

# AGENDA

## Meeting of the **Buller District Council**

**Commencing at 3:00pm  
Wednesday 27 July 2022**

*To be held at the*  
Clocktower Chambers  
Palmerston Street  
Westport

# Council

<b>Chairperson:</b>	<b>Mayor</b>
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting Frequency:</b>	Monthly – or as required
<b>Quorum:</b>	A majority of members (including vacancies)

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## Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Buller district.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
    - a) The power to set district rates.
    - b) The power to create, adopt and implement a bylaw.
    - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
    - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
    - e) The power to appoint a Chief Executive Officer.
    - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the Infrastructure Strategy.
    - g) The power to adopt a remuneration and employment policy for Chief Executive Officer.
    - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
    - i) The power to approve or amend the Council's Standing Orders.
    - j) The power to approve or amend the Code of Conduct for Elected Members.
    - k) The power to appoint and discharge members of committees.
    - l) The power to establish a joint committee with another local authority or other public body.
    - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
    - n) Health & Safety obligations and legislative requirements are met.
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2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
- a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
  - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
  - c) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.
  - d) Approval of the Triennial Agreement.
  - e) Approval of the local governance statement required under the Local Government Act 2002.
  - f) Approval of a proposal to the Remuneration Authority for the remuneration of Members.
  - g) Approval of any changes to the nature and delegations of the Committees.

# Common Delegations

The following delegations from Council are common to the Finance Audit and Risk Committee, Strategic Infrastructure Committee, and Community, Environment and Services Committee, within their respective areas of responsibility.

## **General Principal**

1. The work of these Committees will be in accordance with the priorities and work programme agreed by the Council.
2. These Committees have the powers necessary to perform the Committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets. Subject to confirmation of compliance with the financial strategy.

These Committees will:

## **Strategy, plans and policy**

1. Develop and agree to strategies, plans and policies for the purposes of consultation and/or engagement with community.
2. Recommend to Council for adoption.
3. Monitor and review as and when required.

## **Bylaws**

1. Develop and agree to the statement of proposal for new or amended bylaws for consultation
2. Recommend to Council new or amended bylaws for adoption.

## **Consultation and engagement**

1. Ensure appropriate, effective and transparent engagement with the community, tangata whenua and other stakeholders.
2. Conduct any public engagement required on issues before the Committee, in accordance with Council's Significance and Engagement Policy.
3. Conduct hearings, where appropriate, to consider submissions from members of the public and external organisations, making determinations on such matters unless they are reserved for Council to decide.

## **Submissions and legislation**

1. Approve submissions to external bodies/organisations on legislation and proposals that impact governance policy or matters.
2. Monitor and oversee strategic projects and programmes.
3. Monitor Council's Assets Management Plans/Strategic Infrastructure Plan.

**Contracts**

1. Approve and monitor contracts and other legally binding arrangements provided that such contracts/arrangements:
  - a) Do not require the approval of the whole of Council.
  - b) Fall within the budget approved under the Long Term Plan or Annual Plan and have a value exceeding the Chief Executive's financial delegation.

**Other**

1. Consider and make decisions which are within the Chief Executive Officer's delegations, and which the Chief Executive Officer has referred to the Committee for recommendation to Council.
2. Consider and make decisions on operational matters that fall within a Committee's area of responsibility that are outside of delegations to the Chief Executive Officer or other Council officers.
3. Commission new Committee reports and work required to respond to significant or compliance issues, or to complete the agreed programme of Council.
4. Monitor Audit recommendations and ensure completion.

# Buller District Council

Venue: Clocktower Chambers, Westport. Livestreamed on BDC YouTube Channel



27 July 2022 03:00 PM

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**BULLER DISTRICT COUNCIL**

**27 JULY 2022**

**AGENDA ITEM 1**

**Prepared by** Sharon Mason  
Chief Executive Officer

**APOLOGIES**

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**1. REPORT SUMMARY**

That Buller District Council receive any apologies or requests for leave of absence from elected members.

**2. DRAFT RECOMMENDATION**

**That there are no apologies to be received and no requests for leave of absence.**

**OR**

**That Buller District Council receives apologies from (insert councillor name) and accepts councillor (insert name) request for leave of absence.**

## BULLER DISTRICT COUNCIL

27 JULY 2022

### AGENDA ITEM 2

**Prepared by** Sharon Mason  
Chief Executive Officer

#### MEMBERS INTEREST

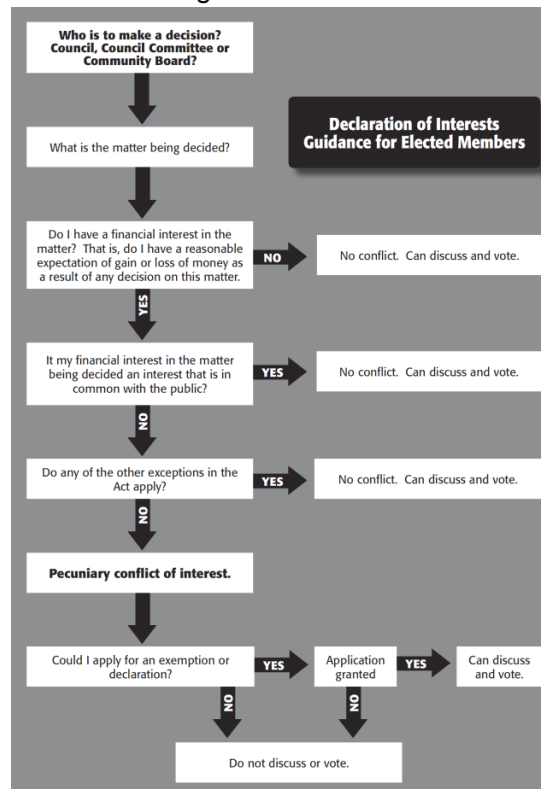
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

Councillors are encouraged to advise the Governance Assistant, of any changes required to their declared Members Interest Register.

The attached flowchart may assist members in making that determination (Appendix A from Code of Conduct).

#### DRAFT RECOMMENDATION:

**That Members disclose any financial or non-financial interest in any of the agenda items.**



**BULLER DISTRICT COUNCIL**

**27 JULY 2022**

**AGENDA ITEM 3**

**Prepared by** Sharon Mason  
Chief Executive Officer

**CONFIRMATION OF MINUTES**

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**DRAFT recommendation that Council receive and confirm minutes from the meeting of 29 June 2022.**



**MEETING OF THE BULLER DISTRICT COUNCIL, HELD AT 3.00PM ON WEDNESDAY 29 JUNE 2022 AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT.**

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**PRESENT:** Mayor J Cleine, Deputy Mayor S Roche, Councillors J Bougen, D Hawes, J Howard, M Montgomery, R Nahr, P Rutherford, R Sampson, G Weston

N Tauwhare (Iwi Representative)

**APOLOGIES:**

**IN ATTENDANCE:** R Townrow (Deputy Chief Executive), R Fox (Group Manager Commercial and Corporate Services), M Duff (Group Manager Assets and Infrastructure), K Trigg (Acting Group Manager Community Services), L Brooks (Finance Manager), Paul Zaanen (Contractor Asset Information Coordinator), G Barrell (Governance Secretary)

**MEDIA:** Ellen Curnow

**PUBLIC FORUM:**

**Speaker 1:** Mr Graham Howard

Spoke regarding \$14million compensation for selling out Three Waters.

The money you're getting is for the rate payers who have paid for water for many years. This money should be either paid back to them or should go to pay for the things in the town that they have paid money into.

Cultural centre in Westport? Why do we need one?

We have plenty of evacuation centres. Schools, NBS building and other areas of town. If Westport was to be evacuated, we wouldn't be needing these because we would be getting to higher ground.

The footpaths. How many of you have looked at footpaths in town and tried to go on a mobility scooter to try them? None.

The community is ageing. We are looking to attract people to live here. The money due to come back (\$3.5m and then \$10.5m in 2024) could be used upgrading footpaths.

Please use the money wisely. Please upgrade our footpaths.

The moss mentioned on the paths from when speaking with the mayor a few years ago is still there.

Not sure what you've budgeted for. Ask you to advise and consult your ratepayers. Get them to tell you and listen to them.

This is the ratepayers' money.

A lot of what you're proposing is already in Three Water. Let them do it when it comes up.

Regarding LGNZ. We are paying \$33k/pa to belong to LGNZ. They are gutless and toothless doing what the govt tells them to do. We get very little results for this figure. Ask them to back this up and fight for Buller or we leave LGNZ.

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## MEETING DECLARED OPEN AT 3.00pm

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### 1. APOLOGIES (Page 8)

#### Discussion:

#### **RESOLVED:**

That there are no apologies to be received and no requests for leave of absence.

**Mayor J Cleine/DM S Roche**

**10/10**

**CARRIED UNANIMOUSLY**

### 2. MEMBERS INTEREST (Page 9)

#### Discussion:

Cr R Nahr declared and interest in Item 8 but not airport and also PE Items 19, 20. Will abstain from voting.

**RESOLVED** that members disclose any financial or non-financial interest in any of the agenda items.

**Cr G Weston/Cr P Rutherford**

**10/10**

**CARRIED UNANIMOUSLY**

### 3. CONFIRMATION OF MINUTES (Page 10)

#### Discussion:

Cr G Weston Page 16 Groundwell amended to Groundswell.

**RESOLVED** that Council receive and confirm minutes from the Council meeting of 25 May 2022 with the noted amendment above.

**DM S Roche/Cr R Nahr**

**10/10**

**CARRIED UNANIMOUSLY**

**4. COUNCIL ACTION POINT LIST (Page 31)**

**Discussion:**

Nil

**RESOLVED** that Council receive the Action Point List for information

**Mayor J Cleine/Cr D Hawes**

**10/10**

**CARRIED UNANIMOUSLY**

**5. 2022-2023 ANNUAL PLAN ADOPTION REPORT (Page 33)**

**Discussion:**

Mayor J Cleine noted the full version is in the resource centre on Diligent for councillors to view.

Noting the late submission to the AP which was omitted in deliberation. This will be included in the blanket adoption of the AP as for the other grants.

Mr Mayor noted the efforts of the staff, submitters and councillors of this AP.

Council took on a lot of feeling from the community. Council is under significant inflation pressure. This plan reflects a balanced and pragmatic view of how we maintain services.

DM S Roche spoke regarding the minutes from the AP:

Page 9: With all references to community grants support. The agreement was to increase to the community grants to \$75k, where previously it was \$50k. The AP is correct. Therefore, the minutes need to reflect this.

Ms Roche furthered. Page 27 regarding King George Park and Karamea toilet – requested clarification for the reserves funding.

It was clarified after discussion that it needs to show it is \$170k plus \$50k plus \$40k.

R Townrow confirmed this.

Cr P Rutherford expressed his disappointed we are imposing a 9.5% rise on rate payers. He noted he wished he had opposed the 9.5% in the votes, but as he didn't, he will support the adoption.

DM S Roche noted there should have had reference regarding the size of the deliberation of the Punakaiki community facility and the Reserves funding. She requested for the body of the report and in the Final AP to reflect this including the carryover of the Punakaiki facility, as well as the Karamea Campground disabled toilet and King George Park.

Action Point

S Mason noted as one of the resolutions is to allow the CEO to make minor amendments to the document, she will ensure these things are made and will check back in with Ms Roche.

Cr D Hawes noted Cr P Rutherford's concern about this affecting the ratepayers and explained that all councillors are aware and had tried to minimise impact wherever possible. Noting in the summary of the agenda the LTP was stated as 6.3% for this year. It is now climbed to 9.5% a difference of 3.2%. Keeping in mind inflation rates, fuel and oil prices etc. A lot of anguish gone into trying to keep rates as low as we can.

Cr R Sampson noted her disappointment with 9.5% increase. She felt the 2.2% increase for staff was over and above and would have voted against this had she been here.

Cr P Rutherford moved the recommendation and was seconded by Cr D Hawes.

Mayor J Cleine added to the Recommendation by adding #9 as below.

**RESOLVED** that Council:

1. Receives the Annual Plan 2022-2023 adoption report; and
2. Notes that the total rates revenue increase of 9.5% in the Annual Plan 2022-2023 is 3.2% higher than the same year of the 2021-2031 Long Term Plan, and in breach of the 2.2% limit set in the Financial Strategy; and
3. Notes that the increase in the net debt in the Annual Plan 2022-2023 at \$25.996 million is in breach of the net debt limit set in the Financial Strategy; and
4. Agrees both the total rates revenue increase and net debt limit breach have been explained and is not considered significant enough to warrant an LTP amendment; and
5. Notes that staff have incorporated in the Annual Plan 2022-2023 (attached or under separate cover) the decisions made at the Annual Plan deliberations held on the 1-2 June 2022 following public consultation between 14 April and 17 May 2022; and
6. Approves the list of proposed fees and charges to be included in the Buller District Council Annual Plan 2022-2023;
7. In accordance with section 95 of the Local Government Act 2022, adopts the Buller District Council Annual Plan 2022-2023 29 June 2022 (attached); and
8. Authorises the Chief Executive Officer to approve any minor editorial amendments to the Annual Plan 2022-2023, prior to being printed and made available online on the Council's website.
9. *that Council receive and confirm minutes from the AP deliberations meeting of Wednesday 1 June and Thursday 2 June 2022 – subject to the amendments as discussed*

**Cr P Rutherford / Cr D Hawes**  
**10/10**

**CARRIED UNANIMOUSLY**

## 6. SETTING OF RATES FOR THE 2022-2023 FINANCIAL YEAR

(Page 40)

### Discussion:

Nil

**RESOLVED:** That the recommendations A-G, as written below for the setting of the rates as well as the metered water rates, their respective due dates and any unpaid penalties be adopted.

- (a) That the rates listed in the attached Schedule 1 (being those listed in the Funding Impact Statement of the 2022-2023 Annual Plan), as adopted at the Council meeting of 29 June 2022 are set under the Local Government (Rating) Act 2002 ("the Act") on rating units in the district for the financial year commencing 1 July 2022 and ending on 30 June 2023.
- (b) That each of the rates for the financial year are set under the following sections of the Act:
  - 1. General Rates
    - 1.1 General (differential) Land Rate – Section 13
    - 1.2 Uniform Annual General Charge – Section 15
  - 2. Water Supply Rates
    - 2.1 Targeted Water Supply Rate(s) – Section 16 & Schedule 3
    - 2.2 Metered water rate – Section 19
  - 3. Sewage Disposal Rates
    - 3.1 Targeted Sewage Disposal Rate(s) – Section 16 & Schedule 3
  - 4. Waste Management Rates
    - 4.1 Targeted Waste Management Rate(s) – Section 16 & Schedule 3
- (c) That all rates will be payable in 4 instalments with the due dates being:
  - 1. Instalment 1 – 28 August 2022
  - 2. Instalment 2 – 28 November 2022
  - 3. Instalment 3 – 28 February 2023
  - 4. Instalment 4 – 28 May 2023
- (d) That rates for metered water will be payable by the 20th day of the month following the invoice date, sic:
  - 1. July 2022 invoice – 20 August 2022
  - 2. August 2022 invoice – 20 September 2022
  - 3. September 2022 invoice – 20 October 2022

4. October 2022 invoice – 20 November 2022
5. November 2022 invoice – 20 December 2022
6. December 2022 invoice – 20 January 2023
7. January 2023 invoice – 20 February 2023
8. February 2023 invoice – 20 March 2023
9. March 2023 invoice – 20 April 2023
10. April 2023 invoice – 20 May 2023
11. May 2023 invoice – 20 June 2023
12. June 2023 invoice – 20 July 2023

(e) That all unpaid rates will incur penalties on the penalty dates being:

1. Instalment 1 – 29 August 2022
2. Instalment 2 – 29 November 2022
3. Instalment 3 – 29 February 2023
5. Instalment 4 – 29 May 2023
6. Any year's rates struck prior to 1 July 2022 – 1 September 2022

(f) That all unpaid balance of metered water rates will incur penalties on the penalty dates being:

1. July 2022 invoice – 21 August 2022
2. August 2022 invoice – 21 September 2022
3. September 2022 invoice – 21 October 2022
4. October 2022 invoice – 21 November 2022
5. November 2022 invoice – 21 December 2022
6. December 2022 invoice – 21 January 2023
7. January 2023 invoice – 21 February 2023
8. February 2023 invoice – 21 March 2023
9. March 2023 invoice – 21 April 2023

10. April 2023 invoice – 21 May 2023

11. May 2023 invoice – 21 June 2023

12. June 2023 invoice – 21 July 2023

(g) That Council apply the following penalties in terms of Sections 57 and 58 of the Act:

1. On the penalty date a ten percent (10%) charge to be added to the balance of rates (excluding metered water rates) left owing of the instalment due on that date.
2. A charge of five percent (5%) be added on 1 September 2022 to any balance owing from any year's rates struck prior to 1 July 2022.
3. On the 21st day of each month, a charge of 10% to be added to any balance of the metered water rates owing from that total amount invoiced in the previous month (as set out in Section (D) above).
4. That rates shall be payable at Council's main office, Brougham Street, Westport (open 8.30am-4.30pm, Monday to Friday), or the Service Centre at 66 Broadway, Reefton (open 8.30am-4.30pm), or by using on-line banking, or through direct credit, direct debit, or credit card.

**Mayor J Cleine/Cr J Howard**

**10/10**

**CARRIED UNANIMOUSLY**

## **7. FINANCIAL PERFORMANCE – TEN MONTHS TO 30 APRIL 2022**

**(Page 51)**

### **Discussion:**

L Brooks spoke that this is a good news story specifically around the harbour and port activity. Ensuring there was a plan and process in place to follow in a way to mitigate risk to Council. Ms Brooks also noted a number of underspends in the report.

Report is subject to end of year final adjustments. There is a lot going on for council but it's business as usual and is going very well.

DM S Roche queried expenditure on reserves and wastewater. While great to have savings, hope this is not at the expense of service and is not deferring maintenance when the work should have been done.

K Trigg clarified that anything urgent that came up was completed as needed, just on a lesser scale.

Ms Roche not satisfied with this response. Does this mean it will be carried over or done this financial year?

S Mason there are a few that will be carried forward but due to covid and floods etc, this has meant we have had to carry over at times, but we have not intentionally missed them to save money.

Ms Roche further asked, so given that this has been budgeted for this year and will not be done by cut off. With the work carrying forward into next year, will this mean an overrun next year?

Ms Brooks ensured in the budget, there is sufficient budget to keep up to date with what is needed.

Ms Roche further required clarification asking if we haven't spent it this year, will we rate again next year? Will we be double rating?

Ms Brooks replied no we won't be double rating.

Cr D Hawes queried with regard to the \$161k in reserves contributions for amenities next year, is there an element of top up from reserves rather than waiting?

Ms Brooks responded that the reserves fund contributions is capital work for new projects or improvements. Funds go into general fund and therefore not being double rated.

Cr R Sampson noted regarding Page 54. \$1.8m roading has been budgeted for next year. How much of \$1.8m was rated for? We normally claim 73% back. \$1.8m seems a lot of budgeted work that hasn't been done.

M Duff 1.8m confirmed we will need to provide a breakdown, noting that roading is three-year transport plan. It does allow for moving from one fiscal year to another. Weather events, flooding contributed to a lot of not being able to get to BAU works.

Ms Sampson queried that \$1.8m has been programmed for next year alone, not 3 years.

Mayor J Cleine work programme is three-year programme and have ability to move jobs within that three-year envelope.

Cr P Rutherford noted regarding the income for amenities and reserves. The lower incomes for leaseholders. What was the reasoning behind this?

Mr Rutherford noted also the debt recovery from brewery site, querying what management is doing for follow up on this debt?

S Mason replied it was unlikely we can recover from the brewery as they have a lot of debtors. What was important was that whatever was paid back, went back to local businesses as opposed to going back to council.

We did not ask new tenant to make up the difference for the previous tenant.

Cr P Rutherford requested there be a commentary as to why we cannot recover this so the community can see we have taken efforts to do so.

S Mason noted the paper will reflect this.

Cr D Hawes suggested it be a good idea to advise in this paper the likely costs in attempted recovery, to show that these will outweigh attempts to recover costs.

**RESOLVED** that Council receives the report for information

**Cr P Rutherford/Cr J Bougen**  
**10/10**  
**CARRIED UNANIMOUSLY**

**8. FINAL STATEMENTS OF INTENT COUNCIL CONTROLLED ORGANISATIONS (Page 57)**

**Discussion:**

Mayor J Cleine called for questions on each organisation

BHL: Nil  
Buller Recreation: Nil  
WRSL: Nil  
Westport Airport: Nil

**RESOLVED** that Council receives the Final Statements of Intent for the year ending 30 June 2023.

**Mayor J Cleine/Cr M Montgomery**  
**9/9**  
**Cr R Nahr abstained**  
**CARRIED**

**9. WESTPORT FLOOD RESILIENCE CO-INVESTMENT BUSINESS CASE (Page 107)**

**Discussion:**

Mayor J Cleine introduced Mike Mendonca and John Hutchings

R Townrow noted her pleasure in presenting this paper to council. She thanked all those involved in its creation.

This opportunity to present this report came via the flood recovery steering group.

This issue of flood resilience has been addressed over a number of years via various groups, but without the opportunity of a mandate or multi-tool to present together.

Large body of national government reform currently happening trying to address these issues. Westport can't wait for decisions as we are dealing with it now.

Ms Townrow noted the late amendments as handed to councillors, received from a meeting yesterday.

John Hutchings spoke that this is a proposal to receive funding co-investment from central government. Noting we won't have a project until we know we have money. There is \$56m budgeted for this mitigation of risk proposal, with the intention of \$45m coming from central government.

Mike Mendonca noted that this is a case study. We are breaking new ground. No one in NZ has done this yet. It is expected that there is unease with this. We can't eliminate all risk. We don't need to do it all tomorrow. Some things need to be done immediately and others can be done in time.

Infometrics states that this is a no brainer. This proposal cost stacks up on avoided cost alone and we should not be coy about asking for this funding. There is \$1b worth of Crown assets in Westport so the Crown will also be a beneficiary of the work that is done.

Mr Mendonca noted that the proposal has been shaped around Option B being the best options for retreat, relocation and avoid.

Final alignment always subject to consultation and decision making.

Adaptation fund needs more analysis. Government is not expecting to be liable for complete capital replacement of all assets. We need to make sure we are not detracting from other investment plans, while also ensuring this is to help residents

Mr Hutchings said this is at the close out stage. There are minor costing and editorial errors and welcomes other input from councillors. Will also go to DIA, Treasury, Ministry for Environment etc who will look at this in detail.

An August to September response is expected. Noting to Mr Mayor that his speaking to ministers would be helpful.

Mayor J Cleine noted again that this is a proposal until we secure funding which will then require further consultation with communities and a relationship with government, ministers and cabinet members.

Cr P Rutherford requested clarification on the final number sought. The number was confirmed as \$45,462,500. He queried regarding the delivery, governance, management of process if approved, what role will the special rating district governance board have, given that they won't be deciding on the programme of work.

Does this mean the work approved at a previous meeting at WCRC, specifically Organs Island, O'Connor Home and Te Toki Bridge? How will this work be impacted if we wait for this funding?

Mr Hutchings noted regarding O'Connor Home, Organs Island funding secured, and resolution has been passed for rock work. This work will proceed no matter what but has been woven into co-investment proposal and requesting this be funded by central government in full.

Te Toki Bridge: Our Engineer suggested from that phasing should give priority at the inland plant of the closed alignment. We want to get going at pace. Good

progress is being made for this project. If funding comes through, the advice we have received is that we should focus on inland portion of the embankments first.

Mr Mendonca reiterated that steering groups needs a to be high powered coordination and collaboration tool. We need to ensure TTPP is in there also.

Cr J Howard noted a number of editorial changes. Mr Hutchings confirmed these have all been addressed.

Ms Howard further sought reassurance regarding the preference for Option B, asking where does the ponding go to? What is the potential loss to property owners?

Mr Hutchings replied that it was a fine line call as to which of the options to go for, Option A or B. They decided in favour of B based on the integrity of the complete case. Detailed design and consultation with owners, need to ensure drains are working highly effectively etc all require detail. They feel Option B addresses these but need to remain open to Option A.

Cr G Weston spoke regarding Waka Kotahi with the evacuation route via Orowaiti to bridge and onto the state highway. Surely this would be the first place to be flooded.

Mr Hutchings replied that they looked hard to see whether there was a culverting option around the embankment leading up to the Orowaiti. Very difficult from a resource consent point of view. This is a critical route and have spoken with Waka Kotahi to ensure both bridges are able to handle these floods.

Mr Mendonca noted there is a request for funding for Civil Defence (Resilience Officer) for assisting with evacuation planning. They are looking at using funding to hire a person to be the central focal point to address all of these issues.

Cr D Hawes acknowledged the effort of all involved to get this report together in the time. Great team.

DM S Roche agreed. Well done to everyone involved.

Ms Roche spoke to her main question, being her concern that what has been allocated to resource consents, council project management and final design, \$1m is not enough. How did you come to this figure?

Mr Hutchings replied that their resource consent consultant from Nelson and Gary Williams, leading Engineer in NZ for flood management. Mr Williams noted there would be push back from challenges getting consents etc.

Mr Mendonca noted that only time will tell.

DM S Roche requested it be added into resolution that it be subject to final changes

S Mason noted that if we alter the resolution in any way, we will need to go back to WCRC to adjust. We can record minor amendments in the minutes.

Mayor J Cleine noted that iwi also a signatory for this and questioned if there had been feedback from iwi?

Mr Mendonca replied that after consultation with iwi, Ngati Waewae are supportive of this.

Cr J Howard thinks WCRC changed resolution to include editorial changes and noted the CEO could make any minor editorial changes.

S Mason confirmed that the advice from WCRC is this has been passed as written.

Mr Hutchings confirmed that yes, subject to minor editorial corrections, requesting these be sent through this evening, to be agreed and approved by the CEO before it goes ahead on 30 June 2022.

**RESOLVED** that Council amend the resolution from:

Resolved that Council:

Authorises Mayor Cleine to sign the document called Kawatiri – Deep and Swift, Proposal to Hon Nanaia Mahuta, Minister of Local Government, Co-Investment in Westport's Resilience on behalf of the Buller District Council.

TO

Resolved that Council:

Authorises Mayor Cleine to sign the document called Kawatiri – Deep and Swift, Proposal to Hon Nanaia Mahuta, Minister of Local Government, Co-Investment in Westport's Resilience on behalf of the Buller District Council. *Subject to minor editorial adjustments to be agreed and approved for amendment by the CEO before the businesses case is forwarded to the Minister before 30 June 2022.*

**DM S Roche/Cr R Nahr**  
**9/10**

**Cr P Rutherford against**  
**CARRIED**

Mayor J Cleine thanked Mr Hutchings and Mr Mendonca

**10. KEEPING OF ANIMALS BYLAW REVIEW (Page 215)**

**Discussion:**

Cr P Rutherford noted thanks to the team for progressing to this stage. It has been a large body of work.

Cr J Howard noted the good progress. She is generally supportive but concerned about it capturing a lot of lifestyle blocks. Is happy to go to draft and receive feedback. She would like to see some boundary changes.

Sean Judd replied that this document would be open for tweaks.

Cr P Rutherford said this was one of the big delays for getting this to council, defining the area, we wish to apply the by-law, noting there had been previous attempts etc but in the end, they had taken on with help from legal team. When we go for consultation, there will be room for people to submit.

Cr D Hawes queried regarding Article 12, Page 234: the number of pigs in an urban areas. There is no number regarding preference to this as opposed to allowing no roosters.

Mr Judd replied that yes, we do need to set a number on this. We haven't had many calls or issues regarding pigs but feels that any more than two could be a problem.

He continued that the legal team removed a lot of content to ensure consistent wording. He noted that instant infringements were ruled out. Also, power of seizure has been removed.

Cr P Rutherford noted that clearly if we adopt the recommendation. We need a number.

Cr D Hawes suggested that if there isn't a big issue, possibly a number of two pigs?

He went further regarding the stringent build requirements for hen houses removed and thinks this is good ensuring the need to keep clean and tidy.

Cr J Bougen queried not specifying birds, only chickens. What about noisy birds that screech a lot?

Mr Judd replied that this will fall into keeping of 'other animals'. Birds are animals.

Cr M Montgomery spoke that regarding the number seven for keeping of cats in an urban area. She asked how long permissions would be granted for?

Mr Judd replied he had not considered this to any great degree and would look into this if needed.

**RESOLVED** that Council:

Direct staff to progress the draft 'Keeping of Animals' Bylaw for public consultation with the following alterations: *The number of pigs set at 2*

**Cr J Howard/Cr R Nahr**

**10/10**

**CARRIED UNANIMOUSLY**

**11. THREE WATERS REFORM BETTER OFF FUNDING – PROPOSED INITIATIVES (Page 236)**

**Discussion:**

Mayor J Cleine noted that this list is authorising M Williams to do the detailed work as outlined in Three Waters process.

Moved by Cr Nahr and seconded by Cr Bougen

Cr R Sampson noted this has deviated with what was approved. \$500k for climate change. She felt this was excessive and this should be more \$350k.

She noted further that regarding Civil Defence there has been no CD person and questioned where these figures came from?

Airport relocation should be with climate change as they one in the same.

Serious concern about the Karamea water. \$65k for what? We are expected to use betterment money to pay for costs incurred for a paper that didn't go ahead. \$35k from the last two and a half years is excessive. There have been nine different people contributing, plus consultants in legal to this report.

Ms Sampson said she felt this money should come out of their budget, not taken from betterment budget. \$480k was the figure we were looking at. I don't think the betterment money should be going to costs for consultation that went nowhere.

Cr P Rutherford spoke regarding the climate change side. This is extremely important. We need to show we understand the importance of this project. This will be with both local and central government. The sooner we can deliver on this, the better. We need to show we have considered all these matters and we are leading the pack in terms of managing the risks. Confirming he fully supports the \$500k.

M Williams responded regarding the CD spend. A lot of equipment that needs replacing, training to be done and getting the right people in the right place so we can look after ourselves in time of emergency. Costings have been done for each of these and this is where this figure comes from.

Better Off tool also looked at this issue and have asked for extra money from the government as well to ensure the community is safe. The situation currently is very stone age and we need to upgrade to ensure we have the technology etc to be able to do this.

We tried to limit our skin in the game and the cost to ratepayers.

Relationship manager with DIA has checked all of these but would like to see the business cases. Generally ok though.

Ms Sampson noted that we are rated under regional council for CD and some of the costs should have come from there. As well that a large sum of money was given to CD for equipment lately.

M Williams replied that these funds were absorbed very quickly into limited equipment.

Cr D Hawes noted we have a small council, and this allows us to put a small amount of money in to develop cases into bigger works. Future planning pays dividends in the long run. Money needs to be put into business cases to ensure future proofing. He supports this.

Cr J Howard stated that it's fine having equipment. What about earthquake strengthening in the building?

M Williams being considered under a different business case. This is coming.

DM S Roche spoke regarding housing for elderly. There was a body of work and working party set up to deal with this. Does this fit in with the strategy?

M Williams responded that this strategy has moved forward in some areas and aligns well with this. If something drops off this would step up in line.

S Mason noted there is due to be steering group meeting soon regarding this and a number of different options with other providers will be presented.

**RESOLVED** that Council:

1. Note the report.
2. Approve the initiatives outlined in this report to progress into detailed Business Case development.
3. Approve the corresponding Business Case to be submitted to the DIA when completed.

**Cr R Nahr/Cr J Bougen**  
**9/10**  
**Cr R Sampson opposed**  
**CARRIED**

Mayor J Cleine called for a break at 5.01pm.

The meeting resumed at 5.17pm resumed.

**12. WESTPORT WATER SUPPLY – RESILIENCE OPTIONS (Page 243)**  
**Discussion:**

M Duff based this based off a report to FRAC. The report is seen as a triage situation that highlights the risk should an. Attachment is a summary of options and their attributes.

Intention is to lay out a road map of what has been concluded as the best option to proceed and is seeking council to endorse the priority and sequence of options. Noting funding has not been examined or concluded and would be in a separate report.

Cr P Rutherford spoke that we need to expedite this as soon as possible. He questioned regarding pressure reversing in main supply. We had a plan eight years ago for this with the right pressure reducing valve, but this didn't happen. Is this something we could do immediately?

Mr Duff replied that the pressure reduction valve has been built as part of DIA Tranche 1 funds. This will provide benefits of allowing the system to regulate the pressure into town. Will also provide benefits with regard to water loss, specifically in reticulation while still providing minimum service level to customers.

Cr R Sampson asked what cathodic protection means.

Mr Duff explained this is a treatment for a steel pipe. Assessment has been in place for three years now. We want to see the walls of this to see if the wall thickness has diminished through our normal maintenance routine. If it is diminishing, we would need to put a lining in place. This would be a big investment. This is about managing the asset.

Ms Sampson stated this is one of many reports on water. A long time ago we proposed fixing what we had or going for a pipeline up the river. She noted that she was uncomfortable fixing/patching up to possibly give us resilience but could just be more of the same. Where are we at with something completely new starting from scratch.

Mr Duff explained the non-existing supply opportunities were discussed. In Phase 2 (longer term look ahead) it shows the option of an alternative system we could turn on straight away. This would be ideal.

So having two systems in place. This is something we are looking into. We need to maintain what we currently have for now while also looking at other options.

If we can stop losing so much water, this is better in terms of risk management.

Cr J Howard queried for community clarity, asking why not dig out existing ponds or add new ones?

Mr Duff noted that regular maintenance required and a number of other things we could look at including using sacrificial ponds, enlarging ponds or creating new ones. More storage and less use means you're buying time. How to increase the time the community have.

Cr D Hawes noted the water supplies have been a problem for a long time. Unprecedented changes currently. We haven't had the background knowledge previously to make decisions. Without understanding climate change, we made decisions that have put us in a vulnerable position.

We are faced with a dire situation and the way forward is to solve long term issues through this report. Who foresaw there would be this many slips and problems in this catchment area? We need to understand what we have, fix it, mitigate the risk and carry on.

Cr P Rutherford clarified the term cathodic protection for Cr R Sampson.

**RESOLVED** that Council:

1. Note the report and attachment.
2. Endorses the proposed strategy and priority of resilience options for the Westport Water Supply in two phases by securing the supply and delivery followed by longer term water management and sustainability improvements.

**Mayor J Cleine/Cr D Hawes**

**10/10**

**CARRIED UNANIMOUSLY**

**13. LGNZ AGM 2022 – REMITS FOR CONSIDERATION (Page 264)**

**Discussion:**

Cr P Rutherford recommended we support all of these.

Cr D Hawes spoke regarding public transport. This really is available only in urban areas. Rural would be subsidising urban areas. This shows centralised thinking of city folk. Reefton has no bus service. People rely on other people for transport. There is no free transport or subsidies available as there is for Westport. Mr Hawes requested Mr Mayor asks how they will service rural communities.

Cr J Howard disagrees with fully funding public transport over subsidisation.

Cr P Rutherford noted this has a progression element attached to it. There are councils to buy in and this may lead to something happening in Reefton. Many of us travel to cities at some time. Supports they investigate regional transport also.

Mayor J Cleine doesn't believe this process will in turn change things for places like Reefton etc.

Cr R Sampson agrees with Cr D Hawes.

DM S Roche spoke regarding Remit 2. Is there capacity for government to look at this? Given everything else that is going on, perhaps better to look at getting the current things under way.

Cr P Rutherford spoke that in supporting this resolution, he is aware there is already work undertaken regarding alternative funding at a recent workshop with specific reference to Transmission Gully leading to house price increasing in the Kaiti Coast. Bigger thinking picture as to how things are funded in the future.

Remit 1: 4/6

Remit 2: 10/10

Remit 3: 10/10

Remit 4: 10/10

Remit 5: 10/10

**RESOLVED** that Council:

- a. That Council receive the attached remits for consideration and provide direction on voting.

**Voting for Remits 2 – 5: 10/10  
CARRIED UNANIMOUSLY**

**Voting for Remit 1: 4/6**

**For:** Mayor J Cleine, Cr M Montgomery, Cr R Nahr, Cr P Rutherford

**Against:** Cr J Bougen, Cr D Hawes, Cr J Howard, DM S Roche,  
Cr R Sampson, Cr G Weston

**MOTION LOST**

- b. That Council confirm Mayor Cleine to attend the AGM meeting 28 July and mandate the delegate to vote as per Council resolutions.

**Cr P Rutherford/DM S Roche  
10/10  
CARRIED UNANIMOUSLY**

Mayor J Cleine thanked councillors for the vote of confidence.

**14. DIVESTMENT OF 177 QUEEN STREET (Page 283)**  
**Discussion:**

R Townrow spoke to the report noting the homes on the site are currently occupied and occupants are happy.

Speaking with Temporary Accommodation Service (TAS) regarding current housing issues excluding current flood issues. They are working with us to find ways to address issues regarding property rationalisation and property divestment etc.

Ms Townrow stated we are now seeking approval from council to divest this land. Recommended option is to work to be able to sell this as a package.

Cr P Rutherford noted his unease about selling to an unknown person. Who are we selling it to and what are their long-term intentions? Will not vote for this as it is unknown who the buyers would be.

Ms Townrow noted the offering to work through conditions to ensure this is the long-term position for the site. We could put in conditions to ensure these are worked through.

Mr Rutherford asked if we can come back to council for final approval once these have been discussed. Ms Townrow replied the timing between now and the local body elections could be an issue.

Cr J Howard noted she is happy to move for Option 2 and asked if the existing tenants need to be spoken to and have security of tenancy.

Ms Townrow replied that yes they have agreements with tenants and communication is well in hand for this.

Cr D Hawes noted the need for peace of mind specifically for housing for elderly or disadvantaged etc.

N Tauwhare noted there still needs a lot of work to be done and asked who the housing community provider in Westport was? Is it the current one?

Mr Tauwhare spoke further that if he was one of the tenants in the houses and then there is a flood, will he be kicked out because there is a person with a bigger need than him?

Ms Townrow assured that nobody will be kicked out of this. Unsure at this stage who the community housing provider will be. Currently we don't have one. This is at an early stage. We are at a crossroads as to whether we proceed further. If council will not divest the land, then this conversations will stop. Nothing can happen until we move forward with divestment.

Mr Tauwhare would like to see the properties sold and make some money.

Cr J Bougen stated that we shouldn't be trying to dictate who buys the land. It is capable of taking two more houses. Let's let this happen without putting conditions on them. More houses are needed. He supports Option 2.

Cr R Nahr agrees that flood people should be back in their own homes not these houses. There is a desperate need for homes in Westport. This is available at a good market rate. Happy to get five new rate payers and will be voting for this.

DM S Roche feels it is a no brainer. Happy to go with draft as it exists. Meets all criteria we ever wanted regarding housing stock

Mr Hawes noted regarding the amendment. This is a chance to have housing provider move to Westport and move in to managing council's elderly housing this will allow us to work with them with the potential to looking to this in the future

Ms Townrow voiced the draft recommendation, with the suggested amendment currently standing as:

*"Resolved that Council authorises the Chief Executive to negotiate and enter into a sales and purchase agreement for Lot 2 Deposited Plan 9595 (177 Queen Street, Westport), in conjunction with the Ministry of Business, Innovation and Employment, with the agreement to include conditions of use of the property for community and social housing".*

Mayor J Cleine noted he will vote against this as it clouds the ability to negotiate unnecessarily.

The amended recommendation was put to a vote:

**RESOLVED** that Council:

Authorises the Chief Executive to negotiate and enter into a sales and purchase agreement for Lot 2 Deposited Plan 9595 (177 Queen Street, Westport), in conjunction with the Ministry of Business, Innovation and Employment with the agreement to include conditions of use of the property for community and social housing

**Cr J Howard/Cr D Hawes**  
**3/7**

**For:** Cr D Hawes, Cr J Howard, Cr R Sampson

**Against:** Mayor J Cleine, Cr J Bougen, Cr M Montgomery, Cr R Nahr,  
DM S Roche, Cr P Rutherford, Cr G Weston

**MOTION LOST**

Mr Cleine called for a suggestion of an alternative recommendation

DM S Roche put forward the draft recommendation as written:

**RESOLVED** that Council:

Authorises the Chief Executive to negotiate and enter into a sales and purchase agreement for Lot 2 Deposited Plan 9595 (177 Queen Street, Westport), in conjunction with the Ministry of Business, Innovation and Employment.

**DM S Roche/Cr J Bougen**  
**7/3**

**For:** Mayor J Cleine, Cr J Bougen, Cr J Howard, Cr M Montgomery, Cr R Nahr,  
DM S Roche, Cr G Weston

**Against:** Cr D Hawes, Cr P Rutherford, Cr R Sampson  
**CARRIED**

**15. CEO REPORT JUNE 2022 (Page 288)**

**Discussion:**

Nil

**RESOLVED** that Council note the content of the CEO Report

**Cr G Weston Cr J Howard**  
**10/10**

**CARRIED UNANIMOUSLY**

**16. MAYOR'S REPORT (Page 359)**

**Discussion:**

Cr R Nahr noted regarding Sam McDonald that it would be nice to get some information about him.

**RESOLVED** that Council

- b. receive the report for discussion and information.
- c. receive and note incoming and outgoing correspondence and Councillors provide direction for any responses or additions.

**DM S Roche Cr D Hawes**

**10/10**

**CARRIED UNANIMOUSLY**

**17. COMMITTEE CHAIRS VERBAL UPDATES (Page 389)**

**Discussion:**

Cr J Bougen spoke to the Inangahua Community Board noting there was huge relief in Reefton for Tranche 2 coming from government. Water reservoir track is still of grave concern to lower lying residents with no resolution in view at this stage. A number of residents very concerned and not sleeping.

N Tauwhare spoke to Ngati Waewae noting there will be work with the new facilities person working with Buller Hospital. There may be some negative feedback on social media noting 'how much money to us maoris charging etc for namings of hospitals, carvings and pounamu', Mr Tauwhare clarified that everything was gifted. The naming of the hospital has to do with the environment that the hospital was in. Buller was kawakawa, meaning 'the second' and is the leaf taken from the forest and used for medicinal purposes.

Agreed concerns from councillors regarding people that are uninformed and speak to issues they have no knowledge of. It is clear that names etc have been gifted but people will believe what they want to believe.

Cr P Rutherford spoke to the Regulatory and Hearings Committee with all going ahead. Noting sickness from Sean Judd.

Cr M Montgomery spoke to Community Environment Services Committee that the next meeting will be on 13 July and will be busy with discussions around housing.

DM S Roche noted the TTPP meeting. The committee approved the proposed plan. Ms Roche offered thanks to all who worked on this. Submission period is 51 days to 30 September.

She spoke further this is a major milestone and the end of this period will bring together submissions and go to mediation process. The hearing is not until June

2023. After that, the new council will need to look at the make up of what this will look like. Three district plans will be in this with an independent chair being critical, with iwi involved, and each district having a panel member.

Cr J Howard asked if Ms Roche envisaged council having a submission to the draft.

Ms Roche replied that yes, drafting is not perfect and definitely submissions will be coming from BDC.

Mayor J Cleine noted that this is the approved draft submission of the TTPP Committee and council will have the opportunity to look over and note the parts they don't like or would like changed.

Cr P Rutherford queried if this is this put aside for now? Ms Roche replied that they will be meeting again next month, with still a few things to be addressed.

Mr Rutherford furthered that he wanted no one to underestimate the work Ms Roche and Mr Cleine are doing while also having busy roles. He noted the huge commitment given and compliments where this has got to in such a short period of time and thanked them on behalf of councillors and community.

Cr J Bougen agreed and offered congratulations

Cr J Howard spoke to the Joint Committee Westport Rating District noting there are no more meetings till September, Regarding the meeting held meetings for Snodgrass, she noted there was criticism for there being no media but clarified that this was important to allow for open views and frustrations.

Cr P Rutherford noted this meeting was only one of a number planned to work on a comms plan.

**RESOLVED** that Council

Receive verbal updates from the following Committee Chairs, for information:

1. Inangahua Community Board – Cr J Bougen
2. Ngati Waewae Representative – N Tauwhare
3. Regulatory & Hearings Committee – Cr P Rutherford
4. Community, Environment & Services Committee – Cr M Montgomery
5. Te Tai o Poutini Plan – Mayor J Cleine and Deputy Mayor S Roche
6. Joint Committee Westport Rating District – Cr P Rutherford and Cr J Howard

**Cr M Montgomery/Cr R Nahr**

**10/10**

**CARRIED UNANIMOUSLY**

**Response to Public Forum:**

Cr J Howard suggested noting that the package reflects there was a lot of community consultation as a result of the LTP and gives direction. We are taking a big picture view.

Cr D Hawes noted regarding the spending Better Off funding on Three Waters infrastructure. If we are well prepared and ready, the solutions for Westport may be a focal point for Three Waters at the beginning of the programme as opposed to an afterthought.

Cr J Bougen noted that we haven't 'sold us down the river', we don't have a lot of say in Three Waters and that opposing is futile.

Cr R Nahr noted the footpaths are very improved since the beginning of this conversation with Mr Howard. We spend three times per year more than we used to on footpathing. Cr M Montgomery requested that we give Mr Howard this information.

Ms Montgomery spoke regarding the 'cultural community hub', the community needs clarification around the intentions for this.

**18. PUBLIC EXCLUDED (Page 390) (385)**

**RESOLVED:**

That the public be excluded from the following parts of the proceedings of this meeting for the following reasons:

<b>Item</b>	<b>Minutes/Report:</b>	<b>General subject</b>	<b>Reason for passing resolution Section 7 LGOIMA 1987</b>
<b>20</b>	Rod Fox	Quarry Agreement	Section (2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);  Section (2)(b)(ii) - Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
<b>21</b>	Rod Fox	Sale of Purchased Land to Nominee	Section (2)(b)(ii) - Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

**Mayor J Cleine/Cr G Weston  
10/10  
CARRIED UNANIMOUSLY**

- There being no further business the meeting concluded at 7.19PM
  - **Next meeting:** 3:00pm, Wednesday 27 July 2022, Clocktower Chambers, Palmerston Street, Westport.
- 

**Confirmed:** ..... **Date:** .....

**BULLER DISTRICT COUNCIL**

**27 JULY 2022**

**AGENDA ITEM 4**

**Prepared by** Sharon Mason  
Chief Executive Officer

**COUNCIL ACTION POINT LIST**

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**1. REPORT SUMMARY**

A summary of council resolutions requiring actions.

**2. DRAFT RECOMMENDATION**

**That Council receive the Action Point list for information.**

**Council Action Points 2022**

Item	Previous Action	Progress	Assigned	Completion Date
ALL ACTION POINTS CURRENTLY COMPLETED				

## **BULLER DISTRICT COUNCIL**

**27 JULY 2022**

### **AGENDA ITEM 5**

**Prepared by** Sharon Mason  
Chief Executive Officer

Rachel Townrow  
Deputy Chief Executive Officer

**Appendix A** Draft submission on the exposure draft and implementation plan for the National Policy Statement for Indigenous Biodiversity

**Appendix B** Draft Submission Stewardship Land Reclassification Recommendations

### **CHIEF EXECUTIVE OFFICER REPORT**

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#### **1. REPORT SUMMARY**

This report is an overview as detailed below to:

Provide an update on the positive and strategic aspects that are happening in the Buller District during July 2022.

#### **2. RECOMMENDATION**

**That the Council:**

- 1. Note content of CEO Report;**
- 2. Endorse Buller District Council's inclusion in the combined West Coast councils' submission on the exposure draft and implementation plan for the National Policy Statement for Indigenous Biodiversity; and**
- 3. Endorse Buller District Council's inclusion in the combined West Coast councils' submission on the Stewardship Land Review.**

### **3. OVERVIEW OF INFORMATION**

This report provides information on activity which has occurred over July and horizon scans matters of interest to Council.

### **4. CLIMATE CHANGE PROJECT UPDATE**

In the Buller District's Long-Term Plan (LTP) 2021 – 2031, Council started the conversation with its local communities about climate change issues, resilience, and the need for science-based adaptation planning. During this consultation process, Council confirmed that currently there is a mismatch between the scale of our district's adaptation challenge and the resource available to address it.

Feedback received from the community prioritised investment into climate change resilience and adaptation planning. Council responded accordingly by prioritising a stepped approach across several years within the LTP 2021 – 2031.

Steady progress has been made since the Climate Change Adaptation project was stood up in February this year. The project has been structured around guidance provided to local government by the Ministry for the Environment and has adopted a risk-based approach.

Earlier this month, a series of high-level risk workshops were run based around five 'value domains': governance, economy, human environment, natural environment, and the built environment. The workshops were attended by technical experts or leaders in each value domain and facilitated by Christchurch-based risk specialists Resilient Organisations with input from scientists from the University of Canterbury.

The outcomes from these high-level risk assessments are currently being analysed and the results will be used to prioritise our focus for the next stages of the project which will include detailed climate change scenario modelling, and detailed risk (and opportunity) assessment.

Wider stakeholder and community engagement will commence early in the new year.

### **5. BULLER DISTRICT COUNCIL HOSTING KMTT HUI**

#### **Strategic 'Green Sector' Planning:**

Driven by its responsibility for the four community well-beings: economic, environment, social and cultural, Council actively seeks opportunities to support job creation and economic growth across the district. One such opportunity, referred to as the 'Green Sector', is being realised through Council's partnership on the Kotahitanga mō te Taiao Alliance or 'Top of the South' Alliance.

This Alliance between iwi, Councils and the Department of Conservation across Nelson, Tasman, Marlborough and Buller, developed a united Strategy: [Kotahitanga mō te Taiao Strategy \(doc.govt.nz\)](https://doc.govt.nz/policies/initiatives/kotahitanga-mo-te-taiao-strategy) in June 2019.

Post-Covid recovery funding was used to implement this Strategy via a range of projects across the rohe. In Buller, the 'Protecting Flora' project created seven jobs and is continuing to achieve landscape scale outcomes for our indigenous biodiversity across the district.

The Alliance is now at a stage where strategic planning is needed to drive the implementation of the Strategy to the next level. A Strategic Planning Hui will be held in Westport on 1 – 3 August 2022, hosted by the Buller District Council and Ngāti Waewae, and facilitated by The Nature Conservancy: [The Nature Conservancy: A World Where People & Nature Thrive](#).

The Hui will be attended by nine iwi, five Councils and the Department of Conservation. Our work at the Hui will be to develop investment ready plans that will turn the Alliance's Strategy into reality - creating jobs and prosperous communities, preparing us for a lower emissions future, and achieving vital outcomes for our natural environment.

## **6. RECOVERY TRANSITION**

The Buller Flood Recovery Team was established for a 12-month period following the July 2021 flood events, with funding from the Department of Internal Affairs and the National Emergency Management Agency. The team was put together to help support the recovery effort, working with and supporting partner agencies who provide the services that were needed. It has also been overseeing delivery of the Recovery Action Programme endorsed by Council.

As the initial 12-month period comes to an end, the team has worked with those partner agencies to ensure a smooth transition as these functions are taken forward by the relevant agencies. An operational transition plan has been completed to ensure a clear handover of continuing activities and services, and communications are underway so the community is aware of how they can continue accessing these services.

A small Recovery team will continue within Council until 31 March 2023, focused on completing the transition and supporting the infrastructure recovery programme. Recovery-related communications and events will continue to be delivered by this team.

Reporting on the milestones in the Recovery Action Programme will be presented to the Finance, Risk and Audit Committee at its August meeting.

**7. THREE WATERS TRANSITION FUNDING**

Central Government has announced the provision of funding to support councils transition to the Three Waters system. This is in recognition of the challenges currently facing councils, especially rural and provincial councils who often have lower rating bases and limited resources. Council will receive \$369,000 paid in equal quarterly instalments over 12 months.

This funding will allow local authorities to draw in expertise to support them through the Three Waters transition period and must be spent on Three Waters transition activity. It is in addition to the wider Government support for the Three Waters Reform package, which includes the Better Off funding to support councils to deliver wellbeing initiatives in their communities.

**8. REFORM SUBMISSIONS – STEWARDSHIP LAND REVIEW AND NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY EXPOSURE DRAFT AND IMPLEMENTATION PLAN**

At the time of writing, combined submissions from the four West Coast councils are being drafted on two pieces of central government reform; the Stewardship land review and the exposure draft and implementation plan for the National Policy Statement for Indigenous Biodiversity (NPSIB).

Both submission processes close before the July Council meeting date. An extension has been granted for the West Coast councils' NPSIB submission, and one has been sought for the Stewardship land review submission. Given the timeframes for these consultations and the technical work required to prepare submissions, it has not been possible to bring these to an earlier meeting for Council endorsement.

A draft of the NPSIB submission is attached as Appendix A, and a draft of the Stewardship land review submission is attached as Appendix B. It is noted that both documents are still in draft, subject to final review and comment.



388 Main South Rd, Paroa  
 P.O. Box 66, Greymouth 7840  
 The West Coast, New Zealand  
 Telephone (03) 768 0466  
 Toll free 0508 800 118  
 Facsimile (03) 768 7133  
 Email [info@wcrc.govt.nz](mailto:info@wcrc.govt.nz)  
[www.wcrc.govt.nz](http://www.wcrc.govt.nz)

28 July 2022

Ministry for the Environment  
 PO Box 10362  
**Wellington 6140**

Dear Sir/Madam

**Submission on NPSIB Exposure Draft changes and Implementation Plan**

Thank you for the opportunity to provide comment on the proposed changes to the National Policy Statement for Indigenous Biodiversity (NPSIB) Exposure Draft, and the Implementation Plan.

The three West Coast District Councils (Buller, Grey and Westland), and the West Coast Regional Council (WCRC or the Council) have made a joint submission, which is attached. A joint submission is appropriate given that the NPSIB gives District and Regional Councils responsibilities for protecting and maintaining indigenous biodiversity; and the four Councils are working together with mana whenua to prepare a combined District Plan - Te Tai o Poutini Plan - for all three Districts under an Order in Council.

The Councils consulted with their iwi partners, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu or PNT), who are mana whenua on the West Coast/Tai Poutini, in the development of this submission.

Council have previously consulted with West Coast farmers, miners and infrastructure providers who will be affected by the proposed NPSIB.

We note that the Councils are not opposed to protecting, maintaining or restoring indigenous biodiversity in principle. The West Coast/Te Tai o Poutini differs from most of New Zealand as it is fortunate to have an abundance of diverse and intact ecosystems and vegetation types. There are some terrestrial ecosystems and vegetation types that are under-represented and WCRC acknowledge these are worthy of protection.

The proposed Te Tai o Poutini Plan (TTPP – combined District Plan for the West Coast) indicates a requirement for the identification and protection of terrestrial Significant Natural Areas (SNAs) in the next five years. Some of the proposed changes to the NPSIB Exposure Draft are therefore supported where they will improve implementation of the NPSIB in the West Coast Region.

The Councils support in principle some of the new funding options proposed in the Implementation Plan.

Other changes sought by the Councils in our previous submission have not been accepted, and this submission raises further concerns about the social and economic costs, and the psycho-social impacts inherent around this, on our landowners with terrestrial SNAs and other indigenous biodiversity on their land. The Councils are also concerned about whether there will be adequate financial support from the Government to enable us, as small councils, to fulfil the roles and responsibilities the NPSIB places on us.

However, the Councils strongly believe that there is a way forward. To achieve this in a fair and equitable manner, the Government must provide economic incentives to private landowners with an SNA or native forest/bush on their land, to ensure their SNA or native forest is maintained as a carbon sink. This approach will contribute to reducing New Zealand's emissions and assist with the transition to a low carbon future. This practical and pragmatic approach will make the NPSIB workable for the West Coast and our communities.

Our contact details for service are:

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

Phone: 021 190 6676  
Email: [ls@wrcrc.govt.nz](mailto:ls@wrcrc.govt.nz)

We would be grateful for acknowledgement of receipt of our submission.

Yours faithfully

Heather Mabin  
**Chief Executive Officer**

**West Coast Regional Council Submission on the NPSIB Exposure Draft changes, and the Implementation Plan****List of Recommendations and Feedback****Recommendation 1**

That the Ministries for the Environment and Climate Change, and the Department of Conservation work together to develop and provide economic incentives for West Coast private landowners. These incentives will encourage landowners to retain their wetlands, SNAs and non-significant native bush/forest. Incentives could be recognizing these areas as carbon sinks for reducing emissions, or compensate for lost productive land where appropriate.

**Recommendation 2**

1. The Government compensates people who have paid for authorisations to undertake activities affecting SNAs or indigenous biodiversity, where new regulation or government changes to land tenure means they cannot undertake their activities.
2. Where the West Coast Councils will lose rates income as a result of rates relief, the Government should subsidise local authorities, as this relief is part of protecting matters of national importance.

**Feedback**

The West Coast Councils support the proposed changes listed in the section of this submission titled “Proposed changes supported by the West Coast Councils”.

**Recommendation 3**

Remove subclause 1.3 (1)(c) from the NPSIB.

**Recommendation 4**

In the definition of “Ecosystem functions”, clarify and consult on what the measures of the “flows” are, or would be, that would be definitive of an ecosystem’s functioning.

**Recommendation 5**

Replace “New Zealand’s” with “people’s and communities” in Policy 10, clause 2.2 and clause 3.2(c) Te Rito o te Harakeke.

**Recommendation 6**

In Appendix 1, sub-subclause (3)(1)(d) should be removed.

**Recommendation 7**

- a) Amend clause 3.8(2) to include “where practicable”.
- b) Amend the Implementation Plan to clarify if regional councils will be eligible for additional funding/resourcing if territorial authorities request their assistance for district-wide assessments; and if funding will be available to councils who have partially undertaken SNA identification.

**Recommendation 8**

- a) Insert a specific clause in 3.11 exempting specific infrastructure, mining, and aggregate quarrying from the avoidance directive.
- b) Provide further interpretation and guidance on avoiding adverse effects on SNAs.

**Recommendation 9**

- a) Add “any water storage infrastructure” to the definition of specific infrastructure in the NPSIB;
- b) Use the same term, either “specified” or “specific” infrastructure in both the NPSIB and NPSFM.

**Recommendation 10**

- 1. Replace sub-clause 3.15(2)(b) with a reference to adverse effects being managed by the effects management hierarchy.
- 2. Amend sub-clause 3.15(3) and replace sub-clause (2)(b) to include the same exceptions to 3.10 that are listed in clause 3.11, for adverse effects of existing specific infrastructure, mining, and aggregate quarrying to be assessed using the effects management hierarchy.

**Recommendation 11**

That regions with a high level of indigenous biodiversity present be exempt from the 3.16 requirements for maintaining indigenous biodiversity outside a SNA; or, apply 3.16 to regions with less than 50 or 70% (a figure that can be determined by the Select Committee) of remaining indigenous land cover.

**Recommendation 12**

- 1. Remove the term “improved pasture from clause 3.17, and make any other amendments need to ensure the NPSIB and NPSFM are consistent with each other.
- 2. Remove subclause (2)(d) from 3.17 as it is not workable on the West Coast.

**Recommendation 13**

- a) Reconsider clause 3.20 and either delete it, or amend it to be practically achievable, for example, retain the role of maintaining “viable populations” as part of species management as a key role of the Department of Conservation; and
- b) Encourage district and regional councils to provide DOC with any information they obtain about specified highly mobile fauna and habitat areas when undertaking implementation of their other roles under the NPSIB.
- c) Clarify whether highly mobile fauna areas, or land that is used by indigenous biodiversity to move between habitats or feeding areas, will become ecological corridors, and ultimately an SNA or part of an SNA.

**Recommendation 14**

- 1. Amend 3.21(2) to include that priorities shall reflect the extent or proportion of restoration needed in a region depending on the level of reduction of indigenous biodiversity.
- 2. Clarify the scope and priority for restoration, and amend 3.21 to reflect councils’ priority of protecting what remains before creating new areas of habitat.
- 3. Remove subclause 3.21(2)(d) from the NPSIB as the NPSFM and NESF provide for wetland restoration.
- 4. Remove the reference to “reviewing” consent conditions, to consider whether restoration conditions need to be added or extended, in sub-clause 3.21(4).

**Recommendation 15**

In clause 3.22, clarify the definition of “non-urban environments”, and the scale at which the 10% indigenous cover is to apply, for example, in the LENZ land environment or catchment, or across all non-urban environments in a region.

**Recommendation 16**

Reconsider the requirement for regional biodiversity strategies in terms of how it will fit with the upcoming requirement in the new Natural and Built Environments Bill/Act for Regional Spatial Strategies.

**Recommendation 17**

Subclauses 3.24(b) and (e) should be in a different assessment and not in the qualified ecologists report.

**Recommendation 18**

Amend clause 3.25 so it can be applied where practicable.

**Recommendation 19**

- a) Add “or as soon as practical” to subclause 4.1(2).
- b) Make it clear in the Implementation Plan if/when the NPSIB will be updated to align with the resource management reform changes.

**Recommendation 20**

- a) Amend the NPSIB timeframes in clause 4.2 for notification of SNAs and other NPSIB implementation requirements to be given effect to within 10 years; and
- b) Make the 10-year timeframe flexible to be reviewed taking into consideration timeframes required by other national direction.

**Recommendation 21**

Add “where practicable” to sub-clause 4.3(2) for the timeframe for completing regional biodiversity strategies.

**Recommendation 22**

Remove clause 4.4(2) from the NPSIB.

**Recommendation 23**

- a) Remove sub-clauses (2)(b) and (c) from the compensation principles in Appendix 4.
- b) Reword sub-clauses (2)(b) and (c) in the offset principles in Appendix 3 to be more certain about the risk level being managed, that is, make the frequency of rejection of an offset less likely to be common for specified (significant) infrastructure.
- c) Reword clause (10) in the offset principles in Appendix 3 to ensure stakeholders do not achieve outcomes different to that required by the ecological assessment.

**Recommendation 24**

The Government must fund the changes it wishes to see with regards to district plans. Councils must be funded to include or complete identification of SNAs in their district plans, where they do not already do so.

**Recommendation 25**

Amend the NPSIB and/or the Implementation Plan to remove inconsistent wording, especially substantive differences between “must” and “may”.

**Recommendation 26**

Provide a system of economic ‘credits’ for West Coast landowners similar to the ETS, or using the ETS, where landowners receive an economic return for their indigenous biodiversity carbon sinks.

**Recommendation 27**

- a) Amend the NPSIB, or add a caveat, for small councils to implement the requirements making the best use of available resources;
- b) Amend the Implementation Plan to include increased funding to be made available, similar to the ‘Jobs for Nature’ funding, for West Coast indigenous biodiversity work.

## Introduction

The four West Coast Councils (the Councils) appreciate the opportunity to submit on the proposed National Policy Statement for Indigenous Biodiversity (NPSIB) Exposure Draft changes, and the Implementation Plan.

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu or PNT), who are mana whenua on the West Coast/Tai Poutini, were asked if they wanted to have input into this submission.....

We note that the Councils are not opposed to protecting, maintaining or restoring indigenous biodiversity in principle. The West Coast/Te Tai o Poutini differs from most of New Zealand as it is fortunate to have an abundance of diverse and intact ecosystems and vegetation types. There are some terrestrial ecosystems and vegetation types that are under-represented and WCRC acknowledge these are worthy of protection. These are generally ecosystems found in the lowland areas of the West Coast/Te Tai o Poutini. Alongside this, parts of the West Coast/Te Tai o Poutini include the last habitats or strongholds of some native species threatened with extinction.

The Grey District Council identified terrestrial SNAs approximately 10 years ago, and the proposed Te Tai o Poutini Plan (TTPP – combined District Plan for the West Coast) indicates through the policy framework identification and protection of terrestrial Significant Natural Areas (SNAs) in the Buller and Westland Districts over the next five years

The TTPP develops one combined District Plan for the three West Coast Districts. All four West Coast Councils therefore have an interest in the NPSIB, in addition to the fact that the NPSIB gives both regional and district councils roles for protecting, maintaining and restoring terrestrial indigenous biodiversity.

The Councils are deeply concerned about the parts of the NPSIB Exposure Draft which will adversely affect West Coast ratepayers. Because the terrestrial vegetation on the West Coast overall is of a high quality, and there is an abundance of it in comparison to other regions, it is likely that a considerable proportion of area will be identified as significant. To make this fair to affected landowners, a Just transition, or clear pathway forward to ensure that our communities and people are treated equitably, must be implemented.

The Councils are further concerned that the proposed Government support and funding outlined in the Implementation Plan will be insufficient, meaning the Councils will be unable to fulfil the requirements of the NPSIB. In addition, contestable funding does not create a clear funding option, nor transition pathway for our landowners. We do not believe that the adverse impacts on West Coast landowners, arising from implementation of the NPSIB, have been wholly considered or addressed.

The Councils urgently seek a framework to alleviate the negative social, economic and psycho-social impacts of the NPSIB on West Coast landowners. The West Coast Councils have, in previous submissions, sought that the Government provide research and support to develop and provide economic incentives for private landowners to protect and maintain SNAs, (wetlands) and other terrestrial native forest on their land as carbon sinks. This approach would support emissions reductions and help New Zealand transition to a low carbon future. This pathway forward is further explored in the first part of the Council's submission.

The second part of our submission lists the parts of the Exposure Draft that Council supports, followed by a third section with comments on specific provisions in the NPSIB and the Implementation Plan that the Councils are concerned about, or seek further clarity on.

Due to the technical nature of some of the proposed changes, Council obtained advice from consultant Ecologist Dr Vaughan Keesing. We agree with Dr Keesing's advice, and this is included in the third part of our submission.

The Councils have considered the Local Government New Zealand submission and support the majority of it; parts are referred to in this submission where relevant.

A sector submission, prepared via the Regional Councils' Biodiversity Working Group, was also considered in the drafting of this submission. The Council's agree with the sector submission on some matters relevant to the West Coast, but not on others. Those points that the Councils disagree with are mainly relevant to other regions with less indigenous biodiversity.

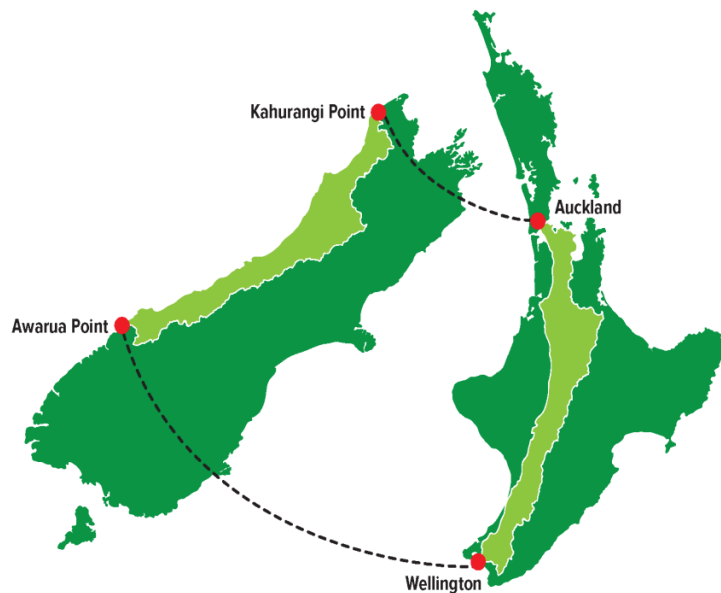
### **About the Submitter**

The West Coast Regional Council (WCRC) is the local authority, and the three District Councils are the territorial authorities for a region covering a vast area with a sparse population. Extending from Kahurangi

DRAFT – subject to final review and comment

Point in the north to Awarua Point in the south, this is the approximate distance from Wellington to Auckland.

**Map of New Zealand to highlight 600km length of West Coast Region compared to distance between Auckland and Wellington**



**The West Coast region stretches the equivalent distance of that between Auckland and Wellington**

The West Coast is predominantly rural.

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu – PNT) are mana whenua of Te Tai o Poutini (the West Coast). The WCRC's Mana Whakahono ā Rohe (Resource Management Act - Iwi Participation Arrangement) captures the intent of the WCRC and Poutini Ngāi Tahu to progress our relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown.

The WCRC and the three territorial authorities (the Buller, Grey and Westland District Councils) work closely together. Outside of the main towns of Westport, Greymouth, Reefton and Hokitika, the region's relatively small population of approximately 32,600 is spread across smaller settlements and rural communities. It is important that central government priorities for protecting, maintaining and restoring

terrestrial indigenous biodiversity are relevant to our unique region, and beneficial to the social, economic, and cultural well-being of all West Coast communities and the natural environment.

The Conservation Estate comprises 84.17% of the West Coast land area, with an additional 1.55% administered by Land Information New Zealand (LINZ).

The higher proportion of terrestrial indigenous biodiversity in the West Coast Region compared to the rest of New Zealand reflects the large amount of rainfall we receive. The West Coast is the wettest region in New Zealand with average yearly rainfall totals of between 1,746mm to 11,228mm<sup>1</sup>, contributing to a relatively rapid rate of native forest regeneration, compared to regions with less rainfall.

The West Coast indigenous forest area contributes from 15 to 25% of New Zealand's pre-1990 forest cover. This is a significant contribution to New Zealand's overall emissions budget, however the West Coast Region receives no economic return for this contribution

### **Impacts of NPSIB Exposure Draft changes on West Coast landowners**

In the Council's 12 March 2020 submission on the Draft NPSIB (released in November 2019), Council sought the inclusion of specific provisions for the West Coast that took into account the high proportion of existing indigenous biodiversity (IB) in the Region. This recommendation has not been incorporated into the NPSIB 2022 Exposure Draft. The West Coast Councils are deeply concerned that when the time comes to undertake ground-truthing and mapping of desktop-identified terrestrial SNAs, to be added to the Te Tai o Poutini Plan (TTPP – the combined District Plan for the West Coast), there will be a high level of angst amongst landowners with a SNA on their land. The WCRC has experienced first-hand the impact such regulation has on landowners who had an identified Schedule 1 or 2 significant, or 'likely to be significant' wetland<sup>2</sup> on their property. This has been further compounded with the addition of natural inland wetlands through new government policy. The following outlines the adverse economic and social impacts, including psycho-social, and other issues for West Coast landowners from having a wetland on their land, that the Councils envisage will happen again with terrestrial SNAs identified on private land, in five years from commencement of the TTPP.

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

<sup>2</sup> Schedule 1 and 2 wetlands were added to the Regional Land and Water Plan via an Environment Court decision in August 2012 with accompanying objectives, policies and rules to protect them, by restricting earthworks, vegetation disturbance and other activities within these wetlands.

The NPSFM, the National Environmental Standard for Freshwater (NESF), and the NPSIB have restrictions on the use of land with SNAs of terrestrial forest/bush, and natural wetlands, to protect their mainly ecological values. These national restrictions are having, and will continue to have, a significant adverse economic and social impact on rural property values in the region, and on future generations of current private landowners. We are also aware that these national restrictions are impacting on the mental wellbeing of our people and communities. There are a growing number of private landowners with natural wetlands on their land, who had intended to either sell their land for money as an inheritance for their children and grandchildren, or for their own retirement, but are finding that their land has lost monetary value, becoming difficult to sell.

Although natural wetlands on the West Coast have significant national ecological value, landowners are stuck, being unable to develop these areas for economic return (unless sphagnum moss can be harvested). Nor will those features receive enhancement or management as that too costs money and a loss in productive use. This makes the large land areas unsustainable in terms of economic wellbeing of our Community.

Various studies boast of the economic benefits SNAs contribute economically to the tourism sector. This is of little relevance when 84% of the West Coast is already public conservation land (PCL). The additional 7% that is bush on private land is going to make little difference to tourism values in that context.

With Government support through funding initiatives such as the Tai Poutini Regional Growth Study and the Provincial Growth Fund, the West Coast has been promoting the tourism potential of the natural environment as it sought other opportunities to build the economy. However, the global pandemic turned off the international 'tourist tap' virtually overnight. It is likely to take many years before this returns to pre-Covid numbers, if it ever does. In addition to this, many natural wetlands have the same or similar "representative" ecological values, so there are a limited number of wetlands that can provide income from alternative sources such as eco-tourism. Wetland eco-tourism ventures on private land have to compete with tours in larger and potentially more impressive wetlands on public conservation land.

The West Coast is in a unique situation where large land areas are considered ecologically significant due to the make-up of land tenure. Other regions have a more diverse local economy with a range of

industry stimulating economic activity. Economic sectors on the West Coast are facing climate adaptation requirements and the agricultural restrictions through the Freshwater Package, further restricting productive opportunities.

There is a question of equitable fairness across the nation. Most regions throughout New Zealand have benefitted economically from clearing vast proportions of their natural areas over time. However, due to the topography, isolation, settlement patterns and other factors, the West Coast did not experience the same level of development and native vegetation clearance. Now the region is economically penalised as the importance of such areas is recognised and legislation and restrictions around development are implemented. West Coast landowners with a SNA (and/or wetland) on their land will/are now shouldering the ongoing protection of these areas which now act as reservoirs for all these species that would otherwise be threatened, endangered or extinct; and as carbon sinks. This public good is being paid for by a loss of economic opportunity for the West Coast. A just transition must be implemented.

A just transition must be implemented for the West Coast as there is no national target or level set for regions to restore their terrestrial indigenous biodiversity to. In effect, there is no requirement for regions with minimal indigenous biodiversity to increase their indigenous vegetation cover and indigenous biodiversity habitat and ecosystems to 90+% of their region, which is what the NPSIB, by implication, requires of the West Coast.

The Government has provided no compensation for the loss of economic value of West Coast wetlands, SNAs and non-significant native bush/forest on private land as a result of the regulation implemented to date or proposed for the future. It is imperative that these areas have a system of economic incentives established for private landowners to receive some benefit from maintaining their natural areas and wetlands for the economic and social wellbeing of West Coast people and communities. Incentives could include, for example, economic credits similar to the Emissions Trading Scheme for carbon sinks, as wetlands and native bush/forest contribute a significant proportion to absorbing carbon emissions.

The Council has submitted on the Government's Draft National Adaptation Plan and Emissions Reduction Plan (ERP) seeking such incentives for West Coast landowners to maintain their wetlands and native bush/forest. Given that the ERP proposes that the biodiversity and climate crises be addressed together, the most pragmatic way to achieve this will be by the Government providing

economic incentives to West Coast landowners for maintaining and improving their wetlands' and native bush/forest capacity to remove carbon from the atmosphere.

The Forestry section of the ERP (Pg 284) includes an action: *"To maintain and increase carbon stocks in pre-1990 forests, the Government will: consider opportunities to incentivise and encourage those management activities, including mechanisms to enable the recognition of additional carbon storage in pre-1990 forests"*. Council understands that in the 1990-2019 New Zealand Greenhouse Gas Inventory<sup>3</sup>, *"....all of New Zealand's forests, both those planted for timber production and natural forests managed for conservation values, are considered managed forests....."*, and the contribution of pre-1990 forest land to carbon stock changes is accounted for in New Zealand's baseline emissions and removals.

The West Coast indigenous forest area contributes from 15 to 25% of the pre-1990 forest cover. This is a significant contribution to New Zealand's overall emissions budget, however the West Coast Region receives no economic return for this contribution

#### **Recommendation 1**

That the Ministries for the Environment and Climate Change, and the Department of Conservation work together to develop and provide economic incentives for West Coast private landowners. These incentives will encourage landowners to retain their wetlands, SNAs and non-significant native bush/forest. Incentives could be recognizing these areas as carbon sinks for reducing emissions, or compensate for lost productive land where appropriate.

Furthermore, the Stewardship Land Review (SLR) on the West Coast has complicated implementation of the NPSIB. As an example, with wetlands, a mining operator obtains and pays for a mining licence, resource consent, and concession to mine on stewardship land where a wetland is present, but the Stewardship Land Review then recommends that the site be given protection under one of the public conservation land (PCL) tenures (which is likely to be approved). However, there is no indication that mining operators will be compensated for the costs of the licence, consent and concession. The Government needs to provide compensation to resource users who are caught in the transition with implementing the final NPSIB and the final outcomes of the SLR.

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<sup>3</sup> Ministry for the Environment. 2021. New Zealand's Greenhouse Gas Inventory 1990–2019. Wellington: Ministry for the Environment. Volume 1, Chapters 1-15, Pages 294-297.

There is also the potential future issue of loss of income for West Coast Councils from rates relief, where landowners with a wetland or SNA on their land do not pay rates on areas with these features.<sup>4</sup> The WCRC currently provides rates relief for Schedule 1 and 2 wetland areas on private land. Councils are obliged to provide rates relief under the Local Government Act 2002 as a matter of fairness to landowners where council services are not utilised on land with a wetland or terrestrial SNA. The amount of rates income will significantly decrease in the future on the West Coast as a result of more wetlands and SNAs identified and protected. Where the West Coast Councils will lose rates income as a result of rates relief, the Government should subsidise this as part of protecting matters of national importance.

### Recommendation 2

1. The Government compensates people who have paid for authorisations to undertake activities affecting SNAs or indigenous biodiversity, where new regulation or government changes to land tenure means they cannot undertake their activities.
2. Where the West Coast Councils will lose rates income as a result of rates relief, the Government should subsidise local authorities, as this relief is part of protecting matters of national importance.

### Proposed changes supported by the West Coast Councils

The Councils support the following proposed changes to the NPSIB Exposure Draft (parts of the NPSIB quoted are shown in italics):

#### 1.3 (1)(b) and (c) Application

*“(d) regional biodiversity strategies may extend to include the coastal marine area and water bodies (see clause 3.23).”*

Comment: Subclause (d) now makes it optional for regional biodiversity strategies to include the coastal marine area and water bodies. The 2019 Draft NPSIB made it mandatory to include these areas. The change to ‘optional’ is an improvement, which the Councils support.

#### 1.5 Fundamental concepts

Comment: (4) Effects management hierarchy: This is a new explanation added to the 2022 Exposure Draft. The focus has shifted from adverse effects in the 2019 version to the management of those effects. The primary change is that the 2019 NPSIB required that effects be avoided where possible, whereas the 2022

<sup>4</sup> Sections 109 and 110 of the Local Government Act; and Section 3, Part 1 Land fully non-rateable, Schedule 1 Categories of non-rateable land, Local Government (Rating) Act 2002.

NPSIB requires that effects be avoided where practicable (clause (a)). The latter is likely a better formulation. The explanation of the concept provides clarity for consent applicants and Council's consent staff on how to apply the effects management hierarchy.

See also our comments on issues with the effects management hierarchy in the section of this submission headed "Comments on other proposed changes".

### **1.6 Interpretation**

The definition of "specific infrastructure" (which is referred to in 3.11(2)(a)(i)) includes regionally significant infrastructure identified in a regional policy statement or regional plan, as well as infrastructure that delivers a service operated by a lifeline utility, and any public flood control, flood protection or drainage works carried out by a local authority for the purposes of s133 of the Soil Conservation and Rivers Control Act 1941. This definition will work for the West Coast Region.

### **2.2 Policies**

Comment: The amendment to Policy 15, which limits the identification and management of highly mobile fauna to those species specified in Appendix 2 is supported. Having said that, refer to our concerns regarding the cost of undertaking this function in the next section of this submission.

### **3.2 Te Rito o te Harakeke**

#### **3.3 Tangata whenua as kaitiaki**

In summary, the mana whenua provisions mean that Councils will need to work with tangata whenua to identify and protect taonga species to the extent that tangata whenua want this to occur. The NPSIB will also establish a more flexible land-use regime for the use and development of Māori land.

Other key changes are:

- Caveats are added to allow tangata whenua to determine the extent to which they wish to be involved;
- Recognition of iwi, hapū, whānau organisational structure for decision-making which local authorities must have regard to;
- Councils must allow for the sustainable customary use of indigenous biodiversity in accordance with tikanga.

Comment: The amended provisions give more certainty on the direction intended and provide a wider application, that is, they are not just limited to indigenous vegetation.

### **3.8 Assessing areas that qualify as significant natural areas**

Comment: The Exposure Draft has removed Appendix 2 in the 2019 version which required the ranking of SNAs as medium or high, and outlined how effects might be managed relative to that ranking. The Councils sought this change in our submission on the 2019 NPS. The removal of the former Appendix 2 is appropriate, and the 2022 draft has further removed a number of the attributes from each of the four assessment criteria. These changes are an improvement to implementing the NPSIB.

3.8(5)(b): The 2019 requirement to notify a plan change when a new SNA is identified, for example through a resource consent application, has been removed. The Councils sought its removal in their submission on the 2019 version. It is replaced with a requirement to notify any newly identified SNAs in the next plan or plan change. While some parties may be concerned that newly identified SNAs will remain unlisted in district plans for lengthy periods of time, there are other ways of managing this, such as providing consents and compliance staff with information about newly identified SNAs so that potential effects of activities can be assessed.

### **Appendix 1: Criteria for identifying areas that qualify as significant natural areas**

Comments: The addition of a context section (2) within Appendix 1 in the scale of an assessment is helpful.

### **3.10 Managing adverse effects on SNAs of new subdivision, use, and development**

#### **3.11 Exceptions to clause 3.10**

Comment: Sub clause 3.11 (2)(a)(i), (ii) and (iii) has exceptions to the 'avoid adverse effects' requirement in 3.10(2) for new specific infrastructure, mineral and aggregate extraction activities that provides significant national (national and regional for aggregate extraction) public benefit that could not otherwise be achieved domestically. Adverse effects of these activities can be assessed through the effects management hierarchy. The Council's support is qualified by concerns about a potential drafting issue to clause 3.10(3) which is explained on Page 22 of this submission, with a recommended change. If clauses 3.10(3) and/or 3.11(2) are not amended, the Councils revoke their support for these provisions.

### **3.12 SNAs on Māori lands**

#### **3.18 Māori lands**

#### **3.19 Identified taonga**

*“(4) Local authorities must work together with tangata whenua to protect both acknowledged and identified taonga as far as practicable and involve tangata whenua (to the extent that they wish to be involved) in the management of identified taonga.”*

Comment: The Exposure Draft places greater emphasis on the relationship with iwi/hapū, and the treatment of Māori land. Mana whenua are Kaitiaki, and the Councils support this recognition, including that Māori be engaged as much as they want to be engaged. However, the Councils note that our local iwi are under-resourced and question how the Government will support them to exercise this role effectively.

### 3.21 Restoration

Comment: The requirement in the 2019 version, that regional councils must record those locations identified by district councils of areas for restoration (with appropriate descriptions) in their regional policy statements, is removed in the Exposure Draft.

### 3.22 Increasing indigenous vegetation cover

*“(4) Local authorities must promote the increase of indigenous vegetation cover in their regions and districts through objectives, policies, and methods in their policy statements and plans:....”*

Comment: The term “promote” is an improvement on the 2019 version wording, which had a mandatory implication.

### Appendix 3 Principles for biodiversity offsetting

Comment: Subclause (9) provides that “....the design and implementation of a biodiversity offset is a documented process informed by science and mātauranga Māori where available.” The 2019 version had a provision which required a “documented process informed by science, including appropriate consideration of mātauranga Māori”. The Councils consider that adding the term “where available” is an improvement as it provides clearer expectations of this principle.

### Feedback

The West Coast Councils support the proposed changes listed in the section of this submission titled “Proposed changes supported by the West Coast Councils”.

## Comments on other proposed changes

### Part 1: Preliminary provisions

### 1.3 Application

*(1)(c) “provisions relating to restoration extend to include wetlands (see clauses 3.21 and 3.22); and....”*

Comment: The Councils strongly oppose subclause (c), as wetlands protection, maintenance and restoration is well provided for in the NPSFM and the NESF. Having a wetlands sub-clause in the NPSIB is unnecessary duplication, creating a further layer of regulation for activities potentially affecting wetlands on private land. We believe this will create confusion, and potentially increased cost, for affected landowners regarding which regulations apply to their wetlands. Trying to explain the difference between terrestrial SNAs protected by the NPSIB and wetlands (as a type of freshwater SNA) protected by the NPSFM is challenging to understand, especially for lay people. Having them managed under separate NPSs will avoid this confusion.

The Biodiversity Working Group's regional sector draft submission states: *“Excluding indigenous biodiversity in the coastal marine area and aquatic indigenous biodiversity from the remit of the NPS-IB creates a substantial gap that undermines the central objective of the NPS-IB. The NPS-FM in particular does not have SNA-equivalent provisions. Therefore, the matters set out in section 6(c) of the Resource Management Act are only partial captured by the restricted scope of the NPS-IB.”*

The Councils disagree with this, the NPSFM requires protection of natural wetlands and aquatic threatened species. The NZCPS has a strong directive to avoid adverse effects on coastal indigenous biodiversity. These NPSs do not necessarily need to have freshwater and coastal SNAs. The NPSIB should not provide for indigenous biodiversity protection in the CMA and freshwater. Excluding these from the NPSIB would make it clearer to implement in our regional plans.

### Recommendation 3

Remove subclause 1.3 (1)(c) from the NPSIB.

### 1.5 Fundamental concepts

*(3) Maintenance of indigenous biodiversity:*

Comment: The ‘concept’ of “maintenance of indigenous biodiversity” requires “....at least no reduction, as from the commencement date, in the following:

- a) Size of populations of indigenous species*
- b) occupancy across their natural range*
- c) properties and functions of ecosystems and habitats*
- d) a full range of ecosystems and habitats*

- e) *connectivity and buffering, and*
- f) *resilience and adaptability.”*

Some of these metrics, for example b), are laudable but will be unknown in detail and may change naturally as a result of climate change. Others, for example f), are theoretical and do not have a quantitative measure. Others are subjective or again without strong metrics, for example, c) and e). The measurement of maintenance of indigenous biodiversity then falls to subjective opinion as to an acceptable level of change. It is not at all clear where the authority on those subjective measures will lie.

As an example of the difficulty presented in ensuring no reduction in connectivity between ecosystems, a new definition of connectivity is proffered in the NPSIB: *“the structure or functional links or connections between habitats and ecosystems that provide for the movement of species and processes among and between the habitats and ecosystems”*. Other than a physical distance between vegetation elements of two different habitats, it is unclear what might be measured in this regard to relate the level of connectivity and if it will, or could, change. Connectivity is species and process dependent and there is no acknowledgment of this, let alone what and how to measure any meaningful connectivity. Connectivity will therefore fall to subjective opinion and assessment.

Being asked to maintain ecological aspects that are currently unmeasurable is/will be problematic. The unmeasurable nature of the matters outlined above has relevance on the information requirements stipulated within Subpart 3: 3.24 which requires the reporting ecologist to prepare a report to identify the ecosystem services and assess the ecological integrity and connectivity.

### **1.5 Fundamental concepts**

#### *(4) Effects management hierarchy:*

Comment: A new element, minimisation of effects, has been added before remediation, within clause (c). After remediation, the draft wording is clearer in that more than minor residual adverse effects require a biodiversity offset where that is possible and only where such offsetting is not demonstrably possible can a more than minor residual effect then be compensated for. Overall, there appears to be a pathway to consent for some forms of activities. However, Appendices 3 and 4 have offsetting and compensation principles, and the definitions of “biodiversity compensation” and “biodiversity offset” within Section 1.6 Interpretation, stipulates that both the offset and compensation processes must comply with the principles, not be guided by them. This may be an issue for the West Coast Councils, as discussed below. Also refer to the Council’s comments under Appendices 3 and 4 further on in this section of the submission.

## 1.6 Interpretation

### Ecosystem functions

Comment: Another example of interpretation and assessment difficulties is in relation to “*ecosystem functions*”, one of the foci of the NPSIB. Ecosystem functions are defined as “*the abiotic (physical) and biotic (ecological and biological) flows that are properties of an ecosystem.*” The Councils are unsure just what the measures of these “flows” are or would be, that would be definitive of an ecosystems’ functioning. There is nothing quantitative or measurable in the definition that would allow the description or measure of a level of functioning.

### Recommendation 4

In the definition of “Ecosystem functions”, clarify and consult on what the measures of the “flows” are, or would be, that would be definitive of an ecosystem’s functioning.

### Specified highly mobile fauna:

Comment: This definition now has a list of threatened and at risk fauna in a new Appendix 2. The limited list could benefit WCRC.

The list outlines birds and bats but does not include any sea bird (which do cross land) or invertebrate or lizard. The NPS does not assist with councils identifying what the habitat types relevant to those species are. This requirement will cause WCRC considerable issues and difficulty in completing the requirement. WCRC assumes aquatic species are left to be managed by the NPSFM.

## Part 2: Objective and policies

### 2.1 Objective

“(1) *The objective of this National Policy Statement is to protect, maintain, and restore indigenous biodiversity in a way that:*

*(a) recognises tangata whenua as kaitiaki, and people and communities as stewards, of indigenous biodiversity; and*

*(b) provides for the social, economic, and cultural wellbeing of people and communities now and in the future.”*

Comment: Key terms from the 2019 Objectives 1, 5 and 6 are merged into one objective. Sub-clause (b) is supported as it provides for people's wellbeing; the term "provide" is stronger than "allow" which was in the 2019 version.<sup>5</sup> However, it is unclear what happens if sub-clause (b) is not achieved, which is the risk with implementing Objective 2.1 on the West Coast without any Government financial support, compensation or economic incentives to landowners with indigenous bush/forest on their land. The proposed wording means that both sub-clauses a) and b) need to be satisfied for the objective to be achieved.

## 2.2 Policies

*"Activities that contribute to New Zealand's social, economic, cultural, and environmental well-being are recognised and provided for."*

The Councils oppose including the term "New Zealand's" in this new Policy 10 as it could be interpreted to mean that only activities that contribute to the national good/have national benefit will be recognised and provided for. The implication is that activities which do not benefit individual or community wellbeing will not be recognised or provided for. The term "New Zealand's" is also inconsistent with the Objective's wording, and the RMA wording of "people and communities".

## Recommendation 5

Replace "New Zealand's" with "people's and communities" in Policy 10, clause 2.2 and clause 3.2(c) Te Rito o te Harakeke.

## Part 3 Implementation

### Sub-part 1 – Approaches to implementing this National Policy Statement

#### 3.2 Te Rito o te Harakeke

Comment: The following explanation about the Poutini Ngāi Tahu view of terrestrial indigenous biodiversity protection and maintenance is from the TTPP Section 32 Evaluation Report: *"Poutini Ngāi*

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<sup>5</sup> The 2019 version was:

*"to recognise the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity by:....*

*b) allowing people and communities to provide for their social, economic and cultural wellbeing now and in the future; and*

*c) supporting people and communities in their understanding of and connection to, nature."*

*Tahu have provided clear advice to the TTPP Committee around their expectations in relation to indigenous biodiversity provisions in TTPP. This particularly relates to their own lands. Poutini Ngāi Tahu seek to ensure that the indigenous biodiversity (and other natural environment matters) provisions in (the proposed) Te Tai o Poutini Plan reflect the desire of Poutini Ngāi Tahu to exercise tino rangatiratanga on their lands.*

*Poutini Ngāi Tahu are specifically opposed to any significant natural areas assessment on their lands and seek that the exercise of tino rangatiratanga and kaitiakitanga of these areas be left in the hands of Poutini Ngāi Tahu.*

*The responsibility of kaitiakitanga is something that Poutini Ngāi Tahu take very seriously and this is reflected in the high biodiversity and ecological values that are found in many Poutini Ngāi Tahu lands. Poutini Ngāi Tahu have and will continue to be excellent kaitiaki of these areas and the many values that they hold. Many of these lands were returned to Poutini Ngāi Tahu under the Ngāi Tahu Settlement Act and it is not acceptable to Poutini Ngāi Tahu that these should be subject to special identification and regulation as significant natural areas in Te Tai o Poutini Plan.*

*Poutini Ngāi Tahu seeks that (the proposed) Te Tai o Poutini Plan include mechanisms that allow Poutini Ngāi Tahu to exercise tino rangatiratanga across their lands. They have identified that an approach which leaves these matters to be managed through an iwi/papatipu rūnanga management plan is preferred for these areas.”*

### **3.5 Social, economic and cultural wellbeing**

*“Local authorities must consider:*

*(a) that the protection, maintenance, and restoration of indigenous biodiversity contributes to the social, economic, and cultural wellbeing of people and communities; and....*

*(c) that people and communities are critical to protecting, maintaining and restoring indigenous biodiversity;....”*

Comment: Clause 3.5 appears to provide for people’s wellbeing, however the change from “Local authorities must recognise” in the 2019 version to “must consider” in the 2022 version is inconsequential. Minor changes to subclause (c) are also not substantive.

Refer to our comments on Objective 2.1 which also apply to Clause 3.5.

### 3.6 Resilience to climate change

*“Local authorities must promote the resilience of indigenous biodiversity to climate change, including at least by....”*

Comment: The Councils agree with the LGNZ submission, that there are missed opportunities to better integrate climate change into the NPSIB. Maintaining indigenous biodiversity can assist with protection against the effects of climate change, for example, SNAs, wetlands and indigenous forest as carbon sinks; and wetlands can provide areas to hold flood waters. Refer to our Recommendation 1 for the change that the West Coast Councils seek on this matter.

### 3.7 Precautionary approach

*“Local authorities must adopt a precautionary approach towards proposed activities....”*

Comment: It is unclear what happens if taking a precautionary approach in plan rules and consent decision-making means that protecting, maintaining, and restoring indigenous biodiversity does not contribute to the economic, social and cultural wellbeing of people and communities. Objective 2.1 and Clause 3.5 will not be met.

## Sub-part 2 – Significant natural areas

### 3.8 Assessing areas that qualify as significant natural areas

#### Appendix 1: Criteria for identifying areas that qualify as significant natural areas

The main points of the SNA provisions are that the NPSIB will require all territorial authorities to identify Significant Natural Areas (SNAs) within their district, where they are not already known and mapped. These will need to be identified and notified in district plans or policy statements within 5 years. Councils that have already identified SNAs must demonstrate how their identification meets the requirements of the NPSIB within 4 years.

WCRC are required to take over this function due to the Order in Council for the TTPP.

Comment: The process for the identification of an SNA (as outlined in Appendix 1 of the NPSIB) has changed to a small degree, but still sets a very low bar that will result in most of the remnant or regenerated indigenous features in West Coast private land being identified as Significant Natural Areas (SNAs).

In the 2022 NPSIB, subclause (3) contained a direction for what an assessment must have, and includes (d) key threats management requirements. This reference is not supported and should be removed on the basis that it is not relevant, given that viability and condition is not relevant, to the determination of an SNA.

#### **Recommendation 6**

In Appendix 1, sub-subclause (3)(1)(d) should be removed.

The Appendix 1 criteria and the 3.8(2) assessment principles for determining an SNA have not materially changed from the 2019 version, as has the total number of attributes to be considered (16 reduced from 21). The concerns identified in the Council's submission to the 2019 NPSIB remain valid. Specifically, the proposed significance criteria and attributes in the Exposure Draft are focused on:

- Elevating the rarity of indigenous biodiversity, rarity containing 8 (of the 16) individual attributes, any one of which will trigger significance, and those attributes being defined in such a way that little vegetation or habitat on the West Coast will not trigger at least one of them; (LENZ rarity and presence of ecotones and gradients, typical of today, are all attributes that will ensure a feature can be found to be significant).
- The rarity criteria - this diminishes the importance of representativeness, which is traditionally considered by ecologists to be the key criteria for determining significance, and replacing important and measurable qualities with ambiguous and ill-defined phrases;
- Capturing within the criteria common species and modified systems, which are largely on private land and typically consist of native species which are either invasive of pastoral landscapes (bracken, ring fern, tauhinu, mingimingi, manuka, kanuka) or are part of the farming 'infrastructure' (such as shelter belts).

One of the main issues with the NPSIB Appendix 1 criteria A-D is the 'ease' with which the criteria allows an area to be identified as SNA. A stand of native bush or forest qualifies as an SNA if it meets any one of 16 attributes<sup>6</sup> within the four criteria. Because not all attributes refer directly to indigenouness, the attributes as drafted could technically encompass any exotic vegetation that provides habitat for an At-Risk species, a typical suite of indigenous fauna or a function (e.g. A(6)(b), D(3)(c)).

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<sup>6</sup> Representativeness criterion Attributes 6. a) and b), Diversity and pattern criterion Attributes 5.a) and b). Rarity and distinctiveness criterion Attributes 6. a) – h). Ecological context criterion Attributes 3.a) – d).

As an example, if exotic forest/scrub provides a link for long tailed bats foraging between two areas of indigenous forest, the exotic vegetation technically meets Appendix 1 D(3)(c) “Attributes of ecological context” for providing a link between important habitats and for providing critical habitat (feeding) for indigenous fauna, and would therefore technically be an SNA.

While an ecologist might question the validity (and value) of such an assessment, technically this assessment is completely correct based on the NPSIB as currently drafted.

The Councils previously suggested changes to the SNA identification criteria in the 2019 draft NPSIB but these have not been accepted in the Exposure Draft. The Councils refer to Recommendation X seeking an alternative way of addressing the high cost impacts by providing funding to West Coast landowners to maintain SNAs and other indigenous forest habitat via the ‘Jobs for Nature’ process.

3.8(3): *“If requested by a territorial authority, the relevant regional council must assist the territorial authority in undertaking its district-wide assessment”.*

Comments: It is unclear what type of support the Government has in mind that a regional council could provide to a territorial authority, if requested, with regards to the identification of SNAs and the inclusion of them within district plans and policy statements. The assumption in this clause is that regional councils have the skills, expertise, and resources to assist. Well-resourced regional councils have inhouse ecologists, but the WCRC does not. The WCRC’s submission on the Resource Management Reform discussion document in March this year stated: *“This current financial year the Council has had to enact a 30% rates rise, including to cover the extra work required by national direction. This is a significant increase for West Coast ratepayers. A substantial proportion of our current and future increased planning and science costs is implementing the NPSFM and NESF....”*. The NPSIB sub-clause 3.8(3) has the directive “must”, however it may be unrealistic for the WCRC to provide assistance to the Buller and Westland District Councils to identify and map SNAs in their Districts without additional funding support. Clause (3) needs to be amended to include “where practicable”.

It is also unclear if regional councils will be eligible for additional funding/resourcing if territorial authorities request their assistance for district-wide assessments. The Implementation Plan outlines that funding will be available for councils who have not started their SNA identification and mapping, but it is not clear if the funding will be available for councils like the WCRC who have partially undertaken some identification work. The funding will be critical for us to be able to do it, or it will all fall on the ratepayers.

**Recommendation 7**

- a) Amend clause 3.8(2) to include “where practicable”.
- b) Amend the Implementation Plan to clarify if regional councils will be eligible for additional funding/resourcing if territorial authorities request their assistance for district-wide assessments; and if funding will be available to councils who have partially undertaken SNA identification.

**3.9 Identifying SNAs in district plans**

*“... (3) When a territorial authority does its 10-yearly plan review, it must assess its district in accordance with clause 3.8 (1) and (2) to determine whether changes are needed.”*

Comment: This implies that all SNAs identified in the district plan must be reviewed as part of the 10 year plan review. This is onerous for small councils such as those on the West Coast. There is no denying that this will come at a huge expense. A desktop identification of potential SNAs in the West Coast has been undertaken for the proposed Te Tai o Poutini Plan. The estimated cost to ground-truth these SNAs is approximately \$500,000; and this amount is likely to increase in the future. None of the West Coast Councils can afford this expense. The Government, on behalf of New Zealand, will have to support West Coast Councils to review SNAs. The Implementation Plan needs to ensure that it reflects the realistic costs involved in identifying SNAs.

**3.10 Managing adverse effects on SNAs of new subdivision, use, and development****3.11 Exceptions to clause 3.10**

Comment: Some of the West Coast’s regionally significant infrastructure providers, for example, Westpower, Trustpower, Transpower, and Waka Kotahi New Zealand Transport Agency, and mining, and aggregate quarrying, operators will be reliant on the clauses in 3.11(2)(a)(i). A technicality (and potentially a drafting issue) is that clause 3.11(2) states that clause 3.10(2) (the avoidance of effects) does not apply and instead clauses 3.10(3) & (4) apply. However, clause 3.10(3) states that *“all adverse effects on SNAs of new subdivision, use, or development, other than the adverse effects identified in subclause (3.10)(2), must be managed by applying the effects management hierarchy.”* As 3(10)(3) appears intended to fill a gap with covering adverse effects not listed in 10(2), in the context of 3.11(2), 3.10(3) it could be interpreted to mean that all adverse effects must still be avoided, but other effects can be managed by the effects hierarchy. As currently worded, there is scope for the argument that the avoidance requirement within 3.10(2) still applies. Adverse effects on SNAs to be avoided will likely require further interpretation and guidance.

**Recommendation 8**

- c) Insert a specific clause in 3.11 exempting specific infrastructure, mining, and aggregate quarrying from the avoidance directive.
- d) Provide further interpretation and guidance on avoiding adverse effects on SNAs.

Subclause 3.11(2)(a)(i) refers to “specific infrastructure” – this should align with the NPSFM 2020 terminology and definition. The Ministry for the Environment (MFE) proposes to add “any water storage infrastructure” to the definition of the NPSFM. This change should correspondingly be made to the NPSIB. Also, the NPSFM refers to “specified infrastructure”. This term should be made the same in both the NPSFM and NPSIB for consistency.

**Recommendation 9**

- a) Add “any water storage infrastructure” to the definition of specific infrastructure in the NPSIB;
- b) Use the same term, either “specified” or “specific” infrastructure in both the NPSIB and NPSFM.

**3.13 Geothermal SNAs**

*“(1) ....must work with tangata whenua to make or change its policy statements and plans to include objectives, policies, and methods that, in relation to any new subdivision, use, and development:*

*(a) provide a level of protection of the geothermal SNA:....”*

Comment: Clause 3.11(1) says “Clause 3.10 does not apply to the following....geothermal SNAs”, but

3.13 (1)(b) requires the decision-maker on any resource consent application to:

*“.....(i) have particular regard to the adverse effects described in clause 3.10(2) when managing adverse effects on the geothermal SNAs;....”*

This is confusing and seems to be contradictory.

**3.15 Existing activities affecting SNAs**

*“(1) Regional councils must identify in their policy statements the existing activities, or type of activities, that this clause applies to.*

*(2) Local authorities must make or change their plans to ensure that the existing activities identified in relevant regional policy statements may continue as long as the effects on any SNA (including cumulative effects):*

*(a) are no greater in intensity, scale, or character over time than at the commencement date; and*

- (b) do not result in the loss of extent or degradation of ecological integrity of the SNA;*
- (3) If an existing activity does not meet the conditions described in subclause (2), the adverse effects of the activity on the relevant SNA must be managed in accordance with clause 3.10.”*

The main points of clause 3.15 are that existing land use will be provided for, except where the activity will result in the degradation of the ecological integrity of the SNA, and where the cumulative effects are no greater in intensity, scale or character over time than at the commencement date of the NPSIB. Subclause (1) requires that regional council s must identify in their RPS the existing activities, or types of activities, that this IR applies to.

Comment: Notwithstanding the interpretation and application issues with Section 3.15 and that it does not apply to land use, subclause (2)(b) proposes that an activity that exists could only continue if it “*does not result in the loss of extent or degradation of ecological integrity of the SNA*”. On face value, the regular or periodically repeated disturbance or reduction due to, for example, maintenance clearance (maintaining a track or a transmission line, a road edge, water reservoir footprint) should not in theory be problematic given the definition of ecological integrity (that is, the activity can maintain ecological composition, structure and functions). However, where regeneration has occurred over an old works area or track that has not had regular maintenance, then clause 3.15 (3) would arguably not be applicable to a range of, for example, infrastructure maintenance activities that could occur on the West Coast. It will depend largely on the regularity of the maintenance and the size of the area. This may be an issue that WCRC will have to manage with some of its critical infrastructure, mining and aggregate quarrying clients.

Sub-clause (2)(b) should be replaced with a reference to adverse effects being managed by the effects management hierarchy. Sub-clause (3) should be amended to include the same exceptions to 3.10 that are listed in clause 3.11, for adverse effects of existing specific infrastructure, mining, and aggregate quarrying to be assessed using the effects management hierarchy.

#### **Recommendation 10**

1. Replace sub-clause 3.15(2)(b) with a reference to adverse effects being managed by the effects management hierarchy.
2. Amend sub-clause 3.15(3) and replace sub-clause (2)(b) to include the same exceptions to 3.10 that are listed in clause 3.11, for adverse effects of existing specific infrastructure, mining, and aggregate quarrying to be assessed using the effects management hierarchy.

#### **3.16 Maintaining indigenous biodiversity outside SNAs**

*“(2)(a) apply the effects management hierarchy to any adverse effects on indigenous biodiversity of a new subdivision, use, or development that may be irreversible; and:  
(b) providing appropriate controls to manage other adverse effects on indigenous biodiversity of a new subdivision, use and development.”*

The main points of clause 3.16 are that this clause is amended so the requirement to apply the effects management hierarchy only applies to adverse effects that may be irreversible. There is also an additional requirement to ‘provide appropriate controls’ to all other adverse effects.

The requirement to treat an area as an SNA if it is assessed as significant indigenous vegetation and significant habitat of indigenous fauna is removed.

This clause does not apply to Maori lands.

Comment: Clause 3.16 has wide application and requires that indigenous biodiversity (other than SNA’s) must be maintained by the Councils. This will be a considerable undertaking on the West Coast and the very good condition overall of the indigenous biological diversity on the West Coast does not warrant this lower level of management to non-SNA, given the extent that is already protected in public conservation land (PCL), QEII covenant, and other protection mechanisms. These provisions are onerous for the West Coast as they will have the effect of treating non-SNA areas as if they are SNAs. Any adverse effects on an area of indigenous biodiversity not classified as an SNA will have to be managed applying the effects management hierarchy, and then it is caught by the ‘no net loss’ provision. Of note, the application of the effects management hierarchy applies regardless of the scale or significance of the adverse effects, that may be irreversible. As mentioned earlier in our submission, there is no requirement for regions with minimal indigenous biodiversity to increase their indigenous vegetation cover and indigenous biodiversity habitat and ecosystems to approximately 90+% of their region, which is what clause 3.16, in tandem with other provisions, by implication, requires of the West Coast.

#### **Recommendation 11**

That regions with a high level of indigenous biodiversity present be exempt from the 3.16 requirements for maintaining indigenous biodiversity outside a SNA; or, apply 3.16 to regions with less than 50 or 70% (a figure that can be determined by the Select Committee) of remaining indigenous land cover.

#### **3.17 Maintenance of improved pasture**

Comment: The term “improved pasture” should be removed from this clause. It is proposed to be removed from the NPSFM definition of natural wetlands as there is ambiguity in the interpretation of “improved”.<sup>7</sup> The policy rationale for removing the term from the NPSFM is “The intent is to exclude wetlands within pasture areas, where the wetland is dominated by exotic pasture species, so those areas can continue to be used for agriculture.” The same change should be made to the NPSIB to make these NPSs consistent with each other.

*“....(2) Local authorities must allow the maintenance of improved pasture to continue if:....*

*(d) the land is not a depositional landform that has not been cultivated; and....”*

Comment: Sub-clause (2)(d) should be removed. All of the West Coast is a depositional landform, where material from mountains and hills (formed by tectonic uplift) has, over time, been eroded and deposited on flatter land, forming lowlands.

#### **Recommendation 12**

3. Remove the term “improved pasture” from clause 3.17, and make any other amendments need to ensure the NPSIB and NPSFM are consistent with each other.

4. Remove subclause (2)(d) from 3.17 as it is not workable on the West Coast.

### **Subpart 3 – Specific requirements**

#### **3.18 Māori lands**

*“(1) Local authorities must work in partnership with tangata whenua and Māori landowners to develop, and include in policy statements and plans, objectives, policies, and methods that, to the extent practicable:....”*

#### **3.19 Identified taonga**

*“....(4) Local authorities must work together with tangata whenua to protect both acknowledged and identified taonga as far as practicable and involve tangata whenua (to the extent that they wish to be involved) in the management of identified taonga.” ....*

*....“(6) Local authorities must make or change their policy statements and plans as necessary to ensure that the sustainable customary use of identified taonga by tangata whenua in accordance with tikanga and in a manner consistent with the protection of the identified taonga is provided for.”*

<sup>7</sup> Ministry for the Environment. 2022. *Managing our wetlands: Policy rationale for exposure draft amendments 2022*. Wellington: Ministry for the Environment. Page 10.

### Sub-part 3 Specific requirements

#### 3.20 Specified highly mobile fauna

*“(1) Every regional council must record areas outside SNAs that are highly mobile fauna areas, by working together with tangata whenua (in the manner required by clause 3.3), territorial authorities in its region, and the Department of Conservation.*

*“(2) If it will help manage specified highly mobile fauna, regional councils must include in their regional policy statements (where possible) a map and description of each highly mobile fauna area in its region.”*

*“(3) Local authorities must include objectives, policies, or methods in their policy statements and plans for managing the adverse effects of new subdivision, use, and development on highly mobile fauna areas, in order to maintain viable populations of specified highly mobile fauna across their natural range.”*

*“(4) Local authorities must provide information to their communities about:*

*(a) specified highly mobile fauna and their habitats; and*

*(b) best practice techniques for managing adverse effects on any specified highly mobile fauna and their habitats in their regions and districts.”*

Comments: A change is made to sub-clause (2), that regional councils must include a map and description in their RPSs. It is unclear why this role is transferred to regional councils, In the 2019 version, this role was given to territorial authorities.

The purpose of clause 3.20 – protecting habitat for the purposes of maintaining “viable populations” - potentially encroaches on species management, which is a key role of the Department of Conservation. For the WCRC to achieve the purpose will also require a good understanding of the population dynamics of the species listed in Appendix 2, which is currently lacking.

The NPSIB requires that regional councils record and map areas (other than SNA's) that are highly mobile fauna areas, and then ensure viable populations (across their natural range, that is, the national scale) of those mobile species are maintained. The Councils understand that all species listed in Appendix 2 are Threatened or At Risk, and many species are riverine, wetland, or coastal birds. This makes it confusing in terms of whether these species are managed under the NPSFM/NESF, or the New Zealand Coastal Policy Statement, and respective regional freshwater and coastal plans.

The WCRC has serious concerns with how clause 3.20 will be interpreted and applied and how a regional council such as WCRC will manage to effectively undertake their responsibilities in identifying the

abundance (populations) of those listed species in Appendix 2 of the NPSIB, understanding the current variance from time to time in those populations and the array of habitat occupancy of all those listed species. The West Coast Councils do not necessarily have the information and expertise to undertake this role.

The interpretation of 3.20 during a consent application is that from an effects point of view, proof that the removal of non-SNA features will not reduce the population viability of any indigenous species listed in Appendix 2 will be very difficult and largely subjective. The WCRC is unlikely to be in a position to judge if an applicant's effects do or do not impact on a population (does that include the loss of one bird), or remove habitat of any of those listed species.

At a site, this will be near impossible because local or regional and often national populations are not known, many populations are considered not currently viable (hence they are threatened and therefore are already below the threshold), and the current local population trends are unknown and the effects of non-SNA habitat reduction will not be known.

Thus, what is a viable population, of which species, at what scale, and what the current trend and viability is of that species, will not be known for potentially many years, if ever, and this will lead to a necessary, very conservative and precautionary approach by regional councils assessing applications involving effects on non-SNA features, which may include exotic vegetation features that have any one of the listed highly mobile species recorded at any time.

Furthermore, new subclause (3) is unworkable for the West Coast Councils as we cannot guarantee that viable populations of highly mobile fauna will be maintained across their natural range when there are other threats to species' populations that are outside the WCRC's control. For example, domestic cats and dogs.

The requirement for regional councils to identify, record and map specified highly mobile fauna areas (HMFA) could overlap with identifying SNAs in the Te Tai o Poutini Plan (combined District Plan for the West Coast), causing confusion and potential duplication if a potential HMFA has already been recognised as an SNA. There is also potential overlap with the NPSFM wetland mapping requirements for specified highly mobile fauna whose habitat is wetlands. See our comments opposing the inclusion of wetlands in the NPSIB under clause 3.21 Restoration.

Implementation of 3.20(3) raises the question of whether highly mobile fauna areas, or land such as a paddock between an SNA and DOC land for example, that is used by indigenous biodiversity to move between habitats or feeding areas, will become ecological corridors, and ultimately an SNA or part of an SNA. This is not clear in the NPSIB, and should be clarified. The West Coast is not lacking ecological corridors, and there is the potential for many 'corridors' to become restricted for land use activities due to their ecological or conservation values.

### Recommendation 13

- a) Reconsider clause 3.20 and either delete it, or amend it to be practically achievable, for example, retain the role of maintaining "viable populations" as part of species management as a key role of the Department of Conservation; and
- b) Encourage district and regional councils to provide DOC with any information they obtain about specified highly mobile fauna and habitat areas when undertaking implementation of their other roles under the NPSIB.
- c) Clarify whether highly mobile fauna areas, or land that is used by indigenous biodiversity to move between habitats or feeding areas, will become ecological corridors, and ultimately an SNA or part of an SNA.

### 3.21 Restoration

*"(2) The objectives, policies, and methods must prioritise all the following for restoration:....*

*(2)(d) wetlands whose ecological integrity is degraded or that no longer retain their indigenous vegetation or habitat for indigenous fauna:...."*

*"(4) Local authorities must consider imposing or reviewing restoration or enhancement conditions on resource consents and designations relating to activities in areas prioritised for restoration."*

Comments: The Councils agree with the regional sector submission that more clarity is needed on scope and priority for restoration. Clause 3.21 does not reflect the differences between regions where restoration is extremely necessary due to a low level of indigenous biodiversity remaining in a region, and where, conversely, there is a high level of remaining biodiversity and a reduced priority for restoration in regions like the West Coast. The priority for regional councils is protecting what remains before creating new areas of habitat.

The Councils strongly oppose subclause (2)(d) as wetlands protection, maintenance and restoration is well provided for in the NPSFM and the NESF. MFE have recently released an Exposure Draft of the NESF which proposes changes to the wetland restoration regulations to make restoration activities a permitted

activity rather than requiring resource consent. This is intended to be an incentive to encourage wetland restoration. Having a wetlands restoration sub-clause in the NPSIB is unnecessary duplication and a waste of council's and landowners' time and resources. It will create confusion for wetland landowners in terms of whether the NPSIB or NPSFM provisions apply.

Re subclause (4), the reference to “reviewing” restoration or enhancement conditions on resource consents suggests that councils will be required to apply or extend retrospective conditions on consents called in for review under s128 of the Resource Management Act. This will potentially be unworkable for the West Coast. Given the high proportion of existing indigenous biodiversity, the cost of reviewing consents to consider whether restoration conditions need to be added or extended would be difficult to justify.

#### **Recommendation 14**

1. Amend 3.21(2) to include that priorities shall reflect the extent or proportion of restoration needed in a region depending on the level of reduction of indigenous biodiversity.
2. Clarify the scope and priority for restoration, and amend 3.21 to reflect councils' priority of protecting what remains before creating new areas of habitat.
3. Remove subclause 3.21(2)(d) from the NPSIB as the NPSFM and NESF provide for wetland restoration.
4. Remove the reference to “reviewing” consent conditions, to consider whether restoration conditions need to be added or extended, in sub-clause 3.21(4).

#### **3.22 Increasing indigenous vegetation cover**

The main points of clause 3.22 are that it requires regional councils to assess the percentage of indigenous vegetation cover in its urban and non-urban areas, in collaboration with the District Councils, set a target of at least 10% cover, and promote an increase in cover in the RPS and regional & district plans.

Comment: The Councils agree with the regional sector submission, that clarity is needed for the definition of “non-urban environments”. It is also unclear as to the scale at which the 10% indigenous cover is to apply, for example, in the LENZ land environment or catchment, or across all non-urban environments in a region.

**Recommendation 15**

In clause 3.22, clarify the definition of “non-urban environments”, and the scale at which the 10% indigenous cover is to apply, for example, in the LENZ land environment or catchment, or across all non-urban environments in a region.

**3.23 Regional biodiversity strategies**

*“(1) Every regional council must prepare a regional biodiversity strategy that complies with Appendix 5 in collaboration with territorial authorities, tangata whenua, communities and other identified stakeholders.”*

Comment: It is unclear how the requirement for regional biodiversity strategies will integrate with the upcoming requirement in the new Natural and Built Environments Bill/Act for Regional Spatial Strategies, and the existing national Aotearoa New Zealand Biodiversity Strategy (ANZBS). This is tacitly acknowledged in the Implementation Plan (IP, Page 17), and it will be undertaken following the review of councils’ progress with implementing the NPSIB, and the IP. Other reviews may be needed when appropriate – for example, to improve alignment with other significant work programmes, such as the ANZBS. The assumption is that it applies to all regional policy statements and local authority plans – but this is not clear. The cost of implementation is considered high, as any Regional Spatial Strategy will require review of indigenous biodiversity provisions.

**Recommendation 16**

Reconsider the requirement for regional biodiversity strategies in terms of how it will fit with the upcoming requirement in the new Natural and Built Environments Bill/Act for Regional Spatial Strategies.

**3.24 Information requirements**

*“(1) Every local authority must make or change its policy statements or plans to require that if a resource consent application is required in relation to an indigenous biodiversity matter, the application is not considered unless it includes a report that:*

*(a) is prepared by a qualified and experienced ecologist; and....*

*(2) The report by the ecologist must:....*

*(b) identify any effects on identified taonga; and....*

*(c) include mātauranga Māori and tikanga Māori assessment methodology, where relevant; and....”*

Comment: Clause 3.24(1)(a) will essentially require an ecology report for any activity involving indigenous vegetation/habitat. Notwithstanding the resourcing issues, such a requirement is not efficient or effective and does not simplify the resource consent process.

From a practical perspective, the requirement that the report be prepared by an ecologist (a qualified and experienced one), and that the report must identify taonga (a human values system), identify ecological services and assess integrity and connectivity, and include matauranga Māori and tikanga Māori, does not reflect the reality that ecologists are not cultural advisors and most are not Māori nor versed or an expert in those cultural aspects.

#### **Recommendation 17**

Subclauses 3.24(b) and (e) should be in a different assessment and not in the qualified ecologists report.

To make clause 3.24 workable on the West Coast, Councils would need to have more permitted activity rules with tighter controls, and no controlled rules. Controlled status under 3.24(1)(a) requires an ecologist's report, but the cost of this may not be justified for a controlled activity that has 'known to be' minor adverse effects. Unless there are ecologists who are willing to develop a low-cost, basic, streamlined assessment process for activities with known minor effects on indigenous biodiversity. This could be a function WCRC support by way of ecology reports supporting SNA knowledge.

Clarity is needed on the terms "qualified and experienced ecologists". This wording potentially restricts the availability of ecologists and has resourcing implications.

#### **3.25 Monitoring by regional councils**

*"(1) Regional councils must work with territorial authorities, relevant agencies and tangata whenua to develop a monitoring plan for indigenous biodiversity in their regions and each of their districts.*

*(2) Every monitoring plan must:....*

*(d) recognise the importance of long-term trends in monitoring results, and the relationship between results and the overall state of indigenous biodiversity; and*

*(e) establish methods, such as action plans, for responding to monitoring that indicates the objectives of this National Policy Statement will not be met."*

Comment: Given the high numbers, size and remoteness of some SNAs on the West Coast, clause 3.25 will not be fully workable for the region's Councils without substantial Government funding to implement monitoring on private land.

Note that work on Public Conservation Land (PCL) by DOC is largely exempt from this provision.

Regarding subclause (2)(d), even the DOC West Coast Conservancy does not have information on all of the indigenous biodiversity within, and the ecological integrity of all significant habitats and species, on private and public conservation land (PCL), let alone having long-term monitoring information on species' numbers to determine if indigenous biodiversity is being maintained. This also applies to subclause (2)(e). Without a clear and firm commitment from Government to provide funding, the West Coast Councils will not be able to fulfil clause 3.25. The reason for the NPSIB not being met may be outside of Council's control, for example, lack of predator control. Subclause (e) needs changing.

#### **Recommendation 18**

Amend clause 3.25 so it can be applied where practicable.

### **Part 4: Timing**

#### **4.1 Timing generally**

*“(2) Local authorities must publicly notify any changes to their policy statements and plans that are necessary to give effect to this National Policy Statement within 8 years after the commencement date.”*

Comments: The Councils agree with the LGNZ submission, that the timeframes proposed by Government are unrealistic and are likely to result in undesirable outcomes. This is because:

- There are capacity and resourcing issues relating to both ecologists – who are essential in the identification and treatment of SNAs – and councils, who are already stretched amid an uncertain resourcing environment due to the Government's broader reform programme; and
- Some regions need to build the political will with their community to enact change.

The West Coast Councils are currently dealing with a plethora of other legislative, policy and regulatory directives coming from central Government, namely:

- The National Planning Standards to be implemented in RMA plans by April 2029;
- Regional policy statement and plan changes to give effect to the freshwater policies and regulations must be notified by 31 December 2024 and follow a separate planning process, meaning the freshwater plan process is likely to continue until any appeals are resolved, potentially in 2027/28;
- Separate plan change processes may be needed for non-freshwater matters;
- The emissions reduction and national adaption plan directives which may need to be reflected in regional and district plans;
- The Resource Management Reform requiring regional and district plans to focus on outcomes and limits, and be merged into one plan per region;

- Stewardship Land Review.

Bear in mind that only freshwater changes can go through the freshwater planning process, so separate plan change processes will be needed to implement air quality, climate change mitigation/adaptation, managed retreat, highly productive land, drinking water supplier or indigenous biodiversity national direction. There is also a national shortage of planners in New Zealand, and a limited number of hearing commissioners and ecologists which compounds these issues. The workload will affect smaller resourced councils significantly. See the Recommendation under clause 4.2 below.

The Implementation Plan (Pg 5 Timeline) says “As soon as practical or by 2030”, to notify changes to RPSs and regional plans. This is different to what clause 4.1(2) of the NPSIB says. There is no “as soon as practical” in the NPSIB 4.1(2), but it should be included.

The Government should also make it clear in its implementation Plan if/when the NPSIB will be updated to align with the resource management reform changes.

#### **Recommendation 19**

- a) Add “or as soon as practical” to subclause 4.1(2).
- b) Make it clear in the Implementation Plan if/when the NPSIB will be updated to align with the resource management reform changes.

#### **4.2 Timing for planning provisions for SNAs**

The NPSIB requires that public notification of the inclusion of SNAs and other related provisions in regional policy statements and plans must occur within 5 years of the commencement date of the NPSIB. This timeframe is likely to be the end of 2027, around the same time as regional councils will be going through their freshwater plan processes, and potentially at the hearings stage if there are not enough freshwater commissioners available to hold hearings, deliberate and release recommendations for all regional councils at an earlier time. These NPSIB timeframes need to be flexible to work in with timeframes required by other national direction. Extending the timeframe for notification to be undertaken may also help to integrate the NPSIB within the new resource management framework.

#### **Recommendation 20**

- a) Amend the NPSIB timeframes in clause 4.2 for notification of SNAs and other NPSIB implementation requirements to be given effect to within 10 years; and

- b) Make the 10-year timeframe flexible to be reviewed taking into consideration timeframes required by other national direction.

#### 4.3 Timing for regional biodiversity strategies

*“(2) A regional council that, at the commencement date, has not prepared or begun to prepare a regional biodiversity strategy must initiate preparation of a strategy within 3 years after the commencement date, and must complete it within 10 years after the commencement date.”*

Comment: The timing of this will likely coincide with changes to regional policy statements and regional and district plans to give effect to the Resource Management Reform legislation, as well as freshwater plan changes. These timeframes need to be amended to be more flexible and take into account the high workload on councils over the next 10 years that will be generated by all of the central government national resource management direction.

#### Recommendation 21

Add “where practicable” to sub-clause 4.3(2) for the timeframe for completing regional biodiversity strategies.

#### 4.4 Existing policy statements and plans

*“(2) In case of dispute, the onus is on the local authority to show that, despite the different wording or terminology used, their policy statement or plan does implement this National Policy Statement.”*

Comment: The Councils strongly oppose this provision as we believe this to be unjust and unworkable. It encourages legal challenges from, for example, environmental NGOs. It implies that submitters seeking more protective indigenous biodiversity provisions in proposed plan changes or on resource consent applications will always have better information or judgement that is superior to what a council puts forward. Clause 4.4(2) does not give any recognition of local knowledge held by communities, or the district or regional context, being valid.

#### Recommendation 22

Remove clause 4.4(2) from the NPSIB.

#### Appendices 3 and 4 Principles for biodiversity offsetting, and biodiversity compensation

Comment: The principles proposed in Appendices 3 and 4 are fairly common and typical, and are generally common across the NPSFM and NPSIB (noting one exception under item 3 and a minor difference in 7). There is flexibility, although the need to prove effective stakeholder participation may be problematic and

may cause issues where the ecological offset or compensation does not meet the stakeholder expectations. For example, stakeholders may not agree with a 'like for like' net gain offset proposed by a consent applicant or their ecologist. Similarly, if a solution is suggested by an applicant, a stakeholder may want something different. Stakeholder participation can create uncertainty for finding a solution.

Under limits to offsetting, that is, when it is not appropriate - Appendix 3(2)(b) and (c) could potentially remove the consent pathway afforded specified or significant infrastructure where *"effects on extent or values are uncertain, unknown or little understood"*. There will often be cases where this will be the case. In effect this caveat within the offsetting principles not only removes the offset but is another direction to avoid the effect. Some of the West Coast's required activities and infrastructure may be adversely affected by this issue.

Appendix 3(2)(c) also states that where there is no technically feasible option – that is, options have been tried and not proven to secure the required gains in an acceptable timeframe, then an offset is also rejected. The principle does not suggest what is an acceptable timeframe or who has the authority to make that determination. The clause therefore introduces a large degree of uncertainty and subjectivity to the principle, which the Councils must unfairly carry.

If no offset is available, then compensation is the final rung in the hierarchy. However, in Appendix 4 the same criteria (as outlined above in relation to Appendix 3) are present to disallow compensation. This is in both the NPSIB and the NPSFM.

### **Recommendation 23**

- a) Remove sub-clauses (2)(b) and (c) from the compensation principles in Appendix 4.
- b) Reword sub-clauses (2)(b) and (c) in the offset principles in Appendix 3 to be more certain about the risk level being managed, that is, make the frequency of rejection of an offset less likely to be common for specified (significant) infrastructure.
- c) Reword clause (10) in the offset principles in Appendix 3 to ensure stakeholders do not achieve outcomes different to that required by the ecological assessment.

### **NPSIB Implementation Plan**

General comments: The Councils agree with the LGNZ submission, that Central Government support for indigenous biodiversity is overstated in the Implementation Plan (IP). For example, the \$40m

Sustainable Food and Fibres Futures does not clearly align or integrate well with the NPSIB. The IP further does not outline how the funding will be allocated amongst regions, districts, cities or unitary authorities, or when.

The Councils also share LGNZ's concern that the IP is silent on how the NPSIB will be integrated into the RMA reforms, and what this will mean for councils trying to meet their statutory requirements (either under the RMA or future resource management system). The legal status of the IP is unclear, and there is uncertainty around how committed the Central Government funding will be beyond Budget 2022, given election cycles, pandemics, economic recessions etc.

#### **Recommendation 24**

The Government must fund the changes it wishes to see with regards to district plans. Councils must be funded to include or complete identification of SNAs in their district plans, where they do not already do so.

#### **Roles during NPSIB implementation**

Pg 10, Table 2 of the IP says "*Regional councils may assist TAs, landowners and others with implementation.*" However, in the NPSIB, clause 3.8(3) requires that regional councils "must" assist territorial authorities if requested. These inconsistencies between the NPSIB and the Implementation Plan need to be rectified.

#### **Recommendation 25**

Amend the NPSIB and/or the Implementation Plan to remove inconsistent wording, especially substantive differences between "must" and "may".

#### **Existing support measures**

The Councils share LGNZ and the regional sector concerns about the Implementation Plan's proposal, which states that councils and mana whenua will receive \$19m. It is doubtful that this funding will be sufficient, and will likely lead to delays in implementing the NPSIB. It is unclear whether the assistance for SNA identification will extend to planning and policy development needs, and how much councils will receive. The Councils believe that the costs of identifying SNAs and making plan changes will exceed the \$19m allocated by the Government, and this ambiguity is reflected in the wording of Budget 2022.

The list of existing support measures (Pg 11) may be useful for landowners who are not negatively impacted by the regulations for having a SNA on their property. However, for those who are financially, socially or culturally adversely impacted by having an SNA or other indigenous biodiversity on their property, the ‘support’ measures do not provide for these landowners’ wellbeing, and so the 2.1 Objective may not be met.

The Implementation Plan (IP, Pg 12) refers to a number of Government funds that are available to support implementation by councils of the NPSIB. However, in the WCRC’s experience, the Nature Heritage Fund is not a guaranteed support measure. The amount of funding available is inadequate for the number of applications lodged each year. We are aware of one West Coast landowner who applied, and although DOC had identified a wetland on this person’s land that is “likely to be significant”, the wetland did not meet the Fund’s criteria for significance, and other sites were considered to be more significant in other regions. It is unreasonable to expect landowners to keep applying each year to the Fund in case their wetland or SNA is lucky enough to be the most significant in a particular year. Applying for funding takes time and energy, and repeated declines of applications diminishes landowner morale.

The new Budget 2022 funding appears to be a positive sign of financial support, provided that it is allocated equitably across regions. However, the diagram on Pg 12, and Table 3 on Page 14 focusses on clear communication. It does not explain what the messaging will be, but it appears to be linked to SNA identification. As mentioned above, this may not necessarily be the most effective tool to achieve the NPSIB Objective on the West Coast. The IP also does not explain who will manage these funds and how they will be allocated or spent. This raises questions about how ‘just’ the proposed transition will be.

#### **New support measures**

The following new support measures (Pg 11) could be useful for West Coast Councils:

- increasing council biodiversity funds to support indigenous biodiversity on private land
- direct support to assist councils with SNA identification and mapping
- pilots of new biodiversity incentives / support measures and exploration of further measures.

In terms of the first bullet point, the Councils are unsure what is involved with “*increasing council biodiversity funds*”. Note that this is now a function of the West Coast Council Regional Council and we do not currently have such a fund. If there is likely to be conditions around the Government’s direct

support, for example, that councils contribute funding to SNA identification, the Government's contribution may not in reality be sufficient for the West Coast Councils.

Direct support to assist with SNA identification and mapping could be helpful to avoid further rates rises to pay for the work. We know that these requirements will have a significant negative impact on ratepayers, and will not achieve clause (b) of the 2.1 Objective. If the direct support is insufficient, this could mean that West Coast Councils will potentially have to put on hold other workstreams such as climate change implementation; the work we believe is critical for our region.

The Biodiversity Incentives Pilots programme as outlined in the information sheet could be useful to landowners who are willing to protect and maintain a SNA or indigenous bush/forest on their land. However, for those landowners who do not want these ecological values on their land and are losing income, these Pilots would not provide the support required.

As explained in the earlier part of this submission titled "Impacts of NPSIB Exposure Draft changes on West Coast landowners", the most practical way to achieve maintenance and restoration of SNAs and native bush/forest on the West Coast is for the Government to provide economic incentives to private landowners with an SNA or native bush/forest on their land to retain them as carbon sinks. This will recognise the national benefits that West Coast SNAs and native bush/forest contribute to reducing carbon. Such incentives could be via a system similar to the Emissions Trading Scheme (ETS), or using the ETS, where landowners receive an economic return for their carbon sinks.

MFE and DOC need to work with the Ministry for Climate Change to take a collaborative and integrated approach to providing economic incentives to West Coast landowners. This will achieve both emissions reductions and biodiversity protection and maintenance. Refer to Recommendation 1 on this matter.

#### **Recommendation 26**

Provide a system of economic 'credits' for West Coast landowners similar to the ETS, or using the ETS, where landowners receive an economic return for their indigenous biodiversity carbon sinks.

#### **Other comments on Implementation Plan**

A number of clauses in the NPSIB will require changes to the West Coast Regional Policy Statement, and regional and district plans. This will create costs for drafting RMA/Natural and Built Environment Act plan

changes, as well as the cost to implement and administer workstreams such as for specified highly mobile fauna, regional biodiversity strategies and monitoring plans.

The NPSIB could be made more workable for the West Coast if the requirements are amended, or a caveat included, for small councils to implement the requirements making the best use of available resources. This assumes a more targeted directive within available work programme budgets. WCRC does not currently intend to increase its biosecurity budget due to other higher priority matters such as hazard and freshwater management. The Councils urge the Committee to be mindful of the ratepayer burden and resourcing issues when considering how best to implement the NPSIB. If Councils are given more responsibilities for protecting/maintaining/restoring indigenous biodiversity at the local/regional level, Councils will need more resourcing. A 'one size fits all' approach is not workable and untenable to councils such as ours.

If the NPSIB requirements involving field work were to be resourced similar to the 'Jobs for Nature' funding, then there may be an advantage to the WCRC, and indirectly to the region's District Councils.

Achieving indigenous biodiversity protection is directly influenced by available resourcing. The recent 'Jobs for Nature' funding illustrates this. Work for South Westland people who lost jobs during the Covid Pandemic over the last 2.5 years provided funding for additional staff to undertake recording/monitoring work. This resulted in identification of bat colonies and increased numbers of Mohua (yellowhead) that were previously unknown.

The other major contributor to indigenous biodiversity protection and maintenance on the West Coast is predator control. The increase in the Mohua population was attributed to predator control work undertaken.

#### **Recommendation 27**

- a) Amend the NPSIB, or add a caveat, for small councils to implement the requirements making the best use of available resources;
- b) Amend the Implementation Plan to include increased funding to be made available, similar to the 'Jobs for Nature' funding, for West Coast indigenous biodiversity work.

This ends our feedback.

DRAFT



388 Main South Rd, Paroa  
P.O. Box 66, Greymouth 7840  
The West Coast, New Zealand  
Telephone (03) 768 0466  
Toll free 0508 800 118  
Facsimile (03) 768 7133  
Email [info@wcr.c.govt.nz](mailto:info@wcr.c.govt.nz)  
[www.wcr.c.govt.nz](http://www.wcr.c.govt.nz)

22 July 2022

Department of Conservation

Dear Sir/Madam

**Submission on Decisions on Stewardship Land Reclassification**

Thank you for the opportunity to provide comment on the proposed reclassification proposals for Stewardship Land within the West Coast Conservancy.

The three West Coast District Councils (Buller, Grey and Westland), and the West Coast Regional Council (WCRC or the Council) have made a joint submission, which is attached. A joint submission is appropriate given the extent of Department of Conservation land holdings on the West Coast; and the four Councils are working together with mana whenua to give effect to the purpose of local government, including the preparation of a combined District Plan - Te Tai o Poutini Plan - for all three Districts under an Order in Council.

We note that the Councils are not opposed to protecting, maintaining or restoring land for Conservation purposes in principle. The West Coast/Te Tai o Poutini differs from most of New Zealand as it is fortunate to have an abundance of diverse and intact indigenous ecosystems and vegetation types.

However, the Councils strongly believe, aside from the mana whenua reclassifications, that full socioeconomic assessments need to be done in partnership with the Councils prior to reclassifications being progressed.

Our contact details for service are:

Rachel Vaughan  
Acting Planning, Science and Innovation Manager  
West Coast Regional Council  
PO Box 66  
Greymouth 7840

Phone: 021 2236867

Email: [rachel.vaughan@wcr.c.govt.nz](mailto:rachel.vaughan@wcr.c.govt.nz)

We would be grateful for acknowledgement of receipt of our submission.

Yours faithfully

Heather Mabin  
**Chief Executive Officer**

## **West Coast Council's Joint Submission on the Stewardship Land Reclassification – West Coast Conservancy**

### **Summary of Feedback**

**The West Coast Regional Council, Buller District Council, Grey District Council and Westland District Council's:**

1. Support the recommendations of the Mana Whenua Panel for reclassifications to local purpose reserves on the basis of specifically identified cultural and historical values;
2. Support the recommendations by either Panel to dispose of Stewardship Land;
3. Oppose all other reclassifications of stewardship land to specially protected areas under the Conservation Act, National Parks Act, or reserves under the Reserves Act (unless the land in question was specifically purchased by the Nature Heritage Fund for the purpose of adding it to a national park);
4. Rationale for Recommendation 3 is that full socioeconomic assessments need to be done in partnership with the Councils prior to reclassifications being progressed; and
5. Reiterate their concerns about process and limited scope of the assessments made in the earlier submission.

The Council's repeat their request for a meeting with Minister Williams to discuss the points raised in the submissions and the Council's concerns with the process.

## Introduction

The four West Coast Councils (the Councils) appreciate the opportunity to submit on the recommendations for reclassification of stewardship land in New Zealand.

In March 2022, the Councils lodged a submission on the discussion document dated November 2021, with Options to streamline processes for reclassification and disposal of stewardship land (see Attachment 1). The Councils requested a meeting with the Minister to discuss the issues raised in the March 2022 submission. The Councils note this invitation was not accepted by the Minister.

Further we note that the Councils are not opposed to protecting the Conservation values on Stewardship Land in principle. The Councils are deeply concerned that reclassification of some areas of land will adversely affect West Coast ratepayers. For the reasons set out in the submission, the National Panel recommendations fails to have proper regard to the conservation, economic and social context within which stewardship land is administered by the Department on behalf of all New Zealanders. This includes the potential use of Stewardship Land to support the West Coast's resilience and adaptation to climate change.

The National Panel recommendations also fails to acknowledge the Government's stated intention to review all conservation legislation and national policy as a priority. Proceeding with the National Panel recommendations for reclassification of large areas of land in advance of that review risks undermining, or being inconsistent with, the more fundamental review of the Conservation Act and other relevant legislation. Progressing the West Coast review in advance of other Conservancy areas further exasperates this inconsistency as the West Coast Conservancy will have been considered under different legislation to the rest of New Zealand.

As stated in the discussion document submission, large scale reclassification recommendations should not be progressed until the criteria for reclassification has been considered on a New Zealand wide basis. There is no compelling reason to rush the reclassification process in the meantime. Resources would be better spent first on a strategic review of conservation legislation and policy, of which Stewardship Land is an important part.

The 2005 Conservation General Policy, and Policy 6, should be the subject of fundamental review as part of the overall review of conservation legislation. Whole-scale reclassifications of Stewardship Land which

contain more than very low conservation values should not proceed until such a review is finalised. The Councils consider that a test for reclassification of Stewardship Land having 'no or very low conservation values' is no longer fit for purpose. Consequently, the Councils generally opposed a streamlined process which further enables the Panels to apply such a test in reclassifications.

The Councils consider that a strategic approach should be taken about what level of statutory protection should be provided to different types of ecosystems in different ecological districts and regions. If that were done, decisions about how much Stewardship Land might therefore be available for exchange or disposal could be made within that broader context.

There is an unstated assumption in the paper that all land with more than very low conservation values should be held as specially protected areas under the Conservation Act because that will give that land 'better protection'. The Councils consider that such an assumption is unwarranted and not supportable. On the West Coast there are large areas of existing conservation land which the Department does not have the resources to effectively manage for animal pests and weeds.

**Commented [LS1]:** Is this a real word? Should it be "supported"?

In the context of the forthcoming general review, changes should be made to the Conservation General Policy (and the Conservation Act if necessary) which would require the Panels to have regard to:

- (a) the social and economic benefits of Stewardship Land with more than low conservation values becoming private land by way of disposal or exchange;
- (b) the means by which conservation values can be protected and enhanced if the land is exchanged or disposed of;
- (c) the value of any Crown owned minerals in the stewardship land as part of the reclassification process (in a similar manner to s61(6) of the Crown Minerals Act); and
- (d) the cultural, economic and social values of mana whenua.

The Conservation General Policy (and the Conservation Act if necessary) should be amended to reverse the unanticipated result of the Supreme Court's decision in the Ruataniwha case that an exchange is deemed to be a disposal and therefore can only occur where there is not the potential for greater than very low conservation values.

The Department or the Minister has not released a summary of submissions on the consultation paper, nor has the government signalled any response to the submissions.

Earlier this month, the Department of Conservation publicly announced proposed reclassifications of 504 parcels of Stewardship Land on the West Coast. Councils have had to consider conservation value reports in order to make a submission. There are 290 reports, these provide a description of each piece of Stewardship Land, including its size and location. These reports have information limited to the ecological values, recreational values, heritage values, permissions and cultural values and interests of the area. There is no description of how these parcels link to the larger ecological or recreational areas, only limited information on representativeness of ecosystems, and limited information on the effects of the reclassification on existing interests in the area.

### **About the Submitter**

The West Coast Regional Council (WCRC) is the local authority, and the three District Councils are the territorial authorities in a region covering a vast area with a sparse population. Extending from Kahurangi Point in the north to Awarua Point in the south, this is the approximate distance from Wellington to Auckland. The West Coast is predominantly rural.

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (Poutini Ngāi Tahu – PNT) are mana whenua of Te Tai o Poutini (the West Coast). The WCRC's Mana Whakahono ā Rohe (Resource Management Act - Iwi Participation Arrangement) captures the intent of the WCRC and Poutini Ngāi Tahu to progress our relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown.

The WCRC and the three territorial authorities (the Buller, Grey and Westland District Councils) work closely together. Outside of the main towns of Westport, Greymouth, Reefton and Hokitika, the region's relatively small population of approximately 32,600 is spread across smaller settlements and rural communities. It is important that central government priorities for protecting, maintaining and restoring indigenous biodiversity are relevant to our unique region, and beneficial to the social, economic, and cultural well-being of all West Coast communities and the natural environment.

The Conservation Estate comprises 84.17% of the West Coast land area, with an additional 1.55% administered by Land Information New Zealand (LINZ). Conservation Estate is not rateable land, therefore it does not contribute to local governance in the Region.

Figure 1: Map of New Zealand to highlight 600km length of West Coast Region compared to distance between Auckland and Wellington



**The West Coast region stretches the equivalent distance of that between Auckland and Wellington**

### Impacts of National Panel Recommendations on West Coast landowners

The Councils are concerned that the changes in land status will change the ability for the Department to grant access over land with each of those new classifications, for uses other than conservation, or to otherwise deal with the land.

Legal advice suggests that despite the same legal tests applying, it is likely to be more difficult to obtain concessions or access arrangements for commercial activities on specially protected conservation areas than it is for such activities on Stewardship Land. This would further foreclose the ability for economic activity on the West Coast, which is already constrained due to the limited availability of non-conservation land.

Only Stewardship Land is available for exchange under s16A of the Conservation Act. Specially protected conservation areas cannot be exchanged, although it is possible to exchange most types of reserves held

under the Reserves Act. (The Conservation Authority has recommended that exchanges be allowed for most specially protected areas – dependent on the specific values which an area in question has).

Parts of specially protected areas cannot be exchanged under s16A. Specially protected areas can be reclassified as stewardship areas (and therefore available for exchange under s16A) only if the land in question no longer has the conservation values for which it was classified.

An increasing number of wetlands and indigenous bush/forest areas on private land are having land use and development restrictions placed on them by central government policy and regulation, such as the National Policy Statements for Freshwater Management, and Indigenous Biodiversity, and the National Environmental Standard for Freshwater. The identification and protection of freshwater and terrestrial Significant Natural Areas (SNAs) on private land under the Resource Management Act further reduces the availability of private land for economic, social and cultural use and development.

Various studies boast of the economic benefits SNAs contribute to the tourism sector. This is of little relevance when 84% of the West Coast is already public conservation land (PCL). The additional 7% that is bush on private land is going to make little difference to tourism values in that context.

With Government support through funding initiatives such as the Tai Poutini Regional Growth Study and the Provincial Growth Fund, the West Coast has been promoting the tourism potential of the natural environment as it sought other opportunities to build the economy. However, the global pandemic turned off the international 'tourist tap' virtually overnight. It is likely to take many years before the tourism economy returns to pre-Covid numbers, if it ever does. Eco-tourism ventures on Public Conservation Land is a limited source of income, and does not provide certainty or diversity for our regional economy.

Other regions have a more diverse local economy with a range of industry stimulating economic activity. Economic sectors on the West Coast are facing climate adaptation requirements, agricultural restrictions through the Freshwater Package and requirements to protect indigenous biodiversity on private land, further restricting productive opportunities.

There is a question of equitable fairness across the nation. Most regions throughout New Zealand have benefitted economically from clearing vast proportions of their natural areas over time. However, due to the topography, isolation, settlement patterns and other factors, the West Coast did not experience the

same level of development and native vegetation clearance. Now the region is economically penalised as the importance of such areas is recognised and legislation and restrictions around development are implemented.

The West Coast Councils particularly support Federated Farmers and our local run holders' submissions. Although these grazing run situations will differ depending on the land parcel, there is a general concern that grazing runs and national parks do not go together. It is a risk for landholders when grazing runs are reclassified as in some instances, they can no longer graze them. Grazing lease terms have been reduced since DOC was formed, in 1987 the term was 5+5+5 years; they are now renewed for only 5+5 years. This gives no certainty as farming on remote 'river run' blocks is multi-generational. It is worth noting that grazing concessions and leases are historic. Some are still in original settler families, and have been taken over in succession, for example, the Sullivan family have farmed in South Westland for 125 years, and another family has farmed around Haast for 130 years.

The Stewardship Land recommendations also affect existing concession and access arrangement holders who require long term certainty for business planning. This includes:

- helicopter operators undertaking tourism and other activities, including pest control on public conservation land;
- primary industries including moss pickers;
- access to private landholdings for agriculture or forestry;
- apiarist access to beehives;
- quarry operators that may supply rock for roading, the rail network, buildings and flood protection infrastructure;
- miners as well as concessionaires and grazing run holders; and
- the West Coast Regional Council's monitoring equipment located on Department land which is necessary for flood warning for Communities.

Table 1 below outlines the current permissions which may be affected by reclassification recommendations.

Conservation management strategies under the Conservation Act must implement the Conservation General Policy. The Councils are concerned that this may foreclose current uses on some areas that are reclassified. A concession can only be granted if it is consistent with the relevant conservation

management strategy. In considering an access arrangement application for mining activities, the Minister must have regard to the Conservation General Policy (see Attachment 3 for a copy).

For all activities in national parks, the General Policy: National Parks applies rather than the General Policy: Conservation. This General Policy is issued by the Conservation Authority rather than the Minister. The Conservation General Policy and the General Policy: National Parks are therefore critical policy documents in determining whether an access arrangement or a concession can be granted, and whether stewardship land can be exchanged or disposed.

Table 1: Summary of current permissions on stewardship land on the West Coast

Summary of current permissions on stewardship land on the West Coast

Permission type	Number of permissions	Permission duration
Access arrangement	125	Linked to permit under Crown Minerals Act, timeframe varies
Grazing concession	175	Up to 10 years
Easement concession	56	Up to 30 years in most cases, may be up to 60 years
Beehive concession	4	Up to 10 years
Structure concession	66	Up to 30 years
Gravel extraction concession	46	Up to 10 years
Guiding concession	4	Up to 10 years
Aircraft concession	4	Up to 10 years
Telecommunications sites	38	Up to 10 years
Accommodation concession	46	Up to 30 years, may be up to 60 years
Storage concession	1	Up to 30 years
Wild animal control	10	Up to 10 years
Total	575	

## Submission Feedback

The West Coast Regional Council, Buller District Council, Grey District Council and Westland District Council's:

1. Support the recommendations of the Mana Whenua Panel for reclassifications to local purpose reserves on the basis of specifically identified cultural and historical values;

The Councils support the Mana Whenua recommendations where there has been identification of specific cultural and historical values, but oppose all other reclassifications proposed by the Government-appointed Review Panel on the basis that no reclassifications should proceed without a full socioeconomic assessment being made by the Department in partnership with the Councils.

2. Support the recommendations by either Panel to dispose of Stewardship Land;

The Councils support the disposal options agreed by the two Panels, as there is agreement that none of this land holds conservation value. It is noted by the Councils that the disposals form only 0.01% of the land area under consideration as part of this process.

The Councils draw the Panel's attention to the list in Attachment 2, which was considered as part of this review.

3. Oppose all other reclassifications of stewardship land to specially protected areas under the Conservation Act, National Parks Act, or reserves under the Reserves Act (unless the land in question was specifically purchased by the Nature Heritage Fund for the purpose of adding it to a national park);
4. Rationale for Recommendation 3 is that full socioeconomic assessments need to be done in partnership with the Councils prior to reclassifications being progressed; and

The proper reclassification, disposal, or exchange of Stewardship Land is a significant issue impacting on the environmental, economic, social and cultural wellbeing of the West Coast and all our communities.

In general terms, the Councils are supportive of measures to streamline the process for the reclassification, exchange and disposal of existing Stewardship Land. However, for the reasons set out in the submission, the Discussion Document fails to have proper regard to the conservation, economic and social context within which Stewardship Land is administered by the Department on behalf of all New Zealanders. This includes the potential use of Stewardship Land to support the West Coast's resilience and adaptation to climate change.

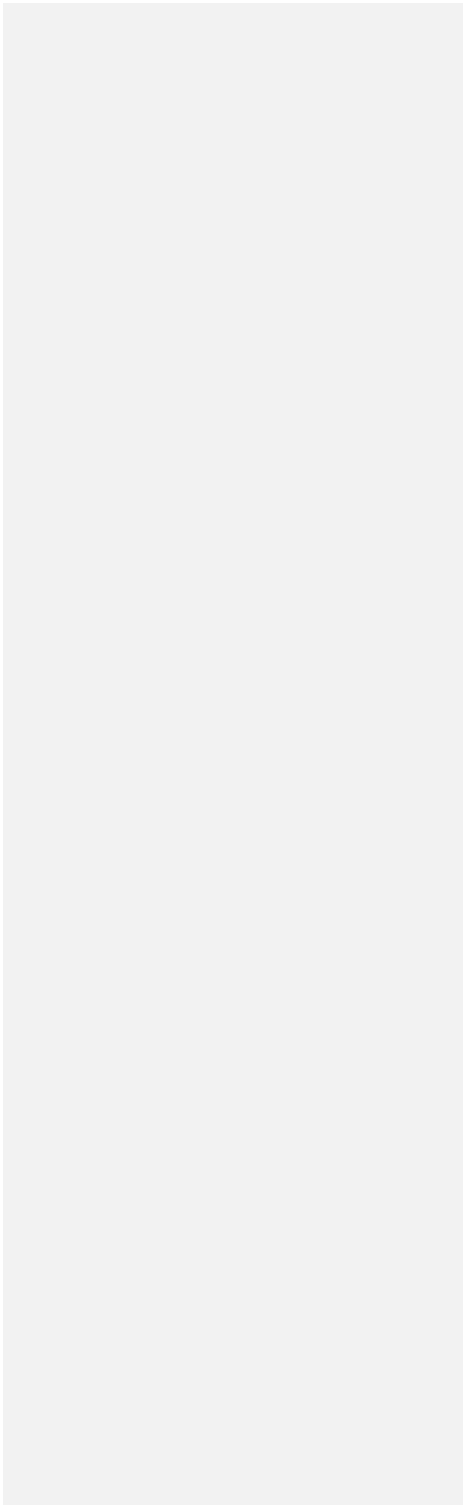
Large-scale reclassifications should not be progressed until the criteria for reclassification have been reconsidered. Unless the criteria are amended to enable these wider considerations to be taken into account there is no compelling reason to adopt the reclassification recommendations, notwithstanding the Government's desire for speed. Resources would be better spent first on a strategic review of conservation legislation and policy, of which Stewardship Land is an important part.

Having said that, the Councils agree that the Panels can perform an important role in the meantime, and that certain changes to the reclassification process can usefully be made. The Councils wish to highlight the importance of finding the right balance by ensuring that there is no further decline in economic, social or cultural wellbeing on the West Coast.

5. Reiterate their concerns about process and limited scope of the assessments made in the earlier submission.

The Council's March 2022 submission is attached to this submission as Attachment 1.

This ends our feedback.



**Attachment 1**

Submission on Stewardship land in Aotearoa New Zealand discussion document: Options to streamline processes for reclassification and disposal. March 2022

**Attachment 2**

List of Department land not included in review

### Attachment 3

#### The role of Conservation General Policy and General Policy: National Parks

1. Statements of general policy (known as Conservation General Policy - CGP) are issued by the Minister under the Conservation Act.
2. The Supreme Court in the Ruataniwha Dam case decided that, because of the way the Conservation General Policy under the Conservation Act is worded, an exchange of land under s16A is defined as a type of 'disposal' of land. Under the General Policy 6 an exchange or a disposal can only happen where the land has "no, or very low, conservation values". In 2016, the Conservation Authority recommended to the Minister that she change the Conservation General Policy to re-establish that exchanges of stewardship land can take place where there is an overall 'net gain'.
3. Changing the CGP is a publicly notified process, but the Minister is the final decision maker.
4. Conservation management strategies under the Conservation Act must implement the Conservation General Policy. A concession can only be granted if it is consistent with the relevant conservation management strategy. In considering an access arrangement application for mining activities, the Minister must have regard to the Conservation General Policy.
5. For all activities in national parks, the General Policy: National Parks applies rather than the General Policy: Conservation. This General Policy is issued by the Conservation Authority rather than the Minister.
6. The Conservation General Policy and the General Policy: National Parks are therefore critical policy documents in determining whether an access arrangement or a concession can be granted, and whether stewardship land can be exchanged or disposed.
7. The following is a summary of relevant policies from the General Policy: Conservation, the General Policy: National Parks, and the West Coast Conservation Management Strategy.

#### Conservation General Policy 2005 – activities requiring authorisation policies

##### 11.1 All activities

- 11.1 (a) *Any application for a concession or other authorisation will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any conservation management strategy or plan.*
- 11.1 (b) *All activities on public conservation lands and waters which require a concession or other authorisation should, where relevant, avoid, remedy or mitigate any adverse effects (including cumulative effects) and maximise any positive effects on natural resources and historical and cultural heritage, and on the benefit and enjoyment of the public, including public access.*

##### 11.2 Grazing and farming

- 11.2 (a) *The following criteria should be applied when considering applications for grazing and farming concessions:*
- i. *the land is in existing pasture or farming use;*
  - ii. *the number and type of stock are suitable for the location and land type;*
  - iii. *grazing animals can be effectively controlled;*
  - iv. *any adverse effects of stock on waterways, wetlands and riparian zones can be avoided or otherwise minimised;*
  - v. *there are no adverse effects on wāhi tapu;*
  - vi. *there is no risk of erosion caused by grazing or farming;*
  - vii. *the need to use grazing for management purposes;*
  - viii. *the potential for restoration is not compromised; and*
  - ix. *public access is maintained.*
- 11.2 (b) *Grazing concessions should be issued for a fixed period and market rentals should be paid.*

#### **11.4 Crown minerals and pounamu**

- 11.4 (a) *All applications for access arrangements to minerals on public conservation lands and waters will be considered under section 61(1A), where applicable, and section 61(2) of the Crown Minerals Act 1991.*
- 11.4 (b) *Access arrangements for the removal of pounamu from public conservation lands and waters within the takiwā of Ngāi Tahu will be considered only where the applicant has authorisation for collection from the kaitiaki rūnanga of Te Rūnanga o Ngāi Tahu.*
- 11.4 (c) *Conservation management strategies and plans will identify where sand, shingle or other natural mineral material can be removed from the bed of a lake or river or foreshore, consistent with the protection of natural resources and historical and cultural heritage values.*

#### **West Coast Conservation Management Strategy 2010 – activities requiring authorisation policies**

##### **General**

1. *The cumulative effects of other authorities for use, issued in respect of a particular area or opportunity, should be taken into account when considering new applications for those areas or opportunities.*
2. *When approving concessions or other authorisations, specific conditions may be applied as deemed appropriate.*
3. *The Department should periodically monitor compliance with authorisation conditions.*
4. *The Department should apply the 'Concession allocation in limited supply situations guideline', developed in conjunction with the Ministry of Tourism and Tourism Industry Association New Zealand, in order to ensure the best outcome is achieved for natural, historical and cultural heritage values and recreational opportunities*

##### **Crown Minerals**

1. *The Minister will consider each application for an access arrangement on a case-by-case basis, in accordance with the criteria set out in the relevant section (i.e. s61 or s61A and s61B) of the Crown Minerals Act 1991.*
2. *When assessing an application for an access arrangement for prospecting, exploration or mining, consideration should be given to (but not be limited to):*
  - a) *the significance of the conservation values present and the effect the proposal will have on those values;*
  - b) *the adequacy and achievability of the proposed site rehabilitation work (see also Policy 3 below); and*

- c) the adequacy or appropriateness of any compensation offered for access to the area (see also Policy 4 below).
- 3. Appropriate site rehabilitation methods should be employed.
- 4. Compensation should be required when damage to, or destruction of, conservation values cannot be avoided, remedied or mitigated and will be determined on a case-by-case basis.
- 5. Where ancillary activities such as roads and infrastructure can reasonably be located off public conservation land, this will be expected.
- 6. The term of any access arrangement should be limited to the period reasonably required to carry out the defined work, including site rehabilitation after mining has been completed.
- 7. Low-impact access options will be preferred (e.g. the use of existing formed roads, or helicopters in areas without existing roads).

#### **Grazing and Farming**

- 1. Grazing licences may be granted for a term of 15 years, unless the achievement of the outcomes and objectives of this CMS, any relevant management plan or any constraints require a lesser period.
- 2. Te Rūnanga o Ngāi Tahu should be consulted when considering applications to graze areas containing nohoanga entitlement sites. Approval may include specific conditions to protect the site, e.g. fencing (see also Section 3.1.3.4).
- 3. Concessionaires shall not unreasonably withhold consent to hunters who hold a current hunting permit issued by the Department of Conservation to hunt on the site, or access to hunters who wish to cross the site.

#### **National Parks General Policy 2005 – activities requiring authorisation policies**

##### **General**

- 10.1(b) Any application for a concession or other authorisation will comply with, or be consistent with, the purposes of the National Parks Act 1980, the statutory purposes of the place where the activity is located, the conservation management strategy and the national park management plan.
- 10.1(c) Conservation management strategies and national park management plans should, subject to policy 10.1(b), require that all activities in national parks which require a concession or other authorisation:
  - i) be consistent with the outcomes planned for places;
  - ii) be consistent with the preservation as far as possible of the national park in its natural state;
  - iii) minimise adverse effects, including cumulative effects, on other national park values;
  - iv) not have any adverse effects on the existing recreational opportunities in the area;
  - iv) be restricted to the use of existing access; and
  - v) minimise adverse effects on the benefit, use and enjoyment of the public, including public access.

##### **Grazing and farming**

- 10.2(a) A national park management plan may make provision for grazing or farming only on land which is already farmed or grazed, and only where the balance of evidence demonstrates that it is in the public interest that farming or grazing on that land should continue.
- 10.2(b) An application for a grazing or farming concession for a national park may, subject to policy 10.2(a), be granted where:
  - i) there is no risk of erosion caused by grazing or farming;

- ii) *national park values will not be detrimentally affected;*
- iii) *grazing animals can be effectively controlled;*
- iv) *the number and type of stock are suitable for the location and land type;*
- vi) *adverse effects of stock on waterways, wetlands and riparian zones can be avoided;*
- vii) *freedom of entry and access for the public can be maintained;*  
*and*
- viii) *the potential of sites for restoration will not be compromised.*

10.2(c) *Any grazing concession issued should, where possible, be for a term not exceeding five years, and market rentals should be paid.*

10.2(d) *National park management plans may make provision for continuation of grazing in the public interest as a management tool where the balance of evidence has shown this is appropriate to preserve particular indigenous species, habitats and ecosystems and other national park values.*

## **BULLER DISTRICT COUNCIL**

**27 JULY 2022**

### **AGENDA ITEM 6**

**Prepared by** Jamie Cleine  
Buller District Mayor

**Appendix** 1 TTPP Public Notification Notice  
2 TTPP Project Managers Report  
3 Mayors Correspondence

### **MAYOR'S REPORT**

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#### **1. REPORT SUMMARY**

This report is to provide commentary of significant events and meetings attended by the Mayor. The report also provides information on advocacy or political matters currently before Council.

#### **2. DRAFT RECOMMENDATION**

- 1. That Council receive the report for discussion and information.**
- 2. That Council receive and note incoming and outgoing correspondence and Councillors provide direction for any responses or additions.**

#### **3. COUNCIL**

##### **3.1 Mayors' Taskforce for Jobs (MTFJ)**

A very busy June for MTFJ Buller. Very fortunate to have gained an additional \$50,000 to ensure we were able to continue the support of our young people and the business owners that employ them. This has exhausted the available funds, bringing to a close a record year for the programme in Buller. A full summary will be provided as a year-end report next month.

The Covid wave in Buller is continuing to be very disruptive to many businesses, with reports of 25% staff illness at any given time being common. Demand for staff across the District is still very high as the flood rebuild and supporting industries continue to be extremely busy.

Other commercial construction is also now well underway with Westport health facilities and the Punakaiki visitor centre. Recent announcements by Minister Kieran McNulty of \$10million for various infrastructure

repairs continues to build on the pipeline of infrastructure related projects to be delivered over the coming 24 months.

Westland Mineral Sands has largely completed the consenting process and is beginning establishment of their business in Westport. This will further add to the skilled operator, shipping and maintenance type roles available.

Overall, I'm optimistic that Buller continues to think strategically to maximise the opportunities to diversify the economy, whilst minimising downside risk to ratepayers. All of this has been well supported by the availability of MTFJ funds and I look forward to how the programme will be delivered in 2022/23 now continuation has been confirmed.

**Sustainable Employment Outcomes:**

June 2022: 16	June approved applications: \$ 51,071
Year to date: 107	Total YTD: \$550,012

**3.2 Ministerial Visit**

I hosted the Hon Kieran McAnulty in Westport on Thursday 23 June. Mr McAnulty is the newly appointed Minister for Emergency Management so has responsibility for the National Emergency Management Agency (NEMA). The excellent working relationship BDC has with NEMA at both ministerial and officials' level has been critical to respond to the natural hazard emergencies we have faced over the past 12 months and to jointly develop a meaningful recovery plan.

The Minister announced an extra \$10 million to fund an infrastructure recovery programme. This funding package (Tranche 2 total \$17.14m) will help to restore damaged infrastructure including repairing Westport Port wharf, flood protection reinstatement in Westport and Reefton, dredging the Buller River and some Three Waters repairs.

This investment will help the region to get beyond basic recovery and into a phase of longer term resilience, which is important given the increasingly frequent and severe weather events caused by climate change.

The funding also goes beyond the Government's usual financial support arrangements due to the unique set of circumstances faced by Buller, which lacks the resources and ratepayer base to fund a recovery of this scale.

### 3.3 BULLER MAYORAL RELIEF FUND (MRF)

**BULLER DISTRICT COUNCIL  
MAYORAL RELIEF FUND - JULY 2021 FLOOD EVENT  
STATUS REPORT AS AT 19 JULY 2022**

**FUNDS RECEIVED**

Central Government		
(\$300,000 less GST)	260,870	
Community Lead Donations	410,885	
<b>TOTAL FUNDS RECEIVED</b>		671,755

**Less FUNDS DISTRIBUTED**

645 Applications Approved		552,537
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<b><u>BALANCE OF FUNDS AVAILABLE FOR DISTRIBUTION</u></b>	<b>\$</b>	<b>119,218</b>
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**MAYORAL RELIEF FUND - FEBRUARY 2022 FLOOD EVENT  
STATUS REPORT AS AT 19 JULY 2022**

**FUNDS RECEIVED**

Central Government		
(\$100,000 less GST)		86,957

**Less FUNDS DISTRIBUTED**

41 Applications Approved		35,846
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<b><u>BALANCE OF FUNDS AVAILABLE FOR DISTRIBUTION</u></b>	<b>\$</b>	<b>51,111</b>
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## 4. EXTERNAL MEETINGS & EVENTS

### 4.1 Te Tai Poutini Plan TTPP (One District Plan)

The Committee met on 21 June at West Coast Regional Council.

The following technical reports were received and discussed by the Committee:

- Outstanding Natural Landscapes
- Feedback from the Schedule 1 (3) Consultation process
- Report on the hearings commissioner nominations process
- Update on the draft National Policy Statement on Indigenous Biodiversity

The Committee also approved the Draft Te Tai Poutini Plan to be released for formal public consultation.

A copy of the Public Notice that outlines the key changes and consultation information, including the submission process and time frames is included as Appendix 1.

The TTPP project managers report for June is included as Appendix 2.

## **5. LOCAL EVENTS & RELATIONSHIP MEETINGS**

I have attended various local events and relationship meetings over the period. Some highlights included:

- I travelled to Hokitika to participate in a hui seeking to establish the new Health Locality for the West Coast. This innovation is in the establishment phase and seeks to improve wellbeing of West Coast residents by developing a more holistic approach.

The locality governance team will engage with local government via the Mayors, Chairs & Iwi forum in the first instance. After local body elections it may be decided to have local government as part of the governance group more directly, this is yet to be decided.

- Informal catch-up with the senior management and governance team of Buller Holdings Limited (BHL). This was a great opportunity to hear an update on the companies and to meet in person with the Board of Directors. Both companies are performing very strongly with the dividend return assisting Council in keeping rates more affordable.
- Mayors Chats Reefton: Cr John Bougen provided a tour and update on a number of local issues. This included a site visit up the water reservoir access track to understand community concerns around ground water run-off and maintenance of culverts. The fix for this is a work in progress and has been included in forward works planning.
- Radio New Zealand morning report interview on the liveability of Buller where I discussed the many positives of living and working here. The opportunity we have as a District to proactively plan and build a more resilient future by assessing and managing our natural hazard risks was also discussed.

Buller has been reminded by a lived experience of these risks and as a community we are working together with central government on what may become a blueprint for similar communities around New Zealand as we plan for climate change effects.

- Council climate change adaptation planning. Stakeholder workshops facilitated by local consulting firm Dextera with assistance from specialists in climate adaptation, Urban Intelligence from Christchurch. The workshop was to bring together stakeholders to do a “first cut” risk assessment process that will inform a climate adaptation plan.

That plan seeks to map out and timeline actions specific to the District over the coming decades. This is extremely important and strategic work for the District and is exactly the role Council needs to be leading if we are to build a plan that helps prepare our community for the next generation.

- West Coast Emergency Management Joint Committee met and approved four people to be trained as incident controllers. This is a great response to our recent call for volunteers and I'm very appreciative of the willingness of people to take on these responsibilities.
- I attended a Zoom conference with Mayors and Chief Executives from around New Zealand for an update on central government reforms including Three Waters, Future for Local Government and the early stages of the new Government Policy Statement for Land Transport.
- Sport Tasman, Rainbow Colour Obstacle Course. This is to support charity InsideOUT, that works to give rainbow young people in Aotearoa New Zealand a sense of safety and belonging in their schools and communities.
- Buller Resilience Trust. The Trust is developing the process for receiving funding applications to be assessed against our strategic outcomes and priorities. A website and documentation will be available in coming months.

## 6. CORRESPONDENCE

For Council consideration – see attached as Appendix 3

Incoming Correspondence 2022		
8 July 2022	NZTA Director, James Caygill	Karamea SPR response letter
Outgoing Correspondence 2022		
30 June 2022	Graham Howard	Public Forum response
30 June 2022	Hon. Nanaia Mahuta	Flood Resilience - Westport



# Te Tai o Poutini PLAN

*A combined district plan for the West Coast*

## Public Notice of Proposed Te Tai o Poutini Plan the Combined District Plan for the West Coast Clause 5 of Schedule 1 of the Resource Management Act 1991

**Te Tai o Poutini Plan Committee gives public notice of the Proposed Te Tai o Poutini Plan, the Combined District Plan for the West Coast.** Te Tai o Poutini Plan will be the key statutory planning document for the Buller, Grey and Westland District Councils. It controls where activities can locate and how land can be used, developed and subdivided, and has been prepared in accordance with the Resource Management Act 1991. The Proposed Te Tai o Poutini Plan is intended to replace the current Operative Westland, Grey and Buller District Plans. It applies to all properties in the three districts.

### Where to view the Proposed Te Tai o Poutini Plan

The Proposed Te Tai o Poutini Plan and supporting information are in digital e-plan format, available on the following link [www.ttp.westcoast.govt.nz](http://www.ttp.westcoast.govt.nz) It can also be inspected at the venues listed in the table below:

Town	Venue	Address
Karamea	Information Centre	106 Bridge St
Ngakawau	Ngakawau Community Resource Centre	30a Main Road
Westport	Buller District Council	6/8 Brougham Street
	Westport Library	87-89 Palmerston St
Reefton	Reefton Service Centre	66 Broadway
Punakaiki	Paparoa National Park Visitor Centre	4294 Coast Road
Greymouth	Grey District Council	105 Tainui St
	Grey Library	18 Albert St
	West Coast Regional Council	388 Main South Rd, Paroa
Moana	Hotel Lake Brunner	34 Ahau Street
Arahura	Arahura Marae	1 Old Christchurch Rd
Hokitika	Westland District Council	36 Weld St
	Westland Library	20 Sewell St
	Makaawhio Runanga Offices	56 Brittan Street
Ross	Ross Hall	25 Stewart St
Okarito	Donovan's Store	
Franz Josef	Community Centre	10 Ferguson Place
Fox Glacier	Community Centre	51 Cook Flat Road
Haast	Department of Conservation Visitor Centre	State Highway 6, Okuru

The e-plan includes maps and a property search function that enables users to determine how the Proposed Te Tai o Poutini Plan applies to a particular property.

### Rules with immediate legal effect

The rules in the Proposed Te Tai o Poutini Plan do not have immediate legal effect except for rules that relate to:

- Historic Heritage;
- Sites and Areas of Significance to Māori;
- Ecosystems and Indigenous Biodiversity;
- Natural Character and the Margins of Water; and
- Activities on the Surface of Water.

The rules that have immediate legal effect are clearly identified in the Proposed Te Tai o Poutini Plan with a red gavel symbol. You may require a resource consent under the Proposed Te Tai o Poutini Plan if you wish to undertake work on, or within, these items or areas. These items and areas are shown on the maps and can be viewed on the e-plan.

### Key changes from the Operative District Plans

As the Proposed Te Tai o Poutini Plan is a review of the three Operative District Plans in their entirety, the objectives, policies and rules that apply to your property (or property of interest to you) are proposed to change. Key proposed changes include the following:

- A number of new zones including Residential Zones, Commercial and Mixed-Use Zones, Rural Zones and Special Purpose Zones are introduced;
- Provision for future growth by introducing a new Medium Density Residential Zone which encourages denser urban development, as well as identifying land for future housing and business in a Future Urban Zone. Where land is within a Future Urban Zone there may be restrictions on how it can be used;
- New objectives, policies and rules enabling housing, including more permissive rules for more intensive housing in existing residential areas;
- New objectives, policies and rules for District wide matters including infrastructure, subdivision, earthworks, transport, energy, noise, light, temporary activities, activities on the surface of water and signs;
- A new risk-based approach to managing natural hazards including coastal (inundation, erosion and tsunami), earthquake, lake tsunami/seiche, land instability and flood (severe, susceptibility and plain). There are also Westport and Hokitika specific hazard overlays. The proposed rules may restrict some activities depending on the overlay and development;
- Recognition and promotion of Tangata Whenua values, including through a new Māori Purpose Zone, identification of sites and areas of significance to Māori and by enabling papakaingā housing across the region;
- A new Rural Lifestyle Zone that specifically enables rural-residential lifestyle blocks;
- Inclusion of buildings and sites of historic and cultural importance, and new objectives, policies and rules in relation to how they are managed;
- Identification and protection of areas of indigenous biodiversity, known as Significant Natural Areas, including on private property. To enable their protection, the Proposed Te Tai o Poutini Plan identifies Significant Natural Areas within the Grey District, and retains broad native vegetation clearance restrictions across the Buller and Westland Districts;
- Identification and protection of outstanding natural landscapes, outstanding natural features, and areas of high and outstanding natural character in the coastal environment.

Visit the Proposed Te Tai o Poutini Plan to view all of the proposed changes: [www.ttp.westcoast.govt.nz](http://www.ttp.westcoast.govt.nz)

#### Notices of requirement for designations

The Proposed Te Tai o Poutini Plan includes three new notices of requirement for designations. These relate to education facilities. The specific notices of requirement are as follows:

Requiring Authority	Location of New Designation	Purpose of Designation
Ministry of Education	St John Paul II High School 10 Alexander St, Greymouth Lot 2 DP 421099, Lot 6 DP 2780, Lot 3 DP 1510, Lot 4 DO 1510 and Lot DP 1510	Education Purposes
Ministry of Education	St Patrick's School 13 Puketahi Street, Greymouth Lot 1 DP 2780, Lot 3 DP 330, Lot 4 DO 330, and Lot 2 DP 421099	Education Purposes
Ministry of Education	St Mary's School 71 Sewell Street Hokitika Lot 1 DP 3795 and Lot 1 DP 1807	Education Purposes

In addition to the new notices of requirement, modifications are also sought to a number of existing designations. All new notices of requirement and modified designations can be viewed in the Designations section of the Proposed Te Tai o Poutini Plan and on the planning maps.

#### Making a submission on the proposed Te Tai o Poutini Plan

The committee invites any person, including local authorities, to make a submission on the Proposed Te Tai o Poutini Plan. There are some limitations on the ability of trade competitors, which can be found in clause 6 of Schedule 1 of the RMA.

#### How to make a Submission on the Proposed Te Tai o Poutini Plan

You can make a submission through the following means:

- **e-plan:** [www.ttp.westcoast.govt.nz](http://www.ttp.westcoast.govt.nz)
- **Email:** [info@tpp.nz](mailto:info@tpp.nz)
- **Post:** Te Tai o Poutini Plan Submissions, PO Box 66, Greymouth 7840
- **Delivery:**
  - Buller District Council, 6-8 Brougham St, Westport,
  - Grey District Council, 105 Tainui St, Greymouth

- Westland District Council, 36 Weld St, Hokitika or;
- West Coast Regional Council, 388 Main South Rd, Paroa, Greymouth

Please mark "Attention: Proposed Te Tai o Poutini Plan, Submission"

**Copies of the submission form are available at all venues where hard copies are displayed and from our website at [www.ttp.westcoast.govt.nz](http://www.ttp.westcoast.govt.nz). The submission must include information in Form 5 of the Resource Management Act 1991 and must state whether or not you wish to be heard in support of your submission.**

## Submissions close at 5.00pm on Friday 30 September 2022

### What happens next?

The process for public participation in the consideration of the proposal under the Resource Management Act 1991 is as follows:

- After the closing date for submissions, Te Tai o Poutini Plan Committee must prepare a summary of decisions requested by submitters and give public notice of the availability of this summary, and where the summary and submissions can be inspected; and
- There must be an opportunity for the following persons to make a further submission in support of, or in opposition to, the submissions already made:
  - Any person representing a relevant aspect of the public interest
  - Any person who has an interest in the proposal greater than the general public has
  - The local authority itself; and
- If a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and
- Te Tai o Poutini Plan Committee must give its decision on the provisions and matters raised in the submissions (including its reasons for accepting or rejecting submissions) and give public notice of its decision within 2-years of notifying the Proposed Te Tai o Poutini Plan and serve it on every person who made a submission at the same time; and
- Any person who has made a submission has the right to appeal against the decision on the proposal to the Environment Court if:
  - In relation to a provision or matter that is the subject of the appeal, the person referred to the provision or matter in the person's submission on the proposal; and
  - In the case of a proposal that is a proposed policy statement or plan, the appeal does not seek the withdrawal of the proposal as a whole.

**Rex Williams**

Chair

On behalf of Te Tai o Poutini Plan Committee

14 July 2022



**Te Tai o Poutini**  
PLAN  
*A combined district plan for the West Coast*

# Project Manager Update

**1 June 2022 – 30 June 2022**

Prepared By: **Jo Armstrong**  
Date Prepared: **30 June 2022**

## Accomplishments this Period

- June has been another busy month. With the deadline to complete the proposed TTPP fast approaching, the team focussed on final updates to the proposed Plan and the overlays.
- Writing the section 32 reports is also requiring a lot of staff time.
- The staff are also working on other reports and information sheets to accompany the proposed Plan.
- The Plan has been peer reviewed by an independent planner, and any changes made.
- User testing of the e-plan was also undertaken, and the Plan updated.
- Venues for the public meetings in August have been booked, so advertising will be ready at notification.
- Public tutorials on e-plan use are booked at the four main libraries. Library staff will get refresher training just prior to these tutorial sessions.
- There are no Committee meetings planned for July or August as consultation will be underway.
- The meeting scheduled for 8 September is primarily to approve the Committee's submission on TTPP. This allows small changes to be made without having to undertake a plan change. New information that may be received and which supports changed Plan provisions will also be introduced through this submission.

## Plans for Next Period

- Finalise section 32 and other reports and information sheets
- Print proposed Plan, map books and consultation materials
- Display hard copies of proposed TTPP at 19 venues across the West Coast
- Publish reports and information sheets online
- Update WCRC Resource Management Committee
- TTPPC meeting 8 September 2022 from 9.00am at West Coast Regional Council.





## Key Issues, Risks & Concerns

Item	Action/Resolution	Responsible	Completion Date
Not getting key stakeholder buy-in	Contact and meet with them individually. Plan stakeholder workshops and on-going engagement process	Project Manager	Ongoing

## APPENDIX 2

Item	Action/Resolution	Responsible	Completion Date
Not producing a proposed plan in a timely manner	Set achievable milestones and monitor/report progress. Identify additional expertise and/or capacity	Project Manager Planning Team	30 June 2022
Decision makers can't agree	Get agreement on pieces of work prior to plan completion	Chairman	Ongoing
Budget insufficient for timely plan delivery	Work with TTPPC to recommend budget, and with WCRC to raise rate to achieve deliverables	Project Manager TTPP Committee CE WCRC	Annually Jan/Feb
Changes to national legislation	Planning team keep selves, Committee and Community updated on changes to legislation and the implications for TTPP	Project Manager Planning Team	Ongoing
Staff safety at public consultation	Committee members to proactively address & redirect aggressive behavior towards staff	TTPP Committee	Ongoing
National emergencies such as Covid-19 lock down	Staff and Committee ensure personal safety and continue to work remotely as able. Work with contractors to expedite work.	Project Manager TTPP Committee	Ongoing
Committee delay or reduce scope of required research	Committee ensure timely research is enabled	TTPP Committee	Ongoing
Time and Cost of Appeals Process	Realistic budget set for best case costs. Awareness that contentious issues such as SNAs, natural hazards, mineral extraction and landscape provisions could see an extended appeals process, increasing costs to reach operative plan status	TTPP Committee TTPP Steering Group Project Manager	Ongoing
Fast track budget insufficient to meet new timing for Proposed Plan notification by 14 July 2022	Project Manager to report monthly on whether anticipated expenditure for the remainder of the period is on track to be met by the allocated budget	Project Manager TTPP Committee	31 July 2022
Insufficient capacity for council and iwi technical staff to input fully into Draft and Proposed Plans	Planning Team provide outline of needs for technical input. TTPP Steering Group determine best delivery of technical services	Project Manager TTPP Steering Group	30 June 2022
Unable to meet 14 July 2022 notification date	Keep Committee informed of delays and investigate mitigation options	Project Manager TTPP Steering Group	31 July 2022
Risk of confidential, unverified or draft information being made public, negatively impacting development of TTPP (financially and/or time line) along with the outcomes for the West Coast	Ensure Committee members adhere to Standing Orders	Committee Chair	Ongoing
TTPP staff undeliverable work load to July 2022	Support current staff and consider contracting additional staff if required to meet timeframes	Project Manager TTPP Committee	14 July 2022

### Status

<b>Overall</b>		
Schedule		Schedule is tight, but on track
Resources		Staff capacity stretched under fast track
Scope		Deliver efficient, effective and consistent Te Tai o Poutini Plan

### Schedule

## APPENDIX 2

Stage	Target Completion	Revised Fast Track Completion	Comments
Complete project initiation documentation	30-Apr-19	19-July-2019	TTPPC approved
Identify and contact key stakeholders	03-May-19	Ongoing	Connection made with all key stakeholders and started a second round of contact with other interested parties
Contract senior planning consultant	01-Aug-19	29-July-2019	Contract in place 29/7/19 -30/6/20
Recruit permanent senior planner	30-Sep-19	7-Sep-2019	Started at WCRC on 14 October 2019
Set up Te Tai o Poutini Plan website and communications package	30-Sep-19	30 Nov- 2019	Development complete. Available at <a href="http://www.ttp.westcoast.govt.nz">www.ttp.westcoast.govt.nz</a>
Set planning milestones	31-Oct-19	30 Aug-2019	Presented at August 2019 TTPPC meeting
Hold key stakeholder workshop for Settlements section	28-Feb-20	23 Oct and 21 Nov 2019	Greymouth and Hokitika, then Westport
Hold Community information meetings	31-Mar-20	16-27 Mar 20 and 24-22 Sep 2020	Roadshow in March 2020 and opportunities to coincide with council-community meetings and local events Outcome of Roadshow to be presented to May TTPPC meeting
Hold key stakeholder workshops for Infrastructure section	30-Apr-20	31-Jul-20	Greymouth and Hokitika, then Westport. Delayed due to Covid-19 Lockdown
Draft Provisions (Issues, Objectives, Policy and Rules) for Urban Areas developed	31-May-20	31-May-20	For presentation to May TTPPC meeting
Workshop discussion with environmental interests re biodiversity provisions	30-Jul-20	31-Aug-20	Delayed due to Covid-19 Lockdown
Draft Provisions (Issues, Objectives, Policy and Rules) for Rural Zones and Settlement Zones developed	31 – Aug-20	31-Aug-20	For presentation to August TTPPC meeting
Hold key stakeholder workshops for mining and extractive industries	31-Aug-20	31-Jul-20	Due to work programme changes during Covid-19 lockdown
Historic Heritage Workshops	31-Aug-20	31-Aug-20	
Conclude TTPPC Roadshow	30 –Sep-20	30-Sep-20	Postponed due to COVID-19
Workshop with agricultural interests re biodiversity provisions	30-Oct-20	28 October 2020	
On Hold - Contact with landowners re SNA assessment			To discuss potential SNAs and seek permission if we do field assessments.
On Hold - Field work for SNA assessments			Begin with drive-by evaluation prior to possible property assessment at owner invitation
Zoning changes proposed	31-Dec-21	30 September 2021	Specific zone change proposals will come to the Committee through 2021
Targeted stakeholder consultation on draft provisions of Te Tai o Poutini Plan	30-May-22	30 September 2021	Targeted consultation with stakeholders on draft provisions with the aim of addressing concerns at this more informal stage
Iwi review of draft Te Tai o Poutini Plan	30-July-22	20 November 2021	This is in addition to hui and consultation throughout the development process and is a mandatory step
Full “Draft” Te Tai o Poutini Plan to Committee	30-Sep-22	16 December 2021	A draft Plan will not have legal status, but will show all the cumulative decisions of the Committee

Stage	Target Completion	Revised Fast Track Completion	Comments
Consultation on <b>“Draft”</b> Te Tai o Poutini Plan	Oct-22	11 March 2022	Targeted consultation – industry and interest groups meetings. Draft Plan available for wider community feedback, and community drop-in sessions. While we will be seeking feedback on the “Draft” Plan, some work will still be being undertaken and would feed into the final “Proposed Plan”, not this pre-notification draft.
Further Natural Hazards Consultation	22-Apr-22	22-Apr-22	Consultation document and drop-in sessions on Coastal Hazards and Land Instability hazard provisions.
Amendment of <b>“Draft”</b> Plan to “Proposed Plan” provisions	30-Nov-22	21 June 2022	Feedback to Committee on results of Exposure Draft consultation, any legal opinions on contentious provisions and final decisions.
Notify Te Tai o Poutini Plan	30-Aug-23	July 2022	This will be the <b>“Proposed”</b> Plan
Submissions on Te Tai o Poutini Plan	30-Oct-23	30 September 2022	40 working days for submissions is the legal requirement
Local Body Elections		October 2022	
Further Submissions	30-Feb-24	30 December 2022	Submissions must be summarised and published and then there is a 20 working day period for further submissions [this part of the process may no longer be required depending on RMA reform progress]
Pre-hearing meetings/ Mediation		31 March 2023	Indicative time only
Hearings Te Tai o Poutini Plan	31-August-24	31 July 2023	Indicative time only
Decisions Te Tai o Poutini Plan	30-Sep-24	30 November 2023	Indicative time only
Appeal Period	30-June-25	31 January 2024	Indicative time only. Any parts of the Plan not appealed are completely operative from the end of the Appeal Period.
Ongoing Decision Making for TTPP	November 2025 onward	December 2023 onward	TTPPC is a permanent Committee. Once they have adopted the Plan their ongoing role includes monitoring implementation and the need for any amendments, and undertaking amendments and reviews, or ensuring these are undertaken, as required.
Appeals and Mediation Te Tai o Poutini Plan	Oct-25	May 2024	Indicative time only.
Environment or High Court [Fast Track Process]	2026	2024-2025	Indicative time only.



**Te Tai o Poutini**  
PLAN

*A combined district plan for the West Coast*

50 Victoria Street  
Private Bag 6995  
Wellington 6141  
New Zealand  
T 64 4 894 5400  
F 64 4 894 6100  
www.nzta.govt.nz

8 July 2022

Hon Damien O'Connor  
MP for West Coast-Tasman  
damien.oconnor@parliament.govt.nz

His Worship Jamie Cleine  
Mayor, Buller District Council  
c/o phoebe.murphy@parliament.govt.nz

Ref. NZT-7603

Dear Mr O'Connor and Mayor Cleine

Thank you for your letter of 10 June 2022 regarding the funding status of the Karamea Highway Special Purpose Road (SPR).

Waka Kotahi NZ Transport Agency recognises that every community faces unique challenges. We are committed to continuing to work with council partners to appropriately share the costs associated with the land transport network.

At present, the normal funding assistance rate (FAR) for Buller District Council (the Council) is 72 percent, meaning that approved local road activities are 72 percent funded by the National Land Transport Fund (NLTF), and 28 percent funded by the Council.

This is one of the highest FARs in New Zealand, which takes into consideration the low rating base relative to the size of the road network, and the high Index of Deprivation scores in the region. Furthermore, the Council's normal FAR significantly increased from 58 percent in 2013-14, in recognition of its limited ability to fund its local share and to help transition its SPRs.

SPRs are a group of local roads that have received very high FARs for a number of years. Legislative provisions for SPRs have been removed, and as part of the 2014 Funding Assistance Rate Review, the Waka Kotahi Board decided to transition all existing SPRs to normal FARs by 1 July 2024.

Waka Kotahi has been working with the Buller District Council to transition the Karamea SPR to the Council's normal FAR by 1 July 2024. While the Council develops a transition plan to present to the Waka Kotahi Board, the FAR for its SPRs has been set at 100 percent.

In 2017, the Buller District Council (with financial support from Waka Kotahi) engaged a consultant to investigate the effect a change in FAR may have on the Council, which included the development of a strategic business case and transition plan. As part of this work, it was determined that the Karamea Highway and/ or Karamea-Kohaihai Road does not meet the criteria for a state highway. While the transition plan was not formally adopted by the Council, Waka Kotahi has continued to contribute funding to actions within it to help progress the transition.

Waka Kotahi continues to share risk and funding responsibilities with local government on local roads, including assistance with emergency works and resilience improvements. Waka Kotahi is also developing a Climate Change Adaptation Action Plan to help increase the resilience of the wider land transport system in New Zealand, building on our existing work on other risks including seismicity.

We appreciate that there are different perspectives regarding why roads should be state highways or local roads. Waka Kotahi is currently considering a policy review of the state highway criteria, and we would welcome Buller District Council input to this process in due course. This is expected to involve a consultation phase in 2022/23.

If you would like to discuss this matter further with Waka Kotahi, you are welcome to contact me by email to [james.caygill@nzta.govt.nz](mailto:james.caygill@nzta.govt.nz)

Yours sincerely

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

**James Caygill**

Director Regional Relationships – West Coast/Canterbury/Otago/Southland

**OFFICE OF THE MAYOR**  
Jamie Cleine

30 June 2022

Graham Howard  
17 Orowaiti Road  
Westport 7825

Dear Mr Howard,

### **PUBLIC FORUM RESPONSE**

Thank you for speaking at public forum on 29 June. You spoke regarding ways to spend the “3 waters better off funding” and Councils membership of Local Government New Zealand.

#### **3 Waters Better Off Funding**

Councillors debated the “better off funding” allocations as described in agenda item 11 and approved these being worked through to a more detailed business case for submission to the Department of Internal Affairs. All of the options in the package are linked to matters previously consulted on with the community during the 2021-31 Long Term Plan. They also represent the strategic view of Council to tackle some of our long-standing legacy issues and progress planning and actionable workstreams that are forward thinking and strategic in response to a changing climate. Spending some of this fund on 3 waters projects reflects Councils view the need for this work is urgent and our ratepayers are expecting us to prioritise this where at all possible. Council refutes your assertion that it has “sold out” to 3 waters. We continue to work to maximise the benefit to ratepayers from the reform that is progressing rapidly into legislation. This approach will ensure the work required from decades of under-investment will be completed more timely and importantly, more affordably for ratepayers. There is a clear benefit to the District across all of the wellbeing and economic measures in continuing to take an inter-generational view to infrastructure investment.

#### **LGNZ Membership**

This issue has been discussed at previous meetings of Council. Council is satisfied that we obtain good value from the services provided by LGNZ. Council frequently utilises the policy advice and professional development services of LGNZ as part of our membership. LGNZ is also strongly advocating on the various central government reform processes on behalf of the sector with some clear “wins” by utilising the collective voice that only they provide.

## Footpaths

Your view on the state of footpaths is noted. However Council has almost tripled the investment per year into footpaths over the past 3 years. Improvements are informed by asset management plans and are worked through on a priority basis. Council accepts that not every footpath is at a standard all ratepayers would want but refutes your assertion that “nothing is being done” as this is not an accurate reflection of the situation.

I appreciate your interest and am always happy to discuss issues of concern further with you.

Best Regards



**Jamie Cleine**

Buller District Mayor  
Phone 027 423 2629 | Email [jamie.cleine@bdc.govt.nz](mailto:jamie.cleine@bdc.govt.nz)



PO Box 66,  
Greymouth 7840  
New Zealand  
Telephone (03) 768 0466  
Toll free 0508 800 118  
[www.wcrc.govt.nz](http://www.wcrc.govt.nz)



30 June 2022

Hon. Nanaia Mahuta  
Minister of Local Government  
Parliament Buildings  
WELLINGTON 6160  
[n.mahuta@ministers.govt.nz](mailto:n.mahuta@ministers.govt.nz)

Tēnā koe Minister

### FLOOD RESILIENCE - WESTPORT

On 17<sup>th</sup> February this year, following a series of flood events in Buller, you wrote to the West Coast Regional Council and the Buller District Council offering support for the resilience work underway.

Expectations were outlined as to how Government might consider co-investment in flood protection. You requested that this should be part of a set of solutions to enhance the flood resilience of the Buller District. It was suggested that the co-investment would need to be described in a proposal that was an integrated package focussed on longer term flood resilience. You asked us to describe the different contributions that the two Councils could contribute to this work, as well as meeting several other criteria.

We have spent the time since receiving your letter developing a proposal that we believe meets your expectations. Through this process, we have found that the climate related aspects of the proposal are a real challenge to our existing governance and regulatory frameworks. In that regard, we believe that there are real opportunities to test the proposals we have recommended and share the lessons and outcomes we learn along the way.

Our community's situation is urgent. For us, the need for climate adaptation is here and now, and the hard defences, in particular, cannot come soon enough.

We realise that you have a very demanding schedule, however, we are very keen to meet with you to talk through our proposal. Alternatively, you would be most welcome in Westport to visit the various sites first hand.

On behalf of the West Coast Regional Council, the Buller District Council and Te Rūnanga o Ngāti Waewae, we are very pleased to submit our joint proposal for co-investment to you and look forward to securing Westport's future together.

Allan Birchfield  
Chair  
West Coast Regional Council

Jamie Cleine  
Mayor  
Buller District Council

Francois Tumahai  
Chair  
Te Rūnanga o Ngāti Waewae

Copies to:

Hon Kieran McNulty, Minister for Emergency Management, [k.mcanulty@ministers.govt.nz](mailto:k.mcanulty@ministers.govt.nz)

Hon. Damien O'Connor, Member of Parliament – West Coast, [d.oconnor@ministers.govt.nz](mailto:d.oconnor@ministers.govt.nz)

Richard Kempthorne, Chair, Buller Recovery Steering Group, [kempthorne.randj@outlook.com](mailto:kempthorne.randj@outlook.com)

Paul Barker, Partnership Director, Department of Internal Affairs, [Paul.Barker@dia.govt.nz](mailto:Paul.Barker@dia.govt.nz)

**BULLER DISTRICT COUNCIL**

**27 JULY 2022**

**AGENDA ITEM 7**

**Reviewed by** Sharon Mason  
Chief Executive Officer

**VERBAL UPDATES FROM COMMITTEE CHAIRS**

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**1. REPORT SUMMARY**

A summary of updates is verbally provided by each of the Committee Chairs.

**2. DRAFT RECOMMENDATION**

**That Council receive verbal updates from the following Committee Chairs, for information:**

- 1. Inangahua Community Board – Cr J Bougen**
- 2. Ngati Waewae Representative – N Tauwhare**
- 3. Regulatory & Hearings Committee – Cr P Rutherford**
- 4. Community, Environment & Services Committee – Cr M Montgomery**
- 5. Te Tai o Poutini Plan – Mayor J Cleine and Deputy Mayor S Roche**
- 6. Joint Committee Westport Rating District – Cr P Rutherford and Cr J Howard**

## BULLER DISTRICT COUNCIL

27 JULY 2022

### AGENDA ITEM 8

**Prepared by** Sharon Mason  
Chief Executive Officer

#### PUBLIC EXCLUDED

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#### 1. REPORT SUMMARY

Subject to the Local Government Official Information and Meetings Act 1987 S48(1) right of Local Authority to exclude public from proceedings of any meeting on the grounds that:

#### 2. DRAFT RECOMMENDATION

**RESOLVED** that the public be excluded from the following parts of the proceedings of this meeting:

Item	Minutes/Report:	General subject	Reason for passing resolution Section 7 LGOIMA 1987
9	Mike Duff, Group Manager Infrastructure Services	Future Solid Waste Management	Section (2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);
10	Mike Duff, Group Manager Infrastructure Services	Westport Waste Water Supply – Trunk Main Replacement Procurement Plan	Section (2)(i) enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);