



AGENDA

Meeting of the **Regulatory and Hearings Committee**

Wednesday 1 June 2022 at 5.00pm

To be held at the
Clocktower Chambers
Palmerston Street
Westport

Regulatory and Hearings Committee

Reports To:	The Council
Chairperson:	Phil Rutherford
Membership:	The Mayor, all Councillors and Maori Representative
Meeting Frequency:	As required
Quorum:	The composition of any Regulatory Hearings Committee for quorum purposes to be determined by the Chairperson

Purpose

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. Ensuring Buller is performing to the highest standard in the area of civil defence and emergency management through:
 - a) Implementation of Government requirements.
 - b) Contractual service delivery arrangements with the West Coast Regional Group Emergency Management Office.

In addition to the common delegations on page 9, the Regulatory and Hearings Committee is delegated the following Terms of Reference and powers:

3. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
 - objections under the Dog Control Act 1996;
 - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
 - proposals for temporary closure of any road;
 - Supply and Sale of Alcohol Act 2012.
4. Consider and determine changes to the registers and restrictions in the Traffic Bylaw and Speed Limit Bylaw, including hearing any submissions relating to those proposed changes.
5. Hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
6. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.

The Committee is delegated the following powers to act:

- Approval of matters determined by the Committee within its Terms of Reference.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendation to the Council.
- The Committee may make recommendations to Committees.

Special Notes:

- The Committee may request expert advice through an independent advisor when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.
- The Chief Executive Officer, Group Manager Regulatory Services are required to attend all meetings but are not members and have no voting rights. Other Council officers may attend the committee meetings, as required.
- Written updates may be requested to be provided to Council meeting from the Chair and Group Manager Regulatory Services from time to time.

Oversight of Policies:

- *Dangerous, Earthquake-prone and Insanitary Buildings*
- *Class 4 Gambling and Totalisator Agency Board Venue*
- *Dog Control*
- *Vegetation Overhanging Footpaths*
- *Election Signs*
- *Fencing of Swimming Pools*
- *Commercial Trading*
 - *Alcohol Consumption & Dining on Public Footpaths*
 - *Display of goods Furniture or Sandwich Board Signs*
 - *Mobile Shops*
 - *Street Stalls Raffles, Appeals & Busking*

Regulatory and Hearings Committee

01 June 2022 05:00 PM



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REGULATORY AND HEARINGS COMMITTEE

1 JUNE 2022

AGENDA ITEM 1

Prepared by Sean Judd
Group Manager Regulatory Services

APOLOGIES

1. REPORT SUMMARY

That the Regulatory & Hearings Committee 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 the Regulatory and Hearings Committee receives apologies from (insert Councillor name) and accepts Councillor (insert name) request for leave of absence.

REGULATORY AND HEARINGS COMMITTEE

1 JUNE 2022

AGENDA ITEM 2

Prepared by Sean Judd
Group Manager Regulatory Services

MEMBERS INTEREST

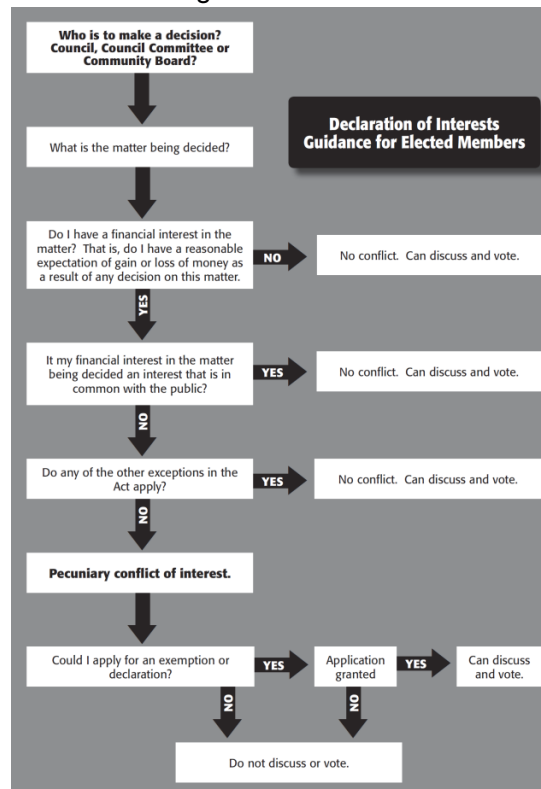
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

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.



REGULATORY AND HEARINGS COMMITTEE

1 JUNE 2022

AGENDA ITEM 3

Prepared by Sean Judd
Group Manager Regulatory Services

CONFIRMATION OF MINUTES

1. DRAFT RECOMMENDATION

That the Regulatory and Hearings Committee receive and confirm previous minutes from the meeting of 11 May 2022.



**MEETING OF THE REGULATORY & HEARINGS COMMITTEE, HELD AT 3.30PM
ON WEDNESDAY 11 MAY 2022 AT CLOCKTOWER CHAMBERS, PALMERSTON
STREET, WESTPORT.**

PRESENT: Cr P Rutherford (Chair), Mayor J Cleine, DM S Roche, Councillors J Bougen, D Hawes, J Howard, M Montgomery, R Nahr, R Sampson

N Tauwhere (Iwi Representative)

APOLOGIES: Councillors G Weston

IN ATTENDANCE: S Mason (Chief Executive Officer), S Judd (Group Manager Regulatory Services), L Easton (WCRC), (G Martyn (Human Resources & Health and Safety Advisor), G Barrell (Governance Secretary)

MEDIA: Ellen Curnow (Westport News)

Councillor P Rutherford apologised for the late notice of this meeting. Items to be discussed today have only been brought to the attention of the staff in the last week.

MEETING DECLARED OPEN AT 3.32pm

1. APOLOGIES (Page 5)
Discussion:

Cr G Weston

RESOLVED: that the Regulatory and Hearings Committee receives apologies from Cr G Weston

Cr M Montgomery/DM S Roche
Crs J Bougen, D Hawes and P Rutherford abstained
6/10
CARRIED

2. MEMBERS INTEREST (Page 6)
Discussion:

Nil

RESOLVED that Members of the Committee disclose any financial or non-financial interest in any of the agenda items.

Cr R Nahr/Cr J Howard
10/10
CARRIED UNANIMOUSLY

3. **CONFIRMATION OF MINUTES (Page 7)**

Discussion:

DM S Roche noted the following:

Page 9: *“DFM S Roche suggested”* to be amended to “DM S Roche”.

DM S Roche noted also in the confirmation of the previous minutes that with regard to *‘a list of policies due, as opposed to an action point’*, it was decided for this to be circulated. This has not yet been circulated.

S Judd will check and confirm.

RESOLVED that the Committee receive and confirm minutes from the meeting of 9 March 2022 with the above amendments.

Mayor J Cleine/DM S Roche

10/10

CARRIED UNANIMOUSLY

4. **PROPOSED APPROACH TO SIGNIFICANT NATURAL AREAS IN THE TE TAI O POUTINI PLAN (Page 18)**

Discussion:

R Townrow gave overview of report and recommendation from staff and noted the presence of L Easton from WCRC.

Chair P Rutherford welcomed Lois and appreciated her expertise.

L Easton gave initial context for recommendation and noted legal advice is clear that if we don't identify Significant Natural Areas (SNA), it will go to court, and we will lose.

Grey went through this process about 10 years ago and took time to identify SNAs in Grey District and have not been challenged by the affected landowners. If we don't take these steps, this may be taken out of our hands and directed by the court.

L Easton advised this is a process we should undertake so we have a say in how and when this is done as opposed to it being potentially inflicted on us.

Cr P Rutherford noted there are four options and the intention of meeting was to decide which option to take to TTP committee.

Cr D Hawes queried that if Grey was successful and noted on his travel to Grey District that there is a large amount of low forest and farmland. He asked L Easton if she endorsed this process?

L Easton advised there was a lot of initial fear from landowners, leading to a lot of wholesale clearance as visible in the Grey Valley. Affected landowners now feel it was good process with plenty of time and dialogue available with Council.

Cr J Howard questioned the pros of Option 3. How does this play out in a local context?

L Easton noted this provided for a tiered process and ranges from one additional lot, where consent must be granted, to an open number. She noted that if areas are protected, there is a material benefit to community, allowing additional subdivision rights and it recognises public good. She noted also that Buller could have their own non regulatory measures that support landowners if required.

Cr P Rutherford queried regarding Option 3 that as a final footnote it was important to ensure clarity about how vegetation clearance will be treated in Buller in the meantime. It is currently via resource consent. Will this continue?

L Easton answered that the rules currently drafted will stay, but the policy would signal the SNA process undertaken and then any changes necessary done.

Cr M Montgomery commented regarding Grey doing their SNAs and asked how many property or private land owners involved and is there a land size?

L Easton was unsure how many at the start. Possibly over 200 and that currently 87 landowners affected by SNAs in district. Size of land being possibly around 5ha minimum area of bush.

Cr M Montgomery noted that SNAs are extremely emotive and really must be a size in the end for practical approach.

R Townrow – noted the criteria to identify SNAs is already sitting within higher documents and we will take this approach and apply to Buller as opposed to staying with the status quo.

Mayor J Cleine noted the paper speaks for itself and requested clarity on whether the cost of doing analysis would sit with WCRC as part of TTPP operating framework going forward and not Buller rates.

R Townrow and L Easton confirmed this would be up to WCRC to fund.

Mayor J Cleine questioned the time needed for this. L Easton suggested a 5-year process was realistic. No time currently for it to be before TTP plan.

DM S Roche noted Westland District Council (WDC) also going through process and that Mayor J Cleine and DM S Roche were keen to see outcome for next round with WDC.

Mayor J Cleine noted there may be environmental risks and there still needs to be consultation and feedback from TTPP and may still end up in court.

RESOLVED that the Committee identifies Option 3 as its preferred approach to significant natural areas in Buller in the Draft Te Tai o Poutini Plan, with this feedback to be provided to the Te Tai o Poutini Plan Committee via Buller District Council's representatives on that Committee.

Chair P Rutherford/Cr J Howard
Mayor J Cleine opposed
9/10
CARRIED

L Easton thanked and left meeting at 3.56pm.

5. NATURAL HAZARDS INSURANCE BILL AND BOUNDARIES FOR NATURAL AND BUILT ENVIRONMENT PLANS AND REGIONAL SPATIAL STRATEGIES (Page 27)
Discussion:

Cr P Rutherford noted an urgent response on this needed by 13 May 2022.

R Townrow noted there are two issues here:

1. Natural Hazards Insurance Bill – seeks for EQC and extend coverage to all natural hazards. Currently land damage has no insurance. Select committee welcomes Buller input based on the experience from flooding. Open public consultation process.

The Draft submission gives feedback from staff.

Cr P Rutherford stated this is clearly a very complex matter and that the team has done their very best.

Mayor J Cleine noted he had been speaking with R Townrow and had concerns regarding Clause 62 of Page 61 in the document, where is the cash settlement if land deemed unsuitable for rebuild? If a residential property is deemed hazard prone, does this allow for land owner to have a cash settlement? What if no longer insurable and unrelocatable and unable to build on land?

R Townrow replied unclear at this point and supports inclusion into submission clarification and supporting cash settlement.

Cr P Rutherford commented there will be crossover in this bill that will have relative effect on future adaptation plans relating to managed retreats.

R Townrow clarified the way the insurance bill works is that it only kicks in with a natural event to access insurance.

Cr M Montgomery commented a number of people don't have insurance and have chosen not to be insured – EQC is available only if owner is fire insured.

R Townrow – there has been a suggestion for support in getting this insurance if no home/fire insurance

Mayor J Cleine queried if a natural event, elements within bill that speak to funding for works that prevent damage (known risks) – possibly previously damaged flooded homes.

R Townrow confirmed this is for 'imminent damage' (rain warning, rock fall in the hills etc).

R Townrow advised there is a clause allowing people to not have fire insurance but there would be a payment necessary for those still wanting to access this payment.

RESOLVED that the Committee endorse a submission being made on the Natural Hazards Insurance Bill, as per Appendix B attached to this report with inclusions relating to the ability to relocate if land unsuitable for rebuild, clarifying what is covered by "imminent damage" and availability of cover.

Cr P Rutherford/Mayor J Cleine
10/10
CARRIED UNANIMOUSLY

2. R Townrow outlined RMA planning requirements under new acts. Aligns with the TTOPP. Now seeking feedback but this has to go through select committee later in the year. For practical purposes, suggested aligning with Nelson, Marlborough and Tasman having one document and then West Coast having their own document. Seeking feedback from Top of the South Councils, Iwi and Ngai Tahu for preferred option.

Seeking endorsement of committee before making a formal feedback on behalf of Council.

Cr P Rutherford questioned if the recommendation is to retain existing boundaries, would Ngai Tahu be cut out from involvement?

N Tauwhare replied he had discussion with R Townrow and advised that iwi would support status quo. Was taken aback by Ngai Tahu takiwa statement and noted he doesn't believe the statement.

He felt it was interesting to see South Westland happenings around land, whatever decision Ngai Tahu will make, he doubts they will go outside status quo as those boundaries have been there forever. He noted they don't want other iwi interfering. There are currently conversations with close iwi. Whatever decision Ngai Tahu makes, will be at the end of the year. As of now, will stick with status quo.

S Mason requested members' input for BDC submission.

RESOLVED that the Committee endorse written feedback, as per Appendix C attached to this report, being provided to the Ministry for the Environment on the proposed planning boundaries to be used for Te Tau Ihu/Top of the South Island for preparing Natural and Built Environment Plans under the proposed Natural and Built Environments Act and Regional Spatial Strategies (under the proposed Strategic Planning Act.

DM S Roche/Cr J Howard

10/10

CARRIED UNANIMOUSLY

- There being no further business the meeting concluded at **4.20pm**.
- **Next meeting:** 3:00pm, Wednesday 13 July 2022, Clocktower Chambers, Palmerston Street, Westport.

Confirmed: **Date:**

REGULATORY AND HEARINGS COMMITTEE

1 JUNE 2022

AGENDA ITEM: 4

Prepared by - Di Rossiter
- Dexter Ltd

Reviewed by - Sharon Mason
- Chief Executive Officer

BULLER DISTRICT COUNCIL'S SUBMISSION ON THE DRAFT NATIONAL ADAPTATION PLAN

1. REPORT SUMMARY

This report provides an overview of Buller District Council's submission on Government's draft National Adaptation Plan.

2. DRAFT RECOMMENDATION

Draft recommendation from Regulatory and Hearings Committee to accept the submission to government.

3. ISSUES & DISCUSSION

The government has released New Zealand Aotearoa's first draft National Adaptation Plan as a very important milestone in the journey of every New Zealander to climate change resilience and adaptation. It sits alongside the emissions reduction plan and together they lay out New Zealand's overall response to climate change so that we can transition to a low-emissions, climate-resilient future.

Buller District Council's submission provides context regarding our district's existing vulnerability to climate change by providing detail regarding the district's:

1. Extent of Exposure and Vulnerability – volatile and dynamic natural environment
2. Wellbeing and Mental Health – compounding on existing climate related events
3. Community Demographics – extremely low socio-economic profile

4. Local Economy – uncertain futures across multiple traditional sectors
5. Capacity Constraints – stretched resources

The submission identifies opportunities that our district's unique position presents and welcomes a conversation with central government to explore opportunities to work in partnership as we address the very real and immediate needs of our community.

The submission also addresses issues regarding:

- Our district's urgent need for advice and support
- Cost apportionment for improving resilience and adaptation
- Protecting our most vulnerable community members
- Insurance mechanisms and the role of government and the insurance industry
- Opportunities presented by climate change

4. CONSIDERATIONS

4.1 Strategic Impact

The submission provides support for government's draft National Adaptation Plan and acknowledges the existing body of work underway in partnership with government to improve our resilience and adapt to our changing environment.

4.2 Significance Assessment

This matter is not deemed significant under Council's Significance and Engagement Policy.

4.3 Risk Analysis

The public and media will scrutinise Council's submission to the draft National Adaptation Plan. The purpose of the submission is to advocate for our district and its communities to ensure our most vulnerable people are protected, and to find ways to encourage more timely guidance and greater certainty around key decisions regarding adaptation.

The community has previously confirmed the importance of climate change during the Long-term Plan 2021 – 2031 consultation process.

4.4 Values

The Buller District Council's values are:

- community driven,
- one team,
- future focused,
- integrity, and
- we care.

By actively addressing climate change and supporting the draft National Adaptation Plan, Council exemplifies all these values.

4.5 Policy / Legal Considerations

Council's LTP 2021 – 2031 community outcomes are:

1. Social

Our communities are vibrant, healthy, safe, and inclusive

2. Affordability

Our communities are supported by quality infrastructure, facilities, and services that are efficient, fit-for-purpose, affordable, and meet our current and future needs

3. Prosperity

Our district is supported by quality technology and an innovative and diverse economy that creates opportunities for self-sufficiency, sustainable growth and employment

4. Culture

Our lifestyle is treasured, our strong community spirit is nurtured, and our inclusive and caring communities understand our whakapapa and heritage and support lifelong learning

5. Environment

Our distinctive environment and natural resources are healthy and valued

This submission directly supports all community outcomes.

4.6 Tangata Whenua Considerations

Ngāti Waewae, as Kawatiri mana whenua has been engaged in conversations regarding climate change and has provided input into this submission.

Council will continue to work closely with Ngāti Waewae on our climate change adaptation work.

4.7 Views of Those Affected

The Buller District's Long-term Plan (LTP) 2021 – 2031 started the conversation with the community about climate change, the need for adaptation planning and mitigation activities, and environmental sustainability – all of which was widely supported by the community during the consultation process.

Through the development of the Long-Term Plan's Community Outcomes, several community engagement workshops were facilitated to encourage input from the community regarding its visions for the future of the district.

The input received can be summarised around the four community well-being indicators as follows:

- Economic: a diverse economy supported by strong infrastructure
- Social: integrated and connected communities
- Cultural: we celebrate our culture and the history
- Environmental: we have clean water and protect our natural environment

As such, this submission is not inconsistent with the views of the community.

4.8 Costs

Climate change is already costing our district millions of dollars. Costs of this submission are staff and contractor time.

4.9 Benefits

Benefits from this submission include:

- Signal our support for the draft National Adaptation Plan and the significant body of work it represents
- Increased visibility of our district's compounding challenges
- Identification of opportunities to work in partnership with government to improve our district's resilience and adaptation approaches

4.10 Media / Publicity

N/A

National Adaptation Plan 2022

Buller District Council's Submission

Our Council's Support for the National Adaptation Plan

The Buller District Council provides this submission on Aotearoa New Zealand's first National Adaptation Plan in support of the comprehensive package of work that the Plan represents.

Buller District Council has a track-record of successfully delivering significant collaborative projects within an integrated decision-making framework. Our Council is willing and able to work collaboratively to achieve common goals and deliver outcomes for the community it serves. Council understands that the National Adaptation Plan is an iterative plan that will continue to evolve over time. However, in cases like ours, we cannot afford to wait for this transition, and we cannot afford to adapt. Where urgent support and action is needed, Case Studies offer learning opportunities while at the same time delivering outcomes for communities in need.

The main thrust of our submission is to warmly invite a conversation with central government to explore opportunities to work in partnership together as we address the very real and immediate needs of our community. Our submission provides more detail around the areas of greatest vulnerability that exist for our district and identifies opportunities to trial aspects of the Plan at place whilst delivering tangible outcomes for our people. However, before we can do this, we must first provide some of the context that has driven this submission.

An Extremely Vulnerable Place

The Buller district is extremely susceptible to climate change and is vulnerable to all ten 'most significant' risks identified in the National Climate Change Risk Assessment, 2020. We believe this to be the case for the following reasons:

1. Extent of Exposure and Vulnerability – volatile and dynamic natural environment
2. Wellbeing and Mental Health – compounding on existing climate related events
3. Community Demographics – extremely low socio-economic profile
4. Local Economy – uncertain futures across multiple traditional sectors
5. Capacity Constraints – stretched resources

Extent of Exposure and Vulnerability

The district has experienced several significant flooding events throughout its history. These historic events together with the extensive erosion and sea inundation of coastal townships across the district, Cyclone Fehi and storm surge damage in 2018, and the extensive Westport flood events of 2021/22 have shown an increasing exposure and vulnerability to flooding across much of the district.

Council now estimates that approximately 20%¹ of Buller's population reside in homes and/or on properties that are **already** exposed to significant effects of climate change, either from river flooding, sea-level rise, or storm surge events. Earthquake events and subsequent liquefaction would exacerbate exposure in many cases.

As a proportion of total district population, Buller residents are one of the most exposed populations in the country. This creates significant psychosocial vulnerability within our community, heightened currently by the cumulative stress caused by the recent flooding events.

Buller also faces significant geographic challenges. Much of Buller is mountainous, with a small rating population (about 9,600 people) spread across a very large area. Many communities also have only one lifeline route. This means that settlements and towns across the district are at a high risk of becoming isolated during significant weather events.

As noted in the New Zealand Critical Lifelines Infrastructure report 2020, there are myriad risks which compound in times of disaster, exacerbated by the significant risk to isolated communities from the closure of lifeline routes. By their very nature, these risks will increasingly compound as effects associated with climate change strengthen.

The cumulative effect of extreme weather events on the physical infrastructure and social fabric of the Buller district has led to capacity and cost issues that are insurmountable at a local government level.

On page 23, the National Adaptation Plan asks: *"what role do you think asset owners, banks and insurers, the private sector, local government and central government should play in improving resilience and sharing the costs of adaptation?"*

Our small rate-payer base and high level of current exposure means that the costs of improving our resilience and adapting to a changing world are insurmountable at a local government level. To protect our communities in the long term, a shared cost model will be required.

Mechanisms that reward behaviours that increase resilience and deter development within high-risk areas should also be developed, such as the Build Back Better approach undertaken by Flood Re UK.

There is also risk that properties exposed to flood events will lose value on the property market. This is particularly likely to occur if flood risk is formalised within spatial mapping instruments. A more vulnerable demographic may be encouraged to invest in higher risk areas because of the appeal of more affordable housing. There is a role for central government and the insurance industry to establish mechanisms that protect the value of properties whilst resilience measures and longer-term adaptation approaches are developed.

A more just and fair apportionment of cost would see those industries and businesses that are still benefitting from high-emissions approaches share some of the financial burden of resilience building and adaptation at the local community level.

Wellbeing and Mental Health

The township of Westport and the wider Buller area has experienced repeat high intensity rainfall and traumatic flooding events over the past year. As a result, the Westport-based Buller Recovery

¹ Based on figures taken from Westport's Community Hub, past flood and storm surge data and population projections of vulnerable coastal dwellings.

Community Hub has reported a surge in mental illness, in particular anxiety. Stress levels are compounding existing vulnerability and are amplified by forecasts of subsequent high rainfall events. People are facing increased insurance premiums, reduced access to finance, and the possibility of reduced market-value of existing assets, which may culminate in significant financial losses.

The absence of guidance regarding financing mechanisms for adaptation and staged retreat is exacerbating the community's feelings of anxiety. The National Adaptation Plan on page 90 addresses the need for this work stating that the *"Government intends to develop options to ensure home flood insurance continues to play an appropriate role in supporting community resilience"*. We know that a 'shared cost' scenario is the most likely where insurance retreat and adaptation are funded jointly by central government, local government, insurance industry and asset owners.

"The absence of guidance regarding financing mechanisms for adaptation and staged retreat is exacerbating the community's feelings of anxiety."

Although this options piece will be delivered by the end of 2022, for Westport and other already severely impacted communities across Buller, **this is not early enough.**

Decisions based on river and rainfall models that include various climate change scenarios are happening right now in Buller. Residents with affected assets are desperately seeking clarity around who decides when it is time to relinquish and retreat from our exposed and vulnerable homes and places, and who will pay for the cost of doing so.

In the meantime, members of the community with highly exposed and vulnerable homes are now urgently seeking the instatement of public flood defences, which may not necessarily be the best or only solution for the entire community in the long term.

On page 82, the National Adaptation Plan asks: "*What actions will provide the greatest opportunities for you and your community to build climate resilience?*"

The National Adaptation Plan states that the government wants to ensure that "no-one is left behind" and that "the most vulnerable people" are provided with support, knowledge, and resources. To achieve this, our community needs unequivocal guidance on how decisions regarding the relinquishment and retreat from assets is to be made and how this is to be financed. There also needs to be an assurance provided that all community members will be cared for and protected from the emotional, social, cultural, and financial losses associated with improving resilience and undertaking adaptation.

Community Demographics

Compounding our district's exposure and sense of vulnerability is the current socio-economic deprivation profile of our communities. According to the Local Government New Zealand socio-

economic data platform², the Buller district is the most deprived in Te Waipounamu South Island with an overall deprivation index of 9 (where 10 is the most deprived).

The two communities most exposed to climate change impacts (urban Westport and the coastal township of Granity in the northern Buller) are also the region's most deprived. They both have deprivation indices of 10 and are ranked in the 92nd and 98th percentile respectively for deprivation nationally.

Our district has the lowest median household income and adult education level in Aotearoa New Zealand. Heartbreakingly, as mentioned, the people in our district who are most exposed to climate change are also those who are least able to advocate for their needs, or plan for or afford adaptation.

“Compounding our district’s exposure and sense of vulnerability is the current socio-economic deprivation profile of our communities.”

For those who have been able, relocation away from Westport (or other exposed community) has been the only answer. For those who remain, social cohesion and peoples’ sense of community has begun to erode. The social networks that bind people and make them resilient when faced with adversity have started to unravel. As communities become more deprived, their ability to fund their adaptation needs becomes more and more remote.

As noted in the National Adaptation Plan on page 78, *“climate change could exacerbate inequities”*. There is evidence of this already occurring in the most affected communities in our district.

On page 23, the National Adaptation Plan asks: “are there any actions that would help ensure that existing inequities are not exacerbated?”

We need to be able to support our people, especially those that are least able to advocate for their needs.

The Community Hub established in Westport following the July 2021 flood provided support and advocacy services to navigate insurance claims and achieve both temporary and longer-term housing solutions. It has been vital in bringing our most vulnerable community members through the significant trauma of the past year and has ensured they gain fair access to insurance options and other recovery mechanisms.

If the insurance industry begins its retreat from at-risk dwellings, a similar service would likely be vital for many people across New Zealand.

Flood Re in the UK has enabled residents in dwellings exposed to high flood-risk to maintain insurance cover by keeping insurance premiums low via reinsurance mechanisms. This temporary scheme (terminating in 2039) encourages behaviours that reduce flood risk (such as the £10,000 payment to Build Back Better post-event) and essentially buys time to stage retreat or otherwise build resilience whilst protecting property values and on-sale opportunities.

² Dotlovesdata.com

A similar scheme, encouraged by central government and developed by the insurance industry, would likely provide the same benefits for dwellings at risk of flooding in a New Zealand setting.

Local Economy

Our regional and local economies will have significant adaptation challenges as we know that our three main industries are all highly vulnerable to climate change.

Coal Mining (high value coking coal used in steel manufacture)

As signalled in Aotearoa New Zealand's First Emissions Reduction Plan on page 146, the high emissions and hard-to-abate technology of steel manufacture is being addressed through the development of a novel technology which uses hydrogen instead of coal to produce iron and steel.

This is a breakthrough step in the transition to a climate-resilient and low-emissions future. Although this replacement technology is still many years away, it does signal a very real first step towards the obsolescence of high-quality coking coal which is currently produced at Stockton coalmine – the Buller district's largest employer.

Figure 1 illustrates the vulnerability of our local economy to fluctuating coal mining activity following the global contraction of the industry in 2012.

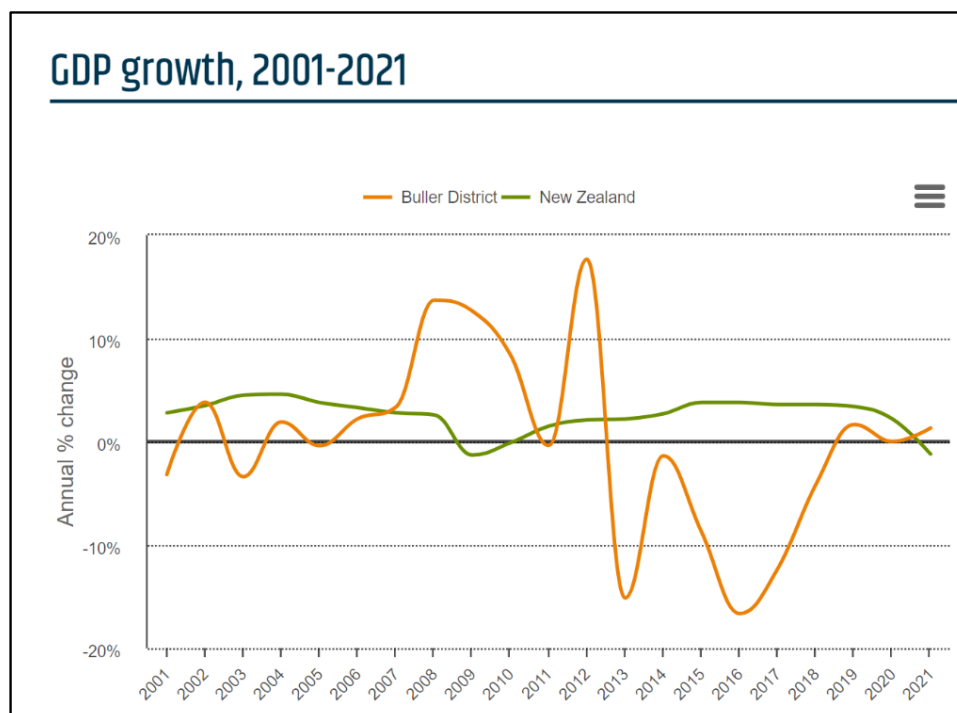


Figure 1: Buller's fluctuating GDP in response to coal mining boom and bust cycles. Between 2012 and 2013, there was significant GDP contraction which coincided with an international coal mining 'bust' cycle. There is significant risk that future industry obsolescence will trigger an even greater contraction of the local economy.

Agriculture

As noted on page 85 of the National Adaptation Plan, land-based primary industries are one of the most exposed industries as they depend on climate-sensitive natural resources; and those that are in hazardous areas, from sea-level rise and ground water table changes, or flooding resulting from intense rainfall events, “will be doubly exposed”.

Figure 2 provides a snapshot of farmland affected by significant flooding in February 2022.

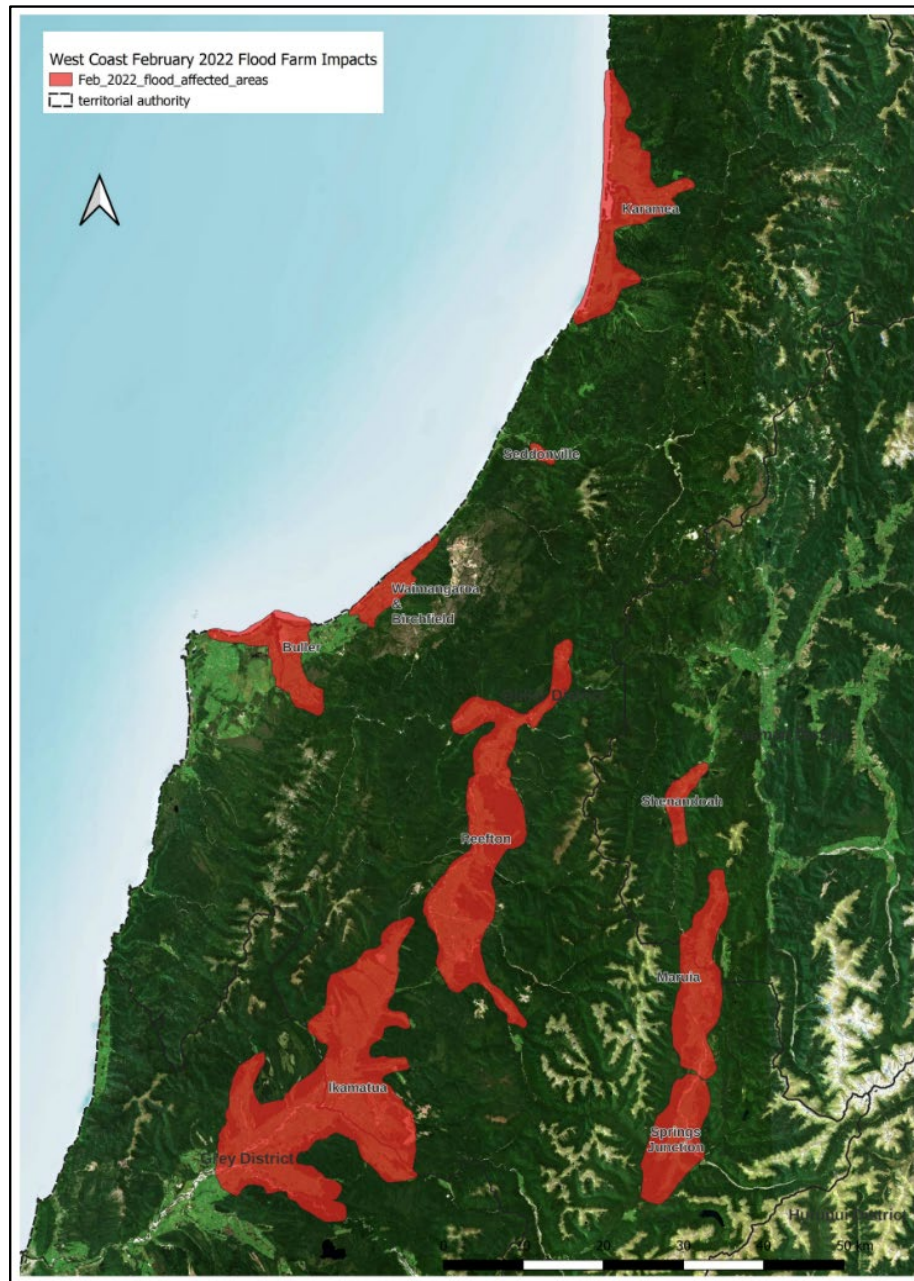


Figure 2: Extensive areas of farmland affected by flooding caused by the intense rainfall event February 2022.

Recreation Tourism

Buller has built a reputation, and solid local economy, around many of its recreation-tourism destinations, even during the unusual circumstances of the past two Covid-influenced years. However, multiple high intensity rainfall events during the summer of 2021/22 have taken many such destinations 'off-line' for many months whilst storm damage to tracks and infrastructure is repaired.

At the time of writing, the internationally recognised destinations the Heaphy Track and the Old Ghost Road are closed for extended periods for urgent repairs. The regionally popular trail, the Kawatiri Coastal Trail, has had to temporarily close for repairs, and the much-loved Charming Creek Walkway is now closed indefinitely. The closure of these trails is resulting in the loss of visitors to our district as they look elsewhere to fulfil their recreational needs and spend their tourist dollars.

On page 24, the National Adaptation Plan asks: “*what opportunities so you think could exist for your community or sector?*”

The district's natural environment, biodiversity, warm growing climate, progressive leadership, and strong desire by its people to retain its community spirit and grow in resilience and self-reliance make it ideally positioned for socio-economic transformation through the growth of regenerative economies. We see opportunities for our district in:

Large-scale indigenous afforestation and reforestation and indigenous carbon credits

Saltmarsh restoration for flood resilience and blue carbon and biodiversity credits

Local horticulture to increase local resilience and reduce transport emissions

On page 52, the National Adaptation Plan asks: “*what do you identify as the most important actions that will come from outside of central government to build the natural environment's resilience to the impacts of climate change?*”

Sustainable financing mechanisms will be required to build the natural environment's resilience to the impacts of climate change; these being ways to financially cost nature-based solutions or ecosystem services provided by nature and value them on the market accordingly.

Capacity Constraints

Mana whenua Ngāti Waewae are stretched beyond current capacity with responsibilities to special projects including the Stewardship Land Review and Te Tai o Poutini Plan (One District Plan).

Capacity constraints reduce Council's and mana whenua's ability to work in partnership and meaningfully engage with their communities together.

Ngāti Waewae Kaumatua understand the importance of living with an intergenerational focus and want to “future proof” Buller Kawatiri for our children and our children's children.

However, they urge caution as there is great potential for our actions to have unintended consequences. For example, flood defence rock walls instated around the Arahura River to protect adjacent land have negatively impacted whitebait spawning habitat and activity. Iwi also recommend engagement with our old people and Kaumatua in our communities to understand the land and what is happening from their perspective. Iwi know there is a wealth of local knowledge that could readily support and inform our climate change adaptation planning.

Our Council wants to ensure we can work in partnership with iwi to achieve vital mana whenua input into our district's adaptation planning so that Te Ao Māori, historical local knowledge and Mātauranga Māori perspectives are all woven throughout the planning cycles.

Staff capacity constraint is affecting Council performance. Prior to the recent flooding events, and due to the small size of the Council, and difficulty recruiting management and technical people to the West Coast, staff were already required to wear 'many hats' and service a burgeoning workload. This workload has increased dramatically during the post-disaster recovery phase. Council staff simply have no further capacity to engage with the community and address the very significant workload represented by climate change adaptation. In addition, Council has little appetite to add further stress to its rate-paying community by diverting funds to sufficiently increase internal staffing resources to meet the needs of adaptation action planning.

Working in Partnership

Current Work Streams

Following the severe and extensive flood damage incurred during 2021/22, the Buller District Council is working with central government to deliver a short/medium term hard engineering solution to protect Westport against future significant flood events. Concurrent to this work, a multi-agency Business Case is being developed to consider integrated package of wider resilience measures, including climate change adaptation support across multiple domains.

These pieces of work are critical to our district – delivering key outcomes for short-medium term protection of homes and infrastructure, as well as equitable cost-sharing scenarios against future adaptation needs.

Details regarding existing initiatives are provided in an appendix to the main body of this report.

Figure 3 provides a summary of aspects of the current multi-tool business case that is still under development.

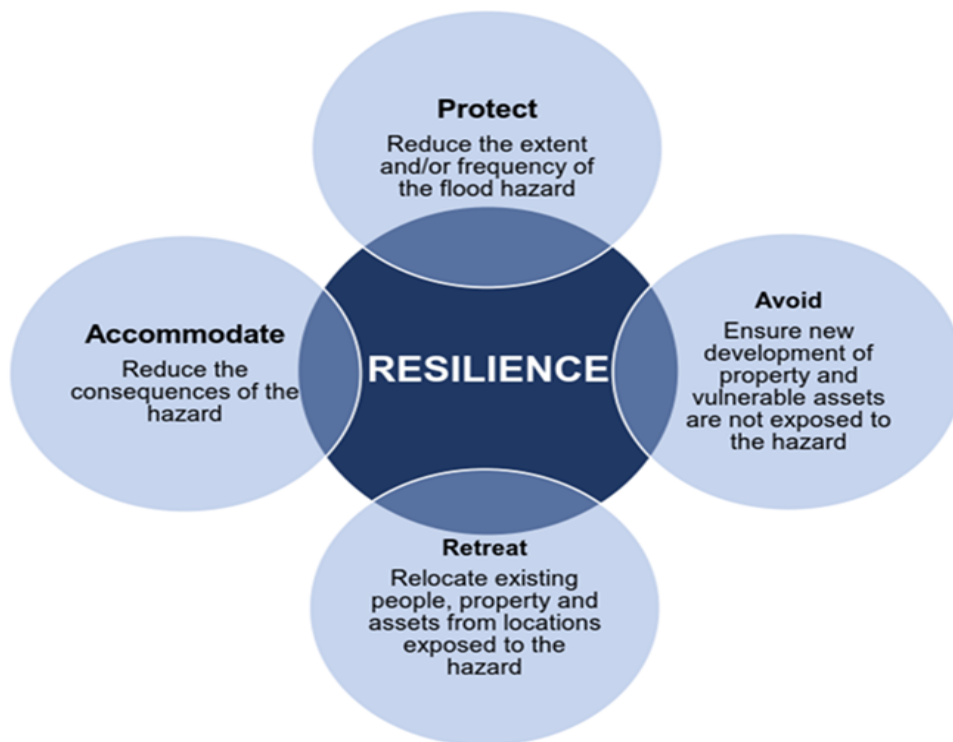


Figure 3: Current aspects captured within the multi-tool business case currently under development.

The Buller District Council has also commenced its adaptation planning process for the district and this process is summarised in Figure 4.

Climate Change Adaptation Timeline

National and Local Interdependencies

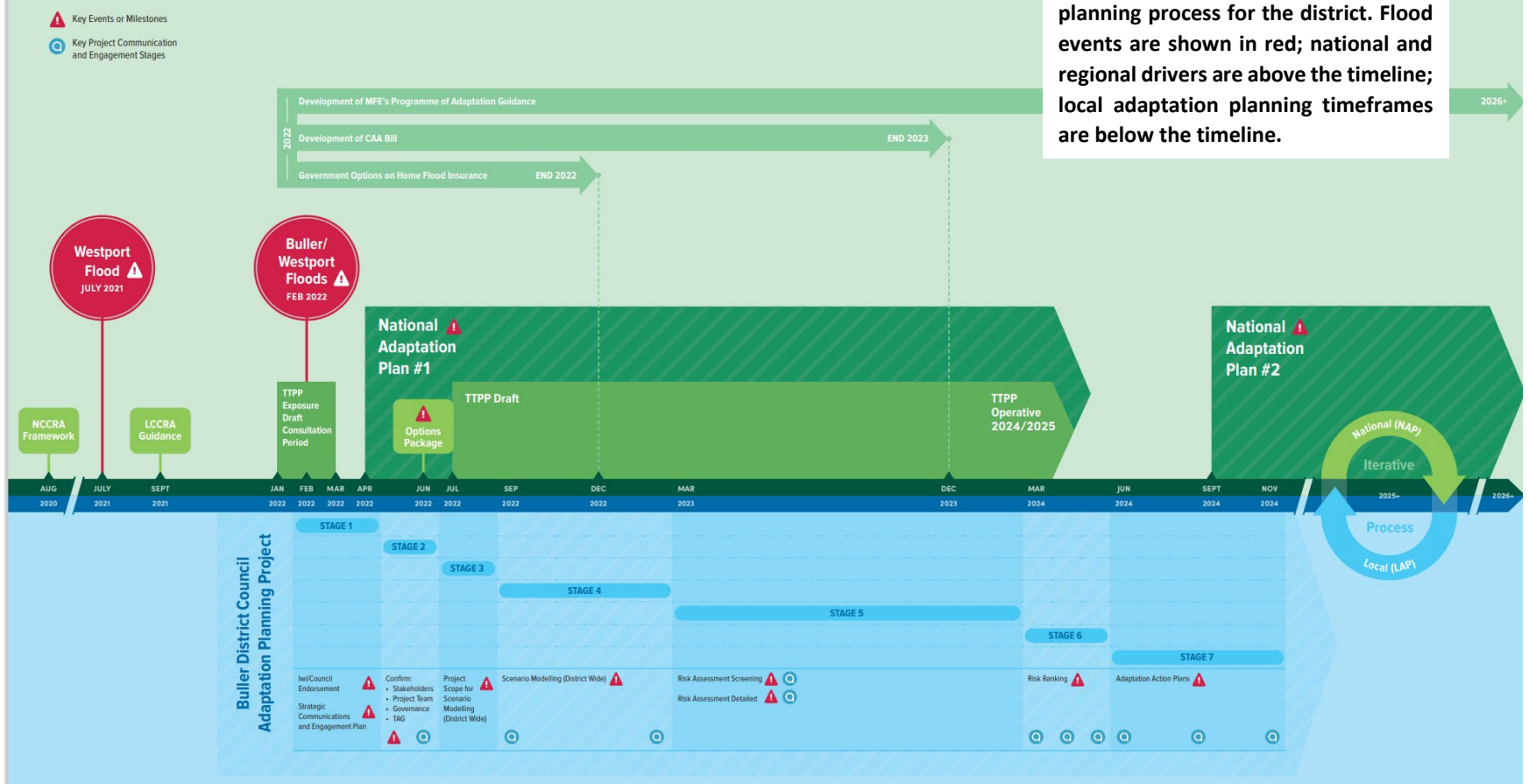


Figure 4: Interdependencies within the Buller District Council's adaptation planning process for the district. Flood events are shown in red; national and regional drivers are above the timeline; local adaptation planning timeframes are below the timeline.

Opportunities

Council believes that the Buller district is uniquely placed to offer opportunities to “deliver significant lessons and benefits for other communities and councils” faced with imminent and near-future adaptation challenges. Council agrees with the National Adaptation Plan when it states on page 34 that “case studies bring climate change challenges to life by demonstrating what increased sea levels and more frequent and intense flood events mean for existing settlements”.

The Buller district is experiencing the effects of climate change now. This immediacy offers central government opportunity to pilot the National Adaptation Plan in advance and at a ‘small and agile’ community level that could then be refined and applied at scale across Aotearoa. We propose that there could be much to learn that can be applied to other communities in the coming years.

In the following section, we discuss various opportunities, many of these have their basis in existing Council wellbeing strategies which have been developed around the Buller district’s strengths.

Socio-economic Transformation – from deprived to thriving

Prior to the multiple flooding events of the past year, Council used its Long-Term Plan to start the conversation with its local communities about climate change issues, resilience, and the need for science-based adaptation planning, mitigation, and environmental sustainability.

Council also recognised the need to transform its economy by developing regenerative economies and its conservation and biodiversity restoration sectors – henceforth referred to as the ‘green’ sector. Over the past two years, Council has invested in identifying ways to support businesses and industries to meet their regulatory and environmental obligations, and achieve social licence to operate, as well as drive green sector growth across the district. This has resulted in the establishment or strengthening of working collaborations with mana whenua, local and central government agencies, local business and industry, the education sector, community groups, as well as NGOs and the large, international philanthropic organisation, The Nature Conservancy. Council’s strategy is also consistent with Te Whanaketanga Te Tai Poutini Strategy 2050 which was developed in collaboration between West Coast mana whenua and councils.

These collaborations coupled with the district’s progressive local government leadership, valued natural environment and biodiversity, warm growing climate, and strong desire by its people to retain its community spirit and grow in resilience and self-reliance make it ideally positioned for socio-economic transformation through green sector growth.

Council supports the National Adaptation Plan, page 50, where it states that future work will include prioritising Nature-based Solutions (NbS) and implementing Te Mana o te Taiao. Working with nature or NbS is recognised as a key strategy to reaching our emissions targets within Chapter 4 of Aotearoa New Zealand’s first Emissions Reduction Plan (ERP). We know that NbS offer our district the opportunity to grow education and employment pathways for our people that also deliver adaptation resilience, the capture and long-term storage of (blue) carbon, achieve gains for biodiversity, and provide sustainable financing for land relinquishment and staged retreat.

Specifically, Council’s work to date has investigated or developed:

- Coastal saltmarsh restoration – through collaboration with Ngāti Waewae, the West Coast Regional Council, the Kotahitanga mō te Taiao Alliance and The Nature Conservancy, Council has begun to explore coastal saltmarsh sites that could deliver multi-dimensional benefits

(storm surge protection and flood resilience, blue carbon financing, long-term carbon sequestration, and cultural and biodiversity gains) from saltmarsh protection, restoration, and expansion activities.

- Native plant propagation – the ERP recognises the importance of indigenous plants to the achievement of Aotearoa New Zealand’s emission budgets. Likewise, Council sees local native plant propagation as pivotal in the expansion of green sector activity in the district whilst supporting landscape scale reforestation and afforestation and enabling widespread riparian restoration.
- Horticulture sector growth – producing more foods locally will increase local resilience, generate economic growth, create jobs, help retain our rangatahi in our district and support them into regenerative economy careers, and realise tangible environmental outcomes by reducing transport emissions.
- Conservation Training and Employment Hub (working title) – in partnership with Tai Poutini Polytechnic, the Buller District Council has recently established a Conservation Training and Employment Hub in Westport. Current green sector activity is not co-ordinated or supported in a cohesive way across the district. Many independent initiatives have failed to endure in the long term, including multiple local small native plant nurseries, and various horticultural operations. Anecdotal evidence suggests difficulty in maintaining project momentum or achieving critical mass and therefore competitive advantage over suppliers external to the district. Our district currently struggles to engage and retain its rangatahi, as many young people do not see genuine career paths and opportunities here in Buller. Our district also has the lowest level of adult education in Aotearoa. The aim of the Conservation Hub is to provide and facilitate local education and employment opportunities, that will support the growth of the green sector across the district, delivering climate change and biodiversity outcomes whilst also increasing our community’s self-sufficiency and resilience, and growing our local economy. The Conservation Hub could also be used to deliver learning related to climate change adaptation and mitigation, enabling the community to be actively involved in creating its own sustainable future.
- Regenerative farming – as sea-level rises, productive coastal land will become less productive. There are opportunities for landowners to develop more sustainable farming practices with support programmes such as those signalled within the ERP on page 93, as well as funding support for catchment groups formed under the National Policy Statement for Freshwater. Relinquishment of land to saltmarsh restoration may also provide financing to offset the loss of productive land.
- Eco-sanctuary flagship project – initial discussions have been held with philanthropic investors to establish an eco-sanctuary-like destination within the district that would tie in many regenerative elements, including eco-tourism, recreation, predator control, biodiversity outcomes, and the generation of sustainable financing through the creation of healthier (pest-free) indigenous forests.

Council is supportive of the development of guidance referred to on page 37 of the National Adaptation Plan that will protect against greenwash and support greater investment in New Zealand’s

climate-resilient projects. Council understands the importance of sustainable financing mechanisms to enable a regenerative economy and supports work packages that will help these become established, such as biodiversity credits, or carbon credits related to indigenous forests, riparian plantings and management, and healthier (pest-free) forests.

The National Adaptation Plan, on page 77, wants to ensure “communities have a high level of adaptive capacity and are resilient to the impacts of climate change”. The government also wants to ensure that “no-one is left behind” and that “the most vulnerable people” are provided with support, knowledge, and resources.

Council supports the establishment of an integrated work programme to deliver climate, biodiversity and wider environmental outcomes, as stated in the National Adaptation Plan on page 50. Council proposes to use its existing strategy and work to date as a platform to drive the transformation of our local community from one of severe geographic vulnerability, with high levels of socio-economic deprivation, unemployment, trauma and anxiety, and destabilised social cohesion, to a high(er)-wage and low emissions economy, which adapts and builds resilience to a changing climate whilst realising significant climate change and biodiversity co-benefits.

Further to the development of the green sector opportunities noted above, Council also wishes to diversify its local economy by supporting and exploring other avenues for long term climate resilience and sustainable economic activity. These include:

- High tech low impact industry – high speed fibre has been enabled across the wider Westport area, and Council sees immense value in pursuing further development in this sector. The Westport-based Epic Centre has set the scene and tone for further exploration, and as Covid 19 has clearly shown us, the world of working is rapidly changing.
- Low impact high value industry – the local Westport-based construction company, South Peak Homes, produces high quality transportable homes. This business has highlighted that opportunity exists for locally based businesses that improve self-reliance and resilience can not only survive but also thrive in the face of adversity. This housing company could support potential home building required to enable staged or managed retreat and is already delivering 11 homes for flood relief via the MBIE TAS village.

As Aotearoa shifts further away from many extractive and high emissions economic activity, our district will need to be supported through a transition away from its long history with high-emissions industries and envisions and then creates a different future for itself.

Support for Community Wellbeing and Mental Health

Much of the proposed programme of works within the National Adaptation Plan that will support our community with its current adaptation challenges is at least 1 – 2 years away. In recognition of our community’s unique and highly exposed and vulnerable position, we would support an approach that trials many of the Plan’s pieces of work at a local level. By trialling these works at a small scale, central government can be sure that its support mechanisms are in place and working as intended for local Councils and affected communities. In addition, many learning opportunities would exist, particularly around the streamlining of communications between the many central government agencies involved in climate change adaptation.

Local Infrastructure Opportunities

Our district has an aging infrastructure and asset network which is increasingly exposed to intense rainfall events, rising tides, and hydrological changes (including two closed landfills with leachate issues located near high value wetlands). However, the proposed programme of works within the National Adaptation Plan that will support our district with its current infrastructure and adaptation challenges is 1 – 2 years away.

Council's infrastructure network is also geographically spread-out, and services a low population with a low rate-payer base. Its extensive network is vulnerable to increasing repeat high intensity rainfall events that have caused considerable damage over recent months and have isolated settlements and towns for extended periods of time due to extensive damage to the roading network.

As a result of the 2021/22 flood events, internal district roading lifelines as well as those that connect the district to its surrounds were largely closed. This led to high levels of isolation for many communities. As an example, the township of Karamea was cut off for many days with the closure of the Council-operated Karamea Highway due to many significant and dangerous road slips. Essential items had to be helicoptered in for an extended period. At the same time, Westport was isolated from the rest of the South Island with its lifeline routes closed. Emergency provisions were helicoptered in and emergency support services were unable to reach the township. It is predicted that these isolation events in the roading network will be exacerbated due to climate change.

Unfortunately, local government is not well positioned to fund the necessary infrastructure repairs that will enable the maintenance of existing levels of service due to the increased maintenance costs associated with climate change impacts. The three crucial lifelines for the Buller district that require support and future proofing are land, sea, and rail options. However, Council is simply unable to fund the necessary improvements to these crucial networks that would achieve greater levels of protection and resilience against future events.

Potable water supplies across the district have been impacted by the intense rainfall and flooding events of 2021/21. Westport's water supply was severely compromised in the 2022 events, with large slips in the water catchment leading to damaged infrastructure. Emergency works were undertaken to provide temporary solutions to the town's water supply; however, it must be noted that a more resilient supply for the area must be established in light of the increasing exposure and vulnerability that climate change will bring.

Council also faces issues regarding investing in three waters infrastructure upgrades that are required to meet RMA or iwi requirements but may be rendered redundant once climate change forces asset relinquishment and retreat in certain areas.

To enable Council to prudently manage its assets and infrastructure, Council would like to explore opportunities to trial many of the Plan's pieces of work at a local level. We suggest a collaborative approach enabled in the short term for Council to work with crown agencies on the following:

- Scoping a resilience standard or code for infrastructure
- Developing a methodology for assessing impacts on physical assets and the services they provide
- Integrating adaptation into treasury decisions on infrastructure
- Working with Waka Kotahi on Climate Change Adaptation Planning

Council is responsible for two closed landfills that leach into high-value coastal wetlands. These wetlands are subject to hydrological changes and present cultural, ecological, and public health impacts. Council is supportive of the Plan's proposal on page 68 to explore funding options to support the investigation and remediation of contaminated sites and landfills vulnerable to the effects of climate change. Council is concerned regarding the timeframe for this work (2025 – 2028) due to the extant issues already presenting at these landfill sites.

Regarding energy infrastructure, Council expresses significant interest in the development of the National Energy Strategy referred to on page 69 of the National Adaptation Plan. Council understands that establishing local energy generation schemes would enable far greater resilience and self-sufficiency. To illustrate this point, a recent media article on Stuff indicated that, in the event of an Alpine Fault 8 event (given a 75% likelihood of occurring within the next 50 years), it is likely that the West Coast (including the Buller district) would be without power for many months.

Council wishes to note that the energy and communication requirements for the region in times of disaster require immediate attention and consideration. Considering the impacts expected via climate change we note the vulnerability of our networks, and the work required to ensure long term resilience. Planning and financial assistance for small district Councils will be crucial.

Localised energy supply networks are a core critical element for the region. However, we must not forget the limited capacity and knowledge base that our district is working with. To fully embrace the potential for further self-reliance we would require the assistance of central government agencies.

Recreation infrastructure that provides our district with recreation opportunities and generates considerable tourism sector activity is currently being heavily impacted by an increase in the frequency and intensity of high rainfall events experienced in the district. As discussed earlier, the Heaphy Track and the Old Ghost Road are currently closed for extended periods as tracks and associated infrastructure undergo costly repairs. Council suggests that the international tourism market may hold opportunities to fund the increased maintenance costs as well as future infrastructure resilience upgrades. The tourism sector may offer additional funding mechanisms that support climate change mitigation and biodiversity outcomes, and Council suggests that these need to be developed to support our transition to a high value low emission society. Council raises this suggestion in its submission as eco-tourism is one of the district's key economic growth areas.

Retreat and Relinquishment Funding Mechanisms

RMA reform and the timeframes for the Natural and Built Environments Act and the Climate Change Adaptation Act indicated within the National Adaptation Plan will not support the conversations that need to take place in our district now to address the immediate needs of our flood traumatised community. On page 90 of the National Adaptation Plan, Council notes that an options paper for home flood insurance will be developed by the end of 2022.

Central government's current Westport Case Study concerns co-investment options for flood protection. Council proposes an extension to this work in Buller, where longer-term insurance implications and funding and financing mechanisms for relinquishment and retreat are trialled at a local community level and then scaled up for wider application across Aotearoa.

Council is interested in seeking support for its community that achieve caps for insurance premiums or bridges future insurance gaps, as well as achieves a cost-sharing solution that is fair and workable at a local government and community level.

Conclusion

The Buller district is already dealing with significant challenges associated with climate change, and we know that our path to a more resilient future will not be simple. However, we can recognise the considerable support represented within the National Adaptation Plan and welcome its arrival.

We believe that beyond the coming transition phase our district has a bright future, and we welcome the opportunity to talk with you to find ways to help us realise that future for our community and all the people that live here.