Moved Deputy Mayor Martin, seconded Cr Havill and **Resolved** that the business conducted in the “Public Excluded Section” be confirmed and accordingly the meeting went back to the open part of the meeting at 12.47 pm.

The meeting then adjourned for lunch at 12.47 pm and reconvened at 1.16 pm in the open part of the meeting.

4.4 Whataroa Cemetery Trustees – Maintenance Reimbursement Request cont.*

Moved Deputy Mayor Martin, seconded Deputy Mayor Lash and **Resolved** that the item of the Whataroa Cemetery Maintenance Reimbursement Costs be revisited.

Moved His Worship the Mayor, seconded Deputy Mayor Martin and **Resolved** that Council noted that standing orders had been suspended at the start of the meeting, and granted Mr. Wayne Nolan, Chairman of the Whataroa Cemetery Committee speaking rights to this item.

Mr. Nolan, on behalf of the Whataroa Cemetery Trustees spoke to this item and provided background information in relation to the reimbursement request previously submitted to Council for costs relating to historical maintenance costs and Cyclone Ita recovery costs.

Moved Deputy Mayor Martin, seconded Deputy Mayor Lash and **Resolved by way of amendment** that due to further information being received at the meeting, that Council reimburse the Whataroa Cemetery Trustees \$6,052.86 excluding GST for reimbursement of historical maintenance costs, and that Council consider the maintenance of cemeteries in Westland going forward as part of the 2017-2018 Annual Plan Process.

The amendment was put to the meeting and was carried.

*The amendment became the substantive motion,
was put to the meeting and was carried.*

4.9 Road Stopping, 244 Upper Kokatahi Road, Kokatahi

Moved Cr Carruthers, seconded Cr Olson and **Resolved** that:

- A) Council approves the application to stop the road at Kokatahi as identified in the Council Agenda.
- B) The portion of road identified as Section 1 on SO 499076 on the attached plan appendix 1 be stopped and a road stopping process be approved to

commence in accordance with Section 342 of the Local Government Act 1974, and

- C) The stopped section be sold to the owners of 244 Upper Kokatahi Road at market value.

Cr Routhan recorded his vote against the motion.

4.8 West Coast Wilderness Trail – Project Update

Moved Cr Carruthers, seconded Deputy Mayor Lash and **Resolved** that the Report from the Project Manager: West Coast Wilderness Trail be received with thanks, noting that the report was very clear and concise.

4.10 Confirmation of Portfolios, and Appointments to Council Committees, CCOs and Outside Organisations

Moved Deputy Mayor Martin, seconded Cr Olson and **Resolved** that:

- A) Council confirms the recommendations for portfolios, appointments to Committees and CCOs, and liaison roles with outside organisations, as attached to these Minutes.
- B) If required by the Remuneration Authority, Council develop Position Descriptions for the Portfolios for Elected Members in accordance with the requirements of the Remuneration Authority.
- C) The terms of reference for the Planning and Building Services Committee be tabled at the 26 January 2017 Council Meeting.

5. AGENDA ITEMS FOR DISCUSSION:

5.1 Plan Change – Mining as a Permitted Activity

His Worship the Mayor spoke to this item.

Discussion:

- A) *Request that the Westland District Plan becomes more compatible with the Grey District Plan, particularly with regard to mining as a permitted activity.*

Action Item:

- A) *Staff to investigate and bring a report back to the 23 February 2017 Council Meeting on how or whether it should be implemented.*

5.2 Transfer of Mining Consents to West Coast Regional Council

His Worship the Mayor spoke to this item.

Discussion:

- A) *It was noted that in August 2013, Council had investigated Section 33 of the RMA – the transfer of processing, monitoring and compliance functions relating to mining resource consents to the West Coast Regional Council.*

Action Item:

- A) *Staff bring back a report to the 26 January 2017 Council Meeting, including all the previous information from August 2013.*

5.3 Annual Plan

The Corporate Planner spoke to this item.

Discussion:

- A) *Councillors were asked for their input identifying items that they may want to remove, change the budget for, or deliver at a different time looking at Year 3 of the Long Term Plan.*
- *Cr Routhan – Affordability, numbers of staff, evaluating the core functions, identify labour costs, revisit waste management issues.*

His Worship the Mayor left the meeting at 1.55 pm to attend the annual Police awards at the St Johns Room in Hokitika. Deputy Mayor Martin chaired this part of the meeting.

- *Deputy Mayor Lash – Efficiency in every department, first class service, affordability, investigate other sources of funding and working smarter.*
- *Cr Carruthers – Funding the Carnegie Building, Sunset Point, funding the foreshore development and room to be able to respond if required.*
- *Cr Eatwell – current debt to drive our future decisions and manageable and economic infrastructure.*
- *Cr Neale – elderly housing (double glazing), township development funding (Otira, Arahura) Museum funding, consider MDI Funding as part of the annual planning process.*
- *Cr Olson - Funding – Carnegie Building and Sunset Point.*
- *Cr Havill – concerned regarding overstaffing and staff costs to the organisation, working smarter, adopt economic and pragmatic approaches, looking always to support the ratepayer, sealing of Keogans Road, consolidate and get efficient in everything that Council does.*
- *Deputy Mayor Martin - public toilets, rubbish bins.*

Deputy Mayor Martin then queried the process going forward.

Action Items:

- A) ***Councillors to look at their respective portfolio areas in the Long Term Plan and this years Annual Plan, looking at operating costs and capital projects, circulate their comments to Councillors and also copy to the Corporate Planner.***
- B) ***The Corporate Planner to circulate the Austerity Depreciation Policy to the Mayor and Councillors.***

5.5 Cleaning of Public Toilets in Franz Josef/Waiau

The Group Manager: District Assets and also the Property and Projects Supervisor spoke to this item.

Discussion:

- A) ***The frequency of cleaning the public toilets in Franz Josef/Waiau was discussed, noting that the cleaning schedule needs to meet the demands of the visiting public.***

Action Item:

- A) ***Council noted that any change would result in a variance to the 2015-2016 budget and moving forward this item would be for consideration during the 2017-2018 Annual Plan process.***

The meeting adjourned at 2.19 pm for afternoon tea and reconvened at 2.30 pm.

5.9 Easter Trading Hours

Discussion:

- A) ***Early clarification of Council's position on Easter Trading Hours for Hokitika, Franz Josef/Waiau, Fox Glacier and Haast due to townships being based around tourism and the need to allow business as usual with the decision to trade or not trade to be left in the hands of the business owners.***

The Group Manager: Planning, Community and Environment then spoke to this item and clarified the process for Councillors.

Action Item:

- A) ***Staff to bring back a report to the 26 January 2017 Council Meeting, along with a draft bylaw to consider allowing businesses to trade at Easter.***

5.8 **Support for the extension of the Windblown Logging Legislation**

Discussion:

- A) Support for a letter to be written to MP Maureen Pugh seeking assistance in extending the windblown logging legislation with support from local millers.

Action Item:

- A) *Council supported that a letter be written to MP Maureen Pugh seeking a permanent extension to the windblown timber legislation.*

6. **ADMINISTRATIVE RESOLUTION:**

The Group Manager: Planning, Community and Environment spoke to this item.

Moved Deputy Mayor Lash, seconded Cr Havill and **Resolved** that Council confirm its Seal being affixed to the following document:

6.1 **Warrant of Appointment – Melissa Rose ROPER (Dog Control Officer)**

- An Officer pursuant to Section 174 of the Local Government Act 2002.
- A Dog Control Officer and Dog Ranger pursuant to Section 11 and 12 of the Dog Control Act 1996.

The meeting adjourned at 2.35 pm for a break and reconvened at 2.40 pm.

5. **AGENDA ITEMS FOR DISCUSSION cont.**

5.12 **Mint Creek Rural Water Scheme**

Discussion:

Cr Routhan spoke to this item and provided background information in relation to the Mint Creek Water Supply at Whataroa. He advised that the rural water scheme was installed for the farmers in conjunction with Westland County Council in 1978. Since this date, Council had rated for this scheme. The scheme was subsequently decommissioned by Council in 2015 due to the prohibitive costs associated with upgrading the scheme to the Drinking Water Standards.

Cr Routhan requested information regarding easements and funding options.

Action item:

- A) *Staff to investigate land titles and easements for the Mint Creek Rural Water Supply, the ability to collect money (as a collection agency) and bring a report back to the 26 January 2017 Council Meeting. The report*

to include a recommendation on a way forward and define user groups within the catchment area.

His Worship the Mayor returned at 2.50 pm and resumed chairing the meeting at 2.58 pm.

Plan Change 7

The Council meeting was adjourned at 3.00 pm to enable a confidential discussion with the appellants to Plan Change 7 and reconvened at 3.47 pm.

His Worship the Mayor then sought input from Councillors regarding this matter and accordingly it was noted that after the Confidential discussion with the Plan Change 7 appellants, there would be a resolution in the open part of the meeting.

Moved His Worship the Mayor, seconded Cr Olson and **Resolved** that proposed Plan Change 7 be withdrawn.

Cr Neale abstained from voting.

Cr Carruthers and Cr Eatwell recorded their votes against the motion.

Moved Deputy Mayor Lash, seconded Cr Neale and **Resolved** that Council recognize the Franz Josef/Waiiau Working group going forward and will continue to support the group and recognize the Franz Josef/Waiiau issues.

5.4 Carnegie NBS Rating for IL2

Discussion:

A letter from K.J. Simcock, from SIMCO Consulting Limited was circulated to the Mayor and Councillors regarding the Hokitika Museum, Carnegie Building recommending that Council view the building as IL2 based on the life safety statutory issues, the issue of a Heritage Architect being required and the need for a Conservation Plan.

Moved His Worship the Mayor, seconded Cr Havill and **Resolved** that the letter from Kevin Simcock from Simco Consulting Limited be received and considered.

The Group Manager: District Assets then spoke to this item.

Action Items:

- A) Council agreed that Mr Simcock from SIMCO Consulting Limited, in consultation with a Heritage Architect provide a proposal and report to bring the Carnegie Building up to strengthening of 67% NBS; and**
- B) Staff investigate the feasibility of making the building available for rental.**

5.6 Franz Wastewater Treatment Plant

Discussion:

Cr Havill spoke to this item. It was noted that this item was placed on the agenda to ensure that remedial work is carried out.

The Group Manager: District Assets then sought clarification regarding the procurement process to be followed.

Action Items:

- A) That the Franz Josef/Waiiau Working Party be involved.*
- B) Extension of the rating district will go out to the affected parties to extend the rock wall as a priority.*

5.10 Marks Road Reserve, Haast – Refund of \$5,000

Discussion:

His Worship the Mayor provided background information to this matter and advised that St John had previously requested that Council reimburse costs for survey work undertaken at Marks Road Reserve in Haast.

Action Item

- A) Staff to provide a report to the 26 January 2017 Council Meeting.*

Cr Eatwell left the meeting at 4.50 pm and returned at 4.57 pm.

5.11 Foreshore Development

Discussion:

Cr Carruthers spoke to this item and asked about the budget and the plan in relation to the Hokitika Foreshore Development.

The Property and Projects Supervisor spoke to this item and advised that he has been working with a landscape architect to get interested parties to register their interest in the foreshore development project before Christmas 2016.

Concern was expressed at the amount of time that has been taken regarding this project and requested that a project timeline be put in place, including an indication of when the project will be finished.

Action Item

- A) The Property and Projects Supervisor to email the Mayor and Councillors the broad concept plan for the Hokitika foreshore development, including information on the costings to date and the associated timeframe.*

5.7 Franz Alpine Resort Bonds

Discussion:

The Group Manager: Planning, Community and Environment spoke to this item and summarised the history of bonds associated with the Franz Alpine Resort.

Action Item:

A) The summary information to be circulated to the Mayor and Councillors.

5.13 Christmas Decorations and Lighting

Discussion:

A) Councillors noted there was \$10,000 allocated for street decorations in the Township Maintenance Budget and that Hokitika needs sprucing up at Christmas time with decorations and lighting.

B) Deputy Mayor Martin asked that District Assets staff note that there are various lights in town that are not working (Weld Lane and Town Entrance Signs).

Action Items:

A) It was noted that this Council is going to revisit the Christmas decorations and lighting for Hokitika in time for 25 December 2017.

B) District Assets staff to remedy the lighting issues referred to above.

7. MATTERS CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION' cont.

Moved His Worship the Mayor, seconded Cr Havill and **Resolved** that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 5.15 pm.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

7.1 Confidential Minutes

7.2 Risk Register

7.3 Tender: Kumara and Whataroa Water Treatment Plant Upgrades – 16/17/08
(note item was withdrawn).

7.4 Directors – Council Controlled Organisations

7.5 Plan Change 7 - Appellants

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

| Item No. | Minutes/ Report of | General subject of each matter to be considered | Reason for passing this resolution in relation to each matter | Ground(s) under Section 48(1) for the passing of this resolution |
|----------|--|---|---|--|
| 7.1 | Confidential Minutes | Confidential Minutes | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |
| 7.2 | Risk Register | Confidential Report | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |
| 7.3 | Tender: Kumara and Whataroa Water Treatment Plant Upgrades - 16/17/08 (<i>note item was withdrawn</i>) | Confidential Report | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |
| 7.4 | Directors – Council Controlled Organisations | Confidential Discussion | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |
| 7.5 | Plan Change 7 Appellants | Confidential Discussion | Good reasons to withhold exist under Section 7 | Section 48(1(a) & (d) |

This resolution is made in reliance on Section 48(1)(a) and 48(2)(a)(i) and (ii) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

| No. | Item | Section |
|---------------|--|-----------------|
| 7.1, 7.2, 7.4 | Protection of privacy of natural persons/organisations. | Section 7(2)(a) |
| 7.5 | Protection of privacy of natural persons/organisations. Maintain legal professional privilege | Section 7(2)(g) |

Moved Deputy Mayor Martin, seconded Cr Havill and **Resolved** that the business conducted in the “Public Excluded Section” be confirmed and accordingly the meeting went back to the open part of the meeting at 5.22 pm.

MEETING CLOSED AT 5.22 PM

Confirmed by:

Bruce Smith
Mayor

Date

Cr Latham Martin
Deputy Mayor

Date

Date of next Ordinary Council Meeting
26 January 2017
(time to be confirmed)

COUNCIL PORTFOLIOS

| Elected Member | Portfolio | Area of Responsibility |
|---|--------------------------------|---|
| Mayor Bruce Smith | | |
| | Economic Development | <ul style="list-style-type: none"> • Implementation of Government Findings • Small Business • Airport future direction • Tele communications • CCOs |
| | Advocacy | <ul style="list-style-type: none"> • Celebrate success promote Westland • Mining |
| | Events | <ul style="list-style-type: none"> • Wildfoods • New Events and attractions district wide |
| Deputy Mayor Latham Martin (Chair - Audit, Risk and Finance Committee) | | |
| | Finance and Corporate Planning | <ul style="list-style-type: none"> • Annual Report • Budget • Audit • Risk • Annual Plan and LTP • Vision 2030/2050 • Consultation and engagement • Special consultative procedure • Significance and engagement |
| | Youth Development | <ul style="list-style-type: none"> • Youth issues • Youth Development Strategy • Education • Youth Council |
| | Sport and Recreation | <ul style="list-style-type: none"> • Swimming Pools • Community Sports and Rec Complex Development • West Coast Wilderness Trail |
| | Maori Development | <ul style="list-style-type: none"> • Nga Tahu liaison and development |
| | Town Planning (Hokitika) | <ul style="list-style-type: none"> • Urban design |

| Elected Member | Portfolio | Area of Responsibility |
|--|--|--|
| | | <ul style="list-style-type: none"> • Reserves • Heritage theme development • Branding development • Parks and Reserves (Hokitika) |
| Deputy Mayor Helen Lash (Chair - Planning and Building Services Reform Committee) | | |
| | Emergency Management | <ul style="list-style-type: none"> • Civil Defence Planning • Community Response Plans |
| | Primary Industries | <ul style="list-style-type: none"> • Forestry • Dairy • Sustainable logging • Wind thrown logging |
| | Regulatory Reform | <ul style="list-style-type: none"> • Planning and District Plan Review • RMA functions • Animal control • Inspections & Compliance |
| | Town Planning (Franz Josef) Fox Glacier Community Development Society Franz Inc. Franz Josef / Waiiau Community Forum Glacier Country Tourism Group Haast Promotions Group Harihari Community Association Kumara Residents Trust Ōkārito Community Association Ross Community Association Whataroa Community Association | <ul style="list-style-type: none"> • Urban revitalisation planning and design • Reserves |
| Cr David Carruthers | | |
| | Arts, Culture and Heritage | <ul style="list-style-type: none"> • Arts Funding • Museum • Heritage Hokitika |
| | Environment | <ul style="list-style-type: none"> • Conservation • River Protection (WCRC) |
| | Review Panel | <ul style="list-style-type: none"> • Policy |
| Cr Jane Neale | | |
| | Senior Citizens Development | <ul style="list-style-type: none"> • Pensioner Housing • Aged care |

| Elected Member | Portfolio | Area of Responsibility |
|-------------------------|---|---|
| | | <ul style="list-style-type: none"> Retirement village 'Westland - a place to retire' |
| | Library | <ul style="list-style-type: none"> District Library |
| | Safer Communities | <ul style="list-style-type: none"> Safe Community Coalition Health Disability Education |
| | Sport NZ Rural Travel Fund | <ul style="list-style-type: none"> Allocation Committee Member |
| Cr Durham Havill | | |
| | Economic Development | Joint with the Mayor |
| | Three Waters | <ul style="list-style-type: none"> Water Supply Wastewater Sewerage |
| | Transportation | <ul style="list-style-type: none"> Land Transport Roading |
| Cr Gray Eatwell | | |
| | Tourism | <ul style="list-style-type: none"> Tourism West Coast Enterprise Hokitika Tourism Strategy I-Site |
| | Advocacy | Joint with the Mayor |
| | Community Halls | <ul style="list-style-type: none"> Funding and maintenance Rationalisation or future planning Community plans |
| | Community Development and Assistance Fox Glacier Community Development Society Franz Inc. Franz Josef / Waiiau Community Forum Glacier Country Tourism Group Haast Promotions Group Harihari Community Association Kumara Residents Trust Ōkārito Community Association Ross Community Association Whataroa Community Association | <ul style="list-style-type: none"> Community and Voluntary Sector Townships (The Development Fund & Improvement Projects) |
| Cr Graeme Olson | | |
| | Liquor Licensing | <ul style="list-style-type: none"> Consents and hearings |

| Elected Member | Portfolio | Area of Responsibility |
|-----------------------|---------------------------|--|
| | | <ul style="list-style-type: none"> Local Alcohol Policy Development |
| | Parks and Reserves | <ul style="list-style-type: none"> Maintenance |
| | Property | <ul style="list-style-type: none"> Earthquake prone buildings Cemeteries Land & Buildings Public Toilets Establishment of an Industrial zone and plan |
| Cr Des Routhan | | |
| | Farming and Dairy | <ul style="list-style-type: none"> Farming and Dairy Advocacy |
| | Solid Waste | <ul style="list-style-type: none"> Waste Management Education |
| | Stormwater Infrastructure | <ul style="list-style-type: none"> Stormwater |

APPOINTMENTS TO COUNCIL COMMITTEES AND CCOS

| Name of Organisation | Appointment |
|---|---|
| <p>Resource Management Hearings Commissioners</p> <p>Options are to:</p> <ul style="list-style-type: none"> -Train a couple of Councillors to hear resource consents - Engage independent commissioners for all consent hearings -Identify specified Councillors to sit with independent commissioners. | <p>That Deputy Mayor Martin, Deputy Mayor Lash, Cr Routhan and Cr Neale be appointed to sit with independent Commissioners in Hearings.</p> |
| <p>Westland Wilderness Trust</p> <p>This is a CCO and is the governance body for the West Coast Wilderness Trail. As required in the constitution two Council reps are required for this Trust. Other trustees are:</p> <p>Francois Tumahai (Chairperson), Chairman, Te Rūnanga O Ngāti Waewae Two Elected Members, Westland District Council Chris Auchinvole JP Mark Davies, Department of Conservation Cr Anton Becker, Grey District Council Natalie Win, Chair, Mawhera Incorporation</p> | <p>That Deputy Mayor Lash and Cr Neale be appointed to the Westland Wilderness Trust.</p> |
| <p>Alcohol Working Group</p> <p>This group is established by Council to work with staff to implement the requirements of the new Sale and Supply of Alcohol Act 2012.</p> | <p>That Deputy Mayor Lash, Cr Olson and Cr Routhan be appointed to the Alcohol Working Group.</p> |
| <p>West Coast Regional Transport Committee</p> <p>This Joint Committee is a Committee of Council that is required under section 105 of the Land Transport Management Act.</p> <p>Council is required to appoint one elected member as representative on this Committee.</p> | <p>That Cr Havill be appointed to the West Coast Regional Transport Committee.</p> |
| <p><u>Membership of Civil Defence Emergency Management Groups -</u></p> <p>West Coast Emergency Management Group</p> <p>Section 13 of the Civil Defence and Emergency Management Act 2002 states that “Each local authority that is a member of a Group with other local authorities must be represented on the Group by 1, and only 1, person, being the mayor or chairperson of that local authority or an</p> | <p>That Deputy Mayor Lash be appointed to the West Coast Emergency Management Group.</p> |

| Name of Organisation | Appointment |
|---|--|
| elected person from that local authority who has delegated authority to act for the mayor or chairperson.” | |
| <p>Hokitika Seawall Joint Committee This Joint Committee with the West Coast Regional Council is established to oversee the management of the Hokitika Seawall. Three elected members are required.</p> | <p>That Cr Carruthers, Cr Routhan, Cr Neale and Cr Eatwell be appointed to the Hokitika Seawall Joint Committee.</p> |

LIAISON ROLES WITH COMMUNITY ORGANISATIONS

| Organisation | Appointment |
|---|--|
| Enterprise Hokitika | That Cr Eatwell has a liaison role with Enterprise Hokitika. |
| Fox Glacier Community Association | That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Fox Glacier Community Association. |
| Franz Inc. | That Deputy Mayor Lash and Cr Eatwell have a liaison role with Franz Inc. |
| Franz Josef/Waiiau Community Forum | That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Franz Josef/Waiiau Community Forum. |
| Glacier Country Tourism Group | That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Glacier Country Tourism Group. |
| Haast Promotions Group | That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Haast Promotions Group. |
| Harihari Community Association | That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Harihari Community Association. |
| Heritage Hokitika | That Cr Carruthers has a liaison role with Heritage Hokitika. |
| Heritage West Coast | That Cr Carruthers has a liaison role with Heritage West Coast. |
| Kokatahi/Kowhitirangi Community Association | That Cr Havill and Cr Olson have a liaison role with the Kokatahi/Kowhitirangi Community Association. |
| Kumara Residents Association | That Cr Havill and Cr Olson have a liaison role with the Kumara Residents Association. |
| Ōkārito Community Association | That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Ōkārito Community Association. |
| Ross Community Society | That Cr Olson and Cr Neale have a liaison role with the Ross Community Association. |

| Organisation | Appointment |
|---|---|
| <p>Safe Community Coalition The Safe Community Coalition terms of reference do not stipulate membership, however elected members have attended meetings in the past.</p> | <p>That Cr Neale has a liaison role with the Safe Community Coalition.</p> |
| <p>Whataroa Community Association</p> | <p>That Deputy Mayor Lash and Cr Eatwell have a liaison role with the Whataroa Community Association.</p> |

OTHER APPOINTMENTS

| Group | Appointment |
|---|---|
| Creative Communities Local Assessment Committee | <ul style="list-style-type: none"> • Deputy Mayor Lash and Deputy Mayor Martin |
| Development West Coast – Appointment Panel | <ul style="list-style-type: none"> • Mayor Smith |
| District Licensing Committee Appointment of Deputy Chair | <ul style="list-style-type: none"> • Cr Olson |
| Sport NZ Rural Travel Fund – Allocation Committee | <ul style="list-style-type: none"> • Cr Neale |
| Trustpower Community Awards – Judging Panel | <ul style="list-style-type: none"> • Mayor Smith • Deputy Mayor Martin • Cr Eatwell |
| Tourism West Coast | <ul style="list-style-type: none"> • Melissa Alexander (appointed on 1 May 2016 for a term of 3 years) |

Report



DATE: 26 January 2017

TO: Mayor and Councillors

FROM: Group Manager: Planning, Community and Environment

SECTION 33 RMA: TRANSFER OF FUNCTIONS TO WEST COAST REGIONAL COUNCIL

1 SUMMARY

- 1.1 The purpose of this report is to allow the Council to consider the transfer of certain resource management and District Plan functions from the Council to the West Coast Regional Council (WCRC).
- 1.2 This issue arises from the Council's December 2016 meeting in which it instructed staff to bring a report to the January meeting, summarising and including the work that was done in 2013 on this matter.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council resolves whether or not to progress with this transfer by seeking WCRC approval of an appropriately revised Deed of Transfer similar to that agreed in principle but not signed in 2013.

2 BACKGROUND

- 2.1 Applicants for resource consents for mineral activities generally deal with both Council and WCRC as a case of statutory necessity. In addition, applicants need to deal with land owners, and other statutory bodies such as the Department of Conservation and Heritage NZ.
- 2.2 Section 30 of the Resource Management Act (RMA) provides that the function of a regional council is the integrated management of the natural and physical resources of the region, while Section 31 provides that the function of a

territorial authority is the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District, i.e. a focus on land use.

- 2.3 In 2013, the Council investigated the possibility of transferring certain resource management functions related to mining consents (processing, monitoring and compliance functions) to WCRC. The minerals industry raised the question of “duplication” and saw potential efficiencies in a single application to the Council and WCRC.
- 2.4 Following consultation with various parties as instructed by the Council’s Strategy Committee in November 2012, the Council resolved in August 2013 to commence the transfer process. It then resolved in September 2013 to adopt a proposed deed of transfer with WCRC, and resolved in October 2013 to release a Statement of Proposal for a special consultative procedure under Section 83 of the Local Government Act 2002. The Statement of Proposal, including the proposed Deed of Transfer, is attached as Appendix 1.
- 2.5 In December 2013, after consideration of 119 submissions with varying views, the Council resolved not to proceed with the transfer of functions. The content of each submission along with staff views as of December 2013 are summarised in Appendix 2.

3 CURRENT SITUATION

- 3.1 At its December 2016 meeting, the Council asked for a report to be brought back on the option of proceeding with the transfer as had been considered in 2013.
- 3.2 Council and WCRC have been trialling a system whereby WCRC undertakes the compliance monitoring and enforcement activities in relation to mining, with Council retaining decision-making in relation to actions taken. The transfer of functions dealt with in this report would expand the powers of WCRC to make and follow their own compliance monitoring and enforcement policy, and to process resource consents for mining. The Council would retain the function of setting policy via its District Plan.
- 3.3 Council staff have also been discussing the possibility of joint District Plan Reviews or at least greater alignment of District Plan provisions across the West Coast Councils. The transfer of functions dealt with in this report would not transfer the responsibility for setting policy via the District Plan; three District Plans would still exist on the West Coast, and WCRC would process consents against the requirements of the Westland District Plan.

- 3.4 The Local Government Commission is currently investigating options around shared resource management services across the region, which could result in one combined District Plan, one combined Unitary Plan (regional and district plans), or simply shared services with respect to separate plans (as with this proposal).

4 OPTIONS

- 4.1 Option One is the 2013 proposal: the Council would transfer its RMA functions (processing, monitoring and compliance) relating to mining to the WCRC.
- 4.2 Option Two is the same as Option One, but with a further special consultative procedure to see whether community and stakeholder views have changed since 2013.
- 4.3 Option Three is that no formal transfer of powers would proceed, but the Council and WCRC would continue to work towards shared services around compliance monitoring and enforcement in relation to mining and potentially other activities. The Council would also continue to participate in further work by the Local Government Commission and the implementation of any agreed outcomes.

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The decision on the transfer of functions under the provisions of the RMA is considered to be a significant one. While it has happened elsewhere, it is not an everyday occurrence for a Council to transfer its functions under the RMA to another Council. Accordingly, there is a statutory requirement for consultation. The special consultative procedure, as undertaken in 2013, is specifically required to ensure that consultation with the public occurs.
- 5.2 Discussion with stakeholders was undertaken in 2013, and then a special consultative procedure was undertaken which resulted in 119 submissions reflecting a variety of views. It is not considered efficient or necessary to undertake the special consultative procedure again unless the Council wants to see whether views have changed in the past few years.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option One has multiple advantages. One would be the ability of the mining sector to deal with only WCRC instead of both the Council and WCRC. This

would mean they could submit one resource consent application to one Council rather than two separate applications to two different Councils. This advantage should not be overstated, however, as they will still need to cover the matters dealt with by territorial authorities as per Section 30 of the RMA, such as noise, traffic, visual amenity, landscape, heritage and terrestrial ecology. Any concerns about the Westland District Plan would not be addressed as the Plan would remain the guiding document for WCRC with respect to those territorial authority functions, providing District objectives, policies and rules. The Westland District Plan is overdue for a complete review, and transferring functions to WCRC does not address that issue.

- 6.2 Another advantage to Option One is the economies of scale that WCRC can provide through its regional approach. While Westland processes one or two dozen mining applications per year, WCRC processes 50 to 60 mining applications annually, and it is probable that some processes will be more efficient at the regional scale where they are undertaken more frequently than at the district scale. This could result in time and cost savings for applicants. The same is true for compliance monitoring and enforcement activities.
- 6.3 With regard to compliance monitoring and enforcement, Option One also provides the advantage of transferring functions to an entity that has had a dedicated compliance monitoring and enforcement team, which has been working with the mining sector for years, whereas the Council's resourcing constraints have necessitated a more ad hoc, complaint-based approach that has not allowed the development of significant capacity in this area. It is possible that not everyone will consider it to be an advantage that WCRC is likely to be more proactive in its mining compliance monitoring and enforcement, if they have been used to the level of monitoring and enforcement the Council has been able to achieve. While the Council has recently expanded its Planning team and is intended to conduct more proactive monitoring of consent conditions, WCRC has already been doing this according to a regular schedule for some time, so will 'hit the ground running'.
- 6.4 A possible disadvantage to Option One is that there would be no local decisionmaking on mining consent processing or compliance monitoring and enforcement. This should not be overstated, however; there can be an expectation that professional planners will interpret the Westland District Plan the same way regardless of where they live or work. If there are submissions on consents, hearings and subsequent decisions can only be undertaken by accredited commissioners who have undertaken the "Making Good Decisions" training course, not all Elected Members. With respect to compliance monitoring and enforcement in the short term consent holders may notice a change in approach as they become accustomed with dealing

with WCRC. It is possible that the Council could find WCRC is more lenient or less lenient than they would like with respect to breaches of the District Plan or consent conditions.

- 6.5 Another possible disadvantage, at least in the short term, is that WCRC staff would need to develop their experience in dealing with the various District Plan matters that are not normally a part of regional council work, e.g. noise, traffic, landscape, heritage and ecological issues. This applies to monitoring and enforcement as well as consenting. That said, planners have generally undertaken education and training that qualifies them to work across a range of RMA functions, and with increasing experience this should become less of a potential issue. Additionally, in the longer term, having staff across the region who are skilled in both regional and district matters is a potential benefit.
- 6.6 The financial implications are not significant on balance. WCRC would recoup its expenses through its own systems rather than charging the Council. The Council would lose revenue but would also lose the cost of having to do the mining-related work. Staff time will be freed up and priorities can be re-established which could favour the District Plan Review or compliance monitoring generally. The transfer will not impact on overall staff numbers.
- 6.7 Option Two has the same advantages and disadvantages as Option One if the choice is eventually made to proceed with the transfer of functions, but it adds the advantages and disadvantages of further consultation. An advantage would be that any new residents, businesses or stakeholders who did not provide comment or have an opportunity to provide comment in 2013 could do so now, and also that previous submitters could have changed their views and may wish to advise the Council of this. The main disadvantage is that running an additional Special Consultative Procedure (SCP) is not required by law if the Council is satisfied that it is aware of the views of the community, and therefore this option could just result in delay and additional costs of advertising the SCP (for Council) and preparing submissions (for submitters).
- 6.8 Option Three has advantages which are the flip side of the disadvantages of Option One listed above, e.g. local decisionmaking would be retained and WCRC would not need to develop an expertise in District Plan matters. Similarly, it has disadvantages which are the flip side of Option One's advantages, e.g. two applications would still be required, potential economies of scale would not be realised, and the greater capability of WCRC at present with respect to compliance monitoring and enforcement would not be utilised.
- 6.9 Additional points to consider include the fact that Option Three is not "status quo" but includes a number of improvements in the pipeline, such as WCRC

undertaking mining compliance and enforcement work for the Council (albeit with the Council retaining decisionmaking as to actions taken), and the Local Government Commission work underway on shared resource management services across the West Coast.

- 6.10 A final comment, which is a fairly neutral one with respect to the options, is that mining in Westland is increasingly a contentious activity due to the rise in the price of gold over the years and the increased pressure on land for both mining and rural residential activity. When this potential conflict is filtered through the District Plan's considerations for environmental effects on neighbouring properties, and the notification requirements of the RMA, the result is that some mining applications will take some time to work through the processes. Further information requests, notification and hearings will not cease just because of the proposed transfer of functions. The argument in support of Option One is primarily one of efficiency and avoidance of duplication, rather than the promise of a completely easy ride for the mining sector. Other actions such as the proposed cross-agency 'one stop shop' for the mining sector on the West Coast, a review of the three District Plans, and/or a review of the Resource Management Act are perhaps more likely to have an impact on the time and difficulty involved in gaining mining consents.

7 PREFERRED OPTION AND REASONS

- 7.1 Council staff do not have a preferred option between Option One and Option Three as they are prepared to continue to strive to do the best for their customers including the mining sector. Option Two is not a preferred option as it is considered that a further Special Consultative Procedure is not required only three years after the last one.

8 RECOMMENDATION

- A) **THAT** Council resolves whether or not to transfer certain resource management functions relating to mining (processing, monitoring and compliance functions) as per the 2013 Statement of Proposal (Appendix 1 to this report); and that if it does resolve to transfer these functions, that it seeks WCRC approval of an appropriately updated Deed of Transfer similar to that agreed in principle but not signed in 2013 (also in Appendix 1 to this report).

Jim Ebenhoh
Group Manager – Planning, Community and Environment

Appendix 1: Statement of Proposal: Section 33 Resource Management Act 1991: Transfer of Functions (October 2013): including proposed Deed of Transfer between WDC and WCRC

Appendix 2: Summary of Submissions on October 2013 Statement of Proposal, including Staff Comment (December 2013)

**APPENDIX 1: 2013 STATEMENT OF PROPOSAL
(including proposed Deed of Transfer with WCRC)**



STATEMENT OF
PROPOSAL: SECTION 33
RESOURCE
MANAGEMENT ACT
1991: TRANSFER OF
FUNCTIONS

1. INTRODUCTION

At its meeting on 29 August 2013 the Westland District Council resolved that Council transfer the processing, monitoring and compliance functions relating to mining consents to the West Coast Regional Council.

The Council had been considering the concept of transferring minerals functions to the West Coast Regional Council for over 12 months. Council had been engaging informally with representatives of the minerals industry and the Council learned that “duplication” was a major issue for the industry in that it had to deal with both the Regional and District Councils.

The Council consulted with a wide cross section of people and organisations associated with the minerals industry and requested feedback as to how the concept of the transfer of mineral functions would be received by the industry at large. The feedback was such that the Council chose to draft a proposal to transfer mining functions to the West Coast Regional Council.

2. LEGISLATIVE FRAMEWORK

2.1 Section 33 of the Resource Management Act 1991 (RMA)

Section 33 provides that a local authority may transfer any one or more of its functions, powers, or duties under the Act to another public authority.

Where a Council sees a benefit in the transfer of a function, power or duty, Section 33 also requires that the special consultative procedure (Section 83 of the Local Government Act 2002) is to be utilised and the authorities that are agreeable to the transfer must agree that the transfer is desirable on the grounds of community of interest, efficiency and technical or special capability or expertise. The Minister for the Environment must also be advised of the transfer prior to the commencement of the special consultative procedure.

2.2 Section 83 of the Local Government Act 2002 (LGA)

The purpose of this Statement of Proposal is to state the Council's intention in terms of its compliance with Section 83 of the Local Government Act (LGA). The Minister for the Environment has been advised of the intention and the Westland District Council and the West Coast Regional Council have drafted a proposed agreement relating to the transfer of mining functions. The Councils considered that an agreement be proposed prior to the special consultative procedure commencing so that the public could have some degree of certainty of outcome during the submission stage.

3. REASONS FOR THE PROPOSAL

Council has formed the view that the transfer of mining functions to the West Coast Regional Council is an efficient mechanism for dealing with mining applications and mining operations. The Council is of the view that, because applicants for resource consents for mining activities generally have to deal with both the Regional and District Council as a case of statutory necessity, there is an unnecessary duplication. Additionally, applicants often have to deal with landowners and other statutory bodies such as the Department of Conservation and the New Zealand Historic Places Trust.

The Council also holds the view that the West Coast Regional Council has specialist skills in the areas of water and soil conservation and that those skills would have benefit when dealing with mining applications and associated resource consents. This is particularly so in respect of monitoring functions.

In order that there is clarity to the general public as to how the transfer will work, the Councils have negotiated a draft deed that identifies how the transferred functions are proposed to be dealt with. A copy of the proposed deed is attached and forms part of this Statement of Proposal.

4. AVAILABILITY AND CONSULTATION

The Council has now reached the stage where the special consultative procedure provided for within the LGA must be proceeded with. Copies of this Statement of Proposal together with copies of various reports considered by the Council are able to be obtained from the District Council office during usual office hours.

The Council now proposes that applications for resource consents for mining and the monitoring and the checking of compliance of resource consents be transferred to the West Coast Regional Council. Public notice of the proposal to transfer those activities will be given on 5 November 2013 and the notice will invite participation and feedback on the transfer proposal.

Any submission is required to be lodged at the Council building **prior to** 5.00pm on 4 December 2013. Any submissions received will be considered at the regular meeting of the Council to be held on 19 December 2013.

Submissions must be sent to the Westland District Council, Private Bag 704, Hokitika 7842 and the Officer for enquiries is Richard Simpson, (03) 756 9010.

Dated at Hokitika this 31st day of October 2013.

Tanya Winter
Chief Executive

**DEED TO TRANSFER FUNCTIONS UNDER SECTION 33 OF THE RESOURCE
MANAGEMENT ACT 1991**

THIS DEED is made on the day of 2013

BETWEEN **THE WESTLAND DISTRICT COUNCIL**, a body corporate
under the Local Government Act 2002 (“the District Council”)

AND **THE WEST COAST REGIONAL COUNCIL**, a body corporate
under the Local Government Act 2002 (“the WCRC”)

WHEREAS:

- A. Under section 31(1) of the Resource Management Act 1991 (“the Act”), the District Council has the function of controlling any actual or potential effects of the use, development, or protection of land, including the effects of mining-related activities, within the Westland District.
- B. In accordance with the Act, the District Council has prepared the Westland District Plan, which includes objectives, policies, and rules for mining-related activities.
- C. Under section 30(1) of the Act the WCRC has the functions of controlling the use of land for the purpose of soil conservation, and managing effects of water use and discharges, including the effects of mining-related activities, within the West Coast Region.
- D. The District Council has agreed to transfer to the WCRC and the WCRC has agreed to accept transfer of its functions for mining-related activities in the Westland District.
- E. Both the WCRC and the District Council agree that the transfer is desirable on all of the following grounds required by section 33 of the Act:
 - (a) The authority to which the transfer is made represents the appropriate community of interest relating to performance of the function transferred; and
 - (b) Efficiency; and
 - (c) Technical or special capability or expertise.

- F. The proposed transfer was approved by the District Council and the WCRC, after the District Council undertook the special consultative procedure specified in the Local Government Act 2002.
- G. Before using the special consultative procedure, the District Council gave notice to the Minister for the Environment of its proposal to transfer its functions, powers and duties outlined in this Deed.

NOW THIS DEED RECORDS:

1. INTERPRETATION

1.1 In this Deed, unless the context otherwise requires:

“exploration”, “mining” and “prospecting” have the same meanings as in the Westland District Plan;

“Government Agency” means any national, regional or local governmental or semi-governmental agency, administrative body, judicial body, tribunal, department, commission, public authority, agency, minister, statutory corporation or instrumentality;

“Law” means any legally binding law, legislation, statute, Act, rule, order or regulation which is enacted, issued or promulgated by the Parliament of New Zealand, the Governor General by Order-in-Council or a Government Agency;

“Mining-related activities” includes:

- a) exploration;
- b) mining;
- c) prospecting;
- d) operations which are ancillary to the exploration, mining, or prospecting for any mineral;
- e) the following activities when carried out on the same site as an exploration, mining or prospecting activity and where such activities are ancillary to the exploration, mining or prospecting activity:

- i. the extraction, transport, treatment, processing and separation of any mineral or chemical substance from the mineral;
 - ii. the construction, maintenance, and operation of any works and other land improvements (but excluding any buildings and structures as defined in the Westland District Plan), and of any related machinery and equipment connected with the operation;
 - iii. the clearance of vegetation by any means;
 - iv. the removal of over-burden by mechanical or other means, and the stacking, deposit, storage, and treatment of any substance considered to contain any minerals;
 - v. the deposit or discharge of any mineral, material, debris, tailings, refuse, or wastewater produced from or consequent on the operations; and
 - vi. the doing of all lawful acts incidental or conducive to the operations; and
- f) includes any access or track formation for the purposes of exploration, mining or prospecting that does not occur on unformed legal road.

1.2 In this Deed, unless the context otherwise requires:

- a) references to clauses are to clauses in this Deed;
- b) headings appear as a matter of convenience and do not affect the construction of this Deed;
- c) including and similar words do not imply any limitation;
- d) a reference to a person includes a local authority, company, limited partnership, and also any body of persons, whether incorporated or unincorporated, and includes their representatives, executors and assigns;
- e) the singular includes the plural and vice versa, and words importing one gender include the other genders; and
- f) a reference to:
 - i. any Law is a reference to that Law as amended from time to time, or to any Law that has been substituted for that Law; and
 - ii. any document is a reference to that document as amended from time to time, or to any document that has been substituted for that document.

2. COMMENCEMENT DATE

2.1 The transfer effected by this Deed commences on 2013.

3. TRANSFER

3.1 The District Council transfers under Section 33 of the Act to the WCRC the functions in Clause 4.

3.2 The WCRC accepts the transfer effected by this Deed.

3.3 This transfer is on the terms and conditions set out in this Deed, and the parties are at all times subject to the provisions of the Act and any other Law.

4. FUNCTIONS TRANSFERRED

4.1 The functions transferred under this Deed are the functions, powers and duties of the District Council in relation to mining-related activities under Section 36, Part 6, Part 6AA and Part 12 of the Act.

5.1 WARRANTIES

5.1 The WCRC warrants to the District Council that in performing the functions, powers and duties transferred and otherwise performing its obligations under this Deed it will:

- a) devote such time, resources (including engaging specialist staff where necessary), care, diligence, attention and skill as is reasonably necessary for the proper and efficient provision of the Functions;
- b) exercise the degree of skill, care, prudence, foresight and diligence which would reasonably and ordinarily be expected from a skilled and competent professional engaged in the same type of undertaking under the same circumstances; and
- c) comply with all applicable Laws and the terms and conditions set out in this Deed.

5. COSTS

5.1 The WCRC may charge and recover fees for mining-related activities in accordance with Section 36 of the Act.

6. LIAISON

- 6.1 The WCRC may consult with the District Council where it considers that in performing the functions, powers and duties transferred, it would be assisted by the technical capability of the District Council.
- 6.2 Where any mining-related activity is immediately adjacent to, or will affect legal road, WCRC will seek comment from the District Assets staff of WDC. This consultation will occur over and above any assessment of affected parties to the consent application. This provision may be met through the agreement of standardised requirements, or consultation on a consent basis with an agreed response timeframe.
- 6.3 To the extent permissible by Law, the District Council shall provide to the WCRC as soon as practicable any information, advice or comment on any mining-related matter reasonably requested by the WCRC to assist the WCRC to carry out the functions, powers and duties transferred.
- 6.4 The parties will cooperate in good faith:
- a) to expedite the transfer to the WCRC of any such matters being handled by the District Council as at the commencement date in Clause 2, which relate to functions, powers or duties transferred to the WCRC pursuant to this Deed; and
 - b) in the event that this Deed terminates in accordance with clause 11, to expedite the transfer to the District Council of any such matters which relate to functions, powers or duties transferred to the WCRC pursuant to this Deed.

7. REPORTING

- 7.1 The WCRC shall report to the District Council information about any of the functions transferred as agreed with the District Council.

8. RELINQUISHMENT

- 8.1 If the WCRC considers relinquishing the functions, powers and duties transferred, it shall first consult with the District Council as soon as practicably possible.
- 8.2 If, following such consultation, the WCRC decides to relinquish all or any of the functions, powers or duties transferred it shall give one months' written notice of its decision to the District Council.

9. CHANGE OF TRANSFER

9.1 Pursuant to Section 33(8) of the Act, the District Council may change the transfer effected by this Deed at any time, by notice to the WCRC.

10. REVOCATION OF TRANSFER

10.1 Pursuant to Section 33(8) of the Act, the District Council may revoke the transfer effected by this Deed at any time, by notice to the WCRC.

11. DURATION

11.1 This Deed and the transfer made under it shall remain in full force and effect until revoked by the District Council or relinquished by the WCRC under Clauses 8 or 10 of this Deed.

12. DEALING WITH DISPUTES

12.1 If any difference or dispute arises as to the interpretation of this Deed or as to any matter arising out of or in connection with this Deed, including any question regarding its existence, validity or termination ("Dispute") (other than a Dispute precluded by clause 13), then either party shall by notice in writing served on the other party inform the other party of the details of the Dispute.

12.2 Both parties undertake to use their best endeavours to resolve any Dispute by amicable and bona fide negotiation and discussion or by utilising appropriate alternative dispute resolution techniques.

12.3 Where a Dispute remains unresolved for more than four weeks, either party will be entitled to refer the Dispute to mediation by notice in writing to the other party.

12.4 The parties will agree on a suitable person to act as mediator. If the parties fail to reach agreement within five business days of the matter being referred to mediation in accordance with clause 12.3, either party may request the President for the time being of the New Zealand Law Society, or the nominee of such President, to appoint a mediator.

12.5 The mediation will be in accordance with the Mediation Protocol of the Arbitrators' and Mediators' Institute of New Zealand, Inc. The mediation shall be terminated by:

- a) the signing of a settlement agreement by the parties;
- b) notice to the parties by the mediator, after consultation with the parties, to the effect that further efforts at mediation are no longer justified;
- c) notice by one or more of the parties to the mediator to the effect that further efforts at mediation are no longer justified; or
- d) the expiry of 40 days from the mediator's appointment, unless the parties expressly consent to an extension of this period.

12.6 If the mediation is terminated as provided in clauses 12.5(b), (c) or (d) the Dispute shall be referred to and finally resolved by arbitration in New Zealand in accordance with New Zealand law and the current Arbitration Protocol of the Arbitrators' and Mediators' Institute of New Zealand Inc. The arbitration shall be by one arbitrator to be agreed upon by the parties and if they should fail to agree within 21 days, then to be appointed by the President of the Arbitrators' and Mediators' Institute of New Zealand Inc. Any such arbitration shall take place in Hokitika or Greymouth.

13. ALTERNATIVE DISPUTE RESOLUTION BY EXPERT

13.1 As an alternative to the dispute resolution procedures in clause 12 the parties may by written agreement elect to engage an Expert in accordance with the following provisions to resolve any Dispute. This procedure, if adopted, is in substitution of the procedure set out in clause 12 and once an election under this clause has been made the parties may not commence the procedures provided for under clause 12 in relation to the Dispute the subject of the election. The parties shall agree on the manner in which the Expert will conduct the Dispute.

13.2 If the parties elect by written agreement to engage an Expert to determine a Dispute, then the following provisions apply:

- a) the Expert is to be appointed by agreement between the parties. Failing agreement within 5 business days after the agreement to use an Expert, either party may request the President for the time being of the New Zealand Law Society, or the nominee of such President, to appoint an Expert;
- b) upon the Expert being appointed, each party will provide the Expert with a written description of the subject matter and details of the Dispute;
- c) the Expert:
 - i. shall act as an expert and not an arbitrator;

- ii. may inspect any records kept by a party in relation to the matter being considered by the Expert at any reasonable time;
 - iii. is to consider and take into account material, representations and other relevant matters submitted to him or her by a party in accordance with clause 12.2(b); and
 - iv. shall give the parties, within 30 days after his or her appointment, or such other period as the parties may agree, written notice of his or her decision and that decision shall be final and binding on the parties;
- d) if, at any time, it becomes apparent that the Expert will not perform his or her duties under this clause 12 (whether by relinquishing his or her appointment, by failing to provide written notice of his or her decision in accordance with subclause (c)(iv), or by death), a new person may be appointed as Expert in his or her place and the provision of this clause 12.2 shall operate in relation to that appointment;
- e) the parties and the Expert shall keep confidential and shall not disclose to any one not involved in the determination any information contained in the decision unless such disclosure is made in any subsequent proceedings to enforce the Expert's decision; and
- f) the parties' own costs and the costs and expenses of the Expert shall be borne and shared by both parties in the manner determined by the Expert and in the absence of any such determination, each party shall bear its own costs and an equal share of the costs and expenses of the Expert.

14. MISCELLANEOUS

14.1 Notices under this Deed must be in writing and sent to the following contact addresses (or alternative addresses notified in writing by the relevant party):

Westland District Council:

The Chief Executive
Westland District Council
Private Bag 704
Hokitika 7842
Fax: 03 756 9046
Email: ce@westlanddc.govt.nz

West Coast Regional Council:

The Chief Executive
West Coast Regional Council
PO Box 66, Greymouth
Fax: 03 768 7133
Email: ci@wcrc.govt.nz

14.2 Notices:

- a) delivered or sent by facsimile shall be deemed given when correctly sent provided that notices given after 5.00pm on a business day or at any time on a non business day shall be deemed given on the next business day;
- b) sent by mail shall be deemed given on the date which is three (3) business days following posting; or
- c) sent by email, shall be deemed to have been received at the time of transmission provided that:
 - i. a delivery receipt has been received by the sender; and
 - ii. any email sent after 5.00pm on a business day or at any time on a non business day shall be deemed delivered on the next business day.

14.3 This Deed is the entire agreement between the parties about its subject matter and replaces all previous agreements, understandings, representations and warranties about that subject matter.

- 14.4 No delay, neglect or forbearance by any party in enforcing against the other party any right or remedy under this Deed shall be deemed to be a waiver of or in any way prejudice the right or remedy nor shall any single or partial exercise of any right or remedy preclude any other or further exercise thereof or the exercise of any other right or remedy.
- 14.5 No amendment to this Deed will be effective unless it is in writing and signed by both parties.
- 14.6 Except as expressly provided in this Deed:
- a) nothing in this Deed is intended to constitute a fiduciary relationship or an agency, partnership or trust; and
 - b) neither party has authority to bind the other party.
- 14.7 Any term of this Deed which is wholly or partially void or unenforceable is severed to the extent that it is void or unenforceable. The validity or enforceability of the remainder of this Deed is not affected.
- 14.8 Except as expressly provided in this Deed, the rights of a party under this Deed are in addition to and do not exclude or limit any other rights or remedies provided by Law.
- 14.9 Each party will do all things reasonably required by the other party to effectively carry out and give effect to the terms and intentions of this Deed. This clause is a continuing obligation separate from each party's other obligations under this Deed and survives termination of this Deed.
- 14.10 Except as expressly provided in this Deed, each party must pay its own costs and expenses of negotiating, preparing and executing this Deed.
- 14.11 This Deed is governed by the laws of New Zealand. Each party irrevocably and unconditionally submits to the exclusive jurisdiction of the courts of New Zealand.
- 14.12 This Deed may be executed on the basis of an exchange of scanned copies of this Deed and execution of this Deed by such means is to be a valid and sufficient execution.
- 14.13 If this Deed consists of a number of signed counterparts, each is an original and all of the counterparts together constitute the same document.

This Deed was executed on the date appearing at its head.

THE COMMON SEAL of)
THE WESTLAND DISTRICT COUNCIL)
Was affixed)
In the presence of:)

Mayor

Tanya Winter
Chief Executive

THE COMMON SEAL of)
THE WEST COAST REGIONAL COUNCIL)
Was affixed)
In the presence of:)

Chairman

Chris Ingle
Chief Executive Officer

APPENDIX 2: SUMMARY OF SUBMISSIONS AND STAFF COMMENTARY (DEC 2013)

| Submitter | Synopsis of Submission | Analysis and comment by staff (Dec 2013) | To be heard? |
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| <p>Barry MacDonell 5 Orchard Grove East Taieri Dunedin</p> | <p>Supports the proposal on the basis that duplication and paperwork will be reduced.</p> <p>Dealing with multiple bodies constrains economic activity and employment.</p> <p>The Regional Council staff have particular expertise in the main mining related effects which are identified as earthworks and water management.</p> | <p>This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners).</p> <p>Staff are not in position to make any comment on WCRC capacity.</p> | <p>No</p> |
| <p>The Minerals Institute ellen@engen.co.nz</p> | <p>Supports the proposal on the basis that it will lead to more efficient processes and that the transfer could boost industry and community outcomes.</p> | <p>This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners).</p> <p>Regardless of the Consent Authority involved, all the matters required to be assessed under the Act and under the District Plan must be considered. Delays will always occur where applicants fail to provide the information required of them; there is no change with regard to this aspect relating to the Consent Authority.</p> <p>Resource consent applications are processed in accordance with the requirements of the District Plan and not</p> | <p>No</p> |

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| | | the personal views of the staff concerned. | |
| R J Breeze 2 Monteith Street Ross | Supports the proposal (no reasons). | As no reasons are provided by the submitter no proper analysis can be made. | Not stated |
| Brenda Breeze 2 Monteith Street Ross | Supports the proposal (no reasons). | As no reasons are provided by the submitter no proper analysis can be made. | Not stated |
| Minerals West Coast petero@mwc.org.nz | Supports the proposal on the basis that a single application will provide improved efficiency and clarity of process and ensure that compliance monitoring can be dealt with efficiently and quickly. | This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners). It is in the domain of the Council to sufficiently resource the CE to appoint sufficient compliance staff. In the alternative, Council could transfer the compliance matters only. | Not stated |
| Brian Blacktopp 117 Keogans Road Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Joan Blacktopp 117 Koegans Road Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Hayden Blacktopp 117 Koegans Road Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |

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| Allan Thompson 216 Gibson Quay Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Caitlin Thompson 216 Gibson Quay Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Daniel Foord 144 Weld Street Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Gail Pehi 216 Gibson Quay Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Jade Thompson 144 Weld Street Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Tom Milne 49 Seddon Street Kumara | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Tina Taylor 49 Seddon Street Kumara | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Sarah Heney 2b Takutai Road RD 3 | Supports the proposal on the basis that the West Coast regional Council will do a | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |

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| Hokitika | better job than has been happening before. | | |
| Wade Heney 2b Takutai Road Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Kelvin Taylor 86 Hoffman Street Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Lynda Pehi 86 Hoffman Street Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated |
| Amalgamated Mining Ltd C/o Ian Cummings Address not supplied | Supports the proposal as it will speed up the consents processing time and improve compliance monitoring. | Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon. It is in the domain of the Council to sufficiently resource the CE to appoint sufficient compliance staff. In the alternative, Council could transfer the compliance matters only. | Not stated |
| Mike Spruce 9 Ballarat Rise and 26 others: Patrick Amberger, Gillams Gully. Anita Breyholtz, Stafford Loop Road. Jeff Cairney, Stafford Loop Road. | Does not support the proposal on the basis that the Council should accept that it has a statutory responsibility to deal with mining and that it should not shirk from that responsibility. It is a WDC function to recognise and manage the tension between various land uses. Consultation has not been sufficiently wide or discerning. | The Council has been previously advised that the RMA does provide for specifically different statutory approaches. Consultation has been undertaken in excess of the statutory minimum and on the initiative of Council. Staff are not in position to make any comment on WCRC capacity. | Yes |

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| <p>Jocelyn Cairney, Stafford Loop Road.</p> <p>Janet Drylie, Ballarat Rise.</p> <p>John Drylie, Ballarat Rise.</p> <p>Dean Fleming, Stafford Road.</p> <p>Kate Fleming, Stafford Road.</p> <p>D A Forbes, Stafford Loop Road.</p> <p>John Foster, Stafford Loop Road.</p> <p>R J Halsey, Stafford Loop Road.</p> <p>Nigel Hoban, Gillams Gulley Road.</p> <p>H M Kinghorn, Ballarat Rise.</p> <p>D S E Kroupa, Stafford Loop Road.</p> <p>W Kroupa, Stafford Loop Road.</p> <p>M C Mann, Stafford loop Road.</p> <p>Robert Newland, Stafford Road.</p> <p>Rosina Newland, Stafford Road.</p> <p>Annette Peterson, Gillams Gulley.</p> | <p>Council needs to be cognisant of its residents as the WCRC does have an unbalanced view of the mining industry.</p> <p>Compliance monitoring procedures used by the WCRC are of concern to the group.</p> | | |
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| <p>G T Simon, Stafford Loop Road.</p> <p>P Simon, Stafford Loop Road.</p> <p>P E Singer, Stafford Loop Road.</p> <p>C Stokowski, Stafford Road.</p> <p>Dianje Strang, Stafford Loop Road.</p> <p>Hemi Te Rakau, Stafford Road.</p> <p>A Thrupp, Stafford Road.</p> | | | |
| <p>Gold and Green Resources Ltd</p> <p>PO Box 11</p> <p>Hokitika</p> | <p>Supports the proposal on the basis that the Council is very difficult to deal with, takes too long to grant consents, pushes statutory timeframes, uses “threats” of notification, is not impartial, has lost the confidence of the industry and that the West Coast Regional Council will do a better job and will not require such comprehensive information and the staff involved are more practical.</p> | <p>Regardless of the Consent Authority involved, all the matters required to be assessed under the Act and under the District Plan must be considered. Delays will always occur where applicants fail to provide the information required of them; there is no change with regard to this aspect relating to the Consent Authority.</p> <p>Resource consent applications are processed in accordance with the requirements of the District Plan and not the personal views of the staff concerned.</p> | <p>Not stated.</p> |
| <p>West Coast Commercial Gold Miner’s Association</p> <p>PO Box 115</p> <p>Hokitika</p> | <p>Supports the proposal on the basis that dealing with the Council causes delays and increased costs. The Association is not enamoured of the Council’s approach in requiring heritage/archaeological assessments and that landscape assessments should not be required. Council’s</p> | <p>Heritage, archaeological and landscape effects are required to be considered regardless of the Consent Authority involved.</p> | <p>Not stated.</p> |

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| | <p>approach to the administration of resource consents has stifled the development of the industry and the West Coast Regional Council will provide a quicker, more efficient and cheaper service.</p> | | |
| <p>Rob Danford 221 Stafford Loop Road RD 2 Hokitika</p> | <p>Does not support the proposal as the West Coast Regional Council is deficient in its ability to deal with the environmental issues that it is statutorily responsible for. A separation of functions is wise so as to ensure that there is limited scope for bias, corruption and conflict of interest. The Council should be specific in establishing procedures and it would be best if there is a separation between consenting procedures and compliance/monitoring procedures.</p> | <p>Staff are not in position to make any comment on WCRC capacity. Regardless of the Consent Authority involved, processing is required to be undertaken in accordance with the statute and in a professional way. Separation between processing and monitoring is a staff capacity issue and does raise the question of the possibility of transferring compliance monitoring only.</p> | <p>Yes.</p> |
| <p>Stuart Brown soart@yahoo.com</p> | <p>Does not support the proposal as the Regional Council acknowledges a lack of resources to accept the transfer, the WCRC has a conflict of interest and the District Council should be encouraging tourism and not mining.</p> | <p>Staff are not in position to make any comment on WCRC capacity.</p> <p>Regardless of the Consent Authority involved, the effects of the activity are required to be managed. Any hierarchy of industries is not a debate relating to the transfer proposal.</p> | <p>Not stated</p> |
| <p>Biddy Manera rosschick@clear.net.nz</p> | <p>Does not support the proposal as the WCRC has a conflict of interest and the WDC should be handling the consents work itself. Confidence in the WCRC is low and they do not have the resources to deal with the transfer.</p> | <p>Staff are not in position to make any comment on WCRC capacity.</p> | <p>No.</p> |

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| Ben Blacktopp PO Box 276 Hokitika | Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before. | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Susi Thompson Address not stated | Does not support the proposal and sees the WCRC as having a conflict of interest. Is concerned about how the Westland District Plan will be considered and how conditions will be monitored and enforced. Consultation on the proposal has not been sufficient. | Staff are not in position to make any comment on WCRC capacity. Regardless of the Consent Authority involved, all the matters required to be assessed under the Act and under the District Plan must be considered. Consultation has been undertaken in excess of the statutory minimum and on the initiative of Council. | Yes |
| Andrew Birchfield PO Box 17 Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Wikitoria Thomson 46 Moorhouse Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| John Trotter 03 755 6743 | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Nathan Hoglund 167 Revell Street Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Ebony Hillman 167 Revell Street Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Arthur Thomson Woolhouse Road | Does not support the proposal because the WDC takes too long to process consents. | Given that the WCRC staff will need to consider the same issues that are required to be considered currently by | Not stated |

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| Ross | | WDC staff, there is little clarity as to how processing times will be impacted upon. | |
| Veronica Chinn 57 Harihari Highway Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Anne Watts 1/13 Alexander Cres Greymouth | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Bob Wilkinson 118 Bealey Street Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Kevin Morrow 17 Tramway Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Chris Windley 37 Aylmer Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| James Rochford 134 Bealey Street Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Alan Tainui 10 Butlers Road Ruatapu | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Tony Priebe 271 Gillams Gully Road Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |

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| Michael Anderson 202 Revell Street Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| G W Downey 201 Revell Street Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Shawn Wilson 22 Stewart Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Jason Carpenter PO Box 1 Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Dave Searle 27 Moorhouse Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Darren Terris 03 327 5337 | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Graeme Hall 10 Bonar Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Paul Birchfield 33 Adairs Road Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Peter Donaldson 90 Red Jacks Road Ngahere | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |

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| Maise V Bennett 4 Sale Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Daniel Overton 127 A Davie Street Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Dea Minehan 119 Totara Valley Road Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | No. |
| Lorraine Crowhen 1333 Harihari Highway RD 1 Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Luke Fisher 39 Moorhouse Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Terry Crowhen 35 Moorhouse Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Jack Cornish 25 Fraser Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Len Higgens 19 Offenhauser Drive East Tamaki | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |

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| Auckland | | | |
| Barbara Thomson Woolhouse Road Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Andrew Gifford PO Box 69 Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Bev Ellis 37 Fraser Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Michael Tmoson 46 Moorhouse Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Julie Manera PO Box 23 Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Evan Simpson 319 Woodstock Rimu Road Hokitika | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Doug King 29 Gibson Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Jamie Smith 120 Cement lead Road Blue Spur | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |

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| Ian Thompson 11 Tramway Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Jim Manera 44 Aylmer Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Michelle Austin 31 Aylmer Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Jane Birchfield Woolhouse Road Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Tom Leatham 91 Beach Road RD 1 Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| June Searle 27 Moorhouse Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Terry Rea 32 Aylmer street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | No. |
| Michelle Manera 39 Aylmer street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |

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| Doug Wright 29 Bonar Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Peter & Emma Cornish 25 Fraser Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Peter Rea 39 Aylmer Street Ross | Supports the proposal (no reasons). | The submitter has not clarified any specific concerns and accordingly no proper analysis can be made. | Not stated. |
| Cathy Jones 275 Ruatapu Road RD 3 Hokitika | Supports the proposal because WDC takes too long to process consents and WDC has stopped Westmeats and Subway from developing in Westland. | Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon. Staff are unable to comment on the commercial decisions of other companies and hold no evidence to suggest that statement is correct. | Not stated |
| Gary Jones 275 Ruatapu Road RD 3 Hokitika | Supports the proposal because WDC takes too long to process consents and WDC has stopped Westmeats and Subway from developing in Westland. | Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon. Staff are unable to comment on the commercial decisions of other companies and hold no evidence to suggest that statement is correct. | Not stated |
| Dean Sweatman RD 3 Butlers Road Ruatapu | Supports the proposal on the basis that there is duplication and that costs would be reduced with the transfer | Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon. This approach is consistent with Council's views but a singular | Not stated |

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| | | application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners). | |
| Morris and Watson Gold Buyers Penrose Auckland | Supports the proposal because mining consents will be easier as will be a one stop shop | This approach is consistent with Council's views but does not address the issue that there are multiple agencies regardless of a transfer or not. | Not stated |
| P W Manera PO box 23 Ross | Supports the proposal and would like to see all other land clearance and disturbance also transferred. | All other land clearance and disturbance already lies with the WCRC. | Not stated |
| Evan Birchfield 56 Woolhouse Road Ross | Supports the proposal because of the current system being inefficient and being duplication. WDC staff are not sufficiently qualified to do the consenting task, delay procedures and are biased. | <p>This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners).</p> <p>It is in the domain of the Council to sufficiently resource the CE to appoint sufficient compliance staff. In the alternative, Council could transfer the compliance matters only.</p> <p>Resource consent applications are processed in accordance with the requirements of the District Plan and not the personal views of the staff concerned.</p> | Not stated |
| Mrs K Hartwig 20 Sale Street Ross | Supports the proposal because the outcome would be a high degree of uniformity and expertise. The WCRC staff have diverse knowledge and technical skills. | This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners). | Not stated |

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| | | Staff are not in position to make any comment on WCRC capacity. | |
| Peter Bennett 4 Sale Street Ross | Supports the proposal because the WDC planning staff are a range of adjectives and the speed at which consents are processed is too slow. | Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon. | Not stated |
| Bryan Chinn 57 Harihari Highway Ross | Supports the proposal and encourages the Council to make mining a permitted activity like in "Buller and Grey". The one stop shop approach is appropriate. | Mining is not a permitted activity in either Buller or Grey Districts. This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners). | Not stated |
| Brian Torrest 18 Bridge Street Greymouth | Supports the proposal and encourages the Council to make mining a permitted activity like in "Buller and Grey". The one stop shop approach is appropriate. | Mining is not a permitted activity in either Buller or Grey Districts. This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners). | Not stated |
| Gavin Hartwig 20 Sale Street Ross | Supports the proposal because the transfer will improve employment prospects, the Regional Council Staff are better qualified and decisions will be fairer. | Staff are not in position to make any comment on WCRC capacity. | Not stated |
| Steve Maitland 23 Saint James Street Ross | Does not support the proposal because the WCRC will not approach the work in an unbiased way. Neither the WDC nor the WCRC have taken their responsibilities seriously enough in the past and have allowed mining operations to transgress. | Staff are not in position to make any comment on WCRC capacity. | Yes. |

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| <p>Jen Miller Canterbury West Coast Field Officer</p> <p>Royal Forest and Bird Protection Society of New Zealand</p> <p>PO Box 2516, Christchurch</p> <p>03 940 5523 M 021 651 778</p> | <p>Conditionally supports the proposal and sees the WCRC as having a significant conflict of interest because of its association with Vector Control Services which provides advice to applicants and consent holders. The commercial relationship needs to be set aside for the transfer to work with integrity. There needs to be some clarity around the employment of enforcement officers.</p> | <p>This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners).</p> <p>Staff are not in position to make any comment on the WCRC relationship with its CCO.</p> | <p>Yes</p> |
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Report



DATE: 26 January 2017

TO: Mayor and Councillors

FROM: Group Manager – Planning, Community and Environment

EASTER SUNDAY SHOP TRADING POLICY – WESTLAND DISTRICT

1 SUMMARY

- 1.1 The purpose of this report is to make recommendations to Council on a proposed Easter Sunday Shop Trading Policy and to seek approval to adopt the attached draft Statement of Proposal and commence the special consultative procedure.
- 1.2 This matter arises from legislation change in August 2016 that allows territorial authorities to create local policies to allow shop trading across their shop district or in limited areas on Easter Sunday. Elected Members requested at their December 2016 meeting that a report be brought to this meeting for consideration.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending
 - 1.4.1 **THAT** Council adopts the attached Statement of Proposal in appendix 2, and
 - 1.4.2 **THAT** Council undertakes a Special Consultative Procedure as per Section 83 of the Local Government Act 2002, with an opening date for submissions of 30 January 2017 and a closing date of 3 March 2017.

2 BACKGROUND

- 2.1 Most shops in New Zealand cannot open on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day. Some tourist areas have exemptions to open on Easter Sunday (e.g. Queenstown and central Taupo), but there are currently no exemptions in Westland or on the entire West Coast.
- 2.2 Now, based on legislation passed by Parliament in August 2016, any Council can have a policy that lets shops open on Easter Sunday. Councils must consult their communities on a draft policy using the special consultative procedure (SCP), which allows for submissions and hearings.
- 2.3 A policy can allow shops to trade on Easter Sunday in:
 - (a) the whole of the district; or
 - (b) any part of parts of the district.
- 2.4 A policy cannot:
 - (a) permit shops to open only for some purposes; or
 - (b) permit only some types of shops to open; or
 - (c) specify times at which shops may or may not open; or
 - (d) include any other conditions as to the circumstances in which shops in the area may open.
- 2.5 The policy cannot apply to Anzac Day morning, Good Friday or Christmas Day. Dairies, service stations, take away bars, restaurants and cafes, garden centres and duty free stores can already open on the restricted trading days.
- 2.6 The policy cannot apply to the sale of supply of alcohol, which will continue to be regulated on Easter Sunday by the Sale and Supply of Alcohol Act 2012.
- 2.7 Any shop employee will be able to refuse to work on Easter Sunday without any repercussions for their employment relationship. The government allowed this provision as it recognises that Easter Sunday continues to be a day of significance across New Zealand and that some people would rather not work on this day.

3 CURRENT SITUATION

- 3.1 The current situation is largely as described above. No Easter Sunday trading is currently allowed in Westland unless they are dairies, service stations, take away bars, restaurants and cafes, garden centres or duty free stores.

- 3.2 The views of the Westland community are not yet known. Nationally, retailers like large supermarket chains generally support Easter Sunday trading, while some unions and religious groups do not.

4 OPTIONS

- 4.1 Option One is to commence with consultation on the attached Statement of Proposal for a draft Easter Sunday Shop Trading Policy that would allow for shop trading districtwide on Easter Sunday.
- 4.2 Option Two is the same as Option One, except it would limit the geographic areas allowed to have Easter Sunday trading to particular areas, for example Hokitika only.
- 4.3 Option Three is to delay the development of an Easter Sunday Shop Trading Policy until the experience of other Councils is known, including the outcome of any legal challenges. A variant of this option is to delay the development of the Policy until some initial informal consultation is done with the community. For example, rather than proposing to allow Easter Sunday trading, the Council would start by asking for the community's views on the matter.
- 4.4 Option Four is the status quo: no Easter Sunday Shop Trading Policy would be developed, and therefore no shop trading would be allowed in Westland on Easter Sunday unless already permitted by legislation (dairies, service stations, take away bars, restaurants, cafes, etc.).

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 This matter is considered to be of low to moderate significance. It does not affect any of Council's strategic assets, its levels of service, its debt or rates, and it is a reversible decision. It has a degree of significance because it does affect the community by potentially enabling shopping one more day of the year, by potentially creating concern among religious groups or persons who are opposed to commercial activities on Easter Sunday, and by potentially giving employers and employees options around employment and income generation on Easter Sunday.
- 5.2 Given the level of significance, some degree of consultation is appropriate. In any case, the legislation specifically requires use of the special consultative procedure under Section 83 of the Local Government Act. This allows for at least a one month submission period on a Statement of Proposal (which in this case would include the draft Policy on Easter Sunday Shop Trading), followed by hearings before a Policy is adopted.

- 5.3 Some Councils (such as Tasman District Council, Nelson City Council and New Plymouth District Council), are consulting generally on the issue before they release their Statement of Proposal and draft Policy for formal submissions. This option is not feasible for Westland if the Council wishes to have the Policy in place by Easter 2017. It is recommended that the Council follows the lead of councils such as Marlborough District Council which are undertaking one round of consultation only, on the Statement of Proposal including the draft Policy.
- 5.4 It is recommended that the Statement of Proposal be advertised in the Hokitika Guardian, in the Westland Matters electronic newsletter and on the Council website. In addition, it should be circulated to business and community groups such as Enterprise Hokitika, the Haast Promotions Group and other community associations. It is not considered necessary or cost-effective for letters to be sent to every business in the District.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option One (proposing to allow Easter Sunday trading) has the advantage of potentially generating positive economic benefits from increased retail activity in the District. Easter is still a relatively busy time in Westland, at the tail end of the peak tourism season. With the 'right to refuse' provisions of the legislation, affected workers can choose whether to work and earn an extra day's pay. Consumers will have increased choice over when and where to shop.
- 6.1.1 Grey District Council is considering this option as well, and if Westland does not allow for Easter Sunday trading some Westland residents who might otherwise wait until after Easter Sunday might go to Greymouth for their shopping.
- 6.1.2 Disadvantages to Option One include potential financial or peer pressure on employees to work on Easter Sunday even if they are not legally required to, and the resulting loss of what would otherwise be a guaranteed public holiday. Other disadvantages (as compared with Option Two) relate to timing; if there is a legal challenge to Council's policy, or any segment of the community is unhappy with the policy, the Council may wish it had waited longer to see how other Councils had fared and/or to test community views via open-ended consultation without proposing a draft policy at this time.
- 6.1.3 Another timing disadvantage to Option One is the minor consideration that this Policy is unlikely to be adopted until the Council meeting of

23 March 2017, which is only three-and-a-half weeks before Easter Sunday, unless there is an earlier 'extraordinary' Council meeting. By law, employers must give employees at least four weeks' notice of their intent to open on Easter Sunday and allow them two weeks from that notice to refuse to work. Because the full four-week notice period will not be possible for 2017, the employees could give notice of their refusal to work on Easter Sunday less than two weeks before Easter Sunday, perhaps right up until Easter Sunday itself. This could present some uncertainty and risks for business planning. A possible mitigation of this issue could be an extraordinary meeting of Council prior to 23 March 2017.

- 6.2 Option Two (proposing to allow Easter Sunday trading in only certain parts of the District) would have the advantage of allowing the Council to reflect any differences in opinion that might exist on this matter from one community to another in the District. For example, there may be overwhelming support for Easter Sunday trading in one township and overwhelming opposition in another. This is an option that can be considered further in response to submissions received, so at this stage Option One seems preferable in terms of getting feedback on a districtwide approach.
- 6.3 Option Three (delaying the development of a draft policy to allow Easter Sunday trading) would let the Council learn from the experiences of other Councils and could also allow for informal or formal open-ended consultation on the issue of Easter Sunday trading with the community, without proposing a draft policy at this time. This could reduce the likelihood of controversy if community views were tested before the proposal was released. However, the disadvantages would mean that the potential financial and economic benefits of being open on Easter Sunday would not be realised until 2018 or 2019.
- 6.4 Option Four (do nothing) has no obvious advantages. With its limited resources, it could be argued that the Council should be focusing on reviewing its current bylaws and policies rather than developing new ones. However, an Easter Sunday Shop Trading Policy is relatively straightforward and is largely an enabling provision that would require any monitoring or enforcement activity.
 - 6.4.1 The key disadvantages to Option Four are the flip side of the advantages to Option One; namely, that the potential financial and economic benefits to the District of being open on Easter Sunday would not be realised, and potentially some existing revenue would flow to Grey District or other districts that might allow Easter Sunday trading. Westland shoppers would also miss out on the convenience of Easter Sunday trading within their own district.

6.5 None of the options have any direct financial implications for Council, aside from minor costs relating to advertising in local newspapers.

7 PREFERRED OPTION AND REASONS

7.1 The preferred option is Option One, as it allows for increased financial and economic benefits in the District as early as Easter 2017 without forcing anyone to work against their will.

8 RECOMMENDATIONS

- A) THAT** Council adopts the attached Statement of Proposal in appendix 2, and
- B) THAT** Council undertakes a Special Consultative Procedure as per Section 83 of the Local Government Act 2002, with an opening date for submissions of 30 January 2017 and a closing date of 3 March 2017.

Jim Ebenhoh

Group Manager – Planning, Community and Environment

Appendix 1: Draft Easter Sunday Shop Trading Policy

Appendix 2: Statement of Proposal for the Draft Easter Sunday Shop Trading Policy

Draft Easter Sunday Shop Trading Policy

1. Introduction

This policy is made under Subpart 1 of Part 2 of the Shop Trading Hours Act 1990 (the Act). The purpose of the Act is to regulate the opening of shops on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day. The Act was amended in 2016 to allow Councils to have a policy to permit shops to open on Easter Sundays. The restrictions applying to Anzac Day morning, Good Friday and Christmas Day remain unchanged.

Currently most shops in most districts around New Zealand are unable to open for trade on Easter Sunday because of the day's status as a restricted trading day under the Act.

The Act allows shops selling certain types of goods (examples include dairies, service stations, take away bars, restaurants and cafes, garden centres and duty free stores) to remain open on the restricted trading days.

Some tourist areas have been given exemptions to open on Easter Sundays but there is currently no mechanism to allow for further exemptions to be granted.

Council recognises the importance of tourism-related trade and other trade to the Westland economy on Easter Sunday. Now, local communities have the choice of whether or not to allow shop trading on Easter Sunday.

2. Scope of policy

This Policy applies to the whole of the Westland District.

This Policy does not apply to the sale or supply of alcohol. Alcohol. Sale and supply is regulated under the Sale and Supply of Alcohol Act

3. Shop trading permitted

Shop trading is permitted on Easter Sundays throughout Westland.

4. Shop employees' right to refuse to work

Easter Sunday continues to be a day of significance across New Zealand and some people would rather not work on this day.

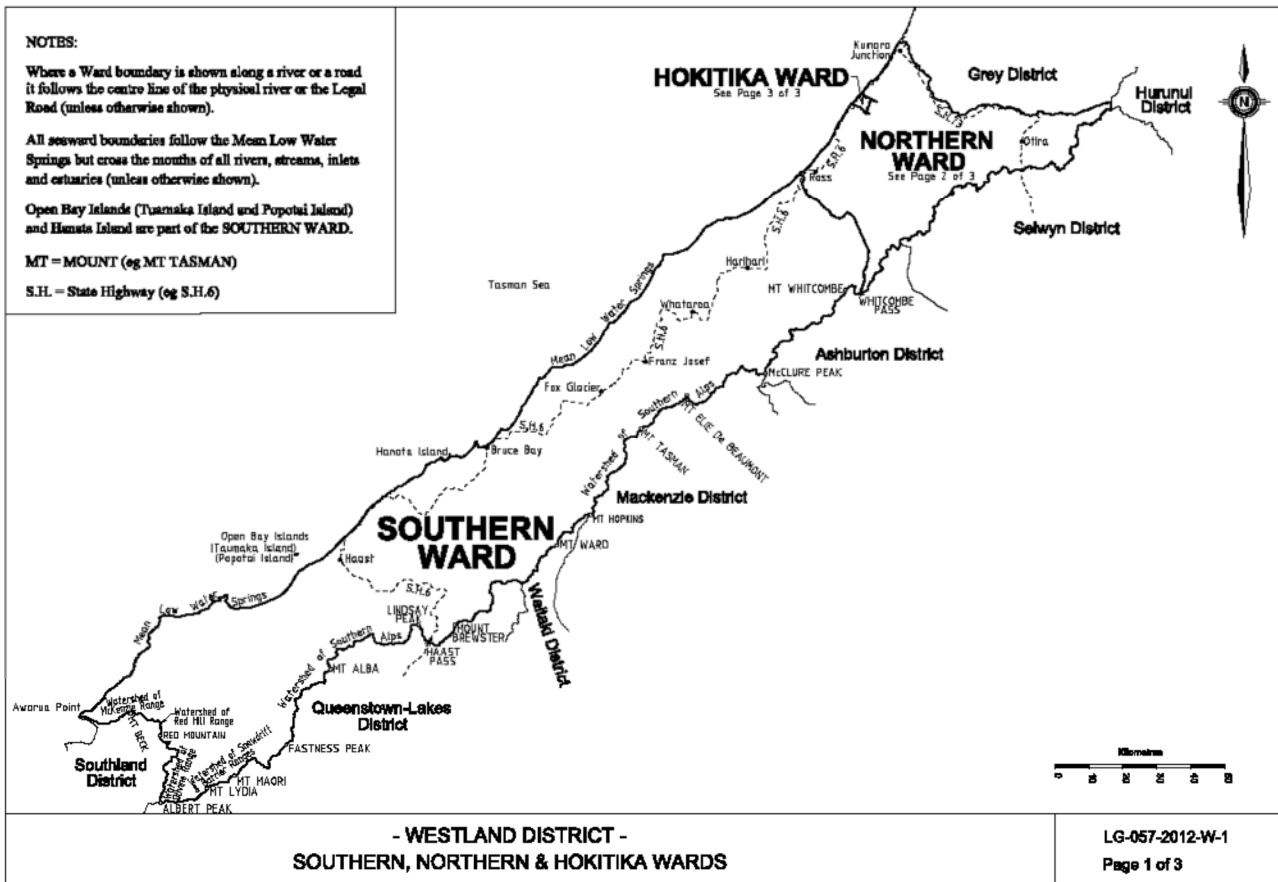
There are 'right to refuse' provisions in the Act allow employers and employees to negotiate freely, and means that all shop employees will have the ability to refuse to work on Easter Sunday without any repercussions for their employment relationship.

For the purposes of this Policy—

a *shop* is a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include—

- (a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or
- (b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or
- (c) a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.

The extent of the Westland District is shown on the map below.



Statement of Proposal under Special
Consultative Procedure as per
Section 83 of Local Government Act
2002:

Proposed Easter Sunday Shop Trading
Policy

[Submit online at www.westlanddc.govt.nz](http://www.westlanddc.govt.nz)

30 January 2017

Council proposes that shops be allowed to trade on Easter Sundays

This proposal is now open for public consultation (30 January 2017 to 3 March 2017)

[Submit online at www.westlanddc.govt.nz](http://www.westlanddc.govt.nz)

GET YOUR SUBMISSION TO COUNCIL BY 5.00PM ON FRIDAY 3 MARCH 2017

Background: Shopping On Easter Sunday

Most shops in New Zealand can't open on Anzac Day morning, Good Friday, Easter Sunday, or Christmas Day.

Now Council can have a policy that lets shops to open on Easter Sunday.

The policy can't apply to Anzac Day morning, Good Friday or Christmas Day. Dairies, service stations, take away bars, restaurants and cafes, garden centres and duty free stores can already open on the restricted trading days.

Some tourist areas have exemptions to open on Easter Sundays but Westland doesn't have an exemption.

Council recognises the importance of tourism-related trade and other trade to the Westland economy on Easter Sunday.

Now, local communities have the choice of whether or not to allow trading on Easter Sunday.

Scope of the Policy

Council can establish a policy that allows shops to trade on Easter Sunday in—

- (a) the whole of the district; or
- (b) any part of parts of the district.

A policy cannot—

- (a) permit shops to open only for some purposes; or
- (b) permit only some types of shops to open; or
- (c) specify times at which shops may or may not open; or
- (d) include any other conditions as to the circumstances in which shops in the area may open.

The Policy does not apply to the sale or supply of alcohol. Alcohol sale and supply is regulated under the Sale and Supply of Alcohol Act 2012.

A **shop** is a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include—

- (a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or
- (b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or
- (c) a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again.

Other Options Considered by Council

Status quo: the status quo means having no policy, and Easter Sunday trading would not be allowed aside from businesses that are already allowed by legislation to trade on Easter Sunday (e.g. service stations, restaurants, cafes, takeaways, dairies, etc). Council decided to reject this option and begin development of a policy so that people may have more say in whether shops should be allowed to trade on Easter Sundays.

Delaying development of an Easter Sunday Shop Trading Policy: this would allow the Council to find out more about other Councils' experiences, including possible legal challenges, and to have more discussion with the community before releasing this formal Statement of Proposal for submissions. In the interest of moving forward with the benefits of Easter Sunday trading, the Council rejected this option.

Limiting shop trading to part of Westland: this would mean having a policy that allowed Easter Sunday trading in certain areas but not elsewhere in Westland. This is still an option depending on the submissions that are received in response to this proposal.

How to make a submission

Any interested person or body is welcome to make a submission or comments on the proposed policy and the other options that have been considered for shop trading on Easter Sundays and on any aspect of, or omission from, the attached draft policy.

Council will take account of all submissions made when making decisions on the proposed policy. There will be a Council hearing in March 2017 for those submitters who indicate they wish to speak in support of their submission.

Please submit your feedback to Council by:

- (1) Delivery to the Customer Service Centre, 36 Weld Street, Hokitika
- (2) Post to Group Manager Planning, Community and Environment, Private Bag 704, Hokitika
- (3) Email to consult@westlanddc.govt.nz
- (4) You can also complete submissions at www.westlanddc.govt.nz

All submissions, including name and contact details of the submitter, will be made available to the public and media on Council's website, unless you specifically request that your contact details are kept private.

All enquiries (not submissions) should be directed to Jim Ebenhoh, Group Manager: Planning, Community and Environment, at 03 756 9010 or jim.ebenhoh@westlanddc.govt.nz.

Timetable

30 January 2017: submissions open

3 March 2017 (5pm): submissions close

Week of 6 – 10 March (likely): hearing of submissions (if necessary)

23 March 2017: Council meeting to decide on Policy

17 April 2017: Easter Sunday

Don't forget, get your submission to Council by 5:00pm on 3 March 2017!

Report



DATE: 26 January 2017
TO: Mayor and Councillors
FROM: Group Manager – Corporate Services

MARKS RD RESERVE \$5K REIMBURSEMENT

1 SUMMARY

- 1.1 The purpose of this report is for Council to formally decide upon a request for reimbursement of \$4,703.91 plus GST to the St John South Westland Area Committee (the Committee) for survey costs associated with the Marks Road Reserve; a site provisionally approved for a new St John response centre in Haast.
- 1.2 This issue arises from the appellant's assertion that they incurred unnecessary expenditure following an undertaken given by Council that was subsequently revoked.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council declines the Committee's request for reimbursement.

2 BACKGROUND

- 2.1 In June 2012 Council resolved to make a portion of the Marks Road Reserve available to the Order of St John for the location of a new response centre, subject to surveys and community consultation.
- 2.2 The Committee proceeded with survey work and incurred costs amounting to \$4,703.91 plus GST as detailed in **Appendix 1**.
- 2.3 Following a notice of motion in September 2014, refer **Appendix 2**, the original resolution was held in abeyance until Council receives evidence of community consultation.
- 2.4 A summary chronology of events is attached as **Appendix 3**.
- 2.5 Subsequently the Committee identified an alternative site nearby on Tahutahi Road and in April 2016 requested Council's support for an application of \$215,000 of MDI funding. The Committee was advised that, as with the Marks Road Reserve proposal, evidence of community support through consultation was a prerequisite.

3 CURRENT SITUATION

- 3.1 To date no evidence of community consultation has been provided.
- 3.2 It should be noted that hitherto no report has been formally considered by Council on this matter.
- 3.3 The matter was included as an item for discussion at the Ordinary Council Meeting in December 2016. At this meeting the consensus was that Council was sympathetic to the Committee's request for reimbursement.

4 OPTIONS

- 4.1 Decline the Committee's request for reimbursement
- 4.2 Approve the Committee's request for reimbursement

5 SIGNIFICANCE AND ENGAGEMENT

- 5.1 In accordance with Council's policy on Significance and Engagement this matter is considered to be of low significance.
- 5.2 Although the whole premise of this matter is one of consultation, the decision at hand requires no consultation.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Option 1: By declining the request Council would maintain consistency with its policy on engagement, as it would reinforce the requirement for the Committee to engage with the local community. An operating variance of \$4,703.91 would be avoided.
- 6.2 Option 2: Council may be sympathetic to the Committee's position, and the assertion that they have been disadvantaged by Council's decision. Reimbursement would generate some goodwill with the Order of St John, and give rise to an adverse operating variance of \$4,703.91 for the year ending 30 June 2017.

7 PREFERRED OPTION AND REASONS

- 7.1 The preferred is 1: decline the Committee's request for reimbursement.
- 7.2 Marks Road Reserve remains a viable location for a combined response centre for the Order of St John and other emergency service. Therefore the expenditure incurred need not have been in vain.
- 7.3 It is evident from correspondence that the requirement for consultation to be undertaken and community support to be demonstrated has been consistent throughout.

8 RECOMMENDATIONS

- A) **THAT** Council declines the Committee's request for reimbursement of survey costs of \$4,703.91 plus GST.

Gary Borg
Group Manager – Corporate Services

- Appendix 1:** St John South Westland Area Committee request for reimbursement
- Appendix 2:** Notice of motion - September 2014
- Appendix 3:** Chronology



2 October 2015

St John
first to care

Tanya Winter
CEO
Westland District Council
Private Bag 704
Hokitika 7842

Dear Tanya

On the 11th of March 2015 the St John South Westland Area Committee wrote to you seeking recompense for cost incurred in subdividing a portion of Council reserve in Marks Road, Haast. To date we have received no response to that request.

This work was undertaken under Council direction, in preparation for a lease offered by Council to St John. As you know, Council revoked its undertaking to lease this land, after the costs were incurred. Council then set out a process for St John to follow before it would reconsider any lease arrangement. Council gave no assurance on the outcome of its process nor did it give any consideration to the cost already incurred by St John.

Given the uncertainty of the outcome, and questionable nature of the process imposed, St John was forced to reconsider its options for renewing its facility in Haast. As a result we have now procured a property suitable to our needs. While this is a costly exercise, it removes uncertainty and allows St John to progress unimpeded.

We are confident that we will provide a first class facility capable of catering for multiple needs within the district. We look forward to re-establishing the excellent relationship traditionally experienced with your Council. As a step in that direction, recompense for the money spent will assist us in meeting the costs of providing such a facility. Please find enclosed our invoice for \$5409.50.

We look forward to a future of working with Council to enhance health and emergency services throughout the District.

Yours sincerely

Joanne Conroy
South Island Region Trust Board Chair
St John South Island Region

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|----|-------|--------|-------|-------|----|----------|
| CE | Mayor | GM PCE | GM DA | GM CS | EA | Accounts |
| | | | ✓ | | | |

St John South Westland Area Committee
 PO Box 1443
 Christchurch
 New Zealand
 Telephone 03 3537110



St John
 first to care

Westland District Council
 Private Bag 704
 Hokitika 7842

TAX INVOICE

GST Number 72-236-707
 Customer No: 1446671
 Invoice No 15112715
 Date: 06/10/2015
 Order no.

| DESCRIPTION | QUANTITY | UNIT PRICE | \$Amount |
|--|----------|------------|----------|
| Subdivision costs for portion of Council reserve | 1 | | 4,703.91 |

| | |
|-------|-------------------|
| FEE | <u>4,703.91</u> |
| GST | <u>705.59</u> |
| Total | <u>\$5,409.50</u> |

Cut here

Cut here

REMITTANCE ADVICE

PAYMENT MADE EASY

St John South Westland Area Committee
 PO Box 1443,
 Christchurch, New Zealand

1. My cheque is enclosed for \$_____

2. Payment can be made to bank account : **12-3166-0121957-00**

Name : **Westland District Council**

Please quote Invoice Number - **15112715**
 in payment reference.

Customer Number : **1446671**
 Invoice Number : **15112715**
 Payment Due : **\$5,409.50 SA755-S**

Payment is enclosed for :

Invoice Total \$ _____
\$ _____
 My Donation is.....\$ _____
 Total Payment Enclosed...\$ _____



COASTWIDE SURVEYS LTD
(LAND SURVEYERS)

TAX INVOICE

St John - South Westland Area Committee
Attention: Des McEnaney
Awatuna
RD 2
Hokitika 7882

Invoice Date
2 Oct 2014
Invoice Number
INV-4549
GST Number
071-250-164

Coastwide Surveys Ltd
PO Box 194
HOKITIKA 7842

| Description | Quantity | Unit Price | Discount | Amount NZD |
|---|----------|------------|----------|-----------------|
| Survey for lease area at Haast - final invoice | | | | |
| To obtain certifications and lodge the plan | 1.00 | 220.00 | 15.00% | 187.00 |
| Westland District Council - plan certification fees | 1.00 | 266.09 | | 266.09 |
| Land Information NZ - plan examination fees | 1.00 | 586.96 | | 586.96 |
| Subtotal (includes a discount of 33.00) | | | | 1,040.05 |
| TOTAL GST 15% | | | | 156.00 |
| TOTAL NZD | | | | 1,196.05 |

Due Date: 20 Nov 2014

Please pay on this Invoice as no Statement will be issued

Direct Credit payments may be made to our bank account: 03 0850 0080457 00

South Westland Area
committee.
5/10/14

PAYMENT ADVICE

To: Coastwide Surveys Ltd
PO Box 194
HOKITIKA 7842

| | |
|------------------------|---|
| Customer | St John - South Westland Area Committee |
| Invoice Number | INV-4549 |
| Amount Due | 1,196.05 |
| Due Date | 20 Nov 2014 |
| Amount Enclosed | |

Enter the amount you are paying above



COASTWIDE SURVEYS LTD
LAND SURVEYORS

TAX INVOICE

St John - South Westland Area Committee
Attention: Des McEnaney
Awatuna
RD 2
Hokitika 7882

Invoice Date
31 Jul 2014

Coastwide Surveys Ltd
PO Box 194

Invoice Number
INV-4492

HOKITIKA 7842

Reference
1067

GST Number
071-250-164

| Description | Quantity | Unit Price | Discount | Amount NZD |
|--|----------|------------|----------|-----------------|
| Survey for lease area at Haast - progress invoice | | | | |
| To survey and peg the boundaries | 1.00 | 2,600.00 | 15.00% | 2,210.00 |
| Accommodation (discounted rate from Heritage Park Lodge) | 1.00 | 86.96 | | 86.96 |
| Subtotal (includes a discount of 390.00) | | | | 2,296.96 |
| TOTAL GST 15% | | | | 344.54 |
| TOTAL NZD | | | | 2,641.50 |

Due Date: 20 Aug 2014

Please pay on this Invoice as no Statement will be issued

Direct Credit payments may be made to our bank account: 03 0850 0080457 00



PAYMENT ADVICE

To: Coastwide Surveys Ltd
PO Box 194
HOKITIKA 7842

| | |
|-----------------|---|
| Customer | St John - South Westland Area Committee |
| Invoice Number | INV-4492 |
| Amount Due | 2,641.50 |
| Due Date | 20 Aug 2014 |
| Amount Enclosed | |

Enter the amount you are paying above



COASTWIDE SURVEYS LTD
LAND SURVEYORS

TAX INVOICE

St John - South Westland Area Committee
Attention: Des McEnaney
Awatuna
RD 2
Hokitika 7882

Invoice Date
11 Aug 2014

Coastwide Surveys Ltd
PO Box 194

Invoice Number
INV-4503

HOKITIKA 7842

Reference
1067

GST Number
071-250-164

| Description | Quantity | Unit Price | Discount | Amount NZD |
|--|----------|--|----------|------------|
| Survey for lease area at Haast - progress invoice | | | | |
| To prepare the scheme plan and application for subdivision consent | 1.00 | 980.00 | 15.00% | 833.00 |
| Westland District Council - consent fee deposit | 1.00 | 533.91 | | 533.91 |
| | | Subtotal (includes a discount of 147.00) | | 1,366.91 |
| | | TOTAL GST 15% | | 205.04 |
| | | TOTAL NZD | | 1,571.95 |

Due Date: 20 Sep 2014

Please pay on this Invoice as no Statement will be issued

Direct Credit payments may be made to our bank account: 03 0850 0080457 00

PAYMENT ADVICE

To: Coastwide Surveys Ltd
PO Box 194
HOKITIKA 7842

| | |
|-----------------|---|
| Customer | St John - South Westland Area Committee |
| Invoice Number | INV-4503 |
| Amount Due | 1,571.95 |
| Due Date | 20 Sep 2014 |
| Amount Enclosed | |

Enter the amount you are paying above

Pauline Cox
Councillor Southern Ward
121 Whites Road RD 1
Hokitika 7881

15 September 2014

Tanya Winter
Chief Executive Officer
Westland District Council
Weld St
Hokitika

Notice of Motion: RE: Resolution 4.5 WDC Meeting 28 June 2012 (St John/DHB Project Haast).

Tanya,

With respect to the above resolution I wish to invoke Standing Order NZS 9202:2003 Sections 3.9.15 and 3.9.16.

Namely:

'Revocation or Alteration of Resolutions'

and

'Restriction on action to be taken on previous resolution'

Rationale

The rescindment/alteration of the resolution is proposed on the basis of the following key points.

- The report(s) leading to Resolution 4.5 failed to properly advise elected members with respect to Council's significance policy.
- This may have precluded appropriate public consultation.
- The project has obvious public stakeholder implications. As written it affects 1. A Public Reserve area (and its associated future use) 2. Access to public health for the resident

population and 3. May not present the optimal outcome from an emergency management and Civil Defence perspective.

- The implementation of the resolution has advanced to the stage that a LINZ application has been lodged (September 2014) to grant a Lease over part of the the Mark's Road Reserve without any formal public consultation having taken place.
- Other options to conduct public consultation do not 'stop the clock' on the staff implementation of the previous resolution whereas Standing Orders NZS 9202:2003 Section and 3.9.16. does. Given recent advancement of the issue without consultation, a stop measure is considered appropriate.

Alteration

3.9.15 a) We the undersigned hereby propose to alter in part, the following resolution

EXTRACT FROM COUNCIL MINUTES - THURSDAY 28 JUNE 2012 COMMENCING AT 9.00 AM

4.5 St John/DHB Haast Project

A general discussion was held regarding the siting of the proposed St John/DHB Haast Project and how the decision was derived for the siting of the building.

Council noted that the land is Local Purpose Reserve, subject to the Reserves Act, and vested in Council.

Moved Councillor Eggeling, seconded Councillor Butzbach and Resolved that Council provide the area on Marks Road at a peppercorn rental for an extended period.

Memo



DATE: 19 June 2012

TO: Councillors

FROM: Mayor

ST. JOHN/DHB HAAST PROJECT

New members of the Order of St. John South Westland Area Committee have been appointed and a key project they are focussing on is to replace both the Hannahs Clearing ambulance base and the nurse's clinic into Haast Village.

Council has previously indicated its support in principle to a proposal for a combined DHB/St. John facility in Haast. As a result of our earlier discussion St. John was invited to investigate the option of siting the new building on Council reserve land in Pauareka Road, opposite the hall. St. John has investigated the site in some detail and has formed the opinion that the site is not suitable for the building and associated activities. This particular area of land has been used for large laterals for the sewage system so little of it is available to build on. The DHB has signalled a capital commitment to this project for their 2013/14 financial year.

Given the need to incorporate a helicopter landing pad a more suitable site is preferred in Marks Road, identified on the attached map, and being 30m x 50m in size. The land is Local Purpose Reserve, subject to the Reserves Act, and vested in Council. Council is obliged to consult with DOC over the use of any part of this land.

St. John has requested Council's support in two ways and it is **recommended** that:

1. Council provides this area of land at a peppercorn rental for an extended period.
2. Council supports a financial contribution of MDI funds in the 2013/14 annual plan.

Maureen Pugh
Mayor

The motion was passed and did not include any requirement for consultation. Neither was the Council significance policy considered

3.9.15 c) Intended substitutions/addendums.

1. Council holds the resolution in abeyance indefinitely until full, Council led public consultation has occurred and the desired stakeholder outcomes are agreed and ratified by Council.
2. That both DHB/St John's confirm their original commitment under the Resolution to a jointly capital funded project.
3. That St John's provide to Council, a brief analysis of other potential sites, that may or may not have been considered for the project along with any associated reasoning.
4. That under the Resolution any parties ultimately utilising reserve land vested in Council and as provided by Council for the described purpose within the Resolution, do not enter into any form of rental agreement on that property other than that already described (the peppercorn non-commercial agreement) with Council. This should include any and all possible third party agreements.
5. That community consultation should encompass the community's view on future options for Marks Road Reserve, either in its entirety, or that remaining unused portion.
6. That consultation include DHB opinion/analysis and options regarding likely community health outcomes with special reference to the resident population of the Jackson Bay Road in the event that the Hannah's Clearing DHB facility is moved.
7. That other relevant stakeholders, (including but not limited to: Civil Defence, SAR, Police and Rural Fire) be invited to contribute to the consultation process.

3.9.15 b) This notice of motion is hereby given within the required period for consideration at the September 2014 council ordinary meeting. It is signed by at least one third of members.

ENDS

Signed:

St Johns Haast

Timeline

- 28 June 2012** – After some discussion (Council staff, Mayor and the Order of St John) Council passed a resolution to lease an area of land about 30 metres by 50 metres on Marks Road at Haast Village to the Order of St John for the construction of a new emergency centre at a peppercorn rental.
- 20 July 2012** - A letter from the mayor to the Order of St John confirming that a resolution had been passed by Council to lease some land at Marks Road for the new building. The letter also requested confirmation that the Order of St John had consulted with the local community on the siting of this new facility.
- Sept 2013** - A letter was sent to DoC to find their involvement in the procedure of leasing a piece of reserve to the Order of St John. They only wished to be notified.
- Oct/Nov 2013** – Discussion between staff and Des McEnaney regarding how to move this forward. Des was told that as the Council was not charging anything for the rental, St John would need to firstly do some engineering work to find a piece within the allocated area that would be suitable to build on and have the area defined by survey so that a lease could be drawn up. Des assured staff that St Johns had consulted with the local community.
- Early 2014** – Engineering and survey work done to define the location and area of the lease. Field work for this survey was completed 4th July 2014
- 25 Sept 2014** - Following Notice of Motion Council pass a resolution to revoke the previous resolution of 28 June 2012 and passed a further resolution that the Order of St John undertake full public consultation with the Haast community on the location of the new St John facility.
- 23 April 2015** - Letter from St John South Westland area Committee requesting Council pay the costs for the survey work undertaken.
- 2 October 2015** – Letter from Joanne Conroy, South Island Region Trust Board Chair, St John, seeking “recompense for the money spent” and enclosing an invoice for \$5,409.50.
- 9 October 2015** – Reply from CE Tanya Winter, advising that the matter will be discussed at Council’s 29 October 2015 meeting.
- 6 January 2016** – Reply from CE Tanya Winter and emailed to Crs that “The Council resolution of 25 September 2014 is very clear in its expectation that public consultation be undertaken on the location of the new St John facility in Haast. The Marks Road reserve is therefore still available for St John to utilise should this be deemed to be the most suitable location through this consultation process. To date no evidence of public consultation

has been received by Council and thus the matter remains open. Accordingly, your invoice for \$5,409.50 will not be paid.”

Report



DATE: 26 January 2017
TO: Mayor and Councillors
FROM: Project Manager: West Coast Wilderness Trail

WEST COAST WILDERNESS TRAIL – PROJECT UPDATE

1.0 SUMMARY

- 1.1 The purpose of this report is to provide an update to Council on the West Coast Wilderness Trail (WCWT) project.
- 1.2 This report arises from the obligation to keep Council fully informed on the progress of the project. In particular it aims to provide Council with reassurance that the adopted Project Completion Plan and project management framework is in place for the remaining milestones that require completion in order for it to be declared officially open.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receives the report.

2.0 BACKGROUND

- 2.1 A report was submitted to Council in September 2016 providing an update status on the outstanding cycleway activities required to be actioned for completion by mid-August 2017. This included five (5) projects identified by MBIE that need to be actioned. Four (4) of those projects requiring action relate directly to the trail being on State Highway 6 and the need for a safer trail alignment.
- 2.2 Monthly report updates will continue to be provided to Council for the period of the Project Completion Plan which is to be delivered by August 2017, and the trail will then be capable of achieving 'Great Ride' status.

- 2.3 The Nga Haerenga (the journeys) Great Rides currently consists of 22 trails throughout New Zealand covering 2,600km. In addition to the 'Great Rides' there are also 2,600km of 'Heartland Rides', a vision to link the trails with the support of NZ Cycle Trail Inc (NZCT) and NZ Transport Agency (NZTA).

3.0 CURRENT SITUATION

Project Completion Plan

- 3.1 Item 1 Taramakau. Physical work commenced at the site the week before Christmas for Stage 1 through the bushland. Difficult conditions were encountered and no work has been able to proceed since then due to the holiday break and exceptional untimely rainfall events. Stage 2 boardwalk is still with NZTA awaiting final signoff before construction can commence. The project manager undertook additional survey for the designer to confirm the proposed boardwalk alignment up to Greymouth-Kumara Tramway. The Licence to Occupy application has been drafted and will be lodged shortly. This is a complex document with four scenarios/stages for the issuance. An Outline Plan is also required to be lodged to Westland District Council before the Licence to Occupy can be granted.
- 3.2 Item 2 Hokitika-Kaniere Tramway. The request for further information by Heritage NZ has been submitted and we await the next phase which could take up to 3 months before a decision is provided. The Land Use consent lodged with Council has also required further information to be submitted. This is currently being collated. The tender document (contract 16-17-10) advertising is on-hold until there is better understanding of conditions that may be imposed by Planners with consents.
- 3.3 Item 3 Golf Links Road. The design alignment and timing of this project has been determined. A basic survey and vegetation clearance on the alignment was completed by the project manager. A selective tender process (contract 16-17-11) is in place and it is anticipated that physical works may commence mid-February 2017 with completion mid-March. The Licence to Occupy application has been drafted and will be lodged shortly. An Outline Plan is also required to be lodged to Westland District Council before the Licence to Occupy can be granted.
- 3.4 Item 4 Mahinapua. Ngai Tahu have continued to show full support for this project and endorsed the commencement of physical works. A working bee with selective parties has been scheduled for Waitangi weekend to hand-cut some sections before any tender documentation is prepared. This is a project with significant financial shortfall and volunteer work is critical to keep this project on budget target. There is good support from other parties to keep this project on track. Further input from DoC, Hoppers and Fish & Game is also required.
- 3.5 Item 5 Ruatapu. There has been no progress on this trail section due to project prioritisation. This section may be affected by a major proposal in conjunction with DoC to have an off-road lake alignment that would bypass the need for a significant portion of on-road construction.

Financial

- 3.6 There has been minimal capital expenditure on the West Coast Wilderness Trail in recent months. Confirmation of external funding by NZTA for two of the five projects will greatly assist our financial situation.
- 3.7 An internal finance and risk audit process has been implemented consisting of the Chief Executive, Group Manager: Corporate Services and Project Manager.

General

- 3.8 The second Ganger Shed on the Ross trail section at Papakamai has been completed.
- 3.9 The second of five Trail Shelters has been constructed and installed at Hurunui Jacks entry. The other shelters will be constructed and installed as time permits. Their locations will be Kumara reservoir, Arahura Bridge and Wards Road.
- 3.10 The land access required for Ngai Tahu land at Mahinapua has been approved and a working bee for selected volunteers scheduled for early February.
- 3.11 Land access registration of easement over Cowboy Paradise has been formalised, however there is still no formal access agreement to carry out major maintenance on the trail north of Macpherson Creek/end of Milltown Road.
- 3.12 There is a meeting scheduled with Trail Managers and stakeholders at Hokitika with NZCT/MBIE in early February. NZCT will be presenting background information about future funding criteria and then moving onto assessment of the Westland/Grey submission for future capital works. This covers enhancement projects in the order of \$5.3M and is complimentary to the Regional Growth project application.
- 3.13 The Regional Growth study application was submitted for Stage 2 of the process. This covers enhancement projects and new projects in the order of \$6.3M between Westland and Grey districts.

4.0 OPTIONS

- 4.1 The options available to Council are that Council can choose to receive this report or not receive it.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 This matter is of low significance as it merely provides Council with an update on progress on a project that is already approved and funded.
- 5.2 Engagement and consultation is not required.

6.0 RECOMMENDATION

6.1 THAT Council receives this report.

David Inwood

Project Manager: West Coast Wilderness Trail

Report



DATE: 26 January 2017
TO: Mayor and Councillors
FROM: Group Manager: District Assets

BLUE SPUR WATER TREATMENT PLANT pH CORRECTION – RETROSPECTIVE APPROVAL FOR UNBUDGETED EXPENDITURE

1. SUMMARY

- 1.1. The purpose of this report is to seek retrospective Council approval for the unbudgeted expenditure required for the installation of pH correction measures at the Blue Spur Water Treatment Plant in Hokitika.
- 1.2. This issue arises as a result of the variability in pH of the drinking water sourced from the Hokitika River and the inability to treat water from this source when the pH is outside of the range required for the treatment plant to operate effectively.
- 1.3. The installation of pH correction measures is required to meet the requirements of the Drinking Water Standards for New Zealand and ensure the ongoing operability of the water treatment plant during peak demand periods.
- 1.4. Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council in the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.5. This report concludes by recommending that Council retrospectively approves the unbudgeted expenditure to a maximum of \$50,000 (excl. GST) for the installation of pH correction at the Blue Spur Water Treatment Plant.

2. BACKGROUND

- 2.1. The Hokitika water supply is currently sourced from two separate sources – Lake Kaniere and the Hokitika River.
- 2.2. The water sourced from Lake Kaniere is not subject to great fluctuations in water quality however the water from the Hokitika River is highly susceptible to changes in pH.

- 2.3. The Blue Spur Water Treatment Plant treats water from both sources but is designed to run within a certain pH range. When the pH in the river falls outside the desired range (typically during and immediately after rainfall events) we are required to shut the river feed down and only supply the treatment plant with water from Lake Kaniere.
- 2.4. The level of variation in the pH in the river water was not identified as an issue when the river was assessed as being a suitable option for supplementing the existing water supply from Lake Kaniere.
- 2.5. Raw Water quality sampling was undertaken but the results at the time did not suggest any potential issues with the pH. The pH issue has since become apparent through the operation of the river intake and water treatment plant.

3. CURRENT SITUATION

- 3.1. Council staff and our utilities contractor investigated the use of alternative chemicals for the treatment process as an option to resolve this issue. These options were not deemed to be acceptable due to the health and safety issues.
- 3.2. Advice was also sought from the membrane and chemical suppliers to investigate these options fully.
- 3.3. Temporary computer programming was put in place to automatically stop the river intake from running when the pH falls outside of the acceptable range for effective treatment.
- 3.4. Shutting down the river feed as a result of the pH falling out of range effectively halves the volume of treated water that can be produced. The water treatment plant subsequently struggles to meet demand during this time and especially when demand from Westland Milk Products is high.
- 3.5. Approvals to proceed with the works was granted in December 2016. Copy of approval is attached in Appendix 1. Physical works on installing pH correction is due to commence in the week commencing 23 January 2017. The computer programming required to run the pH correction process commenced earlier in January 2017.

4. OPTIONS

- 4.1. **Option 1:** Council gives retrospective approval for the unbudgeted expenditure for the installation of pH correction at the Blue Spur Water Treatment Plant.

Works have already commenced at the instruction of Council so approval is now considered administrative.

5. SIGNIFICANCE AND ENGAGEMENT

- 5.1 In accordance with Council on significance this matter is considered to be of low significance and operational.
- 5.2 No public consultation is required. Westland Milk Products is a stakeholder and the project need is fully supported by them.

6. ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1. This work is currently in progress at the instruction of Council so only the option of retrospectively approving the unbudgeted expenditure for the installation of pH correction has been considered.
- 6.2. This works are estimated to cost a maximum of \$50,000:

The cost of installing pH correction at the plant has been quoted at \$37,200 and includes the physical works to be carried out by Marshall Projects and the programming changes to be completed by Pall Corporation. They have been selected as the preferred contractors due to the specialty nature of the work. This is due to the technical element of the work and tie in with the existing treatment equipment that is installed at the plant.

The quote of \$37,200 does not include minor support from Westroads that may be required during the works.
- 6.3. The works are not budgeted and will be reflected as a variance in the current financial year 2016/17.
- 6.4. Ongoing maintenance costs will increase to cover the larger volume of caustic soda (chemical used to correct the pH) used at the plant. Caustic soda is already used to clean the membranes and is deemed to be stored in sufficient quantities at the plant to support the pH correction process. The rate at which this chemical is used will increase however this cost is not deemed significant in the ongoing running costs of the plant.
- 6.5. The works are currently underway at the instruction of the Mayor who provided verbal approval to the CE to proceed on 5 December 2016.

7. PREFERRED OPTION AND REASONS

- 7.1. The installation of pH correction measures is required to meet the requirements of the Drinking Water Standards for New Zealand and ensure the ongoing operability of the water treatment plant during peak demand periods.

7.2. If this work is not completed then there is a high risk that being unable to meet peak water demands. This has the potential to affect operations at Westland Milk Products, our ability to supply the Hokitika community with drinking water and our firefighting storage capacity.

8. RECOMMENDATIONS

A) **THAT** Council retrospectively approves the unbudgeted expenditure to a maximum of \$50,000 for the installation of pH correction at the Blue Spur Water Treatment Plant.

Vivek Goel

Group Manager: District Assets

Appendix 1: Email dated 1 December 2016 – CE request for approval to elected members

Pamela Wilson

From: Tanya Winter
Sent: Thursday, 1 December 2016 9:16 a.m.
To: Councillors
Cc: Vivek Goel; Pamela Wilson
Subject: Blue Spur pH Correction - Approval for unbudgeted Expenditure - Hokitika WTP

Importance: High

Good morning elected members

I am seeking your approval for unbudgeted expenditure to a maximum of \$50,000 at the Blue Spur Water Treatment Plant, Hokitika. Vivek's email below explains why this is necessary and why this has now become urgent. This is a capital project that will be a variance in the Hokitika Water Treatment budget for 2016-17.

While my delegation permits emergency expenditure of up to \$100,000, this situation, while urgent, is not life-threatening, and therefore I am seeking your approval.

If you support this project now, a report will come to Council in January 2017 seeking formal retrospective approval so that the decision is on the public record.

If you have any questions please get back to me.

I need to hear back from you by midday tomorrow (Friday) please.

Thanks,

Tanya

Tanya Winter
Chief Executive
Westland District Council

36 Weld Street, Private Bag 704, Hokitika 7842 | www.westlanddc.govt.nz
DDI +64 3 756 9033 | M +64 21 379 662 | F +64 3 756 9046 | tanya.winter@westlanddc.govt.nz
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From: Vivek Goel
Sent: Thursday, 1 December 2016 8:52 a.m.
To: Tanya Winter
Subject: RE: Blue Spur pH Correction - Approval for unbudgeted Expenditure - Hokitika WTP

Hi Tanya

No material change. We estimate approximately \$1000 per annum due to increased costs of caustic soda. No additional monitoring costs. The approximate budget for Blue Spur per annum for maintenance is \$275,000 per annum.

Not doing it will result in higher maintenance costs though.

Regards

Vivek Goel

Group Manager: District Assets
Westland District Council

36 Weld Street, Private Bag 704, Hokitika 7842 | www.westlanddc.govt.nz
DDI +64 3 756 9084 | M +64 22 683 4610 | F +64 3 756 9046 | vivek@westlanddc.govt.nz
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From: Tanya Winter

Sent: Thursday, 1 December 2016 8:20 a.m.

To: Vivek Goel <vivek@westlanddc.govt.nz>

Subject: RE: Blue Spur pH Correction - Approval for unbudgeted Expenditure - Hokitika WTP

Hi Vivek

I have only one further question before I send this to elected members:

- Will there be any increase to operating costs as a result of this project?

Thanks,

Tanya

Tanya Winter

Chief Executive
Westland District Council

36 Weld Street, Private Bag 704, Hokitika 7842 | www.westlanddc.govt.nz
DDI +64 3 756 9033 | M +64 21 379 662 | F +64 3 756 9046 | tanya.winter@westlanddc.govt.nz
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From: Vivek Goel

Sent: Wednesday, 30 November 2016 4:54 p.m.

To: Tanya Winter

Subject: RE: Blue Spur pH Correction - Approval for unbudgeted Expenditure - Hokitika WTP

Importance: High

Hi Tanya

Thanks for meeting me and Pam on this. As discussed and explained, the timing on this work unfortunately coincides with December Council meeting. Staff has been working with WMP to agree on the potential fix to this issue and

while we were waiting on the information from Pall and Marshall (Companies who built the plant), it has led to this timescale. If we wait for 15 December Council meeting day for approvals, the lead time to procure the equipment will go into Christmas break and eventually delay the work.

WMP is an important customer and they would like to see this issue fixed as soon as possible. The other issue is that when the pH is out of range, we have to stop using the river water, which leads to capacity issues. Also there is increased monitoring by Westroads staff which means additional operational costs.

I request that you please revisit this matter and seek an approval to proceed so that we can confirm the procurement. We will take a retrospective approval on this basis to Council in January/Feb 2017. The technical nature of this problem required stringent understanding of the issues and there has been no delays as such.

Thanks.

Vivek Goel

Group Manager: District Assets
Westland District Council

36 Weld Street, Private Bag 704, Hokitika 7842 | www.westlanddc.govt.nz
DDI +64 3 756 9084 | M +64 22 683 4610 | F +64 3 756 9046 | vivek@westlanddc.govt.nz
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From: Tanya Winter

Sent: Tuesday, 29 November 2016 3:51 p.m.

To: Vivek Goel <vivek@westlanddc.govt.nz>

Subject: Re: Blue Spur pH Correction - Approval for unbudgeted Expenditure - Hokitika WTP

Hi Vivek

Can we please discuss. In the current political climate I am not prepared to approve \$50k worth of urgent works. I would need to be convinced this can't wait 2 weeks for the next Council meeting.

Tanya

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Vivek Goel <vivek@westlanddc.govt.nz>

Date: 29/11/16 1:56 PM (GMT+12:00)

To: Tanya Winter <tanya.winter@westlanddc.govt.nz>

Cc: Pamela Wilson <pam.wilson@westlanddc.govt.nz>

Subject: Blue Spur pH Correction - Approval for unbudgeted Expenditure - Hokitika WTP

Hi Tanya

You may recall this discussion regarding the new improved intake structure at Hokitika River for Blue Spur Water Treatment Plant and pH correction required to sort the quality issues. Elected members were briefed at October Council meeting.

We have now discussed the matter with WMP and in the interest of the budgets and timing, the two parties (WDC and WMP) have agreed that we should hold the major capital work (intake structure) until next financial year.

This will provide an opportunity to WDC to include this project in the upcoming draft AP 2017/18 and WMP can also allow for the budget at their end. However in the interim the quality issue need to be sorted. This is related to pH correction matter.

I now seek an approval to proceed with this urgent fix. The estimate for this un-budgeted work is approximately \$50,000 (excl. GST).

Pamela and I have discussed this in detail and below is the explanation:

The issue:

- The Hokitika water supply is currently sourced from two separate sources – Lake Kaniere and the Hokitika River.
- Water from Lake Kaniere is not subject to great fluctuations in water quality however water from the river is highly susceptible to changes in pH.
- The Blue Spur Water Treatment Plant treats water from both sources but is designed to run within a certain pH range. When the pH in the river falls outside the desired range (typically during and immediately after rainfall events) we are required to shut the river feed down and only supply the treatment plant with water from Lake Kaniere. This in effect halves the volume of water that we can produce.
- The water treatment plant struggles to meet demand when operating solely on the lake water and especially when demand from WMP is high.
- The level of variation in pH in the river water was not identified when the river was assessed as being a suitable option for supplementing the existing water supply from Lake Kaniere. Water quality sampling was undertaken at the time but the results at that time did not suggest any potential issue with the pH. It is an issue now.

Risks (in the event of treated volumes of water being compromised by a lack of supplementary supply from the river):

- WMP may not have enough water to produce their products and may be required to shut down components of their operation.
- Firefighting storage capacity could be reduced and has the potential to affect our ability to supply water in the event of a fire.
- Potential financial implications and negative press due to all of the above.

Worth to note that as a water supplier we have an obligation to provide good acceptable quality water to WMP.

Solving the issue:

- We propose to implement pH correction at the Blue Spur Water Treatment Plant. A chemical (caustic soda) will be added to the river feed as part of the treatment process to adjust the pH to within the desired range. This would ensure that the river water is within the desired range for treatment.
- The plant will be able to operate as designed and meet peak demands. The risks identified above will also be significantly reduced.

The cost of installing pH correction at the plant has been quoted at **\$37,200 excluding GST**. This includes the physical works (to be carried out by Marshall Projects) and the programming changes (to be completed by Pall Corporation). This quote does not include minor support from Westroads that may be required during the works. We estimate a total of **\$50,000 excluding GST**

Recommendation:

1. THAT In the interest of the project and our ongoing relationship with WMP approval be given to proceed with this operational fix at an unbudgeted expenditure of **\$50,000 (Excluding GST)**.
2. THAT The capital expenditure of **\$450,000 (excluding GST)** for the improved intake structure be deferred to July 2017.

Regards

Vivek

P.S. : - WMP are in peak season and are waiting on the response from us.

Vivek Goel

Group Manager: District Assets

Westland District Council

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Be green - read on the screen

West Coast Whitebaiters Association
1209B Kumara Junction Highway
Awatuna RD 2
Hokitika
12 December 2016

Mayor and Councillors
Westland District Council
Private Bag 704
Hokitika

Dear Mayor and Councillors

Taramakau Bridge Proposal:

Proposal for access to Gentle Annie Walk Track:

This Track is described by Transit as follows.

Crossing Place 247. (Existing access road from SHW 6 to Gentle Annie Track). NZTA describes this access as an informal, limited access road, granted to the Department of Land Information in 1996, for access to adjacent scenic reserve managed by the Department of Conservation. No issue with closing such an insignificant access.

They fails to recognize its historic / traditional use as a major trail used by Maori travelling inland. Or as the path used by early miners to access the cage crossing. Crossing No.247 was in existence, and recognized as Council Road

when Dick Seddon opened the Rail Bridge, long before the Department of Land Information, or DOC existed.

NZTA note that the Gentle Annie Track is used by whitebaiters vehicles to reduce the amount of walking they have to do to access their stands.

This is misleading. This track is not used by whitebaiters vehicles, or any other vehicles. It is unsuitable for vehicles. Whitebaiters use the parking area at the upstream end of the Councils Road Reserve, and walk the track to access their stands. The parking area is also used by others, and provides access to the Batch located at the beginning of the Gentle Annie.

Transit indicates that the access is used by 16 vehicles a day during the whitebait season, entering and leaving the track. **This also is also misleading. The parking area is too small to handle 16 vehicles. During season, the number of parked vehicles would not exceed 9. Whitebait stands near the river mouth are accessed from the beach end of the track. It should be noted, the Gentle Annie Track is on the Councils Road Reserve.**

Transit NZs access proposal:

Transits plan proposed to block off the current access, and allow access to the Gentle Annie track via the Cycle Trail. This was to be access for walking, and cycle traffic only.

Access point at the South end of the Rail Overbridge, effectively extending the track by some 700 meters.

During consultation the Whitebaiters Assn pointed out difficulties this arrangement presented . We proposed two alternatives. Both were rejected. Transit proposed to address our problems by providing a parking area at the head of the Gentle Annie Track, and allowing whitebaiters vehicle access to this, via the cycle trail.

They proposed to provide a lockable bollard and chain system to control vehicle access, at the overbridge.

Whitebaiters Proposals.

Our first proposal was to provide vehicle access off the new highway, close to the South abutment of the new bridge, and the continued use of the existing bridge cycleway clip on. This was constructed to a high standard, and would marry in with the cycle trail design. A cycleway underpass could be provided on the North bank. This would prove easier, and cheaper than the proposed underpass on the South bank.

This removed the need to construct a cycleway on the new bridge, saving some 1.3 million dollars, plus the cost of removing the clip on.

The problem was, Trans Rail wants the Clip On gone. Both Transit and Trans Rail are Government owned. Surely the

Minister of Transport could remove the obstruction, and save \$1.3 million in the process. No one approached him.

Our second proposal was to provide vehicle access off the Highway a few meters south of the new cycleway under pass, on the South Bank.

The South Bank construction site would provide all the space needed. As noted, Transit had no difficulty in providing parking space in this area.

Transit sole objection was on safety. There would be a visual impairment for traffic travelling south. This impairment was the height of the Cycleway Safety Rail. This rail is to be 1.2 meters high, and will extend beyond the South end of the bridge. (According to the plan, all the way to the Overbridge. It is shown as IL4 barrier design. IL4 design does not define height, and also refers to Wire Barriers).

Standard safety rails are 740 mm high, neither this, or wire barriers present visual impairment. The reason for the additional height is to prevent cyclists from flipping off the bridge into the river, which we accept. The plan shows the bridge barrier as concrete!!

Whatever the barrier is, we see no reason its height couldn't be lowered to standard, from the bridge end southward. There is no risk of falling into the river. It would remove visual impairment, and still provide safety.

This was rejected. Transit cited risk of vehicles losing control and crashing onto the cycleway. The fact that the standard safety rail was designed to prevent this, never entered their thinking.

We found their fixation with safety to be hollow. Cyclists use our highways in ever growing numbers. We encourage it.

Councillors know there is no separation offered cyclists on the vast majority of highways, including bridges. This is the norm. Our cycle trails often follow steep embankments, sometimes for kilometres, without safety barriers. Again, this is the norm.

In this case, we are not advocating the removal of barriers. We simply want to reduce them to their standard height, where the risk of falling into the river doesn't exist!!

Transit insists on rejecting this on the grounds of safety. But promotes an alternative that poses serious safety issues.

Their proposal to allow vehicle traffic use of a narrow cycleway, including a spiralling, blind underpass, presents real risk. There is no space for opposing traffic to pass.

Unsuspecting cyclists can, and will be confronted with oncoming vehicles, and no room to avoid.

But that's ok!! Because Transit is passing the responsibility to Your Council.

Under their proposal, it is you who will be held responsible for the health and safety of those using this cycleway.

You will also have the headache of controlling access keys for whitebaiters, the batch owner, those maintaining the Gentle Annie, and DOC seeking access to their reserve.

Transit rejection of our proposal, and the insistence on their alternative, on Health and Safety grounds, is simply Bullshit on Steroids!!

We found the consultation process unsatisfactory. There was little willingness to explore alternatives. Interested parties were often dealt with separately, or not at all. There was a noted absence of any Maori representative at any of the meeting we attended, even though the track is of great historic significance to them. Information supplied to us was not shared with Council, and vice versa.

At the final meeting, held in your Councils chambers, 80% of the time was taken up with our efforts to finally address this access issue.

We felt isolated, and unsupported. Council reps had been dealing with the issue previously, and separately. We were finally forced to accept an ultimatum. Transits proposal or nothing!!

Why all the fuss? Why is it so important to bring our vehicles to the head of the Gentle Annie? This is more than just extended walking distance. Whitebaiters are required to construct, dismantle, and remove stands each season. There are also running repairs, especially after flood events.

This requires the movement of heavy building materials, and tools. This usually entails several trips down the track. This is challenging work Especially for our older members. Extending the distance 700 meters plus, would be a killer, and vehicles using the cycle trail would be a greater killer.

Projects such as this bridge, should leave us with facilities at least as good as those we had previously. What we asked for was not hard, expensive, or dangerous.

On behalf of all the users of this cycle trail and scenic track, we strongly recommend that Council revisits this arrangement, and gain a suitable solution from Transit NZ.

Sincerely yours

Des McEnaney

President

West Coast Whitebaiters Association.