



AGENDA

Meeting of the **Regulatory and Hearings Committee**

Wednesday 9 March 2022 at 3.30pm

*To be held at the
Via ZOOM*

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

09 March 2022 03:30 PM - 05:00 PM



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REGULATORY AND HEARINGS COMMITTEE

9 MARCH 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

9 MARCH 2022

AGENDA ITEM 2

Prepared by Sean Judd
Group Manager Regulatory Services

MEMBERS INTEREST

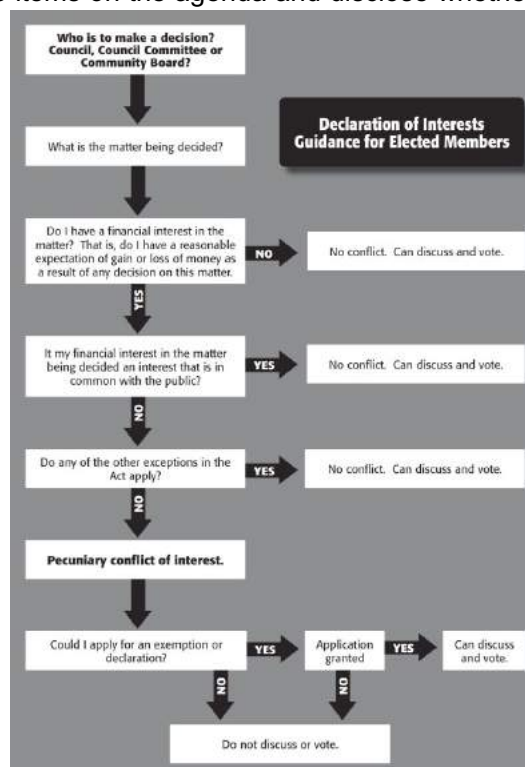
Members are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

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

9 MARCH 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 13 October 2021



MEETING OF THE REGULATORY AND HEARINGS COMMITTEE, COMMENCING AT 3:00pm, WEDNESDAY 13 OCTOBER 2021, AT CLOCKTOWER CHAMBERS, PALMERSTON STREET, WESTPORT

PRESENT: Councillor P Rutherford (Chair), Deputy Mayor S Roche, Councillors D Hawes, J Howard, M Montgomery, R Nahr, R Sampson, Iwi Representative N Tauwhare

APOLOGIES: Mayor J Cleine, Cr J Bougen and Cr G Weston

Cr M Hill was absent.

IN ATTENDANCE: S Judd (GM Regulatory Services), R Townrow (Acting Chief Executive Officer), V Hill (Governance Assistant)

MEDIA: Ellen Curnow (Westport News)

PUBLIC FORUM:
Nil

The meeting was declared open at 3pm

1. APOLOGIES (p5)

Discussion:

Mayor J Cleine and Crs J Bougen and G Weston provided apologies to the meeting.

Cr M Hill was absent and did not provide an apology.

RESOLVED

That the Regulatory & Hearings Committee receives apologies from Mayor J Cleine and Councillors J Bougen and G Weston.

DM S Roche/Cr R Sampson
8/8
CARRIED UNANIMOUSLY

2. MEMBERS INTEREST (p6)

Discussion:

Nil.

RESOLVED that Regulatory & Hearings Committee members disclose any financial or non-financial interest in any of the agenda items.

Cr P Rutherford/Cr R Nahr

8/8

CARRIED UNANIMOUSLY

3. CONFIRMATION OF PREVIOUS MEETING MINUTES (p7)

Discussion:

There were no matters arising from the previous minutes.

An update from S Judd (Group Manager Regulatory Services) would be provided.

RESOLVED that the Regulatory & Hearings Committee receive and confirm minutes from the meeting of 16 June 2021.

Cr M Montgomery/Cr J Howard

8/8

CARRIED UNANIMOUSLY

4. ADOPTION OF REPORT UNDER SECTION 10A OF THE DOG CONTROL ACT 1996 (p15)

Discussion:

Cr R Nahr noted the dog register was down nearly 200 dogs from the previous year.

S Judd (GM Regulatory Services) advised that this was a period when a lot of people had transferred out of the district, particularly with people leaving from Stockton.

It is possible to account for most of these with advices relating to moving districts.

The process of transferring license fees to other Councils was discussed.

The number of infringements and complaints in relation to the previous year were discussed with Cr P Rutherford noting that there are similar percentages.

DM S Roche asked that a thank you be extended to T Judd (Senior Compliance Officer) for organising dog socialisation programmes which were valuable for dogs and owners.

Cr P Rutherford acknowledged the good work of the compliance team.

RESOLVED that the Regulatory & Hearings Committee adopts the Buller District Council Annual Report on Dog Control Policy and Practices for the 2020/2021 financial year.

DM S Roche/Cr M Montgomery
8/8

CARRIED UNANIMOUSLY

5. BYLAW REVIEW (P22)

Discussion:

Freedom Camping, Toilets and Rubbish Disposal

The recommendations to adopt were discussed and a background provided to the paper in terms of the Annual Plan.

Cr P Rutherford (Chair) noted that Council was hoping to have funding from central government to carry on managing freedom camping in the district.

Funding has not been forthcoming and now it must be decided how to manage this in the current year given there is no budget.

A compliance team member will be available for this, however they will not have the primary focus of freedom camping.

S Judd (GM Regulatory Services) advised that there was a dedicated person dealing with this and there is a slight change with the compliance team in the way they work now.

This responsibility will now fall on three compliance officers and building inspectors as Council warranted officer who may deal with these issues.

This is small resource compared to what has been in place and there is uncertainty about what the season will bring with COVID-19 restrictions.

Rubbish disposal and toilets are the primary concern.

CR D Hawes observed that the freedom camping spots which had been set up have now legitimised the use of these places. Interim measures are required to manage this in the short term over the peak summer period.

Cr Hawes suggested the Department of Conservation's (DOC) approach of "pack in and pack out" should be used as this is no different to freedom camping areas.

Appropriate signage about potential fines for littering have worked for DOC, along with signs notifying that sites are under video surveillance and cameras are moved around.

Cr J Howard asked if there were any statistics on the amount of rubbish collected and toilet usage at the various sites.

S Judd (GM Regulatory Services) responded that there were currently no available statistics on usage.

There was discussion regarding the need to have local alternative sites for rubbish disposal and toilets and making this information available.

DM S Roche noted that the people of Fox River and Hector campaigned hard to have toilets installed and DM Roche was reluctant to remove them.

Cr P Rutherford reminded Councillors that if any recommendation other than Option One were adopted, an unbudgeted expense will effectively be created.

Cr R Sampson noted that the figures relating to the distance to Karamea are incorrect, saying it is 100km to Karamea one way.

There was considerable discussion regarding the need to fund rubbish disposal and toilet facilities in the district in the absence of the central government funding that had previously been available.

RESOLVED that the Regulatory and Hearings Committee agree to fund the Hector toilets for \$10,000 for six months and the Reefton toilets for \$3,600 for 12 months.

DM S Roche/Cr D Hawes
8/8

CARRIED UNANIMOUSLY

The Regulatory team were asked to check how rubbish bins were currently being funded at Kawatiri Beach and S Judd (GM Regulatory Services) would attend to this.

Cr P Rutherford summarised by saying there was a general consensus that no resolution was required, however staff would be directed to investigate signage alternatives for rubbish.

Utilisation of existing compliance officers within Council and possible alternatives to travel and hours worked with part time staff were discussed.

S Judd (GM Regulatory Services) advised that there are issues with employing part time staff around health and safety training etc.

There is a definite health and safety component to executing these duties as an officer in the next district had been pushed to the ground and was kicked and assaulted severely. These roles were as ambassadors only, rather than compliance officers.

Cr P Rutherford (Chair) summarised that compliance work around freedom camping could be done within current resources, however this would not be to the same level as last year.

Bylaws

Cr P Rutherford advised that there are issues the Regulatory team were working on, including noisy roosters.

The team had to prioritise resourcing and efforts had been difficult with COVID-19 and the recent flood event in July.

Consequently this matter is behind where the team would like to be, however there were no statutory problems.

General work on bylaws had not progressed much further due to staff resourcing and the recent flood event.

DM S Roche said it would be helpful to have a plan schedule of all policies and bylaws, when they were last reviewed, when they will be reviewed again and statutory obligations.

S Judd (GM Regulatory Services) advised this information did exist and he will make this available at the next meeting.

There were several enquiries regarding the dog bylaw.

Cr P Rutherford confirmed that information will be provided and pointed out that there are some policies that have a few dates that have been and gone.

It was not advisable to make that into a big issue that has to be done immediately as there are valid reasons why the work had not been completed by the due date.

There have not been any significant issues and it would be wrong to pressurise staff to accelerate work that has less significance at the expense of work that was currently intrinsically necessary.

-
- There being no further business the meeting concluded at 4.21pm
 - **Next meeting: To be Advised**, Clocktower Chambers, Palmerston Street, Westport.
-

Confirmed: **Date:**

REGULATORY AND HEARINGS COMMITTEE

9 MARCH 2022

AGENDA ITEM 4

Prepared by - Sean Judd
Group Manager Regulatory Services

Reviewed by - Councillor Phil Rutherford
Regulatory Committee Chairperson.

Bylaw Review

1. REPORT PURPOSE

For Council to review the attached draft 'Keeping of Animals' Bylaw to ensure it is fit for purpose.

If approved the draft would proceed for legal comment to ensure it is consistent with current best practice and relevant law before being presented back to Council for approval prior to the commencement of public consultation.

2. REPORT SUMMARY

- Draft "Keeping of Animals" Bylaw – Attachment 1
- Current "Keeping of Animals" Bylaw – Attachment 2

3. DRAFT RECOMMENDATION

That Council:

1. **Direct staff to progress the draft 'Keeping of Animals' Bylaw for legal comment;
OR**
2. **Direct staff to progress the draft 'Keeping of Animals' Bylaw for legal comment with the following alterations (if any):**

4. BACKGROUND

The Buller District Council is undertaking a review of its current bylaws. The process is to assign each bylaw to the relevant department, for staff to assess if it still relevant and if so, what changes (if any) need to be made.

The timeframes set for this process to occur have been pushed back due to the recent series of weather events in the Buller.

Prior to the July flood event, council was made aware of an ongoing noise issue relating to several roosters being kept at a Westport property.

Whilst the total number of roosters has been reduced to one, a significant noise issue remains.

Council staff have spent considerable time and effort to resolve the issue without success. It has been identified that the current 'Keeping of Animals' Bylaw does not offer sufficient powers to effectively deal with the issue.

The draft bylaw attached includes rules for:

- Keeping animals in general
- Cats and kittens in urban areas
- Poultry in urban areas
- Beekeeping
- Livestock in urban areas
- Pig keeping
- The slaughtering of animals

It also allows for guidance information and various administration arrangements to be produced by council to complement the bylaw.

Council officers are seeking the committee's approval in principle to the draft bylaw so that the draft can be sent to our legal advisors for their comment. Any changes approved by the committee will be included in the document. Officers are particularly seeking the committee's guidance on the definition of 'urban area'. It is logical that Westport, Reefton and Karamea are included in the definition. There are however a number of other communities which could also be included such as those in Northern Buller e.g. Granity and Waimangaroa.

The Buller District operative plan does not define 'Urban Area'.

One potential definition is;

An urban area, or built-up area, is a human settlement with a high population density and infrastructure of built environment.

It is intended to bring a final version of the proposed bylaw to the next Council meeting for approval to commence the public notification process. This final version will include any changes adopted by this committee and any changes resulting from the legal advice obtained.

6. CONSIDERATIONS

6.1 Strategic Alignment

Council must ensure the bylaw is in keeping with its strategic direction for the district.

6.2 Significance Assessment

Bylaws require community consultation prior to adoption.

6.3 Tangata Whenua Considerations

N/A

6.4 Risk Management Implications

Council needs an effective mechanism to mitigate the impacts of certain animals being kept on private property and an effective mechanism in order to address any legitimate complaints.

6.5 Policy Framework Implications

Relevant and updated by-law currently in place.

6.6 Legal Implications

Council must take steps to ensure its compliance mechanisms are consistent with current best practice and law.

6.7 Financial / Budget Implications

Process including legal opinion can be managed within existing budgets.

6.8 Consultation Considerations

Under the Local Government Act 2002 there is a statutory requirement for public consultation to be undertaken which will follow Council's formal resolution to progress the proposed by law, should they do so at the next Council meeting.

ATTACHMENT 1

DRAFT V.1 COUNCIL 23 FEB. 2022

DRAFT

BULLER DISTRICT COUNCIL

ANIMALS BY LAW

2022

DRAFT V.1

ATTACHMENT 1

Animals Bylaw 2022

Buller District Council

The purpose of this bylaw is to control the keeping of animals (including pigs, poultry, bees, livestock and cats) within the district to ensure they do not create a nuisance or endanger health to neighbours and other members of the public; and to regulate the slaughtering of animals to avoid causing nuisance or offence.

1 Title and Commencement

1.1 This bylaw is the Buller District Council Animals Bylaw 2022.

1.2 This bylaw comes into force on [.....] 2022.

2 Authority

2.1 This bylaw is made under:

- a) Sections 145(a) and (b) and 146(a)(v) of the Local Government Act 2002; and
- b) Section 64(1)(a), (i), (j), and (m) of the Health Act 1956.

2.2 This bylaw should be read in conjunction with the Operative Buller District Plan and any subsequent Operative District Plan for the area of Buller District, although the Plan does not form part of this bylaw.

3 Purpose

3.1 The purpose of this bylaw is to:

- a) Control the keeping of animals within the district to ensure they do not create a nuisance or endanger health to neighbours and other members of the public; and
- b) Regulate the slaughtering of animals to avoid causing nuisance or offence.

4 Exclusions

4.1 This bylaw does not apply to:

- a) Any animal kept in a zoo or zoological gardens; or
- b) Any dogs.

5 Interpretation

ATTACHMENT 1

Definitions

5.1 In this bylaw unless the context otherwise requires:

Animal means any member of the animal kingdom, including any mammal, finfish, shellfish, reptile, amphibian, insect or invertebrate which is kept in a state of captivity or domesticated and includes the carcass or constituent parts of that animal but it does not include human beings or dogs.

Approval or Approved means a written approval from the Council.

Bylaw means the Buller District Council Animals Bylaw 2022.

Dwelling or Dwelling house means any separately occupied household unit used in whole or in part for human habitation, and includes any building, tent, vehicle or other structure, whether permanent or temporary and whether attached to the soil or not.

Feral animal means an animal which is not a stray animal, and which has none of its needs provided by humans. Feral animals generally do not live around centres of human habitation.

Livestock or stock includes any cattle, sheep, deer, horse, donkey, hinny, mule, goat, thar, alpaca, llama, bison, ostrich, emu, pigs or any other herd animal, regardless of age or sex.

Nuisance means any unreasonable interference with the peace, comfort or convenience of another person and includes a statutory nuisance as defined in section 29 of the Health Act 1956, and includes the following:

- a) where any accumulation or deposit of any waste or other similar material is in such a state or so situated as to be offensive;
- b) where any buildings used for the keeping of animals are so constructed, situated, used, or kept, or are in such a condition, as to be offensive; and
- c) where any noise emitted by an animal unreasonably interferes with the peace, comfort, and convenience of any person.

Occupier (of any property) means the inhabitant of any property, and in any case where the property is unoccupied includes the owner of that property.

Owner (of any property) means any person who would be entitled to receive the rack rent of the property if the property were let, and where any such person is absent from New Zealand includes that person's authorised lawyer or agent, or any other person acting on their behalf.

Person means an individual, a corporation sole, a body corporate, or an unincorporated body.

ATTACHMENT 1

Poultry means any live domesticated or farmed bird including, but not limited to, chicken, rooster, goose, duck, turkey, swan, pheasant, or peafowl.

Property means any parcel of land and/or building capable of being transferred, sold, rented, leased, or otherwise disposed of separately from any other parcel of land and/or building(s), whether or not the land and/or building is occupied.

Stable means a building in which livestock are kept.

Stray animal means a domestic animal which is lost or abandoned, and which is living as an individual or in a group. Stray animals have many of their needs indirectly supplied by humans and live around centres of human habitation.

Urban means any land contained

Waste has the same meaning as defined in section 5 of the Waste Minimisation Act 2008.

References to repealed enactments

5.2 A reference in this bylaw to a repealed enactment, standard or document is a reference to an enactment, standard or document that, with or without modification, replaces, or that corresponds to, the repealed enactment, standard or document repealed.

ATTACHMENT 1

6 Keeping of animals

- 6.1 No person may keep, permit or suffer to be kept any animal (including livestock, poultry and bees):
- a) which in the opinion of the Council causes a nuisance through noise, smell, dust or through the attraction of flies; or
 - b) in a manner that in the opinion of the Council is or is likely to become:
 - i) a nuisance, or
 - ii) offensive to the occupier of a neighbouring property or a threat to the health of any person.
- 6.2 Clause 6.1 will apply regardless of whether a person has complied with other clauses in this bylaw.
- 6.3 Any person keeping an animal (other than cats or bees) must confine the animal within the boundaries of the property where the animal is usually kept.
- 6.4 Clause 6.3 of this bylaw does not prevent a person from driving, leading or riding any animal.

Releasing domestic animals

- 6.5 No person may release or abandon a domestic animal.

Note: releasing an animal that has been kept in captivity, in circumstances in which the animal is likely to suffer unreasonable or unnecessary pain or distress is an offence under the Animal Welfare Act 1999.

7 Keeping of cats or kittens in an urban area

Number of cats in a dwelling

- 7.1 Except with the written approval of the Council, no person may keep more than four cats or kittens over the age of six months within or by any dwelling located in an urban area.

ATTACHMENT 1

- 7.2 Before granting any approval under clause 7.1 of this bylaw, the Council must be satisfied that:
- a) the cats or kittens will be adequately housed and that no nuisance will result; and
 - b) any other lawful requirements of the Council have been satisfied including any relevant provisions of the Operative District Plan.
- 7.3 The approval of the Council under clause 7.1 of this bylaw may include such terms and conditions as the Council considers appropriate in the circumstances, including requiring the cats to be desexed.
- 7.4 Any person to whom an approval has been given under clause 7.1 of this bylaw must comply with the terms and conditions of the approval.
- 7.5 Nothing in the bylaw applies to a lawfully established SPCA facility or other animal shelter or a lawfully established veterinary clinic or cattery.

8 Poultry keeping

Poultry in urban areas

- 8.1 No person may keep roosters, ganders or peacocks in urban areas.
- 8.2 No person may keep more than 12 head of poultry on any property in an urban area.

Poultry keepers to avoid nuisance

- 8.3 Any occupier of property on which poultry is kept must ensure that the poultry are confined to that property. This can be achieved by providing either:
- a) an enclosed poultry house with an attached run; or
 - b) an enclosed poultry house and adequate fencing of the property;
- where the poultry house and poultry run (if any) complies with the requirements of clause 9 of this bylaw.
- 8.4 No person keeping any poultry may allow the poultry to create a noise or odour nuisance.
- 8.5 If, in the opinion of the Council, any poultry creates a nuisance, the Council may by written notice to the owner or occupier require the owner or occupier to abate the nuisance.
- 8.6 Any owner or occupier who receives a notice under clause 8.5 of this

ATTACHMENT 1

bylaw must, without delay, act to abate the nuisance as required by the notice.

- 8.7 Clause 8 of this bylaw does not prevent any person temporarily keeping poultry in an auction room or in any property used for the killing and dressing of poultry for sale.

9 Poultry houses and poultry runs

9.1 Every poultry house must be:

- a) constructed in accordance with the Building Act 2004 as the case may require;
- b) rainproof; and
- c) provided with a floor of concrete or other appropriate or suitable material to which a poultry run may be attached.

9.2 No poultry house or poultry run may be located:

- a) Within ten metres of any neighbouring dwelling, or
- b) Within two metres of the boundary of any adjoining property.

9.3 Every poultry house and poultry run must be adequately graded and drained and must be kept clean and in good repair.

9.4 Effluent or discharge from a poultry house or poultry run must:

- a) not be discharged in such a manner as to cause a nuisance; and
- b) comply with the Resource Management Act 1991; and
- c) comply with the relevant requirements of the West Coast Regional Council.

9.5 If, in the opinion of the Council, a poultry house or poultry run causes a nuisance, the Council may by written notice to the owner or occupier require the owner or occupier to abate the nuisance.

9.6 Any owner or occupier who receives a notice under clause 9.5 must, without delay, act to abate the nuisance as required by the notice.

10 Beekeeping

Beekeeping not to create a nuisance

10.1 No person may keep bees if, in the opinion of the Council, the keeping of such bees is, or is likely to become, dangerous, injurious to health, or a nuisance to any person.

ATTACHMENT 1

- 10.2 A beekeeper must ensure that hives are positioned so as to ensure the primary flightpath will not impinge on a dwelling or living area of any neighbouring property.
- 10.3 If, in the opinion of the Council, bees cause a nuisance to or may be dangerous or injurious to the health of any person, the Council may:
- a) seek advice from an experienced beekeeper as nominated by a local beekeeping club, other similar recognised body and/or consensus of locally-based registered commercial beekeepers to recommend possible solutions to abate the nuisance or danger;
 - b) by written notice require the beekeeper or owner or occupier of the property to undertake one or more of the following steps to mitigate or abate the nuisance or danger:
 - i) ensure the bees are kept in accordance with the Apiculture NZ Code of Conduct and/or similar code of conduct;
 - ii) relocate the hives to another area on the property;
 - iii) develop a flight management plan and submit this to the Council for approval by the Council to ensure that the bees flightpath is diverted from or made to go a minimum of 1.8 metres high over an adjacent property, footpath, or road;
 - iv) reduce the maximum number of hives allowed on the property; and/or
 - v) remove some or all of the existing hives from the property.
- 10.4 Any beekeeper, owner, or occupier who receives a notice under clause 10.3 of this bylaw must, without delay, comply with the notice.
- 10.5 A beekeeper must register any hives located within the district in accordance with the Biosecurity Act 1993 and the Biosecurity (National American Foulbrood Pest Management Plan) Order 1998.

Bee keeping in urban areas

- 10.6 No more than two (2) hives shall be placed on a property in an urban area except with the written approval of the Council.
- 10.7 The Council will consider an application for an exemption to these requirements where the urban property on which the hives are located:
- a) Is in excess of 1,500 m²; or
 - b) located next to reserves or rural land.
- 10.8 Exemptions may provide for up to four (4) hives.
- 10.9 Before granting any approval under clause 10.7 of this bylaw, the Council

ATTACHMENT 1

must be satisfied that increasing the number of hives will not result in a nuisance or otherwise be injurious to the health of any person.

- 10.10 The approval of the Council under clause 10.7 of this bylaw may include such terms and conditions as the Council considers appropriate in the circumstances.
- 10.11 Any person to whom an approval has been given under clause 10.7 of this bylaw must comply with the terms and conditions of the approval.
- 10.12 There is no maximum number of hives for properties outside of any urban area.

11 Keeping of livestock

Livestock near boundary in urban areas

- 11.1 No person may, keep, or allow to be kept, any livestock on properties in an urban area at a distance less than two metres from a boundary of any adjoining property where, in the opinion of the Council, an annoyance or nuisance may be created by the presence of the livestock within that area.
- 11.2 If, in the opinion of the Council, livestock in urban areas cause a nuisance, the Council may by written notice to the owner or occupier require the owner or occupier to abate the nuisance.
- 11.3 Any owner or occupier who receives a notice under clause 11.2 must, without delay, act to abate the nuisance as required by the notice.
- 11.4 Clause 11.1 of this bylaw does not prevent a person from driving, leading, or riding any livestock.

Livestock housing

- 11.5 Any person keeping livestock must ensure they are housed in a stable that complies with all relevant legislation.

Note: As per clause 6.3 of this bylaw, livestock must be confined within the property concerned, with the exception of the situations described by clause 11.4 of this bylaw.

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12 Pig keeping

Pigs to be kept in clean conditions

12.1 No person may:

- a) keep any pigs in such a manner so as to create a nuisance, or which is otherwise likely to be injurious to the health of any person or offensive; or
- b) keep pigs other than in compliance with the relevant provisions of the Operative District Plan; or
- c) erect, or cause to be erected, any pigsty that does not comply with the Building Act 2004 and any other lawful requirements; or
- d) discharge effluent from a piggery in such a manner as to cause a nuisance.

12.2 Any discharge from a piggery must comply with the Resource Management Act 1991, and relevant requirements of the West Coast Regional Council.

12.3 If, in the opinion of the Council, the keeping of pigs and/or a pigsty causes a nuisance, the Council may by written notice to the owner or occupier require the owner or occupier to abate the nuisance.

12.4 Any owner or occupier who receives a notice under clause 12.3 must, without delay, act to abate the nuisance as required by the notice.

Note: The Operative District Plan contains provisions on the keeping of pigs. All pig farmers must also comply with the provisions of the Biosecurity Act 1993, Animal Welfare Act 1999 and any other relevant regulations.

13 Slaughter of livestock

Slaughter of livestock to avoid creating nuisance or offence

13.1 Any person responsible for the slaughter of any livestock must ensure:

- a) the slaughter is not carried out in view of any person nearby;
- b) any processing of the slaughtered livestock (including skinning, gutting, and cutting of a carcass) is not carried out in view of any person nearby;
- c) the waste associated with a slaughter is not disposed of in view of any person nearby; and
- d) the slaughter and associated processing does not otherwise create a nuisance or become offensive to any person nearby.

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- 13.2 One way of complying with the requirements in clause 13.1(a), (b), and (c) of this bylaw is to erect adequate screening around the slaughtering, processing and disposal sites that is of sufficient size to prevent the slaughtering operation from being seen.

Offal burial

- 13.3 Any person responsible for the slaughter of any livestock must ensure:
- a) any waste associated with the slaughter of livestock is immediately removed; and
 - b) the body or part of the body of any slaughtered livestock is disposed of in a manner that will not cause a nuisance (including producing odour), become a threat to the health of any person, or otherwise become offensive to any person nearby.

Interpretation of clause 13

- 13.4 For the purposes of clause 13 of this bylaw:

A person responsible for the slaughter of any livestock includes:

- a) the owner of the livestock concerned;
- b) any person contracted or otherwise engaged to perform the slaughter; and
- c) any person carrying out the slaughter and associated processing and disposal.

Any person nearby:

- a) includes a person on a neighbouring property, whether in a dwelling on that property or not, and a person in a dwelling on the property where the slaughter is carried out; but
- b) excludes any person responsible for the slaughter of the livestock.

- 13.5 If, in the opinion of the Council, Clauses 13.1, 13.2, 13.3 are not complied with, the Council may by written notice to the person responsible for the slaughter of the livestock, as set out in 13.4, require the person responsible to abate the nuisance.

- 13.6 Any person responsible for the slaughter of livestock who receives a notice under clause 13.5 must, without delay, act to abate the nuisance as required by the notice.

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Note: It is an offence under the Health Act 1956 to leave animals or animal carcasses in a state where they are offensive or injurious to health. It is an offence under the Resource Management Act 1991 to contaminate waterways with animal remains. It is an offence under the Biosecurity (Meat and Food Waste for Pigs) Regulations 2005 to feed pigs untreated meat or untreated food waste.

14 Fees

- 14.1 The Council may, in accordance with the provisions of section 150 of the Local Government Act 2002, prescribe fees for services provided under this bylaw.

15 OPERATIONAL POLICIES

- 9.1. The Council may, from time to time, (by resolution) adopt operational policies related to matters regulated by this Bylaw, provided that any such policies are not inconsistent with this Bylaw.
- 9.2. Operational policies may set out, without limitation, such matters as:
- a) Guidance information
 - b) Application procedures
 - c) Administration arrangements
 - d) Terms and conditions
 - e) Definitions

16 Enforcement

- 16.1 Non-Compliance with the Bylaw
The Council may use its powers under the Health Act 1956 and the Local Government Act 2002, and the Impounding Act 1955 to enforce this Bylaw.

17 Offences and Breaches

- 17.1 Every person who commits a breach of this Bylaw commits an offence and is liable to pay:
- (a) the maximum fine set out in the Local Government Act 2002;
 - (b) The maximum fine set out in the Health Act 1956; and
 - (c) any other penalty specified in another Act for the breach of this Bylaw.
- 17.2 Every person commits a breach of this bylaw who:
- (a) Permits or allows any condition to exist or continue to exist contrary to this bylaw;
 - (b) Fails to comply with any lawful notice of direction given under this bylaw;

ATTACHMENT 1

- (c) Where required, fails to obtain written approval or having obtained written approval fails to abide by the conditions (if any).
- 17.3 The Council may apply to the District Court for an injunction to restrain a person from committing a breach, or continuing to breach this Bylaw, as set out in the Local Government Act 2002.
- 17.4 Notwithstanding the above, nothing in this Bylaw serves to prevent the Council, where it considers it appropriate, from exercising its powers under the Health Act 1956 or Resource Management Act 1991 to abate nuisance without notice.
- 17.5 An Authorised Officer may seize or impound any Animal other than domesticated cats, bees or Poultry found at large which are causing a Nuisance.
- 17.4 If an authorised officer is issued with a warrant under the Search and Surveillance Act 2012 the authorised officer may enter private property pursuant to section 165 of the Local Government Act 2002; and
 - (a) seize animals and bees that are on the premises in breach of this Bylaw
 - (b) seize property other than animals and bees that is materially involved in the commission of an offence under this Bylaw
- 17.2 In accordance with section 162 of the Local Government Act 2002, the Council may apply to the District Court for an injunction to restrain a person from committing a breach or continuing to breach a Bylaw.

18 Repair and Removal of Works

- 18.1 The Council may, under sections 163, 164, 165, 167, and 168, of the Local Government Act 2002, repair, remove, or alter, or cause to be repaired, removed, or altered, any work, material, or thing erected or done in contravention of this Bylaw, and may recover from any person responsible for the work, action, or thing, all expenses incurred by the Council in connection with the repair, removal, or alteration (including the cost of debt collection and legal fees incurred by the Council). Any notice issued pursuant to clause 18.1 must state the work required and the time within which such action is to be carried out. The relevant time period may be extended from time to time by an Authorised Officer.
- 18.2 The exercise by the Council of its powers under this clause will not relieve any person responsible for a breach of this Bylaw

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from liability for any other penalty for committing a breach of this Bylaw.

- 18.3 If any breach of this Bylaw is such that public health, safety considerations, or risk of consequential damage to Council assets is such that a delay would create unacceptable results, the Council may take immediate action to rectify the breach and recover its reasonable costs as set out in clause 17.1.
- 18.4 On recovery of all Council's costs (including any storage costs) the lawful Owner may claim any work, material or thing removed under this clause.
- 18.5 If not claimed within a reasonable time the Council may dispose of any work, material or thing removed under this clause as it sees fit and apply the proceeds to meet any of its outstanding costs in relation to the matter. The lawful Owner will be entitled to claim any residual sum.

19 Revocation

- 19.2 All bylaws previously made by Council which relate to animals or any matter dealt with in this bylaw, or which are inconsistent with this bylaw, are hereby revoked.

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NZS 9201:Part 13:1999

New Zealand Standard

Model General Bylaws

**Part 13 – The Keeping of Animals, Poultry
and Bees**

Superseding NZS 9201:Chapter 13:1972

NZS 9201:Part 13:1999

NZS 9201: Part 13: 1999 ATTACHMENT 2

COMMITTEE REPRESENTATION

This Standard was prepared under the supervision of the Model General Bylaws Committee (P 9201) for the New Zealand Standards Council established under the Standards Act 1988.

The Committee consisted of representatives of the following:

Auckland City Council
 Department of Internal Affairs
 Local Government New Zealand
 Manukau City Council
 Porirua City Council
 Southland District Council
 Timaru District Council

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AMENDMENTS

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~~NZS 9201: Part 13: 1999~~
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NEW ZEALAND LEGISLATION

Health Act 1956

Local Government Act 1974

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FOREWORD

The NZS 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 1974 to make bylaws.

This Standard supersedes NZS 9201:Chapter 13:1972 *The keeping of animals, poultry and bees*. The revision simplifies the previous standard by deleting all the requirements related to pigsties and pigswill as pig keeping is not generally allowed in areas which have a predominantly urban character under the District Plan.

Reference should be made to NZS 9201:Part 1 *Introductory* for any other definitions not included in this Part.

ATTACHMENT 2 NOTES

~~ATTACHMENT 2~~

NEW ZEALAND STANDARD

MODEL GENERAL BYLAWS

Part 13

**THE KEEPING OF ANIMALS, POULTRY
AND BEES**



1300 SCOPE

The purpose of this Part of the bylaw is to outline requirements for the keeping of animals, poultry and bees. The requirements are deemed necessary for the protection of neighbours and property owners.

This bylaw is made pursuant to section 684 of the Local Government Act 1974, and section 64 of the Health Act 1956.

1301 PIG KEEPING

No pigs shall be kept in any area which has a predominantly urban character under the District Plan prepared by the Council.

1302 STOCK IN URBAN AREAS

Any person keeping stock in an urban area shall ensure that premises where stock are kept meet such conditions as may be prescribed by an authorized officer.

1303 POULTRY KEEPING



1303.1

No poultry caged or otherwise (which shall include geese, ducks, pigeons, turkeys, and domestic fowls of all descriptions) shall be kept in a predominantly urban area except in a properly constructed poultry house covered in with a rainproof roof and provided with a floor of concrete or other approved material with a surrounding nibwall, to which a poultry run may be attached.

1303.2

No poultry house or poultry run shall be erected or maintained, so that any part of it is within 10 m from any dwelling, factory, or any other building, whether wholly or partially occupied, or within 2 m of the boundary of adjoining premises.

~~NZS 9201:Part 13:1999~~

~~ATTACHMENT 2~~

1303.3

Every poultry run shall be enclosed to confine the poultry.

1303.4

Every poultry house and poultry run shall be maintained in good repair, in a clean condition free from any offensive smell or overflow and free from vermin.

1304 NOISE FROM ANIMAL, BIRD, OR FOWL

No person shall keep on any premises any noisy animal, bird, or poultry which causes a nuisance to residents in the neighbourhood.

1305 BEE KEEPING

1305.1

No person shall keep bees if in the opinion of an authorized officer the keeping of bees is, or is likely to become a nuisance or annoyance to any person or potentially dangerous or injurious to health.

1305.2

An authorized officer may prescribe conditions relating to the location and number of hives able to be kept on any premises or place within an urban area of the District.

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NOTES

NZS 9201:Part 13:1999
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NOTES

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Approved by the Standards Council on 20 July 1999 to be a New Zealand Standard pursuant to the provisions of section 10 of the Standards Act 1988.

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NZS 9201:Part 13:1999

NZS 9201:Part 13:1999

REGULATORY AND HEARINGS COMMITTEE

9 MARCH 2022

AGENDA ITEM 5

Prepared by - Di Rossiter
Dextera Consultant

Reviewed by - Councillor Phil Rutherford
Regulatory Committee Chairperson.

Climate Change Adaptation Planning

1. REPORT PURPOSE

To provide Councillors and Ngāti Waewae with information regarding the Buller District Council's Climate Change Adaptation Planning project.

2. REPORT SUMMARY

Climate change represents an urgent and potentially irreversible threat to human societies and the planet. Aotearoa New Zealand is experiencing, and will continue to experience, more frequent, and more intense weather events. Broad, high-level scenario modelling projects that we are going to get warmer, wetter, and windier. Over the coming decades, NIWA's likely scenario for Buller includes greater frequency and intensity storm events, including higher intensity rainfall, leading to changes in storm surge and wave height and thus more frequent or higher magnitude coastal flooding outcomes, as well as changes in fluvial (river) and pluvial (rain) flooding.

Local communities face an increasing burden because of natural disasters, weather events, and the effects of climate change that threatens infrastructure, ecosystems, and social systems. There is a vast mismatch between the resources available to local authorities and the scale of their adaptation challenges. Research suggests that on average, at least 30% of economic costs are attributable to anthropogenic climate change. If this factor is applied to the recent flood events in the Buller district, then the human-driven costs of the July 2021 and February 2022 events are in the order of many 10's of million of dollars.

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.

Council has adopted a science-based approach to develop a Climate Change Adaptation Plan for Buller; informed by a risk assessment based on the Local Climate Change Risk Assessment guide published by the Ministry for the Environment in September 2021.

There are seven stages to the planning process. Currently, the project is in Stage 1, with Stage 7 concluding in approximately 2.5 to 3 years. The outcome of the planning process will be an adaptation strategy, comprising a series of action plans for the district's ranked and prioritised risks and opportunities.

3. DRAFT RECOMMENDATION

That Council receives the information provided within this report and endorses the Project Plan and its actions contained within its appendix.

4. BACKGROUND

The current situation

Climate change represents an urgent and potentially irreversible threat to human societies and the planet. In recognition of this, the overwhelming majority of countries around the world (n = 195) adopted the Paris Agreement in December 2015, the central aim of which included pursuing efforts to limit the global temperature rise to 1.5°C (IPCC, 2019) from pre-industrial levels. The commitment to aim for 1.5°C is important because every fraction of a degree of warming will result in many more lives lost and livelihoods damaged. Regrettably, the world is already about one degree warmer than the pre-industrial era, and past and present greenhouse gas emissions have already committed the Earth to substantial anthropogenic climate change for the next century and beyond.

Direct effects of this changed climate are being felt around the planet, experienced as rising sea levels, an increase in floods and droughts, changing wind and rainfall patterns, increased temperatures, reduced frosts, more pressure on our ecosystems, and an increased threat of pest species becoming established. Changes to our climate are, therefore, likely to affect everyone.

Aotearoa New Zealand is experiencing, and will continue to experience, more frequent, and more intense weather events. In 2018 the National Institute of Water and Atmospheric Research (NIWA) reported that climate change had increased flood risk by up to 40 percent and drought risk by up to 20 percent. In short, the effects from climate change are already with us and will become increasingly pronounced.

Detailed district-level climate change scenario modelling for the Buller district has not yet been undertaken. However, broad, high-level scenario modelling projects that we are going to get warmer, wetter, and windier. Over the coming decades, NIWA's likely scenario for Buller includes greater frequency and intensity storm events, including higher intensity rainfall, leading to changes in storm surge and wave height and thus more frequent or higher magnitude coastal flooding outcomes, as well as changes in fluvial

(river) and pluvial (rain) flooding. Even under the best-case scenario modelling, projections see sea levels keep rising for at least several centuries posing an ongoing challenge for us and future generations to create more sustainable coastal communities.

Local communities face an increasing burden because of natural disasters, weather events, and the effects of climate change that threatens infrastructure, ecosystems, and social systems. There is a vast mismatch between the resources available to local authorities and the scale of their adaptation challenges.

Working with uncertainty

Projections of future climate change are not like weather forecasts. It is not possible to make deterministic, definitive predictions of how climate will evolve over the next century and beyond as it is with short-term weather forecasts.

Projections of climate change are uncertain, first because they are dependent primarily on scenarios of future anthropogenic and natural forcings that are uncertain, second because of incomplete understanding and imprecise models of the climate system and finally because of the existence of internal climate variability (IPCC, 2022). As such, an adaptive management approach will need to be adopted in the long-term. This will allow a structured, iterative process of robust decision making in the face of uncertainty to occur, with an aim to reducing uncertainty over time via system monitoring.

Costs of climate change

On average, approximately 30% of economic costs are attributable to anthropogenic climate change. If this factor is applied to the recent flood events in the Buller district, then the human-driven costs of the July 2021 and February 2022 events are in the order of many 10's of millions of dollars (Table 1). It is important to recognise that these are estimates only and the current real costs associated with anthropogenic climate change will be much higher once indirect costs (which can be intangible and far more difficult to measure) are factored in, the costs of adaptation measures already in place are accounted for, and other physical changes such as sea-level rise are included.

Table 1: Costs of Buller district flood events attributable to anthropogenic climate change

Flood Event	Economic damage estimate (\$m)	Cost attributable to anthropogenic climate change (\$m) ¹
Buller District, Jul 2021	>100 ²	>30
Buller District, Feb 2022	21.5 to 43 ³	6.45 to 12.9

¹ 30% of total economic damage estimate

² Buller District Council estimate – includes infrastructure damage and personal property loss

³ Buller District Council estimate – taken from The News, 24 February 2022

Buller District Council's Position

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.

Council has adopted a science-based approach to develop a Climate Change Adaptation Plan for Buller; informed by a risk assessment based on the Local Climate Change Risk Assessment guide published by the Ministry for the Environment in September 2021. Allocated budget for the Adaptation Planning process is shown in Table 2.

Table 2: Budget for the district's Adaptation Planning process from the LTP 2021 – 2031.

Year	Allocated Budget
2021/22	\$40,000
2022/23	\$61,000
2023/24	\$104,000
2024/25	\$106,000
2025/26	\$108,000

In addition, the LTP 2021 – 2031 specifically refers to the following approaches or principles, which will guide the adaptation planning process:

- Using science to build scenarios for communities across the district to identify the key climate change related impacts, the likelihood of these occurring, and issue-specific response options
- Partnering with central government, including the Ministry for the Environment, the West Coast Regional Council, and scientific agencies to secure the necessary support for the adaptation planning process
- Collaborating with the West Coast Regional Council and communities to identify the district's significant social, cultural, and economic values that are under threat
- Using the adaptation planning process to inform Council's future policies and strategies and Te Tai o Poutini Plan

As with all of Council's strategic projects, a partnership approach with Ngāti Waewae will be used to ensure cultural considerations, including Te Ao Māori and Mātauranga Māori, are incorporated at every stage of the planning process.

The need for urgent consultation following the release of the Te Tai Poutini Plan (TTPP) Exposure Draft

The Exposure Draft of TTPP has mapped areas of Westport exposed to significant or severe flood risk with restrictions around development activities within these areas. Members of the community with property affected are upset by these designations as there are considerable property value, resale, and insurance implications.

Engagement with the community needs to happen urgently to introduce the Climate Change Adaptation Planning project to allay some of the deep concerns the community are obviously feeling.

Unfortunately, the Buller district is in that uncomfortable spot between mother nature forcing flood designation mapping at a local level and central government providing clear guidance at a national level around who pays for the costs associated with staged retreat. Fortunately, we know this guidance is in train in the form of the:

1. **National Adaptation Plan.** The government are legislatively obligated to produce the first National Adaptation Plan by August 2022. This will outline what government needs to do to respond to the risks identified in the First National Climate Change Risk Assessment for New Zealand.
2. **Climate Change Adaptation Act (CAA).** The CAA, which is new legislation being developed under the RMA reform, will address the complex legal and technical issues associated with managed retreat and funding and financing adaptation. The most recent timeline for consultation draft is towards the end of this year.

Adaptation Planning Process

The adaptation planning process comprises seven stages.

Stage 1: Inception

Stage 1 is when the project is scoped, key resources are identified and engagement with the Council, iwi, the West Coast Regional Council and the Ministry for the Environment takes place.

Key task(s)	Deliverables outcomes /	Resource required
Workshop with Councillors / iwi to introduce the project and confirm the approach to ongoing engagement	Councillors, iwi and MfE engaged, detailed project plan (including delineation of territorial versus regional council responsibilities), schedule, budget, consultation and communications strategy, and general approach approved	\$5 – 7k
Confirm responsibilities, approach & progress with WCRC		
Consult with Ministry for the Environment		
Develop list of experts, stakeholders, and other interested parties		
Assess other Council approaches e.g., Tasman, Canterbury etc		

Key task(s)	Deliverables outcomes	/	Resource required
Assess gaps in key information			
Develop a Consultation and Communications Strategy for engaging the community and stakeholders			

Stage 2: Establishment

Stage 2 is when the project team structure is confirmed, including governance structure and process. A technical advisory or reference group will be identified and established to provide expert guidance regarding climate change risk assessment and the adaptation planning process.

Key task(s)	Deliverables / outcomes	Resource required
Confirm project team structure, including governance structure and process (Regulatory & Hearings Committee)	Project team structure and resourcing confirmed	\$3k
Identify Technical advisory/reference group		

Stage 3: Scope

Stage 3 is when the project scope will be confirmed. A decision regarding source information will be required, including the basis on which we will undertake the subsequent risk assessment and adaptation planning. The decision will have implications for the prioritisation of risks for adaptation planning (assets, infrastructure, roading, retreat), informing urgent flood control works and spatial and land-use planning, supporting the community through repeat psycho-social trauma, legislative reporting requirements, identifying opportunities for resilience planning and mitigation, and protecting / managing taonga and biodiversity.

There are considerable cost and quality implications at this stage.

Key task(s)	Deliverables / outcomes	Resource required
Workshop with governance, project team and technical advisory group to confirm project scope i.e., high-level national scenario modelling versus investment in granular district-level projections	Scope confirmed for Stage 4: scenario modelling	\$5k

Stage 4: Scenario Modelling

Stage 4 is when the district-level climate change scenario modelling will be undertaken. Detailed modelling at a granular level will provide a greater level of certainty around future challenges.

Cost implications will likely be a constraint and will be confirmed during Stage 2 and 3.

Key task(s)	Deliverables / outcomes	Resource required
NIWA scenario modelling (based on recommended atmospheric carbon concentrations RCP4.5 and RCP8.5) District LiDAR Geospatial analyses (GIS intersections of values at risk and hazards) for granular analyses	District-wide geospatial maps of coastal inundation, coastal erosion, and flood hazard areas at downscaled levels under low-moderate (RCP4.5) and high (RCP8.5) climate change scenarios	\$100k+

Stage 5: Risk Assessment

Stage 5 is the risk assessment process, which is a two-step process.

Key task(s)	Deliverables / outcomes	Resource required
<p>Step 1: High-level (broad-brush) identification of hazards and screening of elements at risk</p> <p>Step 2: Detailed physical risk assessment</p> <p>A structured assessment of transition risks associated with the shift to a lower-carbon economy and towards climate resilience in communities can also be undertaken here (or earlier if required)</p>	Matrix of risks at the granular level across whole of district.	\$60 – 80k

Stage 6: Risk Ranking and Prioritisation

Stage 6 is when the risks and opportunities identified in Stage 5 are ranked and prioritised.

Key task(s)	Deliverables / outcomes	Resource required
Rank and prioritise district risks and opportunities for action planning based on their likelihood, consequence, and urgency/immediacy. Guidance for this process is provided within Coastal Hazard & Climate Change Guidance (MfE, 2017).	Matrix of risks ranked and prioritised for action planning purposes.	\$20k

Stage 7: Action Planning

Stage 7 is when a detailed adaptation plan and strategy, comprising a series of action plans for the district's ranked and prioritised risks and opportunities, is developed.

Key task(s)	Deliverables / outcomes	Resource required
Develop action plans for district's ranked and prioritised risks and opportunities.	Detailed adaptation strategy and plans.	\$50k+

5. CONSIDERATIONS

5.1 Strategic Alignment

There are implications for TTPP flood hazard mapping, as described in Section 4.

There are also synergies with the Climate Change Mitigation project.

While 'Adaptation' is concerned with adjusting to actual or expected climate change and its effects, 'Mitigation' is about the human interventions that can be undertaken to reduce sources or enhance the sinks of greenhouse gases and limit further climate change.

Climate Change Mitigation is therefore a separate but related activity that can be run in parallel to the Climate Change Adaptation Planning process. It was signalled within the LTP 2021 – 2031 under the heading of Environmental Sustainability and was supported by the community during the consultation process.

By prioritising mitigation as an expression of environmental sustainability, Council will provide leadership to the community and signal that there are meaningful actions that can be undertaken at a local level to help address the enormous climate challenge.

5.2 Significance Assessment

The community has been engaged regarding climate change and the need for adaptation planning through the LTP 2021 – 2031 consultation process. 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.

The outcomes of the planning process are of high significance to the community. As such, a Consultation and Communication Strategy will be developed to guide ongoing community consultation needs.

5.3 Tangata Whenua Considerations

Engagement with Ngāti Waewae will be woven across all project stages with the general approach confirmed during Stage 1 of the project at the first workshop.

Expectations regarding project communications will be identified and an engagement plan confirmed. This process of engagement with Councillors and iwi sits apart from the process of consultation and communication that will be undertaken with the community and stakeholders.

5.4 Risk Management Implications

Climate change will continue to introduce significant intergenerational risks to our social, cultural, economic, and environmental wellbeing at the district level in the long term.

The Climate Change Adaptation Planning process is the response to these risks. Specific risks will be identified, and action plans developed to address these risks, within a strategic framework.

5.5 Policy Framework Implications

International agreements and national legislation govern the process of climate change adaptation planning.

The first National Adaptation Plan is legislatively required by August 2022.

The Climate Change Adaptation Act (CAA) is one of three pieces of new legislation proposed under RMA reforms and is signalled to be available in draft by the end of 2022. Advice from climate change and planning experts is that this Act may establish an adaptation fund to enable central and local government to support climate adaptation, as well as deal with the legal and technical issues involved in managed retreat.

5.6 Legal Implications

N/A

5.7 Financial / Budget Implications

Project budget has been made available through the LTP 2021 – 2031 as shown in the below table.

There is a risk that Stage 4: Scenario Modelling of the project will exceed budget available. Stage 3: Scope will address these concerns and the scope of detailed modelling undertake may need to be reduced. There will be quality implications if scope reduction is required.

Year	Allocated Budget
2021/22	\$40,000
2022/23	\$61,000
2023/24	\$104,000
2024/25	\$106,000
2025/26	\$108,000

5.8 Consultation Considerations

As discussed, consultation with the community and stakeholders will need to occur at various project stages to ensure the community and stakeholders are taken on the adaptation planning journey and provided with genuine opportunity to contribute. This is particularly relevant when identifying the district's significant social, cultural, economic and environmental values that are under threat.

The Consultation and Communications Strategy, that will be developed in Stage 1, will identify the detail around who needs to be consulted and communicated with, how and when this will happen, what information needs to be shared, and how feedback from the community and stakeholders will be incorporated into the process.

ATTACHMENT 1



BULLER DISTRICT COUNCIL

CLIMATE CHANGE ADAPTATION PLANNING FOR THE BULLER DISTRICT

PROJECT PLAN



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1. Glossary of Terms and Acronyms

Term	Description
Adaptation	The process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate or avoid harm or exploit beneficial opportunities. In some natural systems, human intervention may facilitate adjustment to expected climate and its effects (IPCC, 2014c, annex II).
Adaptive Management	A structured process that addresses a changing state that is dynamic and cannot be predicted over the long term, and where the change is irreversible in human timeframes so there is no reversion to an earlier state. It is flexible decision-making that can be adjusted in the future as conditions change, thus reducing risk by avoiding lock-in of decisions that are costly to change later.
Anthropogenic	Originating in human activity.
Carbon-dioxide equivalent	Carbon dioxide equivalent or CO ₂ equivalent, is a metric measure used to compare the emissions from various greenhouse gases on the basis of their global-warming potential, by converting amounts of other gases to the equivalent amount of carbon dioxide with the same global warming potential. As an example, the global warming potential for methane is 25 and for nitrous oxide 298. This means that emissions of 1 million metric tonnes of methane and nitrous oxide respectively is equivalent to emissions of 25 and 298 million metric tonnes of carbon dioxide.
Climate-related change	Changes to the climate and other environmental variables resulting from increased concentrations of greenhouse gases in the atmosphere. These include changes to climate variables, such as temperature and rainfall, changes to the oceans (warming, acidification and sea-level rise), and associated changes to natural hazards.
Exposure	the presence of people, livelihoods, ecosystems, environmental functions, services and resources; infrastructure; or economic, social, or cultural assets in places and settings that could be adversely affected by natural hazards and climate change (adapted from IPCC, 2014c, annex II).
GHG / GhG	A greenhouse gas is a gas that absorbs and emits radiant energy within the thermal infrared range, causing the greenhouse effect. The primary greenhouse gases in Earth's atmosphere are water vapor (H ₂ O), carbon dioxide (CO ₂), methane (CH ₄), nitrous oxide (N ₂ O), and ozone (O ₃).
Impacts	Effects on natural and human systems of extreme weather and climate events and of climate change. Impacts generally refer to effects on lives, livelihoods, health, ecosystems, economies, societies, cultures, services, and infrastructure due to the interaction of climate change or hazardous climate events occurring within a specific time period and the vulnerability of an exposed society or system (IPCC, 2014c, annex II).
IPCC	Intergovernmental Panel on Climate Change. This is the United Nations body for assessing the science related to climate change and is the world's foremost authority on the science of climate change.
LCCRA	Local Climate Change Risk Assessment
Mitigation	Human intervention to reduce the sources or enhance the sinks of greenhouse gases (IPCC, 2014c, annex II) and limit further climate change.
NCCRA	National Climate Change Risk Assessment
Resilience	The IPCC (2014c annex II) defines resilience as the capacity of social, cultural, economic and environmental systems to cope with a hazardous event or trend or disturbance, responding or reorganising in ways that maintain their essential function, identity and structure, while also maintaining the capacity for adaptation, learning and transformation.
Risk	Effect of uncertainty on objectives (AS/NZS ISO 31000:2009, Risk management standard). Risk is often expressed in terms of a combination of consequences of an

5.1: Climate Change Adaptation Planning Report - Project Report

	event (including changes in circumstances) and the associated likelihood of occurrence.
RCP	Representative Concentration Pathway representing various climate change scenarios based on differing levels of atmospheric carbon.
Vulnerability	The predisposition to be adversely affected. Vulnerability encompasses a variety of concepts and elements, including sensitivity or susceptibility to harm or damage, and lack of capacity to cope and adapt (adapted from IPCC, 2014, annex II).

2. Introduction

2.1 Climate Change and Projections for the Future

Climate change represents an urgent and potentially irreversible threat to human societies and the planet. In recognition of this, the overwhelming majority of countries around the world (n = 195) adopted the Paris Agreement in December 2015, the central aim of which included pursuing efforts to limit the global temperature rise to 1.5°C (IPCC, 2019) from pre-industrial levels. The commitment to aim for 1.5°C is important because every fraction of a degree of warming will result in many more lives lost and livelihoods damaged.

Regrettably, the world is already about one degree warmer than the pre-industrial era, and past and present greenhouse gas emissions have already committed the Earth to substantial anthropogenic climate change for the next century and beyond (Figure 1).

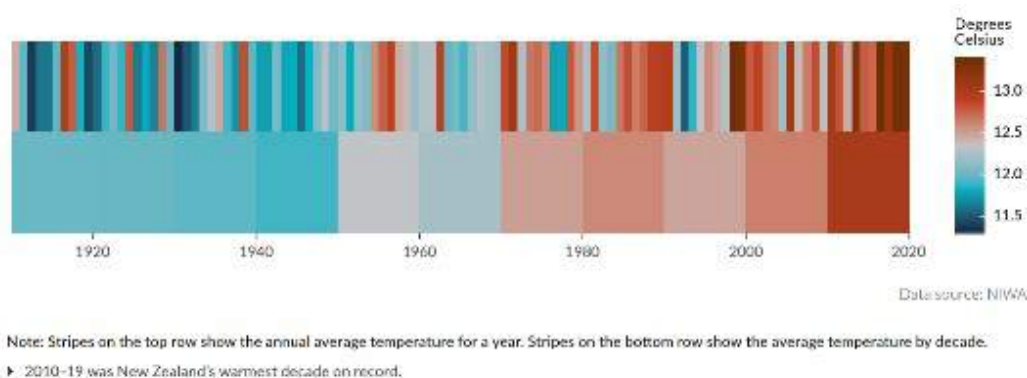


Figure 1: New Zealand's changing climate – annual and decadal average temperatures between 1910 and 2019 (Source: NIWA).

Direct effects of this changed climate are being felt around the planet, experienced as rising sea levels, an increase in floods and droughts, changing wind and rainfall patterns, increased temperatures, reduced frosts, more pressure on our ecosystems, and an increased threat of pest species becoming established. Changes to our climate are, therefore, likely to affect everyone.

Aotearoa New Zealand is experiencing, and will continue to experience, more frequent, and more intense weather events. In 2018 the National Institute of Water and Atmospheric Research (NIWA) reported that climate change had increased flood risk by up to 40 percent and drought risk by up to 20 percent. In short, the effects from climate change are already with us and will become increasingly pronounced.

Detailed district-level climate change scenario modelling for the Buller district has not yet been undertaken. However, broad, high-level scenario modelling projects that we are going to get warmer, wetter, and windier. Over the coming decades, NIWA's likely scenario for Buller includes greater frequency and intensity storm events, including higher intensity rainfall, leading to changes in storm surge and wave height and thus more frequent or higher magnitude coastal flooding outcomes, as well as changes in fluvial (river) and pluvial (rain) flooding.

Even under the best-case scenario modelling, projections see sea levels keep rising for at least several centuries (Figure 2) posing an ongoing challenge for us and future generations to create more sustainable coastal communities.

Local communities face an increasing burden because of natural disasters, weather events, and the effects of climate change that threatens infrastructure, ecosystems, and social systems. There is a vast mismatch between the resources available to local authorities and the scale of their adaptation challenges.

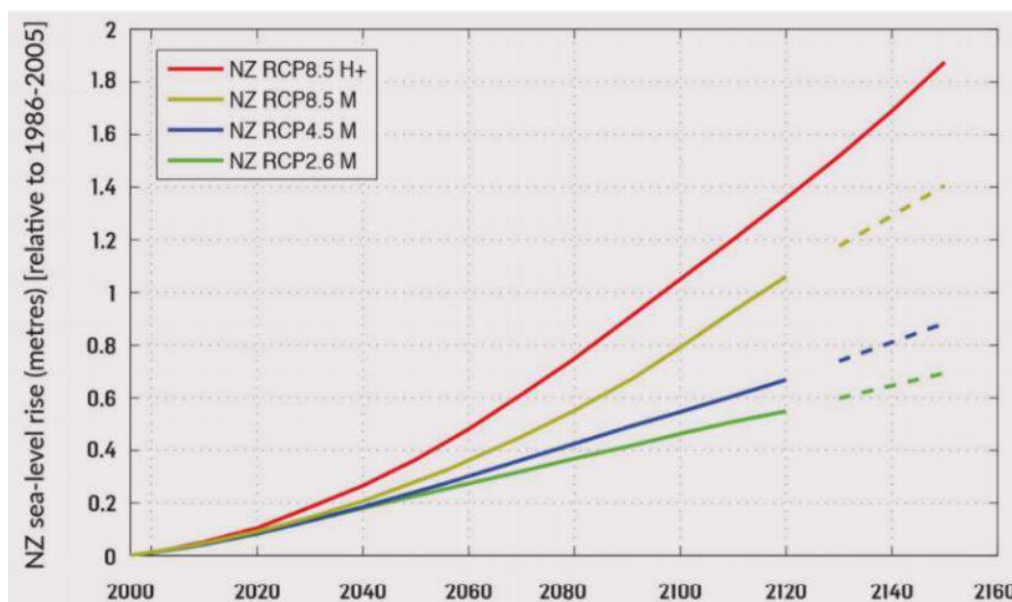


Figure 2: Projected New Zealand sea-level rise scenarios to 2150, based on low, low-medium, high, and very high atmospheric CO₂ concentration levels (NIWA, 2012). Guidance provided by the Ministry for the Environment is to use low-moderate (RCP4.5M) and high (RCP8.5M) atmospheric concentration modelling scenarios in all climate change risk assessment processes.

2.2 Conference of the Parties, COP26 and the importance of 1.5°C

The 26th Conference of the Parties annual summit was the 2021 United Nations Climate Change Conference held in Glasgow in November 2021. For nearly three decades the UN has been bringing together almost every country for global climate summits – called COPs – which stands for 'Conference of the Parties'. In that time climate change has gone from being a fringe issue to a global priority. This year saw the 26th annual summit – giving it the name COP26.

COP26 President Alok Sharma summarised the outcome of COP26 with the following statement:

"We can now say with credibility that we have kept 1.5°C alive. But its pulse is weak, and it will only survive if we keep our promises and translate commitments into rapid action. From here, we must now move forward together and deliver on the expectations set out in the Glasgow Climate Pact and close the vast gap which remains. Because as Prime Minister Mia Mottley¹ told us at the start of this conference, for Barbados and other small island states, 'two degrees is a death sentence'.

The IPCC has identified that 1.5°C warming above pre-industrial levels seems to be the 'tipping point', after which many systems are unable to cope. The IPCC has identified five risk areas or 'Reasons for Concern' (RFC1 – 5) related to global temperature increases of 1.0°C, 1.5°C, and

¹ Prime Minister of Barbados.

2.0°C. There is a clear trend that accelerates risk across all RFCs as global temperature increases (Figure 3).

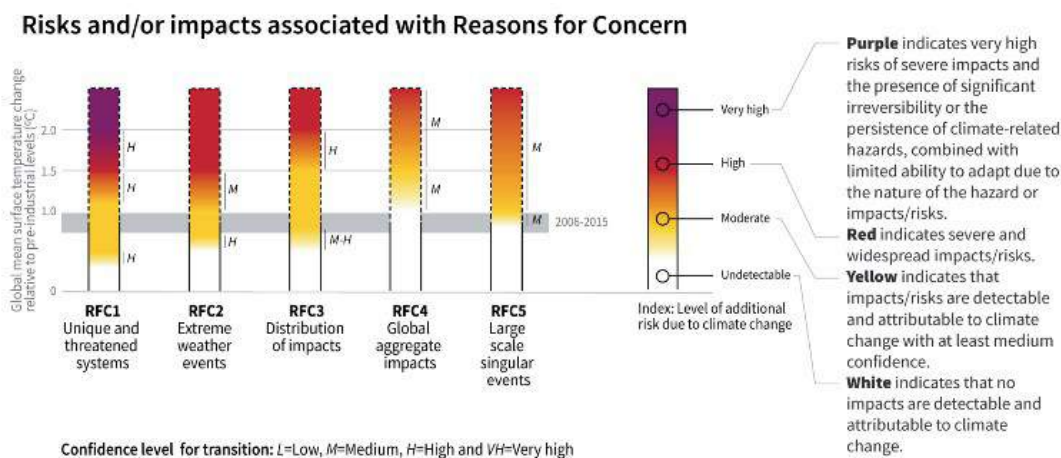


Figure 3: Global temperature increases of 1.0°C, 1.5°C and 2.0°C and the risk and impact profiles for the five Reasons for Concern. Maintaining global warming to below 1.5°C limits risks and impacts to mainly moderate levels, although severe and widespread risks and impacts do exist at 1.5°C for RFC1 (unique and threatened systems). At 2.0°C, the risk profiles for all RFCs migrate towards the high and very high level. Unique and Threatened Systems (RFC1), such as mountain glaciers and biodiversity hotspots, would experience severe impacts with significant irreversibility and limited ability to adapt, and Extreme Weather Events (RFC2) with risks to human health, livelihoods, assets, and ecosystems, would be severe with widespread impacts (Source: IPCC, 2019).

The Buller District will be impacted by all RFCs. However, for the purposes of climate change adaptation planning for the Buller district and in consideration of the sphere of influence and responsibility at the territorial authority level, Extreme Weather Events (RC2) likely present the greatest area of concern for the Buller District Council².

Figure 4 provides evidence regarding this assertion with significant increases in maximum 1-day precipitation levels for the West Coast at all increased temperature scenarios. As an example, much of the West Coast will experience between a 20 – 40% increase in maximum 1-day precipitation levels under the 4.0°C global warming scenario.

² This inference needs to be confirmed with detailed scenario modelling and analysis, as part of the climate change adaptation planning process.

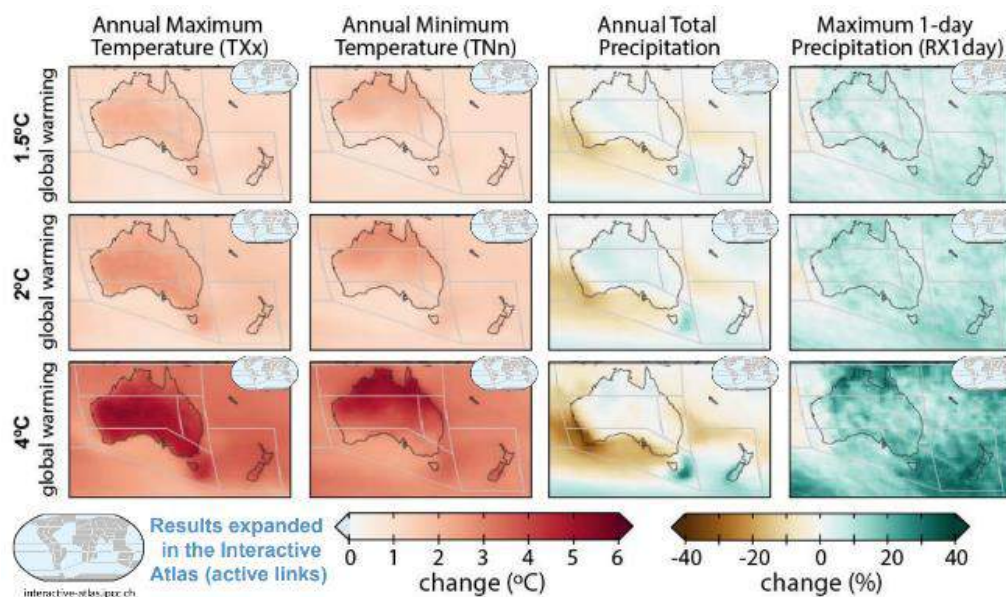


Figure 4: Projections at 1.5°C, 2°C and 4°C global warming for Australasia. The West Coast is projected to experience significant increases in maximum 1-day precipitation under all global temperature increase scenarios. (Source: IPCC³).

2.3 Sea-level Rise

Global mean sea level (GMSL) has been rising since the late 19th century at a current rate of between 2.6 and 2.9 mm yr⁻¹. Projections indicate that further rise is likely to occur between the range of 0.28 – 0.61m by 2100 (relative to 1986 – 2005) should global temperatures rise between 1.5°C and 2.0°C pre-industrial levels (IPCC). It is estimated that GMSL rise will be about 0.1 m less by 2100 in a 1.5°C compared to a 2°C warmer world. Should global temperature increases exceed 2°C, projected sea level rise will accelerate well beyond the levels discussed here due to the rapid melting of the polar ice caps⁴.

There is a high level of confidence within the scientific community that sea level rise will continue well beyond 2100 (IPCC, 2019).

2.4 Working with Uncertainty

Projections of future climate change are not like weather forecasts. It is not possible to make deterministic, definitive predictions of how climate will evolve over the next century and beyond as it is with short-term weather forecasts.

Projections of climate change are uncertain, first because they are dependent primarily on scenarios of future anthropogenic and natural forcings that are uncertain, second because of incomplete understanding and imprecise models of the climate system and finally because of the existence of internal climate variability (IPCC, 2022). As such, an adaptive management approach will need to be adopted in the long-term. This will allow a structured, iterative process of robust decision making in the face of uncertainty to occur, with an aim to reducing uncertainty over time via system monitoring.

³IPCC Sixth Assessment Report – Australasia Regional Fact Sheet.

⁴The Paris Climate Agreement and future sea-level rise from Antarctica. University of Massachusetts (2021).

2.5 Climate Change Now

One of the most visible consequences of a warming world is an increase in the intensity and frequency of extreme weather events (RFC2). Extreme weather is the sharp end of climate change. The impacts of climate change are already being felt in communities across Aotearoa New Zealand. More frequent and intense extreme weather and climate-related events, as well as changes in average climate conditions, are expected to continue to damage infrastructure, ecosystems, and social systems that provide essential benefits to communities.

The Buller district's extreme flood events of July 2021 and February 2022 provide clear evidence that we are already feeling the effects of anthropogenic climate change. In 2020, climate scientists⁵ estimated economic costs based on hydrometeorological changes attributable to anthropogenic climate change (Table 1).

Table 1⁶: Insured damages for residential housing and privately owned commercial properties associated with flooding events (resulting from extreme rainfall) in NZ between 2007 – 2017.

Year	Date	Location	Climate change FAR	Total cost (\$m) best estimate	Cost (\$m) attributable to climate change
2017	3–7 Apr	North Island	0.35 ± 0.2	91.46	32.011
2007	10–12 Jul	Upper North Island	0.30 ± 0.2	72.7	21.81
2017	7–12 Mar	Upper North Island	0.40 ± 0.2	61.7	24.68
2013	19–22 Apr	Nelson, Bay of Plenty	0.30 ± 0.2	48.2	14.46
2015	18–21 Jun	Lower North Island	0.10 ± 0.2	42.4	4.24
2016	23–24 Mar	West Coast-Nelson	0.40 ± 0.2	30.9	12.36
2015	2–4 Jun	Otago	0.05 ± 0.2	28.8	1.44
2015	13–15 May	Lower North Island	0.30 ± 0.2	22.4	6.72
2011	29 Jan	Northland, Bay of Plenty	0.30 ± 0.2	21.3	6.39
2014	8–10 Jul	Northland	0.30 ± 0.2	19.3	5.79
2017	13–16 Apr	Mostly North Island	0.35 ± 0.2	17.2	6.02
2007	29 Mar	Far North	0.30 ± 0.2	15.2	4.56
Total attributable extreme rainfall insured damage costs					\$140.48

On average, approximately 30% of economic costs are attributable to anthropogenic climate change. If this factor is applied to the recent flood events in the Buller district, then the human-driven costs of the July 2021 and February 2022 events are in the order of many 10's of millions of dollars (Table 2). It is important to recognise that these are estimates only and the current real costs associated with anthropogenic climate change will be much higher once indirect costs (which can be intangible and far more difficult to measure) are factored in, the costs of adaptation measures already in place are accounted for, and other physical changes such as sea-level rise are included.

Table 2: Costs of Buller district flood events attributable to anthropogenic climate change

Flood Event	Economic damage estimate (\$m) ⁷	Cost attributable to anthropogenic climate change (\$m) ⁸
Buller District, Jul 2021	>100	>30
Buller District, Feb 2022	21.5 to 43	6.45 to 12.9

⁵ Climate change attribution and the economic costs of extreme weather events: a study on damages from extreme rainfall and drought. Deep South Challenge (2020).

⁶ Climate change attribution and the economic costs of extreme weather events: a study on damages from extreme rainfall and drought. Deep South Challenge (2020).

⁷ Buller District Council estimates

⁸ 30% of total economic damage estimate

3. Rising to the Challenge

3.1 Buller District Council's Position

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.

Council has adopted a science-based approach to develop a **Climate Change Adaptation Plan** for Buller; informed by a risk assessment based on the Local Climate Change Risk Assessment guide published by the Ministry for the Environment in September 2021. Allocated budget for the Adaptation Planning process is shown in Table 3.

Table 3: Budget for the district's Adaptation Planning process from the LTP 2021 – 2031.

Year	Allocated Budget
2021/22	\$40,000
2022/23	\$61,000
2023/24	\$104,000
2024/25	\$106,000
2025/26	\$108,000

In addition, the LTP 2021 – 2031 specifically refers to the following approaches or principles, which will guide the adaptation planning process:

1. Using science to build scenarios for communities across the district to identify the key climate change related impacts, the likelihood of these occurring, and issue-specific response options
2. Partnering with central government, including the Ministry for the Environment, the West Coast Regional Council, and scientific agencies to secure the necessary support for the adaptation planning process
3. Collaborating with the West Coast Regional Council and communities to identify the district's significant social, cultural, and economic values that are under threat
4. Using the adaptation planning process to inform Council's future policies and strategies and Te Tai o Poutini Plan

As with all of Council's strategic projects, a partnership approach with Ngāti Waewae will be used to ensure cultural considerations, including Te Ao Māori and Mātauranga Māori, are incorporated at every stage of the planning process.

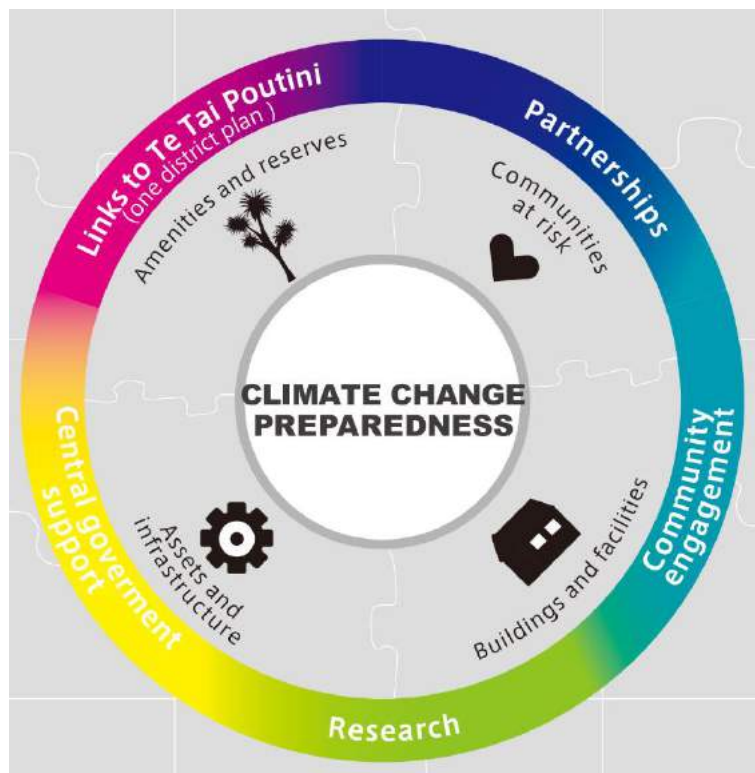


Figure 5: Climate Change Preparedness infographic from Council's LTP 2021 – 2031.

3.2 Climate Change Mitigation: A Parallel Process

The concepts of sustainable development under the Local Government Act 2002, and sustainable management of an area's natural and physical resources under the Resource Management Act 1991, imply the ongoing ability of communities and people to respond and adapt to change in a way that avoids or limits adverse consequences.

While 'Adaptation' is concerned with adjusting to actual or expected climate change and its effects, 'Mitigation' is about the human interventions that can be undertaken to reduce sources or enhance the sinks of greenhouse gases and limit further climate change.

Climate Change Mitigation is therefore a separate but related activity that can be run in parallel to the Climate Change Adaptation Planning process. It was signalled within the LTP 2021 – 2031 under the heading of Environmental Sustainability and was supported by the community during the consultation process.

By prioritising mitigation as an expression of environmental sustainability, Council will provide leadership to the community and signal that there are meaningful actions that can be undertaken at a local level to help address the enormous climate challenge.

Key mitigation actions:

1. Work with Toitū Envirocare to reduce Council's GHG emissions by implementing the Toitū Carbon Reduce programme across all Council activities,
2. Actively collaborate with the West Coast Regional Council to set up structures and activities that will support local landowners towards more sustainable land management practices,

3. Foster relationships and collaborations that support conservation and restoration project outcomes, including the Kotahitanga mō te Taiao and Kotahitanga ki te Uru alliances, Tai Poutini Polytechnic, Department of Conservation, industry organisations, and community groups. Current example initiatives or pipeline projects include:
- Landscape scale weed control (KMTT) – healthier ecosystems sequester carbon at higher rates.
 - Wasp biocontrol (KMTT) – healthier ecosystems sequester carbon at higher rates.
 - Whenua Iti Outdoors nature and science connections for tamariki (KMTT) – connecting our tamariki and rangatahi to our whenua to develop kaikiatikanga (intergenerational guardianship).
 - Blue carbon restoration potential pilot trials (KMTT) – estuarine ecosystems (like saltmarsh) sequester carbon at much higher rates than forest ecosystems (and are biodiversity hotspots).
 - Conservation Learning and Employment Hub (Tai Poutini Polytechnic) – supporting the move towards a greener economy.
 - Conservation Flagship Project (Tai Poutini Polytechnic) – restoration of the Orowaiti Lagoon and River to engage learners and demonstrate the mahi in tangible ways.
 - Native Plant Nursery (Department of Conservation) – essential infrastructure to support restoration outcomes.

Further opportunities for mitigation will be identified as the LCCRA process proceeds.

4. Climate Change Adaptation Planning Process

4.1 Summary of the Process

The information set out in the preceding chapters (the science, risks, commitments made, and available budget) and the climate change adaptation planning guidance provided by the Ministry for the Environment⁹, NIWA¹⁰, and LGNZ¹¹ has been taken together to inform the development of the climate change adaptation planning process for the district. This chapter maps out the process in a series of project stages and for each stage identifies key tasks, deliverables and resources required.

This chapter also provides a project schedule (Table 4) and explains the approach to engagement with the Council and iwi, as well as consultation and communication with the community and stakeholders and how they will be involved in our district's adaptation planning journey.

The adaptation planning process comprises seven stages.

4.2 Stage 1: Inception

Stage 1 is when the project is scoped, key resources are identified and engagement with the Council, iwi, the West Coast Regional Council and the Ministry for the Environment takes place.

Key task(s)	Deliverables / outcomes	Resource required
<ul style="list-style-type: none"> Workshop with Councillors / iwi to introduce the project and confirm the approach to ongoing engagement Confirm responsibilities, approach & progress with WCRC Consult with Ministry for the Environment Develop list of experts, stakeholders, and other interested parties Assess other Council approaches e.g., Tasman, Canterbury etc Assess gaps in key information Develop a Consultation and Communications Strategy for engaging the community and stakeholders 	Councillors, iwi and MfE engaged, detailed project plan (including delineation of territorial versus regional council responsibilities), schedule, budget, consultation and communications strategy, and general approach approved	\$5 – 7k

⁹ A Guide to Local Climate Change Risk Assessments (2021); A Framework for the National Climate Change Risk Assessment for Aotearoa New Zealand (2019); National Climate Change Risk Assessment Method Report (2020); Climate Change Projections for New Zealand (2018); Coastal Hazards and Climate Change (2017).

¹⁰ Coastal Flooding Exposure Under Future Sea-level Rise for New Zealand (2019); New Zealand Fluvial and Pluvial Flood Exposure (2019); Climate Change Projections for New Zealand (2018).

¹¹ Vulnerable: the quantum of local government infrastructure exposed to sea level rise.

4.3 Stage 2: Establishment

Stage 2 is when the project team structure is confirmed, including governance structure and process. A technical advisory or reference group will be identified and established to provide expert guidance regarding climate change risk assessment and the adaptation planning process.

Key task(s)	Deliverables / outcomes	Resource required
<ul style="list-style-type: none"> Confirm project team structure, including governance structure and process (Regulatory & Hearings Committee) Identify Technical advisory/reference group 	Project team structure and resourcing confirmed	\$3k

4.4 Stage 3: Scope

Stage 3 is when the project scope will be confirmed. A decision regarding source information will be required, including the basis on which we will undertake the subsequent risk assessment and adaptation planning. The decision will have implications for the prioritisation of risks for adaptation planning (assets, infrastructure, roading, retreat), informing urgent flood control works and spatial and land-use planning, supporting the community through repeat psycho-social trauma, legislative reporting requirements, identifying opportunities for resilience planning and mitigation, and protecting / managing taonga and biodiversity.

There are considerable cost and quality implications at this stage.

Key task(s)	Deliverables / outcomes	Resource required
<ul style="list-style-type: none"> Workshop with governance, project team and technical advisory group to confirm project scope i.e., high-level national scenario modelling versus investment in granular district-level projections 	Scope confirmed for Stage 4: scenario modelling	\$5k

4.5 Stage 4: Scenario Modelling

Stage 4 is when the district-level climate change scenario modelling will be undertaken. Detailed modelling at a granular level will provide a greater level of certainty around future challenges.

Cost implications will likely be a constraint and will be confirmed during Stage 2 and 3.

Key task(s)	Deliverables / outcomes	Resource required
<ul style="list-style-type: none"> NIWA scenario modelling (based on recommended atmospheric carbon concentrations RCP4.5 and RCP8.5) District LiDAR Geospatial analyses (GIS intersections of values at risk and hazards) for granular analyses 	District-wide geospatial maps of coastal inundation, coastal erosion, and flood hazard areas at downscaled levels under low-moderate (RCP4.5) and high (RCP8.5) climate change scenarios	\$100k+

4.6 Stage 5: Risk Assessment

Stage 5 is the risk assessment process, which is a two-step process.

Key task(s)	Deliverables / outcomes	Resource required
<ul style="list-style-type: none"> Step 1: High-level (broad-brush) identification of hazards and screening of elements at risk Step 2: Detailed physical risk assessment A structured assessment of transition risks associated with the shift to a lower-carbon economy and towards climate resilience in communities can also be undertaken here (or earlier if required) 	Matrix of risks at the granular level across whole of district.	\$60 – 80k

4.7 Stage 6: Risk Ranking and Prioritisation

Stage 6 is when the risks and opportunities identified in Stage 5 are ranked and prioritised.

Key task(s)	Deliverables / outcomes	Resource required
<ul style="list-style-type: none"> Rank and prioritise district risks and opportunities for action planning based on their likelihood, consequence, and urgency/immediacy. Guidance for this process is provided within Coastal Hazard & Climate Change Guidance (MfE, 2017). 	Matrix of risks ranked and prioritised for action planning purposes.	\$20k

4.8 Stage 7: Action Planning

Stage 7 is when a detailed adaptation plan and strategy, comprising a series of action plans for the district's ranked and prioritised risks and opportunities, is developed.

Key task(s)	Deliverables / outcomes	Resource required
<ul style="list-style-type: none"> Develop action plans for district's ranked and prioritised risks and opportunities. 	Detailed adaptation plan and strategy.	\$50k+

4.9 Engagement, Consultation and Communication

Engagement with the Council and Ngāti Waewae will be woven across all project stages with the general approach confirmed during Stage 1 of the project at the first workshop. Expectations regarding project communications will be identified and an engagement plan confirmed. This process of engagement with Councillors and iwi sits apart from the process of consultation and communication that will be undertaken with the community and stakeholders.

Consultation with the community and stakeholders will need to occur at various project stages to ensure the community and stakeholders are taken on the adaptation planning journey and provided with genuine opportunity to contribute. This is particularly relevant when identifying the district's significant social, cultural, and economic values that are under threat.

The Consultation and Communications Strategy, that will be developed in Stage 1, will identify the detail around who needs to be consulted and communicated with, how and when this will happen, what information needs to be shared, and how feedback from the community and stakeholders will be incorporated into the process.

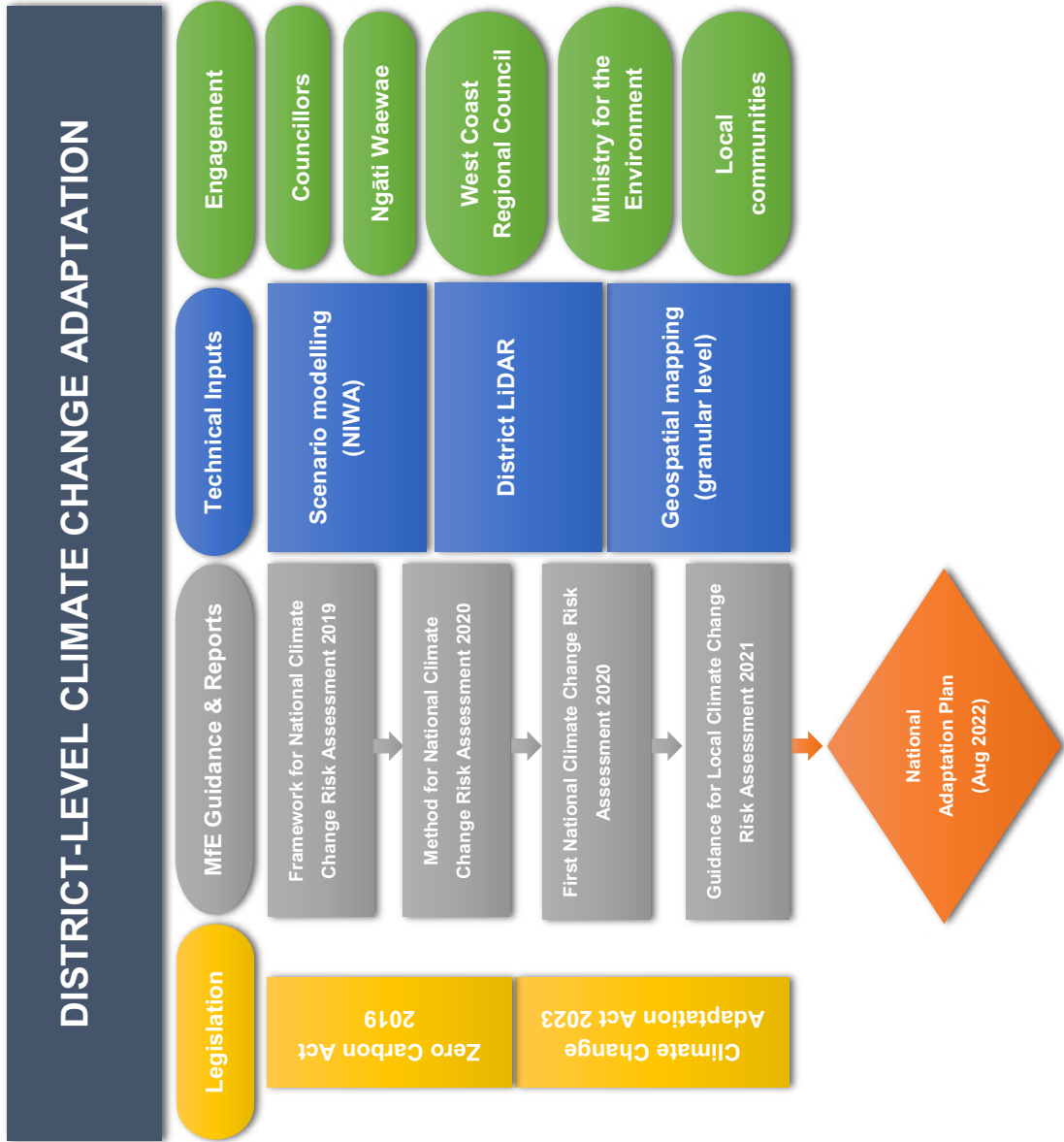


Figure 6: Climate change adaptation planning framework for the Buller District

Table 4: Climate Change Adaptation Planning Schedule

Task	2022												2023												2024											
	FY 21 – 22						FY 22 – 23						FY 23 – 24						FY 24 – 25																	
	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	F	M	A	M	J	J	A	S	O	N	D		
1	\$5-7k																																			
2				\$3k																																
3					\$5k																															
4							\$100k+																													
5																																				
6																																				
7																																				
Budget				\$40k							\$61																									

REGULATORY AND HEARINGS COMMITTEE

9 MARCH 2022

AGENDA ITEM 6

Prepared By: Sharon Mason
Chief Executive Officer

Reviewed By: Councillor Phil Rutherford
Chairman Regulatory and Hearings Committee

Attachments: 1. Joint Committee Partnership Agreement

WEST COAST CDEM GROUP - JOINT COMMITTEE PARTNERSHIP AGREEMENT

1. REPORT PURPOSE

To endorse the new West Coast Civil Defence Emergency Management agreement. Once signed by all parties, this supersedes all previous agreements associated with CDEM Group arrangements for the delivery of joint CDEM services.

2. REPORT SUMMARY

The purpose of this partnership agreement is to define the roles and responsibilities between the Group, Coordinating Executive Group (CEG), the West Coast Regional Council (WCRC) and Territorial Local Authorities (TLA's) to delivery CDEM responsibilities for the Group's areas under the CDEM Act.

The Local Authorities individually and the Group collectively have functions, powers and responsibilities under the CDEM Act.

3. DRAFT RECOMMENDATION

That the Committee endorse the CDEM Partnership Agreement which supersedes all previous agreements.

4. BACKGROUND

In 2002, each of the West Coast's Local Authorities signed a Constituting Agreement following the establishment of the West Coast Civil Defence Emergency Management Group ("Group") being the joint standing committee of the Local Authorities, as required by the CDEM Act. This was replaced in May 2014 with a new Heads of Agreement with the Group resolving that its operational responsibilities for CDEM be combined and delivered through one body to be known as West Coast Emergency Management (WCEM), with each Council to be an active equal participant in the establishment, development and control of West Coast Emergency Management.

A subsequent review of WCEM in October 2021 brought to light further issues, challenges and opportunities. This partnership agreement is intended to address key recommendations of the review endorsed by the Group on 10 November 2021. (Please see Appendix 1 – Draft West Coast CDEM Partnership Agreement).

5. CONSIDERATIONS

5.1 Strategic Alignment

The purpose of this Agreement is to define the roles and responsibilities between the Group, CEG, the WCRC, and TLA's to deliver CDEM responsibilities for the Group's area under the CDEM Act.

WCRC is the Administering Authority for the Civil Defence Emergency Management Group and employs WCEM personnel. This agreement sets out the lines of command and control for WCEM in respect of the relationship between Group, CEG, and WCRC.

5.2 Significance Assessment

This Agreement is intended to reflect and give effect to WCEM's Vision and goals as detailed in the Group Plan. WCEM's Vision is:

'To build a resilient and safer West Coast with communities understanding and managing their hazards and risk.'

WCEM's Goals are to:

- Increase community awareness, understanding, preparedness, and participation in civil defence emergency management.
- Reduce the risks from hazards in the region.
- Enhance the region's ability to respond to emergencies.
- Enhance the region's ability to recover from emergencies.

Further, the Group adopts the philosophy of "We are Coasters and all in this together". We will work jointly to support each district and the communities that make up that district equally and equitably, and that when one is at risk, all possible support will be provided pro-actively.

5.3 Tangata Whenua Considerations

Ngāti Waewae has representation on the Joint Committee

5.4 Policy Framework Implications

The Civil Defence Emergency Management Act 2002 provides the legislative framework and details the responsibilities of CDEM Groups and their member councils for the delivery of emergency management in their region. Section 17 (1 & 2) details the functions required of the Group and its members and this agreement is intended to deliver on those responsibilities.

5.5 Legal Implications

The Civil Defence Emergency Management Act 2002 provides the legislative framework

5.7 Financial / Budget Implications

From the date of signing of this Agreement, the methodology for funding for the West Coast CDEM service to deliver CDEM functions outlined in this Agreement, specifically Schedule A, will be through:

- Group CDEM service delivery: CDEM Regional Targeted Rate
- TLA CDEM service delivery: Respective Territorial Authority budget.

A revenue and financial statement as detailed in Schedule B of this Agreement.

A review of the financial methodology for funding CDEM services for the West Coast will be undertaken consistent with the duration and review under section 9 and schedules A of this Agreement.

ATTACHMENT 1



WEST COAST CIVIL DEFENCE AND
EMERGENCY MANAGEMENT GROUP

PARTNERSHIP AGREEMENT

AGREEMENT dated this @@ day of @@@@



West Coast Regional Council ("WCRC")



Buller District Council ("BDC")



Grey District Council ("GDC")



Westland District Council ("WDC")

ATTACHMENT 1

1. Definitions

Terms used in this Agreement (including Schedules) which are defined in the CDEM Act have the same meaning.

- 1.2. Administering Authority means the West Coast Regional Council¹.
- 1.3. Agreement means this West Coast CDEM Agreement signed by all Parties; and includes Schedules A and B which may be amended from time to time.
- 1.4. CDEM means Civil Defence Emergency Management
- 1.5. CDEM Act means the Civil Defence Emergency Management Act 2002.
- 1.6. West Coast Civil Defence Emergency Management Group region means the area covered by West Coast CDEM Group. This is based on the boundaries of the territorial authority members of the West Coast CDEM Group.
- 1.7. West Coast Civil Defence Emergency Management Group ('Group') means the joint standing committee² of representatives of local authorities within the West Coast CDEM Group.
- 1.8. CEG means the Civil Defence Coordinating Executive Group established in accordance with the CDEM Act.³
- 1.9. EMWC or Emergency Management West Coast are CDEM career professionals employed by the WCRC, responsible for delivering a range of services on behalf of the Group that enables the Group to fulfil its role and commitment to the wider West Coast Community.
- 1.10. Local Authority means both regional council and territorial authorities that are members of the Group, hereafter also referred to as Parties.
- 1.11. WCRC means the West Coast Regional Council
- 1.12. WCRC Chief Executive means the direct employment supervisor to the Manager and staff of Emergency Management West Coast.
- 1.13. TLA or Territorial Local Authority means a city council or a district council.
- 1.14. Lead means to be either accountable for, organise, direct, deliver or fund CDEM activity.
- 1.15. Support means to give direct or indirect assistance in the development and delivery of CDEM activity.
- 1.16. Coordinate means to bring different elements (resources, activities, or organisation) together for development of efficient and effective delivery of CDEM activity.

¹ Civil Defence Emergency Management Act, Section 23

² Local Government Act 2002, Schedule 7, Clause 30 (1) (b) ³ CDEM Act, Section 20 (1)

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2. Background

- 2.1. In 2002, each the West Coast's Local Authorities signed a Constituting Agreement following the establishment of the West Coast Civil Defence Emergency Management Group ('Group') being the joint standing committee of the Local Authorities, as required by the CDEM Act'.³ This was replaced in May 2014 with a new Heads of Agreement.
- 2.2. The Local Authorities individually and the Group collectively have functions, powers, and responsibilities under the CDEM Act.
- 2.3. Following a comprehensive review of CDEM in the West Coast region in 2014, the Group resolved that it's operational responsibilities for CDEM under the CDEM Act be combined and delivered through one body to be known as West Coast Emergency Management, with the intention that each Council is to be an active equal participant in the establishment, development, and control of West Coast Emergency Management.
- 2.4 A subsequent review of the West Coast CDEM Group (October 2021) further informed the Group around issues, challenges, and opportunities, and this agreement is intended to address key recommendations of the review, as endorsed by the Group on 10 November 2021.
- 2.5. This new Agreement, once signed by all Parties, supersedes all previous agreements associated with CDEM Group arrangements for the delivery of joint CDEM services.

3. Purpose of Civil Defence Emergency Management

The purpose of CDEM is to:

- 3.1 Improve and promote the sustainable management of hazards in a way that contributes to the social, economic, cultural, and environmental well-being and safety of the public and also to the protection of property
- 3.2 Encourage and enable communities to achieve acceptable levels of risk including, without limitation, identifying, assessing, and managing risks; consulting and communicating about risks; identifying and implementing cost effective risk reduction; and monitoring and reviewing the process.
- 3.3 Provide for planning and preparation for emergencies and for response and recovery in the event of an emergency.
- 3.4 Coordinate through regional groups, planning, programmes, and activities related to CDEM across the areas of reduction, readiness, response, and recovery and encourage co-operation and joint action within those regional groups
- 3.5 Provide a basis for the integration of national and local CDEM planning and activity through the alignment of local planning, with a national strategy and national plan.
- 3.6 Encourage the coordination of emergency management, planning, and activities related to CDEM across the wide range of agencies and organisations preventing or managing emergencies.

³ CDEM Act 2002, Section 12

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4. Legislation

- 4.1 The Civil Defence Emergency Management Act 2002 provides the legislative framework and details the responsibilities of CDEM Groups and their member councils for the delivery of emergency management in their region. Section 17 (1 & 2) details the functions required of the Group and its members and this agreement is intended to deliver on those responsibilities.

5. Agreement Purpose

- 5.1 The purpose of this Agreement is to define the roles and responsibilities between the Group, CEG, the WCRC, and TLA's to deliver CDEM responsibilities for the Group's area under the CDEM Act.
- 5.2 WCRC is the Administering Authority for the Civil Defence Emergency Management Group and employs WCEM personnel. This agreement sets out the lines of command and control for WCEM in respect of the relationship between Group, CEG, and WCRC.

6. Vision, Goals, and Philosophy

- 6.1 This Agreement is intended to reflect and give effect to WCEM's Vision and goals as detailed in the Group Plan. WCEM's Vision is:

'To build a resilient and safer West Coast with communities understanding and managing their hazards and risk.'

- 6.2 WCEM's Goals are to:

Increase community awareness, understanding, preparedness, and participation in civil defence emergency management.
Reduce the risks from hazards in the region.
Enhance the region's ability to respond to emergencies.
Enhance the region's ability to recover from emergencies.

- 6.3 Further, the Group adopts the philosophy of *"We are Coasters and all in this together"*. We will work jointly to support each district and the communities that make up that district equally and equitably, and that when one is at risk, all possible support will be provided pro-actively.

7. Governance

- 7.1 The Group oversees the delivery of the functions, duties, and powers of the Group, under the CDEM Act.
- 7.2 The CEG is established under the CDEM Act to provide operational management oversight to West Coast CDEM.
- 7.3 The CEG is statutorily responsible for providing advice to the Group and implementing as appropriate, the decisions of the Group.

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- 7.4 The CEG is statutorily responsible for overseeing the development, implementation, maintenance, monitoring, and evaluation of the West Coast CDEM Groups work programme in delivering the required outcomes of the CDEM Group Plan.
- 7.5 The Group agrees to maintain an Operational Subcommittee with a membership approved by the CEG and with an approved Terms of Reference which will, on completion, be appended to this agreement.
- 7.6 That once re-established, the Operational Subcommittee are directed to develop a recruitment policy which is submitted to the CEG and Group for adoption. On completion the recruitment policy will also be appended to this agreement.

8. West Coast Regional Council's Role In relation to CDEM

- 8.1 WCRC has three responsibilities in respect to CDEM. The first is the statutory role as the administering authority for the Group as required by the CDEM Act⁴. The second is the role as employer of the Emergency Management West Coast staff. The third is an equal member of the Group and CEG (The role of WCRC on the CEG and Group is as for all members).
- 8.2 In its role as the Adminstrating Authority, the WCRC is responsible for the provision of administrative and related services that may from time to time be required by the Group.
- 8.3 In its role as the employer and facilitator of Emergency Management West Coast, the WCRC shall provide the following services in support of the entire Group.
 - a) The administration of Group finances and budgets, entering budgeted contracts with service providers, and procurements on behalf of the Group.
 - b) Staff management of WCEM staff, including oversight of Emergency Management West Coast's work programme, performance management, health and safety policy and systems, equipment, and fleet vehicles.
 - c) Provision of a Group Office facility where EMWC will operate from as an identifiable base.
 - d) For the avoidance of any doubt, all WCRC policies including but not limited to staff conduct, performance, health and safety, procurement, financial management and WCRC delegations always apply to all WCEM staff.
- 8.4 In its role as a member of the Group and CEG, the WCRC shall provide the following services in support of the entire Group.
 - a) A Group Emergency Coordination Centre for major regional level responses. This facility must have capacity, workspace, and adequately trained staffing to support 24-hour extended operations when required.
 - b) Expertise in hazard knowledge in the region.

9. Recruitment

- 9.1. Recruitment of all WCEM staff will be managed considering the requirements of the Group's Recruitment Policy.

⁴ CDEM Act (2002) Sections 23 & 24

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10. Parties Specific Obligations

- 10.1 The functions, roles and responsibilities for Parties and West coast Emergency Management are set out in full in Schedule A to this Agreement. The mandate for these roles and responsibilities are in line with the CDEM Act, or as agreed by all Parties.
- 10.2 Schedule B to this Agreement sets out the roles and responsibilities with reference to CDEM revenue and finances.
- 10.3 In partnership with the WCRC (as budget holders), the Group commits to the prudent management of the CDEM annual operating budget (i.e., within a variance of no more than 105% at year-end unless through mutual agreement as a one-off requirement). This commitment is subject to resource demands from civil defence emergencies⁵.

11. General Obligations

- 11.1 Each Party must act in accordance with the purpose and principles of this Agreement.
- 11.2 Each Party must do all things necessary to give effect to this Agreement.
- 11.3 Each Party must make all necessary delegations to enable this Agreement to be implemented in full.

12. Indemnity

- 12.1 Each party must, on demand, fully indemnify the other parties for any liability or loss whatsoever which they incur because of any act or omission of the first party.

13. CDEM Staff Management

- 13.1 West Coast Emergency Management staff are CDEM career staff. All WCEM staff are employees of WCRC on behalf of the Group. West Coast TLA's, under this agreement, will not employ any career CDEM staff outside of this Agreement.
- 13.2 The WCRC Chief Executive will liaise with the CEG chair when conducting performance reviews of the Manager of West Coast Emergency Management so that the operational performance can be fairly assessed and reported on.

14. Finance

- 14.1 From the date of signing of this Agreement, the methodology for funding for the West Coast CDEM service to deliver CDEM functions outlined in this Agreement, **specifically Schedule A**, will be through:
- Group CDEM service delivery: CDEM Regional Targeted Rate⁶.
 - TLA CDEM service delivery: Respective Territorial Authority budget.

⁵ Best practice promotes separate financial tracking of individual events should be undertaken

⁶ CDEM Regional Targeted Rate means the annual rate set by West Coast Regional Council under the Local Government (Rating) Act 2002 to fund the budget approved by the Group for CDEM services.

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14.2 A revenue and financial statement as detailed in Schedule B of this Agreement.

14.3 A review of the financial methodology for funding CDEM services for the West Coast will be undertaken consistent with the duration and review under section 9 and schedules A of this Agreement.

15. Duration and Review of this Agreement

15.1 The duration of this Partnership Agreement is 10 years from the date of signing, provided that the provisions of this Agreement shall continue to apply if the Parties agree that it shall continue for a specified period. This Agreement shall bind successors.

15.3 An operational review of this Agreement shall be undertaken at the commencement of each Triennium, or as agreed otherwise by the Parties; the Group shall meet in good faith to negotiate the renewal or extension with or without amendments.

15.4 Review and amendments to the Schedules in this Agreement are to occur on changes to legislation impacting CDEM, or further policy guidance and procedures stemming from the National Emergency Management Systems Reform, CDEM Reviews, emergency event reviews or because of all Parties agreeing amendments for enhanced CDEM service delivery.

15.5 The Parties acknowledge review and amendment to the Schedules in this Agreement will be instigated, considered, and recommended by CEG. Amendments to the Agreement can only be authorised by the Parties in writing.

16. DISPUTES

The primary object of this section is to ensure that any dispute between Parties will be resolved as quickly and as informally as possible. Particular regard is to be had to that primary object in the interpretation or implementation of this section.

16.1 The purpose and principles of this Agreement must be applied by all Parties to try and resolve disputes.

16.2 Parties to any dispute must try in good faith to resolve that dispute by direct negotiation.

16.3 One Party must give written notice of a dispute on the other Parties(s).

16.4. If the dispute is not resolved within 10 working days of receipt of the notice of dispute, or such longer time as the Parties may agree, then the dispute must be referred to the Chairperson of CEG.

16.5 The Chairperson of the Group will attempt to facilitate agreement. If no agreement is reached within a further 10 working days, then the dispute must be referred to mediation.

16.6 If referred to mediation, then such mediation will be conducted by a mediator jointly appointed by the Parties. If the Parties fail to agree on a mediator within 10 working days of the expiry of the date in clause 10.7, then the mediator shall be appointed by the President of the New Zealand Law Society, or his or her nominee.

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16.7. The costs of mediation must be paid equally by the Parties to the mediation.

16.8 Nothing in this section precludes any party seeking interim relief from any Court or initiating legal proceedings. However, Parties must utilise the dispute procedures in clauses 10.1 to 10.9 before taking legal action(s).

17. NOTICES

17.1 Any notice under this Agreement is to be in writing and may be made by email, personal delivery, or post to the address of each Local Authority.

17.2 No communication shall be effective until received. A communication shall be deemed to be received by the addressee, unless the contrary is proved:

17.3 In the case of a transmission by email on receipt of confirmation of receipt by the sender of the email,

17.4 In the case of personal delivery, when delivered, and

17.5 In the case of post, on the third working day following posting.

6.1: Draft West Coast CDEM Partnership Agreement

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18. COUNTERPARTS

This Agreement may be signed in any number of identical counterpart copies and transmitted in hard copy or electronically, all of which taken together shall make up one agreement.

SIGNED by WESTLAND DISTRICT COUNCIL

By affixing its common seal in the presence of:

Mayor Bruce Smith

Westland District Council

(Name of authorised signatory)

(Signature of authorised signatory)

SIGNED by GREY DISTRICT COUNCIL

By affixing its common seal in the presence of:

Mayor Tania Gibson

Grey District Council

(Name of authorised signatory)

(Signature of authorised signatory)

SIGNED by BULLER DISTRICT COUNCIL

By affixing its common seal in the presence of:

Mayor Jamie Cleine

Buller District Council

(Name of authorised signatory)

(Signature of authorised signatory)

SIGNED by West Coast Regional Council

By affixing its common seal in the presence of:

Alan Birchfield (Chairman)

West Coast Regional Council

(Signature of authorised signatory)

Schedule A West Coast CDEM Roles and Responsibilities

The functions, roles and responsibilities by function for West Coast CDEM Group member Councils and Emergency Management West Coast (WCEM) are set out in full in this Schedule. The mandate for these roles and responsibilities are in line with the CDEM Act and supporting statutory requirements or as agreed by all Parties (Councils and WCEM).

This Schedule details the following functions and respective roles and responsibilities for each of these functions:

Governance and Management		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<p>Joint Committee</p> <ul style="list-style-type: none"> Implements the CDEM Group Plan on behalf of the Joint Committee. Coordination, management and preparation of all agendas, reports, supporting papers and presentations on Group matters to the Joint Committee. <p>Coordinating Executive Group (CEG)</p> <ul style="list-style-type: none"> Supports the CEG in carrying out its directions from the Joint Committee and its obligations under the CDEM Act. Coordination, management and preparation of all agendas, reports, supporting papers and presentations to CEG. <p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Coordinates those activities arising from the CEG Sub-Committees and reports to them on a regular basis. Coordination, management and preparation of all agendas, reports, supporting papers and presentations to CEG Operations Sub-committee. 	<p>Joint Committee</p> <ul style="list-style-type: none"> Active participation through appointed designates. As Administering Authority provide governance and secretarial support to the Joint Committee. Provide reports and recommendations on Regional Council matters to the Joint Committee. Provide reports, decisions, and recommendations back to Regional Council on CDEM Group matters <p>Coordinating Executive Group (CEG)</p> <ul style="list-style-type: none"> Active participation through appointed designates and provide support as agreed to lead delivery of the regional CDEM work programme. <p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Develop and implement specific Regional Council Annual Plan tasking in a Regional Council CDEM work programme with alignment to CDEM Group Annual Plan. Active participation through appointed designates and support the CEG Sub-committees. Ensure the alignment of CDEM Group Annual Plan and Regional CDEM work programmes. 	<p>Joint Committee</p> <ul style="list-style-type: none"> Active participation through appointed designates. Provide reports and recommendations on Territorial Authority matters to the Joint Committee. Provide reports, decisions, and recommendations back to Territorial Authorities on CDEM Group matters. <p>Coordinating Executive Group (CEG)</p> <ul style="list-style-type: none"> Active participation through appointed designates and provide support as agreed to lead delivery of local CDEM work programme. Develop and implement specific Territorial Authority Annual Plan tasking in a local level CDEM work programme with alignment to CDEM Group Annual Plan. <p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> Active participation appointed designates and support the CEG Subcommittees. Ensure the alignment of CDEM Group Annual Plan and local CDEM work programmes.

Finance (Business as Usual) The CDEM Group is responsible for the development and approval of an annual CDEM budget sufficient to deliver on the agreed priorities identified in the Group Plan, and Annual Work Plan. The budget is to be developed in accordance with each member council's annual plan requirements and, as the Council responsible for rating and managing the regional CDEM funding, WCRC must take a lead in this process to ensure achievability and sustainability.		
Emergency Management West Coast (with support from the Operational Sub-Committee)	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> Develop and submit draft budgets (OPEX and CAPEX) to the Group and CEG in accordance with Council planning requirements Administer and report financial activity to CEG at each scheduled meeting Manage costs in line with budget delivery Identify, develop, and deliver training programmes for EOC/ECC Staff and Controllers with support from the NEMA National Training Fund Develop and deliver functional exercises for EOC/ECC staff in accordance with the annual training programme Deliver community training and exercises in accordance with budget allocation Provide WCEM staff time, travel, and accommodation costs for training and education in accordance with budget allocation 	<ul style="list-style-type: none"> Oversee the development of the CDEM budget in line with WCRC requirements, as detailed in Schedule B. Fund CDEM activities through a regionally targeted rate in accordance with the approved Group budget Develop and agree WCRC administrative charges to the Group Provide WCEM support services through agreed Group administrative charges Provide in kind support services to WCEM, i.e., GIS, technical advice, ICTS etc Fund all costs associated with training and exercises for WCRC staff involved in CDEM support activities Provide, resource and fund operational costs of the Group ECC Engage and fund contractors / consultants from approved budget as necessary to support Group activities Provide funding for appointment, training, and retention of volunteer Group Controllers and Recovery Manager (as necessary) Fund all Recovery Manager and recovery costs associated with an event that are not claimable through government support 	<ul style="list-style-type: none"> Fund the provision, resourcing, and operating costs of the District EOC Fund direct staff costs associated with the provision of training of local controllers, staff, and volunteers not otherwise covered by the National Training Programme Provide staff time and travel and accommodation costs of out of district training and education in accordance with local budget allocation Provide facility and locally required resources to support locally focused EMO Provide funding for appointment and retention of volunteer Local Controllers and Recovery Manager (as necessary) Fund all Recovery Manager and recovery costs associated with an event that are not claimable through government support

Annual Budget Development Process

WC CDEM Group Budget Development Process

1

02 WCRC Chief Executive Due Diligence

Draft budget reviewed by
Administering Authority CE prior to
CEG review

Completed by 30 November

01 Annual Business Plan Developed

Business Plan developed by Group
Office in conjunction with the
Operational Sub-Committee

Completed by 31 October



03 CEG Review and Recommend

CEG review and adjust or confirm
support with recommendations for
Joint Committee

Completed February

04 Joint Committee Review

Joint Committee consider draft budget,
amend if required, or approve for
inclusion in Annual Planning process

Completed February

05 West Coast Councils ratify and Fund

WCRC ratify and fund regional
targeted rate, District Councils ratify
and fund district funding requirements

Effective 1 July

Finance (During Emergency Events)		
During emergency events as a general statement, costs fall where they lay with the exception that some response and recovery cost may be met by NEMA, or other relevant agencies, as appropriate. Details of eligible costs are available from NEMA. The following provides an overview of financial responsibilities as it relates to each partner council.		
Emergency Management West Coast pay;	West Coast Regional Council pay;	Territorial Authorities pay;
<ul style="list-style-type: none"> All WCEM staff costs in relation to an event Travel, accommodation, meals, and incidentals for WCEM staff supporting any district within the Region Operational costs associated with the active ECC 	<ul style="list-style-type: none"> All WCRC staff costs in relation to an event for core regional council responsibilities (i.e., hydrology, river monitoring etc) Travel, accommodation, meals, and incidentals for WCRC staff deployed within the Region Costs for staff working within the ECC All costs in relation to regional council support staff requested from out of region Establish a new event charge code for each new response event and report implications to the Group 	<ul style="list-style-type: none"> All local staff costs in relation to an event Travel, Accommodation, meals, and incidentals for staff requested from out of District for the event Operational costs for the District EOC Immediate direct costs for community welfare response (prior to reimbursement claim) All other response costs not claimable though Government support Establish a new event charge code for each new response event and report implications to the Group <p>Note: in the event of staff from one council being sent in support to another district, staff wages would normally be met by the home council.</p>

Business Continuity Management		
Disruptions are an expected part of business, so it's important to be prepared for when they occur. Disruptions can be internal events that impact on organisation alone (e.g.: IT system failure), or external events that could impact across several organisations and locations (e.g., earthquake).		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> Undertake business continuity planning for Emergency Management West Coast to be capable of delivering essential services and a functioning GECC during a crisis / emergency event and through the recovery. 	<ul style="list-style-type: none"> Undertake business continuity planning for West Coast Regional Council to be capable of delivering essential services and a functioning GECC during a crisis / emergency event and through the recovery 	<ul style="list-style-type: none"> Undertake business continuity planning for the territorial authority to be capable of delivering essential services and a functioning EOC during a crisis / emergency event and through the recovery

Capability Development, Training and Exercises			
Training and exercising progressively enhances individuals, local authorities, and the West Coast CDEM Group's capability to prepare for and manage emergencies and resources, using lessons learnt. The CDEM Group and each member of the Group are to take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management.			
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities	
<ul style="list-style-type: none"> Develop, deliver, and report on training and exercise programmes for all local authority staff with a CDEM role. Coordinate professional development of all CDEM career staff. 	<ul style="list-style-type: none"> Make all staff identified in CDEM roles available for, attend and complete all competencies associated with training and exercises in accordance with the agreed training schedule. 	<ul style="list-style-type: none"> Make all staff identified in CDEM roles available for, attend and complete all competencies associated with training and exercises in accordance with the agreed training schedule. Support community training and exercises 	

Hazard and Risk Management			
In relation to relevant hazards and risks: identify, assess, and manage those hazards and risks; consult and communicate about risks; identify and implement cost-effective risk reduction. Identification of the hazards and risks in a Group area that may result in an emergency that requires national-level support and co-ordination.			
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities	
<ul style="list-style-type: none"> Ensure effective planning and response to all hazards and risks in line with legislated responsibilities. Develop and monitor the hazard profile for the West Coast CDEM Group as per the hazardscape detailed in the West Coast CDEM Group Plan. Lead effective planning for response through collaboration on hazard risk management for hazards with cross regional and national impacts. 	<ul style="list-style-type: none"> Lead identification of hazards (as required) in accordance with the hazard scape outlined in the CDEM Group Plan at the regional level. Own and manage the hazards (as required) and risk within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the West Coast CDEM Group Plan. Fund and manage hazard research within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the West Coast CDEM Group Plan Support effective planning for response through collaboration on hazard risk management for hazards with cross regional and national impacts. 	<ul style="list-style-type: none"> Own and manage the hazards and risk (as required) within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the West Coast CDEM Group Plan. Fund and manage hazard research within the appropriate area of responsibility as mandated through the Regional Policy Statement in alignment with the hazardscape detailed in the West Coast CDEM Group Plan Support communicating hazards and risks to respective communities. 	

Facilities			
Includes any facility to support readiness, response, and recovery activities.			
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities	
<ul style="list-style-type: none"> Serve as custodians of the GECC to ensure operational readiness. Provide guidance on functionality and safety of EOC and GECC facilities. Activation of GECC facility as required for response. 	<ul style="list-style-type: none"> Provide and maintain GECC facilities (and alternate facilities) for operational response. Provide WCEM with fit for purpose office space. Support the activation of the GECC facility if required for response if requested by the Group Controller. 	<ul style="list-style-type: none"> Provide council based WCEM staff with fit for purpose office space. Provide and maintain EOC (and alternate) facilities for operational response. Provide facilities or enter into agreements for the provision of facilities to serve as Civil Defence Centres (CDCs). Activation of EOC facility as required for response. 	

Community Resilience and Partnership			
Community resilience in the Civil Defence and Emergency Management context, can best be described as the community's ability to cope with, bounce back and learn from adversity encountered during and after disasters. There are activities to support in building community resilience. These activities are community engagement, community planning, public education, monitoring and evaluation to measure community resilience. The integration and inclusion of iwi in community resilience activities cements the West Coast CDEM principles of Iwi / Māori partnership.			
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities	
<ul style="list-style-type: none"> Development and implementation of community planning guidance documents and templates to support local CDEM Community Resilience activities and planning processes. Support regional and local level Community Resilience activities and planning. Support the development of Community Response Plans for local communities with relevant Territorial Authority as required. Ensure that the CDEM component of iwi and hapū management plans are coordinated at Group and local level (as required). 	<ul style="list-style-type: none"> Support WCEM and local level Community Resilience activities by commitment of staff resources and technical information to assist in local Community Resilience activities (hazard specific) as required. Ensure whole-of-council approach to Regional Council Community Resilience activities. 	<ul style="list-style-type: none"> Partner with WCEM planning for all Community Resilience activities at the local level. Commitment of staff resources to conduct Community Resilience activities. Support CDEM engagement with local communities. Support the development of Community Response Plans. Ensure whole-of-council approach to local level Community Resilience activities. Consider the CDEM component of iwi and hapū management plans and coordination at local level (as required). 	

Lifeline Utilities Lifeline's failures can disrupt and endanger the wellbeing of local and regional communities. Effective relationships, priority of response protocols and lead agency role definition can reduce the risk such failures may pose. Lifeline utility means an entity named or described in the CDEM Act 2002 in Part A of Schedule 1, or that carries on a business described in the CDEM Act, Part B of Schedule 1			
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities	
<ul style="list-style-type: none"> Support Lifelines Utilities in the hazard risk assessment and planning for hazard risk reduction activities on lifelines utilities infrastructure in alignment with the hazardscape detailed in the West Coast CDEM Group Plan. Provide administrative and project management support, networking, development opportunities and exercising for to the West Coast Lifelines Group. Represent the West Coast Lifelines Group and West Coast CDEM Group at National forums. 	<ul style="list-style-type: none"> Lead hazard risk assessment and planning for hazard risk reduction and response activities on key Regional Council services and infrastructure. Support lifelines projects and activities. 	<ul style="list-style-type: none"> Lead hazard risk assessment and planning for hazard risk reduction and response activities on key Territorial Authority services and infrastructure defined as Lifeline Utilities under Schedule 1 of the CDEM Act. Support lifelines projects and activities through appointing a lifelines representative to the West Coast Lifelines Group and active participation of its key lifelines managers. Provide LUCs for services defined under the CDEM Act. Activate staff to lead, coordinate and support the delivery of Lifeline Utilities (Territorial Authority) functions in response and recovery at the local level. 	

Equipment All equipment to support readiness, response, and recovery activities.			
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities	
<ul style="list-style-type: none"> Provide and implement guidance and set policy on minimum specifications and standards, and functionality of CDEM equipment required for EOCs/ GECC across the region. Ensure procurement and maintenance of equipment, software and Information Communications and Technology (ICT) systems owned by West Coast Regional Council in accordance with West Coast Regional Council policies. Coordinate all CDEM Group responsibilities for effective interoperability with National CDEM systems 	<ul style="list-style-type: none"> Fit out and provide associated Information Technology (IT) equipment and infrastructure for WCEM staff and GECC facilities (and alternate sites). Implement minimum equipment standards required for GECC in line with CDEM Group policy. Own equipment and associated infrastructure, to cover costs to maintain it to an operational standard and to manage and conduct maintenance programme. Provide WCEM with furniture and equipment for staff located at West Coast Regional Council offices. Undertake fleet management of all Emergency Management West Coast vehicles. Procure any priority equipment required by the activated GECC to ensure effective operational capability of the GECC 	<ul style="list-style-type: none"> Fit out and provide associated Information Technology (IT) equipment and infrastructure for EOC facilities (and alternate sites). Implement minimum equipment standards required for EOC, ICPs and CDCs as required in line with CDEM Group policy. Own equipment and associated infrastructure, to cover costs to maintain it to an operational standard and to manage and conduct maintenance programme. Provide WCEM with furniture and equipment for Emergency Management Officer staff embedded within districts. Provide ICT and property support, procure any priority equipment required to the EOC or Recovery Office in activation to ensure effective operational capability of the EOC equipment. 	

Planning		
Fundamental to any successful undertaking is attention to planning and preparation. Whilst we pay attention to the plans that are produced, the process of planning is important to ensure that the plans developed meet the needs of the people affected.		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
CDEM Groups and agencies are expected to routinely incorporate CDEM arrangements into their business planning and risk management processes, and to regularly monitor and report on their progress as appropriate. This is an important role to play in making progress towards the vision of a 'Resilient New Zealand'.		
West Coast CDEM Group Plan	West Coast CDEM Group Plan	West Coast CDEM Group Plan
<ul style="list-style-type: none"> Lead the development, implementation, maintenance, monitoring and evaluation of the West Coast CDEM Group Plan using approved processes. 	<ul style="list-style-type: none"> Support, the development, implementation, maintenance, monitoring and evaluation of the West Coast CDEM Group Plan. 	<ul style="list-style-type: none"> Support, the development, implementation, maintenance, monitoring and evaluation of the West Coast CDEM Group Plan.
West Coast CDEM Business Plan	West Coast CDEM Business Plan	West Coast CDEM Business Plan
<ul style="list-style-type: none"> Lead the development, implementation, maintenance, monitoring and evaluation of the West Coast CDEM Business Plan. Provide advice and guidance on the development of regional and local level CDEM work programmes in alignment to the West Coast CDEM Business Plan. 	<ul style="list-style-type: none"> Ensure alignment between the West Coast CDEM Group Plan and Regional Council Long Term Plans. Pre-event response action planning Support development, implementation, maintenance of CDEM response planning for Regional Council. 	<ul style="list-style-type: none"> Ensure alignment between the West Coast CDEM Group Plan and Territorial Authority Long Term Plans. Pre-event response action planning Support development, implementation, maintenance of CDEM response planning for Territorial Authorities.
Pre-event response action planning	Pre-event response action planning	Pre-event response action planning
<ul style="list-style-type: none"> Lead CDEM Group response planning. Support the development, implementation, maintenance of consistent regional and local level response plans. 	<ul style="list-style-type: none"> Support the development, implementation, maintenance of CDEM consistent Standard Operating Procedures as required 	<ul style="list-style-type: none"> Support the development, implementation, maintenance of consistent CDEM Standard Operating Procedures as required.
Standard Operating Procedures	Standard Operating Procedures	Standard Operating Procedures
<ul style="list-style-type: none"> Lead the development, implementation, maintenance of CDEM Group Standard Operating Procedures as required. 	<ul style="list-style-type: none"> Support the development, implementation, maintenance of Regional Council Recovery Plan for key council infrastructure and assets. 	<ul style="list-style-type: none"> Support the development, implementation, maintenance of Local Recovery Plan with alignment to Group Recovery Plan.
Recovery planning	Recovery planning	Recovery planning
<ul style="list-style-type: none"> Lead the development, implementation, maintenance of the West Coast CDEM Group Recovery Plan. Provide advice and guidance on the development of the Local Recovery Plan. 	<ul style="list-style-type: none"> Support the development, implementation, maintenance of CDEM Group policy on the management of response and recovery claims. 	<ul style="list-style-type: none"> Support the development, implementation, maintenance of CDEM Group policy on the management of response and recovery claims.
Financial planning	Financial planning	Financial planning
<ul style="list-style-type: none"> Lead the development, implementation, maintenance of a CDEM Group policy on the management of response and recovery claims. 		

Public Education Engaging with communities is a critical component to building resilience. An effective public education programme needs to be targeted, evidence based and provide clear information and recommendations for the community prior to, during, and after adverse events. A Coast wide, consistent, and pro-active engagement programme must be developed to achieve this.		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> Lead the planning for and coordination of Public Education activities at the Group level. Support local level Public Education activities. Fund and maintain Group resources for Public Education. Develop and maintain a West Coast CDEM Group website and social media presence. 	<ul style="list-style-type: none"> Support the infrastructure provision of public education channels <ul style="list-style-type: none"> Ensure WCRC's messaging around natural hazards and risks are joined up and consistent with WCEM's programme 	<ul style="list-style-type: none"> Support Public Education activities at the local level. <ul style="list-style-type: none"> Ensure messaging is consistent with WCEM's programme. Fund and maintain local resources for Public Education.

Public Information Management Public information management (PIM) enables people affected by an emergency to understand what is happening and take the appropriate actions to protect themselves. This is achieved by making sure that timely, accurate, and clear information is shared with the public in an emergency. Strategic communications are a core component of Public Information Management activities.		
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities
<ul style="list-style-type: none"> Work with the Territorial authorities to develop a cadre of public information managers Coordinate the provision of a 24/7 duty Group PIM function. Public Information Management planning <ul style="list-style-type: none"> Lead and manage all Group level PIM activities. Develop and implement consistent messages in line with national messaging and where required develop SOPs for the Group and provide coordination and advice for Group and Local PIMs. Administer and maintain Group level PIM forums and meetings. Conduct PIM for CDEM Group and support local PIMs (if established) during response and recovery. 	<ul style="list-style-type: none"> Alternate Group Public Information Managers provided by Regional Council. Provide staff to support a 24/7 duty Group PIM function. Provide communications/ media staff to receive training and support the Group and local PIM functions, including strategic communications. Public Information Management planning <ul style="list-style-type: none"> Support all CDEM Communications and Social Media activities at the Group and local level as required. Support consistent CDEM messaging across all Regional Council social media platforms and websites. Provide communications/ media staff to support the Group and Local PIM function during response and recovery if required. 	<ul style="list-style-type: none"> Local Public Information Manager and alternates provided by Territorial Authorities. Contribute to the creation of a cadre of PIM staff for Group level responses Provide the agreed number of PIM staff to receive training and assist with the dissemination of CDEM information via any platform as required. Public Information Management planning <ul style="list-style-type: none"> Lead and manage all local level PIM activities. Support all CDEM Communications and Social Media activities at the Group and local level as required. Support consistent CDEM messaging across all Territorial Authority social media platforms and websites. Ensure effective delivery of PIM in response and recovery at the local level.

Reporting, Monitoring and Evaluation			
All members of the CDEM Group must provide reports that may be required by the Group. Monitoring and evaluation provide a method for learning from experience, analysing capability, planning and allocating resources, and demonstrating results as part of accountability to stakeholders.			
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities	
<p>Reporting</p> <ul style="list-style-type: none">Facilitate agreed reporting to Joint Committee, CEG and CEG Operations Subcommittee.Coordinate and publish annual report against the West Coast CDEM Group Annual Plan and the West Coast CDEM Group Plan.Provide reporting to Territorial Authorities and Regional Council on staff training registration, attendance and completion of competencies associated with training. <p>Monitoring and Evaluation</p> <ul style="list-style-type: none">Lead and implement Monitoring and Evaluation process for CDEM Group.Monitor progress against the goals, objectives and outcomes of the CDEM Group Plan on behalf of the Joint Committee.Develop and implement a framework for conducting post-event reviews and corrective action plans for the CDEM Group.	<p>Reporting</p> <ul style="list-style-type: none">Ensure Elected Officials and Leadership Team are informed of Joint Committee and CEG resolutions, directions, and decisions.Provide reporting to Joint Committee, CEG and CEG Subcommittee on specific Regional Council Annual Plan tasks related to CDEM. <p>Monitoring and Evaluation</p> <ul style="list-style-type: none">Support, contribute and implement a lessons learned/ knowledge management process for CDEM Group.Support Monitoring and Evaluation process for CDEM Group.	<p>Reporting</p> <ul style="list-style-type: none">Ensure Elected Officials and Leadership Team are informed of Joint Committee and CEG resolutions, directions and decisions.Provide reporting to Joint Committee, CEG and CEG Sub-Committee on specific territorial authority Annual Plan tasks related to CDEM. <p>Monitoring and Evaluation</p> <ul style="list-style-type: none">Support, contribute and implement a lessons learned/ knowledge management process for CDEM Group.Support Monitoring and Evaluation process for CDEM Group.	
Warning Systems			
When there is an imminent threat to life, health, or property from hazard events the issue of official warnings is the responsibility of CDEM agencies.			
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities	
<ul style="list-style-type: none">Develop, implement, and maintain CDEM Group warning systems and protocols.Procure, maintain, promote, test, and activate CDEM Group public alerting systems.Ensure the functioning of an effective GECC/ EOC staff activation system. Monitor and respond to emergencies 24/7 on behalf of the CDEM Group including the dissemination of warnings and coordinating response in accordance with CDEM Group warning systems and protocols.	<ul style="list-style-type: none">Ensure an effective flood event monitoring and information system. <p>Promote the flood warning system to partners, emergency services and communities.</p> <ul style="list-style-type: none">Support the dissemination of warnings from the CDEM Group to communities.	<ul style="list-style-type: none">Support West Coast CDEM Group in promoting the public alerting systems.Maintain, test, and activate local public alerting systems.Support the dissemination of warnings from the CDEM Group to communities.	

Welfare Management Management of welfare across all welfare services and clusters: Registration, Needs Assessment, Inquiry, Care and protection services for children and young people, Psychosocial support, Household goods and services, Shelter and accommodation, Financial Assistance and Animal welfare. The objective of the welfare services function is to carry out activities across the 4Rs to provide for the needs of people affected by an emergency and to minimise the consequences of the emergency for individuals, families and whānau, and communities.			
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities	
<ul style="list-style-type: none">• Lead planning for the delivery of welfare services for the West Coast CDEM Group. in accordance with Director's Guidelines.• Appoint Group Welfare Manager to deliver and coordinate Group welfare functions across the '4Rs'.• Lead the development, implementation, maintenance of the West Coast CDEM Group Welfare Plan.• Support local welfare planning.• Provide relevant reporting and recommendations at Group level on Welfare to CEG and Joint Committee.	<ul style="list-style-type: none">• Support Group (GECC) and local (EOC) welfare activities in response.	<ul style="list-style-type: none">• Lead planning and delivery of local welfare arrangements in accordance with Director's Guidelines.• Appoint Local Welfare Managers (Primary and Alternates) to deliver and coordinate welfare functions to local communities across the '4Rs'.• Support, contribute and implement the West Coast CDEM Group Welfare Plan.• Ensure coordination for the delivery of welfare at the local level in accordance with the National CDEM Plan Order and Group Welfare Plan.• Ensure coordination and delivery of welfare at the local level in response and recovery.	

Staff			
<p>The CDEM Group and each member of the Group are to take all steps necessary on an ongoing basis to maintain and provide, or to arrange the provision of, or to otherwise make available suitably trained and competent personnel, including volunteers, and an appropriate organisational structure for those personnel, for effective civil defence emergency management.</p> <ul style="list-style-type: none"> • “Staff” means, all staff with CDEM responsibilities including CDEM career staff, CDEM appointed staff, Regional Council and Territorial Authority staff fulfilling CIMS functions as part of an Emergency Coordination Centre (ECC) or Emergency Operations Centre (EOC), and any CDEM volunteers providing support to any CDEM function. 			
Emergency Management West Coast	West Coast Regional Council	Territorial Authorities	
<p>CDEM career staff</p> <ul style="list-style-type: none"> • Manager WCEM to appoint CDEM career staff to deliver CDEM outlined in the CDEM Group Plan and this Agreement in accordance with Group and WCRC Policies. <p>24/7 Duty staff</p> <ul style="list-style-type: none"> • Provide adequate 24/7 staff cover for duty roster for the West Coast CDEM Group. • Ensure support to 24/7 Local Duty Controller capability. <p>Business Planning</p> <ul style="list-style-type: none"> • With the support of relevant committees, develop the annual business plan and supporting work programme and submit for approval by CEG by 30 May annually for commencement on 1 July. <p>CDEM Forums</p> <ul style="list-style-type: none"> • Appoint staff to represent the West Coast CDEM Group at national, regional and local CDEM forums as required. <p>Staff for CIMS functions</p> <ul style="list-style-type: none"> • Lead the development and implementation of the competency, capability and capacity criteria for EOC/GECC staff in CIMS functions. • Make recommendations on staff to fulfil GECC CIMS functions. • Provide CDEM career staff to support Group and Local Controllers. • Management and coordination of a database of all CDEM personnel at the Group and local level. <p>Activation in response / recovery</p> <ul style="list-style-type: none"> • Activate CDEM career staff to support delivery of response. • Ensure a surge plan is in place with NEMA for when local resources are exhausted. 	<p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> • Appoint a Senior Manager as CDEM designate to represent Regional Council. <p>CDEM career staff</p> <ul style="list-style-type: none"> • The West Coast Regional Council is the employer of CDEM career staff (WCEM) to deliver CDEM outlined in the CDEM Group Plan and this Agreement. <p>24/7 Duty staff</p> <ul style="list-style-type: none"> • Provide staff to support a 24/7 duty Group Controller capability. <p>Staff for CIMS functions</p> <ul style="list-style-type: none"> • Group Emergency Coordination Centre Incident Management Team and alternates provided by Regional Council. • Provide staff to CIMS functions within the GECC. • Consult with WCEM on appointments of staff to CIMS functions for the GECC. • Ensure all CDEM GECC staff have respective CDEM role included in Job Description, KPI in annual performance plan, required training and exercising in annual professional development plan and be allocated the time for active participation. <p>Activation in response / recovery</p> <ul style="list-style-type: none"> • Ensure availability and prioritisation of staff to conduct GECC operations and deliver 24/7 response. • Support the provision and deployments of surge regional council CDEM staffing to support Group and Local level response and recovery within the West Coast or across New Zealand. 	<p>CEG Operations Sub-committee</p> <ul style="list-style-type: none"> • Appoint a Senior Manager as CDEM designate to represent Territorial Authority. <p>24/7 Duty staff</p> <ul style="list-style-type: none"> • Provide a 24/7 Duty Local Controller capability. <p>Staff for CIMS functions</p> <ul style="list-style-type: none"> • Local Incident Management Team and alternates provided by Territorial Authorities. • Provide staff to all CIMS functions within the EOC. Consult with WCEM on key appointments to their EOCs. • Ensure all CDEM EOC staff have respective CDEM role included in Job Description, KPI in annual performance plan, required training and exercising in annual professional development plan and be allocated the time for active participation. <p>Activation in response / recovery</p> <ul style="list-style-type: none"> • Ensure availability and prioritisation of staff to conduct local EOC operations and deliver 24/7 response. • Support the provision and deployment of surge territorial authority CDEM staff to support Group and/or Local level response and recovery within the West Coast, or across New Zealand, as capability allows. <p>Note: If local capability has reached its limits, support is coordinated and provided through the Group Emergency Coordination Centre (ECC) in conjunction with NEMA. Local authorities are not required or encouraged to seek support outside that structure.</p>	

ATTACHMENT 1



Schedule B – Operational Sub-Committee Terms of Reference

West Coast Civil Defence Emergency Operational Sub-Committee

Terms of Reference 2022



Approved by CEG 22/02/2022

ATTACHMENT 1

1. Name

The Operational Sub-Committee (OSC) of the West Coast Civil Defence Emergency Management Group's Coordinating Executive Group (CEG).

2. Purpose and Objective of the Operational Sub-Committee (OSC)

Civil Defence Emergency Management involves everyone contributing where they can, from individuals creating their household preparedness plans, communities uniting to build their community response plan, businesses practicing their business continuity plans, through to local authorities, emergency services, and partner agencies, doing their part.

The Purpose of the Operations Subcommittee is to provide operational support and advice to the Group Manager – West Coast Emergency Management (WC CDEM), and to the Coordinating Executive Group to help achieve positive and effective outcomes for the West Coast's communities.

The Objective of the Committee is to ensure an effective and operationally focused Coast-wide inter-agency/organisation support structure to deliver on the legislative requirements of the New Zealand Civil Defence Emergency Management Act (2002) and the intent and priorities of the Group, as detailed in the Group Plan.

3. Membership

Membership of the OSC consists of:

- Senior Manager – Buller District Council (with EM oversight responsibilities)
- Senior Manager – Grey District Council (with EM oversight responsibilities)
- Senior Manager – Westland District Council (with EM oversight responsibilities)
- Senior Manager – West Coast Regional Council (with EM oversight responsibilities)
- A senior officer of the New Zealand Police
- A senior officer of Fire and Emergency New Zealand
- A senior manager of St John
- A senior manager of the Department of Conservation
- The Emergency Management Officer from the West Coast District Health Board
- The Group Manager – West Cost Emergency Management

In addition, representation from Te Rūnanga o Ngāti Waewae and/or Te Runanga o Makaawhio is welcomed on an open invitation basis.

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Chair of the OSC will be appointed from a Partner Agency and voted on by the full Committee.

The term of the Chair will be determined by the Committee.

4. Functions

The OSC is constituted as a composite committee where, due to resource constraints, it will provide the following delegated functions across all aspects and focus areas ⁷ of Civil Defence Emergency Management:

- Providing operational support and advice to,
 - the CDEM Group Manager and staff
 - the CEG, and
 - any additional subgroups or subcommittees of the Group
- Supporting the implementation, as appropriate, the decisions of the CDEM Group

5. Deliverables

Key deliverables of the Sub-Committee include,

- Overseeing development, implementation, maintenance, monitoring, and evaluation of the WC CDEM Group Plan
- Overseeing development, implementation, maintenance, monitoring, and evaluation of the Annual Work Plan
- Promotion and integration of CDEM objectives and initiatives into each members agency/organisation, as appropriate
- Reporting quarterly to the CEG

6. Resources and Budget

All projects recommended in the Annual Work Programme must be supported by the Operational Sub-Committee and approved by the CEG. Where the insertion of an additional project or re-prioritisation of a project is requested outside of the approved Annual Work Programme, the project must first pass through CEG for approval within the West Coast Civil Defence Emergency Management Group Plan and approved budget.

⁷ Areas of focus include Reduction, Readiness and Response, Recovery, Lifelines, and Welfare,

ATTACHMENT 1

Group projects delivered through the Group Emergency Management Office will be funded directly from the Group budget.

Locally or agency focused activities and initiatives promoted by the OSC must be taken to the relevant agency/organisation for consideration and funding, if approved.

The costs of completing any specific agency/organisation actions as outlined in the annual work plan will be met by the local authority or agency concerned, subject to available resources and funding, unless agree otherwise.

7. Terms of Reference

The OSC terms of reference will be approved by the West Coast Civil Defence Emergency Management Group Co-ordinating Executive Group.

These OSC terms of reference will be valid for a period of 3 years and will be reviewed at the first meeting of each new Triennium, or earlier if required.

8. Definitions

For these Terms of Reference:

- "Act" means the Civil Defence Emergency Management Act 2002.
- "CDEM Group" means the West Coast Region CDEM Group.
- "Co-ordinating Executive Group" (the CEG) means the Co-ordinating Executive Group to be established under section 20 of the Civil Defence and Emergency Management Act 2002 and clause 10.7 of this Terms of Reference.
- "West Coast Region" means the West Coast Region as defined by the Local Government Act 2002.

REGULATORY AND HEARINGS COMMITTEE

9 MARCH 2022

AGENDA ITEM 7

Prepared By:	Sharon Mason Chief Executive Officer
Reviewed by:	Councillor Phil Rutherford Chairman Regulatory and Hearings Committee
Attachments:	1. Stewardship Land Process Review – Submission West Coast Councils - Draft 2. Stewardship Discussion document

STEWARDSHIP LAND PROCESS REVIEW - SUBMISSION

1. REPORT PURPOSE

To approve the joint submission made by the West Coast Regional Council, Buller District Council, Grey District Council and Westland District Council ("the Councils"). (See Stewardship Land Process Review - Submission WC councils - Appendix 1)

2. REPORT SUMMARY

The West Coast Region covers a vast area with a sparse population: it extends from Kahurangi Point in the north, and south to Awarua Point, a distance of 600 kilometres. This distance is the equivalent from Wellington to Auckland (see map in Appendix 2, Pg 15). The Region is predominantly rural.

The Conservation Estate comprises 84.17% of land area within the West Coast Region, with 1.55% under Land Information New Zealand (LINZ) administration. This leaves 14.28% available for private ownership. The land in Conservation Estate and Crown ownership is not rateable by local authorities.

The West Coast has received past Government support to transition from an extractive economy to tourism. This transition has made the West Coast economy hugely reliant on international visitors. With the current border closures, the West Coast economy is suffering, to further erode the West Coast economy by restricted use of land due to Conservation values is unjust. Local West Coast communities are affected communities and should have the opportunity to participate meaningfully in this fundamental government decision, which will affect them. It is

our submission that to be meaningful to the West Coast Region, the result of this consultation must evidence “no further harm” to environmental, economic, social and cultural well-being. Every stewardship land decision that impacts local farming or business there must be an “offsetting” business opportunity within the region.

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 Paper 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. It also fails to acknowledge the Government’s stated intention to review all conservation legislation and national policy as a priority. Proceeding with the 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.

Large-scale reclassifications should not be progressed until the criteria for reclassification has been considered as part of this review. There is no compelling reason to rush the reclassification process in the meantime, 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.

The Councils remain unconvinced from the reasons set out in the Discussion Paper that the delays to date in the reclassification process are the result of the current statutory provisions. The Councils consider that significant progress could be made if the non-legislative suggestions in the paper (which the Councils support) are implemented. The Discussion Paper fails to mention that in 2018 the New Zealand Conservation Authority and the Department requested all Conservation Boards to provide their recommendations as to priorities for stewardship land reclassifications. There is no comment in the Discussion Paper or in the NZ Conservation Authority minutes of why these recommendations have not been progressed.

The paper also fails to refer to the March 2018 advice and recommendations from the NZ Conservation Authority about the concept of net conservation benefit arising from reclassifications and exchanges of stewardship land. Proceeding with the stewardship reclassification process prior to the Government’s strategic review would be contrary to that advice.

3. DRAFT RECOMMENDATION

1. That Committee receive the report for information.
2. That Regulatory and Hearings Committee endorses the draft submission and authorises Mayor Cleine to sign the submission on behalf of BDC.

4. BACKGROUND

The Acting Minister of Conservation ("**Acting Minister**") made a public announcement on 28 May 2021 that the Government planned to accelerate the reclassification of stewardship land held under the Conservation Act 1987 ("**Decision**") by streamlining legislation and establishing two independent expert national panels ("**NPs**"). The NPs have been tasked with assessing stewardship land, commencing in the Northern South Island and Western South Island, and providing recommendations to the Minister on how to classify such land. Such reclassification fits with the Government's manifesto commitment to protect, preserve and restore our natural heritage and biodiversity and is one of the Department of Conservation's ("**DOC's**") core roles and responsibilities.

The 19 April 2021 Cabinet paper says that the guiding principle of the stewardship land reclassification process commenced by the Minister is to undertake genuine technical assessments of conservation values. Key desired outcomes outlined in the paper are that, within shortened timeframes, land with a high conservation value is identified and managed appropriately, and if appropriate, that land with very low or no conservation value is made available for other uses.

6. CONSIDERATIONS

6.1 Strategic Alignment

The Conservation Estate comprises 84.17% of land area within the West Coast Region, with 1.55% under Land Information New Zealand (LINZ) administration. This leaves 14.28% available for private ownership. The land in Conservation Estate and Crown ownership is not rateable by local authorities.

6.2 Tangata Whenua Considerations

While Ngai Tahu supports the reclassification and appropriate disposal of stewardship land in its takiwa as defined in the Te Runanga o Ngai Tahu Act 1996 ("the Ngai Tahu Takiwa"), Ngai Tahu considered the process announced by the Acting Minister on 28 May 2021 under the Decision to be in breach of the Treaty of Waitangi ("the Treaty") partnership, Ngai Tahu rangatiratanga, section 4 of the Conservation Act 1987 and the principles of the Treaty. For Ngai Tahu, the intended process did not accord with the expectations of Ngai Tahu as the Treaty partner for a process of this significance in the Ngai Tahu Takiwa.

6.3 Policy Framework Implications

The West Coast Councils submit that until these wider issues and concerns are considered as part of a more general review of conservation legislation as signalled by the Government, there is no pressing reason at this stage to progress major reclassifications on the basis of the policy set out in the Conservation General Policy 2005.

Rather, in the interim, the non-legislative changes proposed in the Discussion Paper should be made and the Panels should be directed to focus on the reclassification of those priority areas of stewardship land recommended by Conservation Boards in 2018, and other areas of stewardship land which clearly have significant values which would warrant national park classification.

ATTACHMENT 1

Stewardship land in Aotearoa New Zealand discussion document: Options to streamline processes for reclassification and disposal

Style Definition: Heading 1

Submission by West Coast Regional Council, Buller District Council, Grey District Council and Westland District Council

To:

Stewardship Land Consultation
Department of Conservation
P. O. Box 10420 Wellington 6143
stewardshiplandpolicy@doc.govt.nz

Introduction and summary

This joint submission is made by the West Coast Regional Council, Buller District Council, Grey District Council and Westland District Council ("the Councils").

The Councils request a meeting with the Minister to discuss this submission.

The West Coast Region covers a vast area with a sparse population: it extends from Kahurangi Point in the north, and south to Awarua Point, a distance of 600 kilometres. This distance is the equivalent from Wellington to Auckland (see map in Appendix 1). The Region is predominantly rural.

The Conservation Estate comprises 84.17% of land area within the West Coast Region, with 1.55% under Land information New Zealand (LINZ) administration. This leaves 14.28% available for private ownership. The land in Conservation Estate and Crown ownership is not rateable by local authorities.

The West Coast has received past Government support to transition from an extractive economy to tourism. This transition has made the West Coast economy hugely reliant on international visitors. With the current border closures, the West Coast economy is suffering, to further erode the West Coast economy by restricted use of land due to Conservation values is unjust. Local West Coast communities are affected communities and should have the opportunity to participate meaningfully in this fundamental government decision, which will affect them. It is our submission that to be meaningful to the West Coast Region, the result of this consultation must evidence "no further harm" to environmental, economic, social and cultural well-being. Every stewardship land decision that impacts local farming or business there must be an "offsetting" business opportunity within the region.



New Zealand Government

ATTACHMENT 1

Failure to allow consideration of wider economic, cultural, and social values

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 Paper 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 Discussion Paper, also fails to acknowledge the Government's stated intention to review all conservation legislation and national policy as a priority. Proceeding with the 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.

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Large-scale reclassifications should not be progressed until the criteria for reclassification have been reconsidered as part of this review. Unless the criteria are amended to enable these wider considerations to be taken into account there is no compelling reason to rush the reclassification process in the meantime, 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.

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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.

Lack of clarity about the reasons for this reclassification process

The Councils remain unconvinced from the reasons set out in the Discussion Paper that the delays to date in the reclassification process are the result of the current statutory provisions. The Councils consider that significant progress could be made if the non-legislative suggestions in the paper (which the Councils support) are implemented. The Discussion Paper fails to mention that in 2018 the New Zealand Conservation Authority and the Department requested all Conservation Boards to provide their recommendations as to priorities for stewardship land reclassifications. There is no comment in the Discussion Paper or in the NZ Conservation Authority minutes of why these recommendations have not been progressed.

The paper also fails to refer to the March 2018 advice and recommendations from the NZ Conservation Authority about the concept of net conservation benefit arising from reclassifications and exchanges of stewardship land. Proceeding with the stewardship reclassification process prior to the Government's strategic review would be contrary to that advice.

ATTACHMENT 1

The test of 'no or very low' conservation values is uncertain and no longer fit for purpose

There is an unstated assumption in the Discussion Paper that the objective of this review is to reclassify all stewardship land with conservation values which have the potential to have greater than 'no or very low' conservation values to some form of specially protected areas under Part 4 of the Conservation Act as easily as possible. The Paper also implies that the test of 'no or very low conservation values' is a statutory one, whereas that requirement is found in Policy 6 of the 2005 Conservation General Policy. The Councils consider that the 2005 Conservation General Policy, and Policy 6 in particular, should be the subject of fundamental review as part of the overall review of conservation legislation, and that wholesale 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 the 'potential'¹ for more than 'no or very low conservation values' is no longer fit for purpose. Consequently, the Councils generally oppose a streamlined process which further enables the Panels to apply such a test in reclassifications.

Moreover, even if a review decided that this is the appropriate test, there is no clear definition of what 'very low' or 'low' conservation values mean. That should be clarified prior to the Panels undertaking any work.

The Councils consider that simply reclassifying additional stewardship land as specially protected areas under Part 4 of the Conservation Act would fail to have regard to the different conservation values and priorities of different regions. Not all regions are the same, and in general terms the West Coast already has significant levels of conservation land. Rather, 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. This is known as a 'target' based approach² to conservation.

There is also an unstated assumption 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.

¹ The Councils have received advice that this is a valid interpretation of the Supreme Court's decision in the Ruataniwha case, and is referred to in the March 2018 report to the Minister from the NZ Conservation Authority.

² See for example, 'Moving from biodiversity offsets to a target-based approach for ecological compensation' Simmonds et al. *Conservation Letters* 2020;13:e12695.

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The Council's consider the review fails to give effect to Section 4 of the Conservation Act. The effect of reclassification on Mana whenua cultural, economic and social values should be considered. The alternative is that the land is held until a review of the Conservation Act and Conservation General Policy occurs in a manner which gives effect to Section 4 of the Conservation Act.

On the West Coast, there are significant areas of stewardship land where the relevant conservation values would likely be better protected overall if they were in private ownership. Protection of land through private ownership can be achieved through a combination of the RMA and its replacement legislation, the recently operative Regional Policy Statement, the proposed National Policy Statement of Indigenous Biodiversity, and the willingness and ability of private landowners to manage their land in this way. Private land, where the conservation values are managed and enhanced by landowners, will also have the social and economic advantages which accrue to the community through the ability of the Councils to add to their rating base.

Deleted: That

Some existing economic land uses can occur alongside conservation values and can have a net effect of improving land with high conservation value. Uses like extensive grazing serve to control weeds and prevent invasive species spreading to conservation areas.

Some areas such as South Westland would benefit from a process similar to the Crown's tenure review process. Whereby, a voluntary process is adopted that gives pastoral lessees an opportunity to buy land capable of economic use, while land with high conservation values is protected and restored to full Crown ownership as conservation land.

The Councils consider that, 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, 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; and
- (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).
- (d) The cultural, economic and social values of mana whenua.

The review of the Conservation General Policy must also give effect to Section 17B(2) of the Conservation Act:

Nothing in any such general policy shall derogate from any provision in this Act or any other Act.

If the reclassification of stewardship land proceeds under the existing Conservation General Policy, it is likely to derogate from Section 10 of the Local Government Act which sets out the purpose of local government which is:

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- a) enabling democratic local decision-making and action by, and on behalf of, West Coast communities; and
- b) promoting the social, economic, environmental, and cultural well-being of West Coast communities on the West Coast in the present and for the future.

Failure to provide for exchanges of stewardship land

The Discussion Paper also fails to discuss exchanges of private land for stewardship land, as distinct to disposals. 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.

Need for independent advice on wider values to be provided to the Panels

Given the importance of stewardship land to the economic, social, and cultural wellbeing of the West Coast, the Councils consider that there should be a process by which independent advice (that is, not from the Department) on these values are provided to the Panels.

Section 4 Conservation Act obligations

The Councils are concerned that the review fails to consider Mana Whenua values as required to give effect to the Treaty of Waitangi under section 4 of the Conservation Act³. The Councils are aware of discussions between Te Runanga o Ngai Tahu and the Minister of Conservation, including halting the land reclassification process until the Conservation Act can be fully reviewed. The land classification review fails to recognise the role of customary practices on conservation land, and the Council's support the position of Poutini Ngai Tahu in their discussion through Te Runanga o Ngai Tahu with the Minister of Conservation. The effect of reclassification on Mana Whenua cultural, economic and social values should be considered. The alternative is that the land is held until a review of the Conservation Act and Conservation General Policy occurs in a manner which gives effect to Section 4 of the Conservation Act.

In summary, the Councils submit that unless the concerns set out in this submission can be addressed, until these wider issues and concerns are considered as part of a more general review of conservation legislation as signalled by the Government, there is no pressing reason at this stage to progress major reclassifications on the basis of the policy set out in the Conservation General Policy 2005.

³ [Ngāi Tai Ki Tāmaki Tribal Trust v Minister of Conservation \[2018\] NZSC 122](#)

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Rather, in the interim, the non-legislative changes proposed in the Discussion Paper should be made and the Panels should be directed to focus on:

1. Progressing the priorities identified in 2018 by the West Coast Conservation Board (unless a proposal relates to an addition to a national park which should be progressed by the NZCA); and
2. Progressing ~~the exchange or disposal of stewardship land which clearly has~~ no or very low conservation values (subject to that term being clearly defined in advance after input from stakeholders); and
3. Undertaking a review of the [cultural](#), social and economic value of stewardship land not falling under 1 and 2 above, with the purpose of being able to make recommendations on such land once the Conservation General Policy has been amended as described above; and
4. [Ensuring Section 4 of the Conservation Act is given effect.](#)

Deleted: proposals (on a non-notified basis) for

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Discussion document proposals

A. Introduction and objectives

1. Do you agree with the objectives listed in the discussion document? Do you think there are any other objectives that should be included in this review?

The Councils agree with the objectives listed on page 6, except for bullet point 2 ("delivering clarity for everyone on the status of land, the appropriate level of protection/use and the reclassification process"). While that is an appropriate objective in itself, the proposed changes set out in the Discussion document are inadequate to properly achieve that objective. Moreover, the Councils consider that it is inappropriate and unrealistic to try to achieve this objective through this limited review which is focussed on efficiency of the reclassification process. An objective of delivering clarity for everyone on the status of land and the appropriate level of protection/use requires considerably greater strategic analysis and should be a fundamental part of the overall review of conservation legislation proposed by the Government.

Bullet point 2 should be deleted and replaced with an overall objective of this review which is to enable a more efficient process for reclassification, exchange and disposal of stewardship land in a manner which meets bullet points 3, 4 and 5 in the interim, pending a review of conservation legislation and the Conservation General Policy, but in a manner which also does not run the risk of undermining or being inconsistent with the results of the forthcoming conservation review.

2. Do you agree with the description of the problem in the discussion document? If no, please provide reasons to support your answer?

The Councils accept that the reclassification process to date has been time consuming and unwieldy. However, the Councils do not agree that the description of the problem of time delays is necessarily because of the existing legislation. The minutes of the NZ Conservation Authority throughout 2018 when this topic was considered at each of the Authority's meetings do not support an argument that the delays and inefficiencies in the reclassification processes were caused by the legislation or the Conservation General Policy provisions.

The discussion paper implies that the second and third bullet point issues set out on page 10 of the document are 'problems' which cause "time, cost and complexity". If the discussion paper is proposing that changes are made to the process which are intended to lessen or avoid these considerations, then the Councils do not agree with that fundamental proposition. Rather, the Councils consider that these issues are appropriate ones that need to be fully assessed in a strategic manner within the context of legislation and regulatory policy which is fit for purpose in the 2020s. As the Government has acknowledged, existing conservation legislation and policy are not

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currently fit for purpose. This review, which is said to be for the purpose of streamlining the stewardship land reclassification process, is not the appropriate place to be enabling significant reclassifications based on criteria which are acknowledged by the government to no longer be fit for purpose.

The Councils do not accept that “failure to provide the level of protection appropriate to the area risks the loss of biodiversity, cultural and other values that DOC is charged with protecting”. (p 9). The unstated presumption that a reclassification to a specially protected area itself provides greater protection, or indeed that conservation land in itself ‘protects’ conservation values is incorrect.⁴ Consideration should be given to the possibility that, in some situations, conservation values which are presently on stewardship land may be better protected if that land is exchanged or disposed of to become private land.

The discussion paper has conflated issues of process efficiency with strategic policy issues. The August 2021 Cabinet Paper was focussed on improving the efficiency of the reclassification process. However, the suggested legislative changes in the discussion paper would result in increasing actions which are based on legislation and policy which the Government has described as not fit for purpose.

The Councils are also concerned about the lack of comment about the Government’s obligations to iwi Maori under section 4 of the Conservation Act. Other than appearing to treat areas which are of great significance to tangata whenua as part of the problem (p 10), there is no indication of how ‘the complex partnership arrangements’ will be developed and what they may look like. These are indeed complex issues, but need to be worked through as part of the overall strategic review of conservation legislation and policy in accordance with the principles of the Treaty, and not in an ad-hoc and non-transparent manner.

This review has stated that some stewardship land is subject to competing interests. However, the terms of reference limit the Panels’ consideration to conservation and cultural values. This creates a prioritisation of conservation values, over other values and is potentially a derogation from the purpose of local government in the Local Government Act which is:

- a) enabling democratic local decision-making and action by, and on behalf of West Coast communities; and
- b) promoting the social, economic, environmental, and cultural well-being of West Coast communities on the West Coast in the present and for the future.

For this reclassification process to be accepted by the local West Coast communities, these wider values should be considered alongside conservation values.

⁴ See for example ‘What does ‘protection’ of biodiversity mean?’ J Craig and S Christensen, November 2021 RMJ (Resource Management Journal).

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3. Do you think there are any additional factors that have contributed to stewardship land reclassification not being progressed on a large scale? If so, please describe them.

The Councils are not able to speculate on additional reasons. The NZCA minutes do not disclose any real reasons for the inefficiencies and lack of progress to date.

4. Do you think there any other issues or impacts caused by the failure to reclassify stewardship land on a large scale that have not been described here? If so, what are they and who/what do they affect?

While it may be Government policy to proceed quickly with reclassifications, the discussion paper does not disclose any pressing conservation reasons why that needs to be done with haste, or in advance of a full review of conservation legislation and policy.

The status quo in terms of not being able to exchange or dispose of any stewardship land which has the potential to have more than very low conservation value has impacted negatively on opportunities for the West Coast ratepayers to own and make use of land in a manner which nonetheless protects those conservation values.

This has in turn created uncertainty for many users of stewardship land on the West Coast, including farming and tourism operators. Adding to a failure to consult with users prior to undertaking the review, there have been impacts on economic and social wellbeing in terms of financial uncertainty affecting health and the inability to plan for future generations. This is contrary to the fundamental rights of the West Coast community to provide for their economic, cultural, social and environmental wellbeing.

There is an assumption that all the former Timberlands land which was classified as conservation land following the West Coast Accord has conservation values such

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as to warrant conservation land status. The Councils do not accept that assumption in all instances.

Having said that, there are many examples of stewardship land on the West Coast which clearly have no or very low conservation values (such as land used for buildings, or land which has been grazed for many years). The Panels should, and can, proceed directly with proposal to dispose of such land.

B. Improving consistency of public notification and submission processes

5. The discussion document sets out three possible options – please indicate your preferred option. You may provide further analysis or comments to support your choice.

The Councils support Option 1.1 – shortening the submission period to 20 working days. That is consistent with public processes under both the RMA and the Reserves Act.

However, if the submission process is shortened current users of land should be consulted with prior to the notification process, ie, lease or concession holders. These are the people who's economic or social wellbeing will be most affected by the process.

6. Do you think 20 working days (one month) is adequate to prepare a written submission? If not, what time period would be adequate?

Yes.

7. What role or function do you consider hearings play?

Pending the outcome of the review of conservation legislation, public hearings are important to ensure transparency and accountability. That is particularly so when the 'tests' around reclassification remain unclear, and are unrelated to any strategic objectives.

Hearings should be held without formality and current users should be provided resourcing to participate in the process. The process should take into account that

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some land users live in remote locations without adequate internet access to participate via video link.

8. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

To ensure the Department meets its obligations under the Conservation Act, the Conservation General Policy should be reviewed, and that review must give effect to Section 17B (2) of the Conservation Act, and thereby not derogate from the purposes of local government.

C. Enabling the national panels to carry out the public notification and submission process

9. The discussion document sets out two possible options – please indicate your preferred option. You may provide further analysis or comments to support your choice.

The Councils support option 2.2. The justification in the discussion document for a change to the status quo is weak. If DoC does not provide a secretariat and administrative role, then that will have to be created for the Panels, so the Councils see no administrative efficiency in a change. Issues of the independence of Panels can be managed in the same way that independent hearing commissioners undertake work for councils under the RMA.

The discussion paper makes it clear that the Panels are not given powers to make decisions on matters that relate to non-conservation values. The terms of reference state that the panel has been appointed to make recommendations on conservation and cultural values⁵ and do not have expertise to be considering other wider values. The composition of the Panels is fundamentally flawed by not providing for members with expertise or experience to enable the proper assessment of the social or economic value of stewardship land to users and the wider community. This should

⁵ Section 13 Terms of Reference

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include the assessment of such matters as biosecurity from managed grazing areas, appropriate net conservation or biodiversity gain from alternative uses of parcels of land, community sustainability and resilience, and wider cultural and social values.

10. If the national panels carried out the public notification and submissions process, what impact do you think this would have on the reclassification or disposal process?

The Councils anticipate that this will duplicate resources, and result in less efficiencies.

If the Panel carries out the process under the existing terms of reference, there will be an inappropriate bias toward conservation values. The Panels have no ability to consider social or economic, or other cultural values when hearing submissions and making recommendations.

This will result in a process and outcomes which are unlikely to be accepted by West Coast communities.

11. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

Yes.

The Panels' recommendations on any stewardship land should be further considered by local conservation boards and the NZCA against alternative land uses under a revised Conservation General Policy which allows consideration of wider values.

The Councils are concerned that the only information available to the Panels is provided by Department officials. Given the importance of stewardship land to the economic, social, and cultural wellbeing of the West Coast, the Councils consider that there should be a process by which independent advice (that is, not from the Department) on these values are provided to the Panels.

D. Clarifying responsibilities for making recommendations to reclassify stewardship land to national park

12. What particular expertise/experience do you consider the national panels could bring to the process?

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The Councils consider that the Panels should not have a role in making recommendations to reclassify stewardship land to national park. Decisions about adding land to national parks should continue to be made by the NZCA and not by the Panels. There is no evidence that the NZCA has not undertaken that role efficiently and effectively to date. The NZCA is experienced in that process, and the Councils consider it is important that the requirements in the National Parks Act be properly adhered to, unless and until they are changed as part of the overall review of conservation legislation.

The broad experience and expertise of NZCA members as mentioned on p 25 is a reason for the NZCA to retain that role. The membership of the Panels is not an improvement on the membership of the NZCA.

13.If the national panels were responsible for making recommendations to reclassify land to national parks, do you consider this would create any risks?

The Councils consider that this is a strategic policy issue which should only be made as part of the strategic review of conservation legislation and policy. It raises the issue of the role (if any) of both local conservation boards and the NZCA. These bodies were created by legislation to provide strategic local level input into conservation decision making by the Department and the Minister (who are making decisions on behalf of all New Zealanders). There is no pressing need to change the status quo in advance of a full review of the role of conservation boards and the NZCA.

The Councils do not accept that the Panels replacing the role of the NZCA would in itself result in efficiencies.

14.Are there any further options you think DOC should consider that would meet the objectives set out above?

Unlike reclassifications and disposals of stewardship land for other purposes, the criteria for adding land to a national park is clear in the National Parks Act. No changes are required to the process or the criteria.

The Councils are concerned that the only information available to the Panels is provided by Department officials. Given the importance of stewardship land to the economic, social, and cultural wellbeing of the West Coast, the Councils consider that there should be a process by which independent advice (that is, not from the Department) on these values are provided to the Panels. There should be a

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mechanism for this to be done alongside Departmental advice and before a proposal is notified, and not solely left to submitters once a proposal has been notified.

E. Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of

15. The discussion document sets out two possible options – please indicate your preferred option. You may provide further analysis or comments to support your choice.

The Councils support option 4.1, however there is a concern in the Community that the assessment process will not be undertaken fairly or equitably.

16. Are there any alternative options that have not been discussed here? Please provide analysis or comments to explain your answer.

The West Coast community remains sceptical about whether much of the stewardship land should have been allocated as conservation land when the Department was formed in 1987. That relates to what is perceived to be a failure at that stage to consider historical use of the land, including present and future economic value. River run grazing farms in South Westland, for example, have been used for generations, and the community feels are part of “their culture”. There are also areas of stewardship land the community would like to use for micro hydro electricity generation, to improve their energy and climate change resilience, and to transition to a low carbon future. A low carbon future is a government priority. These are all examples of the wider values and considerations that need to be part of the reclassification process. Simply restricting the Panels to considering conservation values will result in outcomes which may be contrary to the wider social, economic and cultural, as well as environmental, wellbeing of existing and future West Coast and wider New Zealand generations.

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17. Do you think that there are any other risks or impacts associated with declaring all section 62 stewardship land to be held for a conservation purpose via a legislative change that have not been identified here?

The risk is not providing for the community's wellbeing and not allowing local decision-making processes to occur.

F. Enabling the Minister of Conservation to direct the proceeds of sale from stewardship land to DOC

18. The discussion document sets out two possible options – please indicate your preferred option. You may provide further analysis or comments to support your choice.

The Councils support Option 5.1.

19. What are the risks or impacts associated with allowing the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC that have not been identified here?

None that the Councils are aware of.

20. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

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Not that the Councils are aware of.

G. Clarifying the status of concessions on reclassified stewardship land

21. The discussion document sets out two possible options – please indicate your preferred option. You may provide further analysis or comments to support your choice.

The Councils support option 6.2. This is consistent with Section 64 of the Conservation Act which provides for existing licences and leases etc.

22. If a concession is inconsistent with a new land classification or on land that has been recommended for disposal, should it be allowed to continue? Please explain your answer.

Yes. This would be similar to existing use rights under the RMA but will only operate for a defined period (even if there are renewal rights). The Councils do not accept the statement in the discussion document that this option 'may not ensure conservation values are adequately protected in every case' (p 33). In granting the concession, the Department should have had regard to the conservation values as they exist, and not just to the classification of the conservation land. Those values will be the same irrespective of a change in the classification of the land.

This option is essential to create certainty for existing occupiers and users of this land.

23. Are there any other risks or impacts associated with allowing inconsistent concessions to continue?

The concessions should not be inconsistent because they were granted having regard to the actual conservation values of the land and they will not have changed with a reclassification.

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24. Are there any further options you think DOC should consider that would meet the objectives set out in the discussion document?

Not that the Councils are aware of.

H. Non-regulatory options to improve stewardship land reclassification

25. Are there any other non-regulatory options to help streamline the process for reclassifying stewardship land that we should consider? Please explain your answer.

The Councils support the three non-regulatory changes proposed.

If the Panels are to be holding public hearings, they should receive training and be qualified in the same way as hearing commissioners under the RMA. This is important for consistency of decision making, transparency, accountability, and to ensure natural justice, as well as competence in weighing and assessing technical evidence in order to make competent recommendations.

I. Implementing changes

26. Are there any additional evaluation or monitoring measures that you think should be implemented? Please explain your answer.

Unless the concerns set out in this submission can be addressed, then until the review of conservation legislation and policy is completed, the scope of the Panels' work should be restricted to:

1. Progressing the priorities identified in 2018 by the West Coast Conservation Board (unless a proposal relates to an addition to the national park which should be progressed by the NZCA); and
2. Progressing proposals (on a non-notified basis) for the exchange or disposal of stewardship land which clearly has no or very low conservation values (subject to that term being clearly defined in advance after input from stakeholders); and
3. Undertaking a review of the social and economic value of stewardship land not falling under 1 and 2 above, with the purpose of being able to make

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recommendations on such land once the Conservation General Policy has been amended as described above; and

4. Ensuring Section 4 of the Conservation Act is given effect.

The judicial review process is the only option for contesting any decision made on the reclassification of Stewardship land. This option is mostly unaffordable to some current occupiers of Stewardship Land who may be affected by the Panels' decision making. A formal objection and reconsideration process should be provided to those persons who are directly affected by a reclassification decision (similar to the objection process in section 357 of the Resource Management Act).

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Stewardship land in Aotearoa New Zealand

Options to streamline processes
for reclassification and disposal

Discussion document
November 2021



Department of
Conservation
Te Papa Atawhai

New Zealand Government

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Privacy statement

All submissions are subject to the Official Information Act 1982 and can be released, if requested, under that Act. If you have specific reasons for wanting parts, or all, of your submission withheld, please include these in your submission. The Department of Conservation (DOC) will consider those reasons when making any assessment of the release of submissions. Please refer to DOC's privacy statement for further information¹.

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ATTACHMENT 2

Foreword by the Minister of Conservation

Ensuring that public conservation land is appropriately managed, protected and preserved is one of the key functions of the Department of Conservation (DOC). Public conservation land allows New Zealanders to connect with nature, provides important habitats for native species, and gives protection to key historical and cultural places.

Stewardship land is one of the categories of public conservation land. It includes land that was given to DOC to manage when the department was formed in 1987 and makes up 25 million hectares across Aotearoa, about one-third of the land DOC manages.

Most stewardship land is held by DOC because of its conservation value; however, 'stewardship' areas have the lowest level of protection. Stewardship land was intended to be a temporary category until the land could be assessed and the right classification awarded. This work is complex and time consuming because of the sheer amount of land needing to be reclassified, so in 2021, very few parcels of stewardship land have been assessed and reclassified.

I want to simplify the reclassification process so that land with conservation value is identified and managed appropriately, to ensure it is protected for its natural and cultural heritage and safeguarded for future generations to enjoy. Land with very low or no conservation value can then be made available for other uses where appropriate.

With this in mind, I have commissioned the stewardship land reclassification project, which aims to speed up the reclassification of stewardship land in two ways.

- Convening two national panels of experts to assess the values of the land and provide me with technical assessments and recommendations for the future land classifications of stewardship land.
- Legislative amendments to ensure that the process for reclassifying stewardship land is efficient and fit-for-purpose.

This document looks solely at the proposed legislative amendments and sets out the options for addressing areas in the current process where efficiencies can be achieved or where changes are needed to ensure the national panels can carry out their work effectively.

I would encourage any New Zealander with views on the process for assessing and reclassifying stewardship land to contribute to this process and provide your views.



Hon Kiritapu Allan
Minister of Conservation

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Executive summary

Stewardship land is a category of public conservation land that includes land that was allocated to Te Papa Atawhai Department of Conservation (DOC) when DOC was first formed. It was intended that the conservation values of this land would be assessed and the correct classification would then be assigned. However, due to a number of factors, including the time and resources needed to reclassify this land, the majority of stewardship land has not been reclassified.

Stewardship land amounts to 2.5 million hectares or 30% of public conservation land. To ensure that this land is reclassified promptly and effectively, the government has announced a stewardship land reclassification project comprising:

- national panels that will assess the conservation values of parcels of stewardship land and provide a recommendation as to their new classification to the Minister of Conservation
- legislative amendments to ensure that the process for reclassifying stewardship land is fit-for-purpose.

This discussion document sets out the following six areas in the current process where efficiencies could be achieved or where changes could be made to ensure a better process.

1. Improving consistency of public notification and submission processes
2. Enabling the national panels to carry out the public notification and submission process
3. Clarifying responsibilities for making recommendations to reclassify stewardship land as national park
4. Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of
5. Enabling the Minister of Conservation to direct proceeds from the sale of stewardship land to DOC
6. Clarifying the status of concessions on reclassified stewardship land.

DOC is seeking feedback on the options for legislative change to help inform decisions on what the process for reclassifying stewardship land should be.

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Introduction

Purpose

DOC is undertaking a review of the legislation relating to stewardship areas (referred to as 'stewardship land' in this document) as part of the broader stewardship land reclassification project. The review seeks to streamline the processes for reclassifying and disposing of stewardship land to resolve issues that have led to delays in the past. The Government wants stewardship land with a high conservation value to be reclassified appropriately (to improve its legal protection). There may also be some areas that have little or no conservation value and could potentially be disposed of.

Objectives

Through this review we are seeking to meet the following objectives.

- enabling a more efficient process for reclassifying stewardship land
- delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act 1987)
- ensuring conservation values are adequately protected
- enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation (for more information about the national panels please refer to page 13).

The options for changes to legislation that are described in this paper have been assessed against these objectives to determine how well they achieve the purpose of the review. DOC considers each objective to be equally important, and no objective has been given more weight over the other objectives. However, some objectives may not be relevant to every option.

Questions

1. Do you agree with the objectives listed above?
2. Should any other objectives be included in this review?

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What is 'stewardship land'?

Conservation land is categorised into different land status'/classifications to protect the natural and historic resources of that land. The land status/classification is determined by the conservation values of that parcel of land and provides the settings for how the land should be managed to best protect and preserve those values. It also is used to identify areas where additional or higher protections are needed.

'Stewardship land' is a category of public land created under the Conservation Act 1987 . At that time, the Government transferred responsibility for large areas of land to the Department of Conservation (DOC) to act as a steward of the land until its conservation value had been assessed. About 30% of public conservation land is categorised as stewardship land. This equates to over 2.5 million hectares. Most stewardship land is in the South Island, with approximately 1 million hectares on the West Coast (see the maps on page 15 and 16). There are smaller parcels of stewardship land across the North Island, primarily in Waikato, Taranaki and across the Central North Island.

DOC is legally required to manage this land so that its natural and historic resources are protected. This is considered a weak legal protection when compared with other categories of conservation land which have stronger management requirements, meaning that some stewardship land with high conservation value may not be adequately protected.

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Current legislative framework

DOC's roles and responsibilities in relation to public conservation land, including stewardship land, are covered in several pieces of legislation including: the Conservation Act 1987 (the Conservation Act), the Reserves Act 1977 (the Reserves Act), and the National Parks Act 1980 (the National Parks Act).

This legislative framework sets out the processes for establishing, reclassifying and disposing of stewardship land. In particular:

- the public notification, submission and hearing requirements (including responsibilities) for reclassification of stewardship land (section 49 of the Conservation Act and section 119 and 120 of the Reserves Act)
- the process and responsibilities for classifying stewardship land as a national park (section 7 of the National Parks Act)
- land allocated to DOC when the department was first formed is managed as stewardship land (section 62 of the Conservation Act)
- how other land is acquired and declared to be held for conservation purposes (section 7 of the Conservation Act)
- the disposal of stewardship land with very low or no conservation value (section 26 of the Conservation Act as well as the Conservation General Policy) and how the proceeds of sale of this land are dealt with (section 33 of the Conservation Act)
- the system for concessions on public conservation land, including stewardship land (part 3B Conservation Act).

DOC also has a particular responsibility under section 4 of the Conservation Act to interpret and administer the Conservation Act (and any statutes included in Schedule 1 of the Conservation Act) to give effect to the principles of the Treaty of Waitangi.

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Why are we reviewing the legislation for reclassifying stewardship land?

Around 30% of public conservation land is held as stewardship land – over 2.5 million hectares or 9% of Aotearoa New Zealand's total land area. There are over 3,000 parcels of stewardship land of varying sizes across the country. Many of these areas are home to threatened species and high-priority ecosystems and hold significant cultural, historical and recreation value.

'Stewardship land' is a category of public conservation land that was established by the introduction of the Conservation Act in 1987 (see Appendix 1 for a glossary of key terms used in this document). At that time, the Government transferred responsibility for large areas of land to DOC, with the provision that DOC was to act as a steward of the land until its conservation value had been assessed and the land was reclassified or disposed of accordingly.

However, in the 30 years since the category of stewardship land was created, most areas have not been classified. Since DOC was established, only 100,000 hectares of stewardship land have been assessed and reclassified. This has occurred through processes such as:

- transfers through Treaty settlements
- additions to existing national parks or conservation parks
- the creation of new national parks (eg, Kahurangi National Park and Rakiura National Park both included stewardship land)
- new conservation parks.

During the same period, over 40,000 hectares of stewardship land has also come under DOC management through processes such as tenure review and Nature Heritage Fund purchases.

The fact so much stewardship land remains unassessed is an issue because it means that these parcels of land may not have the appropriate level of protection and management as their conservation values have never been fully assessed. This means the following.

- While stewardship land is managed by DOC for conservation purposes, some areas of stewardship land have significant values, requiring the greater level of management and protection afforded by other categories of land classifications. Failure to provide the level of protection appropriate to the area risks the loss of biodiversity, cultural and other values that DOC is charged with protecting. We are in the midst of a biodiversity crisis and cannot afford further degradation of ecosystems or species.
- It is likely that there will be some stewardship areas that are currently managed for conservation purposes but would be assessed as having very low or no conservation value. Continuing to manage these areas as public conservation land means that alternative uses for the land cannot be pursued, and public resources are not being used efficiently.
- The uncertainty around which areas of stewardship land deserve greater levels of protection or could be better used for other purposes has created tension for and

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between people who have rights or interests in the land and want it to be used appropriately.

There are multiple barriers that have prevented large-scale reclassification of stewardship land, and they largely stem from the sheer amount of land that needs to be reclassified through a process that is complex, time consuming and expensive. The process for reclassifying stewardship land is set out in conservation legislation and spans multiple statutes.² A diagram of this process is on page 21. The process usually involves:

- surveying the land
- analysis of the conservation values of the land including the species and ecosystems present
- working in partnership with tangata whenua; iwi, hapū, and whānau
- consulting the public (which may include submissions and public hearings).

All the conservation values of the land (including natural, cultural, historic, landscape and recreational values) must be considered before a decision can be reached. Most decisions are made by the Minister of Conservation, but some (eg, for reclassifying land to national parks) require wider government consultation and approval, adding to the complexity and timeframes. Where land is identified as suitable for disposal, further processes add additional complexity, expense, and time.

Reclassifying all stewardship land will require every one of the more than 3,000 parcels of stewardship land (9% of Aotearoa New Zealand's land area) to go through this process. The specific time, costs and complexity associated with reclassifying a parcel of land are highly variable and can be impacted by many factors.

- Many areas of stewardship land are large and very remote. These areas tend to be difficult and expensive to accurately survey and assess.
- There are areas that are of great significance to tangata whenua; iwi, hapū, and whānau where extensive engagement is appropriate and complex partnership arrangements need to be developed.
- Some places are subject to competing interests, where tangata whenua, private individuals, commercial operators and businesses, and environmental and recreational advocacy groups may disagree on a proposed reclassification. This can lead to lengthy and complex consultation and even litigation.

The Minister of Conservation and DOC have responsibilities for reclassifying stewardship land, which DOC resources through its baseline funding. The resources required to manage the complexity, expense and time of stewardship land reclassification has made it difficult to prioritise large-scale reclassification above DOC's other urgent statutory responsibilities.

The legislative process for assessing and reclassifying stewardship land ensures an evidence-based approach to reclassifying stewardship land that is rooted in DOC's wider responsibilities for protecting and restoring public conservation land. Due to the complexity and age of much of the legislation related to reclassifying stewardship land, some of the requirements within the

² This includes the Conservation Act 1987, the Reserves Act 1977 and the National Parks Act 1980.

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legislation could be simplified and modernised to create a streamlined approach, while still maintaining the stringent oversight required to give confidence that stewardship land is being assessed and reclassified appropriately. This would reduce the cost and time associated with assessing and reclassifying stewardship land areas and disposing of them where appropriate.

While the current legislative provisions do not prevent stewardship land from being reclassified, streamlining the legislative process would achieve considerable economies of scale in reclassifying all 2.5 million hectares of remaining stewardship land. This would significantly reduce the time, cost and complexity of progressing large scale stewardship land reclassification. Without the cumulative savings afforded by a streamlined process, it will be challenging to achieve large-scale reclassification of stewardship land in the near future.

Even without legislative changes to streamline stewardship land reclassification, more stewardship land reclassifications than have occurred historically would likely progress. This is due to dedicated resource and focus that will be afforded by the Government's other measures for improving stewardship land reclassification that are outlined in the next section. However, without the proposed streamlining of relevant legislation, it is likely that the recommendations, final decisions and actual reclassifications and disposals regarding stewardship land will be subject to unwarranted complexity, lengthier time frames and greater expense than could otherwise be achieved. This is at odds with the Government's intent that stewardship land reclassification be progressed quickly and at scale. It also means that negative impacts associated with current arrangements will continue for longer.

Questions

3. Do you agree with the description of the problem? If not, please provide reasons to support your answer.
4. Do you think there are any additional factors that have contributed to stewardship land reclassification not being progressed on a large scale? If so, please describe them.
5. Do you think there any other issues or impacts caused by the delay in reclassifying stewardship land on a large scale that have not been described here? If so, what are they and who/ what do they affect?

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Measures to improve how stewardship land is reclassified

This legislative review is just one part of a larger package of measures to improve how stewardship land is reclassified.

In May 2021, the Government announced a package of measures to remove barriers to reclassifying stewardship land on a large scale. This package includes:

- establishing two national expert panels (the national panels) to make recommendations to the Minister of Conservation on revised classifications for stewardship land
- undertaking a review of the legislation relating to reclassifying stewardship land.

The first of these measures (establishing national panels) is already underway. The national panels have been established under section 56(1) of the Conservation Act. They are appointed by the Minister of Conservation and have an advisory role to the Minister, the Director-General of DOC, and officers of DOC. They hold no statutory decision-making powers.

The Government have approved the Terms of Reference for the national panels.³ The national panels have been tasked with undertaking technical assessments of stewardship land and making recommendations to the Minister of Conservation about the land's revised status. Final decisions on reclassification of individual areas of stewardship land sit with the Minister of Conservation.

The national panels are non-partisan and members were chosen based on their expertise in:

- a) Ecology
- b) Landscape
- c) Earth sciences
- d) Recreation
- e) Heritage
- f) Mātauranga Māori.

³ See the Terms of Reference and Procedures for the national panels to provide recommendations on the reclassification of stewardship land at: <https://www.doc.govt.nz/globalassets/documents/about-doc/role/managing-conservation/stewardship-land-tor.pdf>

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DOC is funding the national panels' work and will support that work by providing:

- project management support
- logistical support for meetings
- technical information relevant for assessing the ecology, landscape, earth science, recreation, cultural mātauranga Māori values
- detailed mapping of land areas.

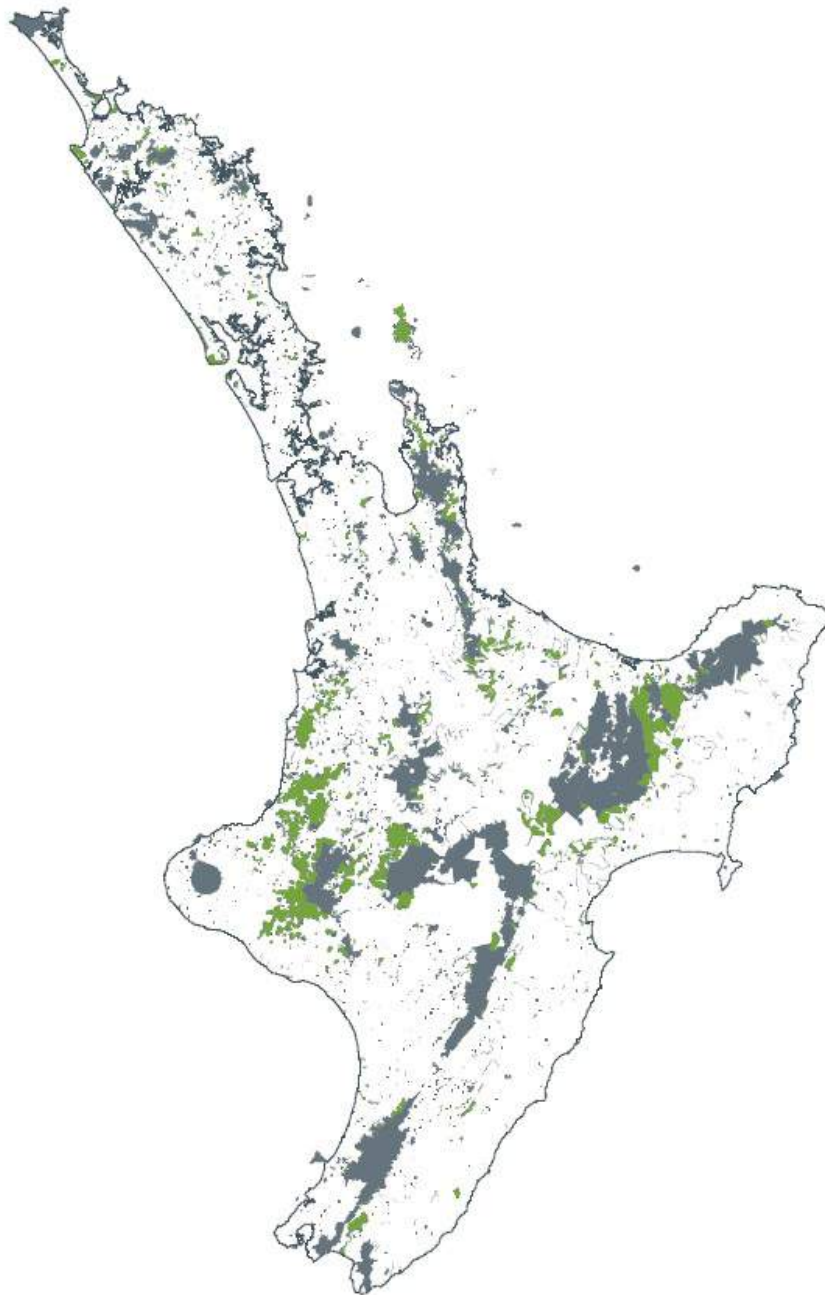
The national panels will sequentially consider each DOC operational region, at the discretion of the Minister of Conservation. The Minister of Conservation has confirmed that the national panels will initially focus on developing recommendations for the Northern South Island and Western South Island before moving onto the rest of the country.

You can read more about the establishment of the national panels here on the Stewardship land reclassification – national panels webpage on DOC's website at: www.doc.govt.nz/about-us/our-role/managing-conservation/stewardship-land/reclassification-national-panels/

This paper is seeking your feedback on the next stage of the process – the review of the legislation that regulates reclassifying stewardship land, to ensure it is working effectively and efficiently. The Minister of Conservation plans to propose changes to the Conservation Act, aimed at speeding up and simplifying the reclassification process to make it easier to reclassify stewardship land at a large scale.

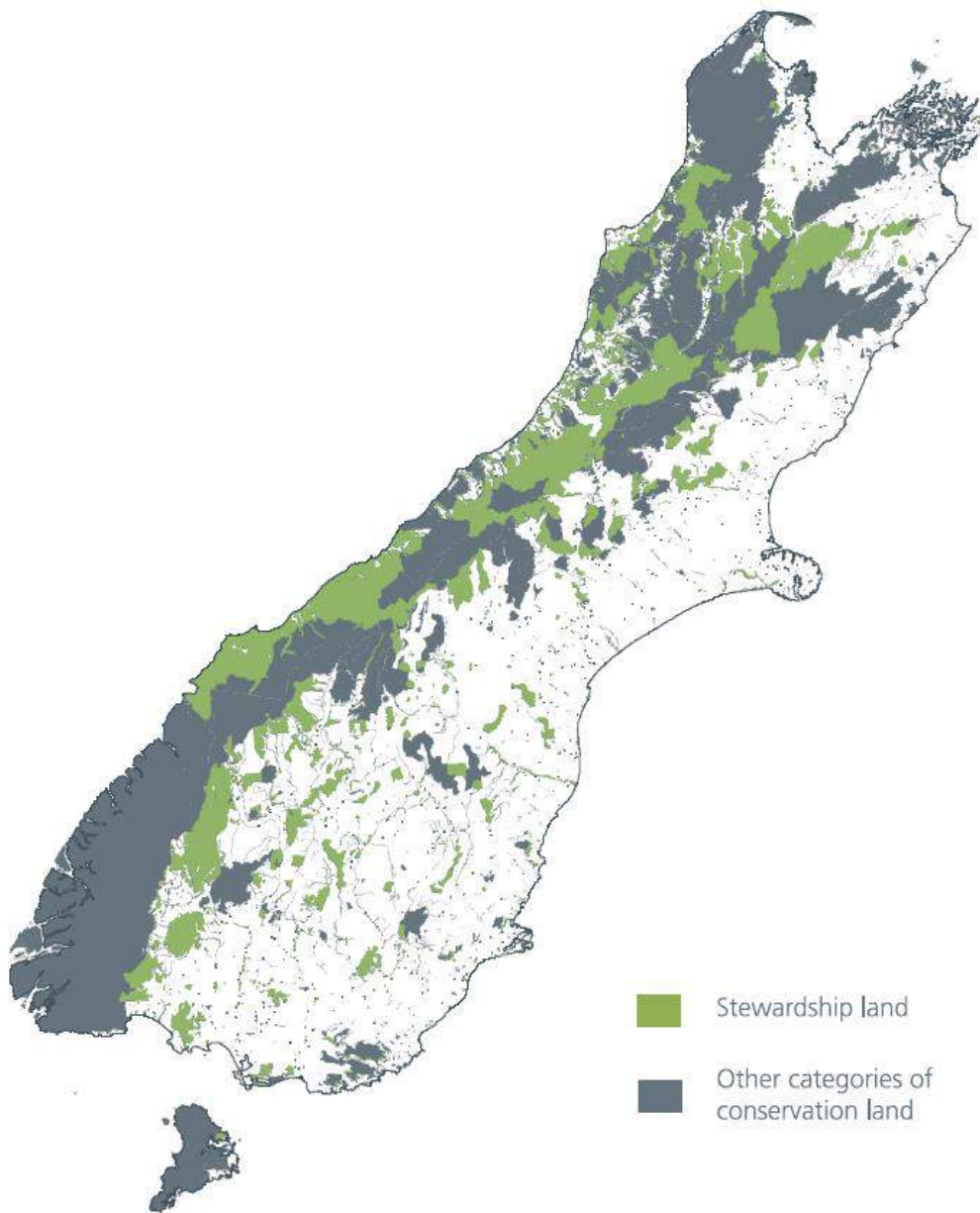
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Figure 1: Stewardship land in Aotearoa New Zealand



Source: DOC GIS data

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The scope of this discussion document

The Government is interested to hear your views on how the process for reclassifying and disposing of stewardship land can be made more efficient and effective. The process for reclassifying stewardship land is set out in conservation legislation. DOC has undertaken analysis of the legislative process for reclassifying stewardship land and identified six areas where changes could streamline the process in line with the objectives.

We are seeking your feedback on options relating to the following areas.

- 1) Improving consistency of public notification and submission processes
- 2) Enabling the national panels to carry out the public notification and submission process
- 3) Clarifying responsibilities for making recommendations to reclassify stewardship land as national park
- 4) Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of
- 5) Enabling the Minister of Conservation to direct the proceeds from the sale of stewardship land to DOC
- 6) Clarifying the status of concessions on reclassified stewardship land.

The section 'Reform options' below describes each area and provide options to address these. These options arose out of analysis that was undertaken by DOC's Policy Unit and were informed by teams across the organisation. Each section includes a number of questions to help guide submitters' feedback. A table listing all of the questions is included as Appendix Two.

For the majority of areas identified in this document, DOC has not indicated a preferred option. We will consider the views of submitters when undertaking further analysis and use that information to inform any advice on a preferred option under each area.

A number of stewardship areas are within the boundary of Te Wāhipounamu – South West New Zealand World Heritage Area. The nomination document for Te Wāhipounamu World Heritage Area acknowledges that the stewardship land within its boundary might be reclassified and boundaries adjusted in line with the Operational Guidelines for the Convention. The proposed legislative changes will not affect these processes.

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Out of scope

While the national panels and the review of legislation relating to stewardship land are both part of the Government's broader stewardship land reclassification project, this document is only seeking your views on amendments to the legislation relating to the reclassification of stewardship land. Some of the legislative changes discussed in this document would enable the national panels to have a greater role in the stewardship land reclassification process.

This document is not seeking views on the establishment of the national panels or their technical work to consider and make recommendations on the future land status of individual stewardship land areas. The establishment of the national panels and membership of the national panels has been decided and approved by the Government.⁴ Submissions relating to the establishment of the national panels, the membership of the panels or the classifications of specific areas of stewardship land will not be considered.

There will be opportunities to provide feedback on the national panels' recommendations for individual parcels of stewardship land through a public consultation process, before final decisions are made on the proposed reclassification. More information about the approach to public consultation will be released in due course.

You can find out more and keep up to date with these opportunities as they arise here:

<https://www.doc.govt.nz/about-us/our-role/managing-conservation/stewardship-land/reclassification-national-panels/>

The six areas within the legislative process for reclassifying stewardship land that are being considered for change have been confirmed by the Minister of Conservation and approved by the Government. These areas have been subject to thorough analysis by DOC and are the only areas within the process that are considered appropriate given the objectives of this review. This document is not seeking feedback on changing other areas within the legislative process.

⁴ You can read more about the decision to establish the national panels, including membership, on the Government speeds up stewardship land reclassification webpage on DOC's website at: www.doc.govt.nz/news/media-releases/2021-media-releases/government-speeds-up-stewardship-land-reclassification/

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Have your say

How to comment on this discussion document

You can have your say on the proposals in this discussion document by providing a written submission to DOC. You can do this by:

- completing and submitting the form at www.doc.govt.nz/stewardship-land-consultation
- emailing stewardshiplandpolicy@doc.govt.nz
- writing a letter to:
 - Stewardship Land Consultation
Department of Conservation
P. O. Box 10420 Wellington 6143

Ensure your submission includes:

- your name and title
- the name of your organisation (if you are submitting on behalf of an organisation)
- if your submission represents the views of that entire organisation or a part of it
- your contact details (email preferred).

All submissions must be received by DOC by 18 March 2022[a four-month consultation period].

During the public consultation period, DOC will also undertake more targeted consultation with tangata whenua; iwi, hapū, and whānau – through meetings (virtually or in place) and regional hui. DOC will also hold meetings with key stakeholder groups that have an interest in stewardship land and will be inviting individuals and groups to provide written submissions.

DOC will publish a summary of submissions

After submissions close, DOC will publish a summary of submissions on our website at www.doc.govt.nz.

All submissions are subject to the Official Information Act 1982 and can be released, if requested, under that Act. If you have specific reasons for wanting parts, or all, of your submission withheld, please include these reasons in your submission. DOC will consider them when making any assessment about the release of submissions. Please refer to [DOC's privacy statement](#) for further information.

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What happens next?

DOC will analyse all submissions and then report back to the Minister of Conservation on the feedback, with recommendations for her consideration in early 2022. Your submission will help inform policy decisions to improve stewardship land reclassification.

If the Government decides to progress with legislative changes, the public will have the opportunity to make submissions during the select committee process. This process would likely occur in the second half of 2022.

Below is a highly simplified process diagram showing the steps to reclassify or dispose of stewardship land. We are proposing reform options for the steps in red boxes.

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Reform options

1. Improving consistency of public notification and submission processes

Current legislation (section 49 of the Conservation Act) has public notification, submission and hearing requirements that can lead to a lengthy process. Before the Minister of Conservation can classify stewardship land to certain classifications or dispose of stewardship land, she must publicly notify her intent. Under the Conservation Act, 40 working days (2 months) must be allowed for any person or organisation to make a written submission on the proposal. Any submitter can then request to appear before the Director-General of DOC (or their delegate) to support their submission. Allowing 2 months for written submissions can contribute to a long reclassification process.

By comparison, under sections 119 and 120 of the Reserves Act one month must be allowed for public submission.

Under the new panel process, the panels will undertake a public notification process before they can provide a recommendation to the Minister of Conservation. Given the large amount of stewardship land the national panels are attempting to reclassify, this public notification and submissions process could be lengthy and resource intensive.

Objectives relevant to the proposal:

- Enabling a more efficient process for reclassifying stewardship land
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act)
- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation

Options for legislative public notification, submission and hearing requirements
1.1 Shorten the period that the panels must allow for public submissions to 20 working days.
1.2 Allow the ability to decline a hearing where holding the hearing would cause substantial delay to the process or cause substantial burden on the resources of the panel
1.3 Retain the status quo

Analysis of option 1.1: Shorten the period that the panels must allow for public submission to 20 working days

This option balances a more efficient reclassification process with ensuring the public has an opportunity to provide input. Electronic communication is now the norm which means that submitters can provide feedback more efficiently. This would also align the time frame in the Conservation Act with those in the Reserves Act.

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Any time frame specified in legislation would be a minimum. Where the national panels propose to reclassify particularly large amounts of stewardship land or parcels where they expect a strong public interest, the expectation would be that they would allow a longer period for public submissions.

However, reducing the time allowed for submissions may impact on the public's ability to engage in the process. Individuals who hold existing concessions on stewardship land will likely wish to make a submission and a shortened time frame may impact on their ability to do so. The national panels will engage with tangata whenua: iwi, hapū and whānau before the public notification stage to ensure that there is appropriate time for them to provide their views, this ensures DOC can meet its wider obligations, including section 4 of the Conservation Act.

Assessment of the option against the objectives

This option aims to balance the objective of enabling a more efficient process for reclassifying stewardship land with ensuring DOC meets its wider obligations under conservation legislation. It would also meet the objective of enabling national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation.

Analysis of option 1.2: Allow the ability to decline a hearing where holding the hearing would cause substantial delay to the process or place substantial burden on the resources of the panel

Under both the Conservation Act (section 49) and the Reserves Act (section 120), any submitter must be allowed a reasonable opportunity to be heard. If there are a substantial number of requests for hearings this can lengthen the submissions process and place a resource burden on the national panels or DOC.

This option would allow the national panels to decline a hearing in circumstances where they consider holding that hearing would cause substantial delay or place substantial burden on the resources of the panels. It is envisaged that this would only apply where the panel had determined they had gathered enough information from written submissions or from any earlier engagement with the submitter. This option aims to achieve the objective of enabling a more efficient process for reclassifying stewardship land.

However, hearings are a key part of facilitating engagement and allowing individuals or groups to present their evidence in the way that is most appropriate to them. It may also be beneficial for the national panels to be able to interact with submitters and ask them questions.

Assessment of the option against the objectives

This option aims to achieve the objective of enabling a more efficient process for reclassifying stewardship land while ensuring DOC meets its wider obligation under conservation legislation. It would also meet the objective of enabling national panels to carry out their work efficiently and effectively to make recommendations to the Minister of Conservation.

Analysis of option 1.3: Retain the status quo

Retaining the status quo ensures the public has a reasonable opportunity to submit or be heard which can provide for greater transparency of decision-making and a more informed decision. However, it is also the least efficient option for those land classifications that are relatively simple or straightforward.

ATTACHMENT 2***Assessment of the option against the objectives***

This option would contribute to the objective of ensuring DOC meets its wider obligations under conservation legislation. However, it does not meet the objective of enabling a more efficient process for reclassifying stewardship land or enabling national panels to carry out their work efficiently and effectively to make recommendations to the Minister of Conservation.

Questions

6. Please identify your preferred option. You may provide further analysis or comments to support your choice.
7. Do you think 20 working days (1 month) is adequate to prepare a written submission? If not, what time period would be adequate?
8. What role or function do you consider hearings currently play?
9. Are there any further options you think DOC should consider that would meet the objectives set out above?

2. Enabling the national panels to carry out the public notification and submission process

Currently DOC carries out the public notification and submission/hearing process when required by section 49 of the Conservation Act and sections 119 and 120 of the Reserves Act. However, in the new process, it will be the national panels who assess the values of the land and make a recommendation to the Minister of Conservation.

While the Reserves Act allows notification and hearing powers to be delegated to the national panels, the Conservation Act does not. Therefore, under the current legislation, the national panels would not be able to carry out the public notification and submission/hearing stage in the reclassification process. Legislative amendments to the Conservation Act would be needed to enable the national panels to carry out the public notification and submission process.

Objectives relevant to proposal

- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation (see page 13 for more information about the national panels)
- Delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act).

Options for enabling the national panels to carry out the public notification and submission/hearing process
2.1 Amend the Conservation Act to enable the national panels to carry out the public notification and submission process.
2.2 Retain the status quo (DOC carrying out the public notification and submissions process).

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Analysis of option 2.1: Amend the Conservation Act to enable the national panels to carry out the public notification and submission process

Enabling the national panels to carry out the public notification and submission process ensures the national panels receive all the evidence from submitters first hand. It would also make clear to submitters and the wider public that the panels are making their own independent recommendations to the Minister of Conservation.

Assessment of the option against the objectives

This option aims to meet the objective of enabling the national panels to carry out their work efficiently and effectively to make recommendations to the Minister of Conservation. It also aims to deliver clarity on the reclassification process and make clear that the panels are responsible for assessing the values of the land.

DOC considers this option would not impact its wider obligations under conservation legislation, as while responsibility for consultation would shift the panel process would ensure section 4 obligations are met. Conservation values would continue to be adequately protected.

Analysis of option 2.2: Retain the status quo (DOC carrying out the public notification and submissions process)

Retaining the status quo would mean DOC carries out the public notification and submission process (as it has done in the past) instead of the national panels. However, this may raise questions about the independence of the national panels from DOC. Carrying out the process for every parcel of stewardship land and then collating the information to pass onto the national panels may place a considerable burden on DOC's resources.

Assessment of the options against the objectives

This option would not meet the objective of enabling panels to carry out their work efficiently and effectively and may cause confusion about who is responsible for assessing the values of land. DOC would continue to meet its wider obligations under conservation legislation and ensuring conservation values are adequately protected.

Questions:

10. Please identify your preferred option. You may provide further analysis or comments to support your choice.
11. If the national panels carried out the public notification and submissions process, what impact do you think this would have on the reclassification or disposal process?
12. Are there any further options you think DOC should consider that would meet the objectives set out above?

3. Clarifying responsibilities for making recommendations to reclassify stewardship land to national park land.

Under the current process, stewardship land can only be classified as a new national park or part of an existing national park, if the New Zealand Conservation/ Te Pou Atawhai Taiao O

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Aotearoa Authority (NZCA) makes a recommendation to the Minister of Conservation (section 7 of the National Parks Act 1980).

Before any recommendation is made, the NZCA must fulfil its consultation requirements. Under the National Parks Act and the General Policy for National Parks, the NZCA must consult the local Conservation Board, and tangata whenua within whose rohe the land is located and seek the views of any relevant territorial authority and Fish & Game New Zealand council.

However, the NZCA's recommendation/consultation process may not align with the role of the national panels, who have been tasked by the Minister of Conservation with assessing the values of stewardship land and providing her with a recommendation. Clarity on how the national panel process would interact with the role of the NZCA is needed to ensure each body understands their role and to avoid any duplication of consultation.

Objectives relevant to proposal:

- Delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- Ensuring conservation values are adequately protected
- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation
- Enabling a more efficient process for reclassifying stewardship land.

Proposal for the role of the NZCA in recommendations where stewardship land is reclassified as national park
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3.1: National panels assume primary responsibility for reclassifying stewardship land as national parks in consultation with tangata whenua, the NZCA and relevant Conservation Boards.

Analysis of option 3.1: National panels assume primary responsibility for reclassification of stewardship land into national parks in consultation with tangata whenua, the NZCA and relevant Conservation Boards.

This option would enable the national panels to make recommendations to the Minister of Conservation for all classifications, including where stewardship land is being reclassified to national park. The national panels would be required to consult with the NZCA in the assessment phase if the national panels want to recommend stewardship land be reclassified as national park land.

This option may create a streamlined and consistent process for every reclassification of stewardship land. Conservation Boards and tangata whenua: iwi, hapū, and whānau would have an opportunity to advise or challenge the national panels directly on recommendations, without going through the NZCA.

However, this option would remove the NZCA as a check on the national panels. The NZCA has considerable expertise in this area, and its members come from a range of organisations, ensuring a broad range of views are considered. Even though the national panels would have to consult the NZCA, the recommendation of the NZCA would not be binding on the panels.

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Assessment of options against objectives

This option aims to meet the objective of delivering clarity on the status of the land, the appropriate level of protection/use and the reclassification process, by making clear how the reclassification process will work for national parks. The panels would ensure that the conservation values of any land considered for national park was adequately protected. Therefore, this option meets the objective of ensuring conservation values are adequately protected. The option also aligns with the objective of enabling the national panels to carry out their work to make recommendations to the Minister of Conservation and enabling a more efficient process for reclassifying stewardship land.

Questions:

13. What particular expertise/experience do you consider the national panels brings to this process?
14. If the national panels were responsible for making recommendations to reclassify land to national parks, do you consider this would create any risks?
15. Are there any further options you think DOC should consider that would meet the objectives set out above?

4. Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of

Section 62 of the Conservation Act relates to land allocated to DOC when the Department was first formed. All that allocated land was deemed to be held for conservation purposes under section 62 so it could be managed as if it were stewardship land ('section 62 stewardship land'). Before stewardship land held under section 62 can be reclassified or disposed of, it must go through a process where it is declared to be held for conservation purposes under section 7 of the Conservation Act.

Section 7 covers how land can be acquired and declared to be held for conservation purposes. Any land newly acquired and declared to be held for conservation purposes under section 7 has the status of stewardship area unless it is reclassified in accordance with other provisions in the Conservation Act (or other conservation-related legislation).

Declaring land to be held for conservation purposes requires the Minister of Conservation (or DOC) to make a declaration via *Gazette* notice, including a description of the relevant piece of land. DOC would need to go through this process for all section 62 stewardship land, and this would be resource intensive.

We could amend the legislation, so all stewardship land is declared to be held for conservation purposes.

Objectives relevant to proposal

- Enabling a more efficient process for reclassifying stewardship land
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act)

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- Ensuring conservation values are adequately protected.

Options for declaring all section 62 stewardship land to be held for conservation purposes
4.1 Declare all stewardship land under section 62 of the Conservation Act 1987 to be held for conservation purposes via a legislative change.
4.2 Retain the status quo (the requirement to declare section 62 stewardship land to be held for conservation purposes under section 7 of the Conservation Act 1987)

Analysis of option 4.1: Declare all stewardship land under section 62 of the Conservation Act 1987 to be held for conservation purposes via a legislative change

This option would mean all land acquired under section 62 of the Conservation Act would be declared to be held for conservation purposes so that the land could be reclassified or disposed of. This option removes the step of having to go through the declaration and gazettal process under section 7 of the Conservation Act. We consider there is minimal risk in declaring all section 62 stewardship land to be held for conservation purposes. Land that is **declared** to be held for conservation purposes is treated in a similar way as land that is **deemed** to be held for such purposes, which means the change would have no impact on the management or protection of that land.

The only protection that could be seen to have been removed is that section 62 stewardship land cannot be disposed of until it is declared to be held for conservation purposes. The Conservation Act and the Conservation General Policy set strict parameters around the types of public conservation land that can be disposed of, so the land will still be subject to the appropriate protections based on its conservation values.

Assessment of the option against the objectives

This option meets the objective of enabling a more efficient process for reclassifying land and ensuring conservation values are adequately protected. DOC does not consider there will be an impact on its wider obligations under conservation legislation.

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Analysis of option 4.2: Retain the status quo (the requirement to declare stewardship land to be held for conservation purposes under section 7 of the Conservation Act 1987 (status quo))

Retaining the status quo means every parcel of stewardship land would need to go through the process of being declared to be held for conservation purposes. DOC could declare several parcels of land to be held for a conservation purpose in a single *Gazette* notice or bundle the declaration into the *Gazette* notice used to reclassify or dispose of the land. This would create some efficiencies but would still add considerably to resource requirements. There are also no notable benefits to retaining this legislative requirement.

Assessment of the option against the objectives

This option does not meet the objective of a more efficient process for reclassifying land. Under this option, DOC would continue to meet its wider obligations and ensure conservation values are adequately protected.

Questions

16. Please identify your preferred option. You may provide further analysis or comments to support your choice.
17. Are there any alternative options that have not been discussed here? Please provide analysis or comments to explain your answer.
18. Do you think that there are any other risks or impacts associated with declaring all section 62 stewardship land to be held for a conservation purpose via a legislative change that have not been identified here?

5. Enabling the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC

Under section 26 of the Conservation Act, stewardship land with very low or no conservation values may be disposed of⁵. After the decision is made to consider disposal, DOC follows a process to determine how the land should be disposed of. Disposal does not necessarily mean the land is sold. It could be used as part of Treaty of Waitangi settlement requirements, kept as Crown-owned land, or offered back to a former owner. However, it is likely that at least some stewardship land will be sold.

While the administration and efforts required to assess values and prepare land for disposal are funded through DOC's baseline budget, proceeds from disposals are paid to the Crown trust account⁶ (section 33 of the Conservation Act). The costs of selling stewardship land (including the cost to assess the values, public notification, and often substantial surveying costs) are significant and non-recoverable. DOC has numerous competing priorities for the limited resourcing available to carry out its responsibilities. The high costs involved mean that selling land no longer required for conservation purposes is often not progressed since it would require reprioritising resources away from essential conservation work.

⁵ Sections 26(1) and 26(2) of the Conservation Act 1987 and Chapter 6 of the Conservation General Policy outline the criteria for disposal or retention of conservation land.

⁶ This relates to financial provisions in the Public Finance Act 1989. Trust Bank Accounts are established under Part 7 of the Public Finance Act 1989.

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In contrast, section 82 of the Reserves Act allows the Minister of Conservation to direct an amount equal to the proceeds of sale of a reserve to DOC so it can be used in the managing, administering, maintaining, protecting, improving, and developing reserves of any classification.

There is an option to amend the Conservation Act to direct the proceeds of sale of stewardship land to DOC for the further reclassification or statutory land management activities.

We do not know what recommendations the national panels will make about disposals of stewardship land, so it is difficult to predict the scale of cost that will be incurred. The Cost Recovery Impact Statement, attached at Appendix 3 provides detailed information on the breakdown of estimated costs and assumptions used in this modelling.

Objectives relevant to proposal

- Enabling the national panels to carry out their work efficiently and effectively, to make recommendations to the Minister of Conservation
- Ensuring conservation values are adequately protected.

Options for directing the proceeds of stewardship land sales to DOC
5.1 Amend the Conservation Act to allow the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC for further reclassification or management activities.
5.2 Retain the status quo (continue to direct proceeds to the Crown trust account).

Analysis of option 5.1: Amend the Conservation Act to allow the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC, for further reclassification or management activities

The Conservation Act could be amended to enable a similar process to that under the Reserves Act, which allows the proceeds from the sale of stewardship land to be paid into the Public Account⁷ and credited to the Trust Account⁸. The Minister of Conservation is then able to direct an amount equal to the proceeds of sale to be paid from the Public Account to DOC and debited from the Trust Account.

Due to the size and location of stewardship land areas, processes such as assessing the values of the land and carrying out surveys of the land can be expensive. If the Minister were able to direct the proceeds of sale back to DOC, this money could be used to offset the cost of disposal, and for the management, reclassification, and disposal of any remaining or future stewardship land.

⁷ Public Account refers to financial provisions in the Public Finance Act 1989. 'Public money' means all money received by or on behalf of the Crown, including the proceeds of all loans raised on behalf of the Crown and any other money that the Minister or the Secretary directs to be paid into a Crown Bank Account or Departmental Bank Account and any money held by an Office of Parliament; but does not include money held in trust as trust money.

⁸ Trust Account refers to a trust account established under Part 7 of the Public Finance Act 1989.

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Assessment of the option against the objectives:

This option would meet the objective of enabling the national panels to carry out their work efficiently and effectively. The proceeds of sale of any parcel of stewardship land could be used to ensure any remaining parcels (or future parcels) are managed and protected accordingly, meeting the objective of ensuring conservation values or adequately protected.

This option would have fiscal implications for the wider Crown as it would not receive the proceeds of sale. Parcels deemed eligible for disposal must follow the Crown property disposal process, which includes obligations under the Public Works Act 1981 as well as the Māori Protection Mechanism⁹, the Sites of Significance processes, and any right of first refusal contained in a relevant Treaty of Waitangi settlement. Therefore, it is difficult to estimate the proportion of land eligible for disposal that would be sold on the open market. Directing proceeds to DOC would only partially recover costs, as most land assessed and reclassified would not be disposed of and therefore would not generate any income.

Analysis of option 5.2: Retain the status quo (continue to direct proceeds to the Crown trust account)

Retaining the status quo means DOC would continue to fund the necessary requirements for stewardship land disposal from baseline funding. The high costs of land disposal would continue to act as a barrier to progressing disposals in a timely manner, due to competing priorities for DOC's resources (people and funding).

Under the status quo, there may be the option to direct some stewardship land sale proceeds to DOC without legislative change¹⁰. However, this would only extend to the cost of getting stewardship land ready for sale, which only accounts for a small proportion of the overall costs incurred, requiring DOC to continue to fund most costs from within current funding. Additionally, obtaining this under the current process, would require joint agreement of the Minister of Conservation and the Minister of Finance. If the Minister of Finance declined the application DOC would not be able to offset the costs of getting land ready for sale. This lack of certainty could make progressing disposals less likely, as there is a risk that resources already allocated to other priority conservation activities would need to be reallocated if the application is declined.

Assessment of the option against the objectives

This option does not meet the objective of enabling the national panels to carry out their work efficiently and effectively. The objective of ensuring conservation values were adequately protected would be met.

Questions

19. Please identify your preferred option. You may provide further analysis or comments to support your choice.

⁹ Protects Māori interest in Crown owned land that has been identified for disposal

¹⁰ Proceeds from the sale of stewardship land result in an increase in Crown revenue, which can be used to justify a fiscally neutral increase in DOC's output expense appropriation (under paragraph 32.5 of Cabinet Office circular (18) 2).

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20. What are the risks or impacts associated with allowing the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC that have not been identified here?
21. Are there any further options you think DOC should consider that would meet the objectives set out above?

6. Clarifying the status of concessions on reclassified stewardship land

Under part 3B of the Conservation Act, where groups or individuals want to use public conservation land (including stewardship land) to run a business or undertake certain activities, permission must be obtained from the Minister of Conservation (or DOC under delegation) in the form of a concession.¹¹ Concessions cannot be granted unless they are consistent with the relevant conservation management strategy or conservation management plan. Concessions are contractual agreements between DOC and concession holders. There are significant numbers of concessions granted on stewardship land for a wide variety of activities, such as grazing or beekeeping.

Reclassifying stewardship land may result in situations where existing concessions may be inconsistent with a new land classification. There may also be cases where a recommendation is made to dispose of stewardship land with an existing concession. As it is not possible to pre-empt the recommendations of the national panels, it is hard to predict the scale of this issue. Under current legislation, there is no specified process for how DOC should manage existing concessions in these instances.

In the past, DOC has been able to deal with such situations on a case-by-case basis by finding ways for the concession holder to continue to exercise their concession. In some cases, this has meant that the actual change in the status of land does not happen until the concession expires. In other cases, concession holders have been able to adjust their activity to be consistent with a new classification, or the new owner of land that has been disposed of has agreed to the activity continuing.

Most concessions are granted for 5 – 10 years, with a review after 3 years. Some concessions can be granted for longer periods (10+ years).¹² If a concession has a right of renewal, then concessions could be in place for 30+ years. Under the current approach to managing concessions on reclassified stewardship land/land that is to be disposed of, there may be situations where DOC cannot reclassify or dispose of land for a considerable time. Allowing activities to continue for prolonged periods of time, where it has been identified that the land should have a higher level of protection may have implications for the protection of the land's conservation values.

Given the large amount of land set to be reclassified and the potential number of concessions impacted, the current approach may create significant delays in finalising land reclassifications

¹¹ This discussion document does not address access arrangements for minerals activities on public conservation lands managed under the Crown Minerals Act 1991. Access arrangements will continue to be managed in line with current legislative requirements.

¹² DOC manages a number of leases granted under the Land Act 1948. A small number of these leases have perpetual rights of renewal. When these come up for renewal, they become subject to the concessions regime with no perpetual renewal rights.

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or disposals. There is also uncertainty for concession holders on what will happen if their concession is impacted by a recommendation for reclassification or disposal.

Objectives relevant to proposal

- Delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process
- Ensuring DOC meets its wider obligations under conservation legislation and the Conservation General Policy (such as section 4 of the Conservation Act)
- Ensuring conservation values are adequately protected
- Enabling a more efficient process for reclassifying stewardship land.

Options clarifying the status of concessions on reclassified stewardship land
6.1 Continue to find solutions on a cases-by-case basis. Concessions continue regardless unless parties agree otherwise. This may include concession terms finishing before land can be reclassified or disposed of (status quo).
6.2 Amend the legislation to clarify that existing concessions on stewardship land can continue under agreed terms regardless of reclassification

Analysis of option 6.1: Continue to find solutions on a cases-by-case basis. Concessions continue regardless unless parties agree otherwise. This may include concession terms finishing before land can be reclassified or disposed of (status quo).

This option enables DOC to fulfil its contractual obligations by allowing the concession holder to carry out their activities as agreed, in line with the objective to ensure DOC meets its wider obligations. This would not preclude final decisions being made about reclassification or disposal, but it may mean that the actual change in the land status does not happen until the concession is no longer in place. As discussed above, this could be for 30 years or more.

Conservation values are assessed when concessions are granted, and appropriate conditions imposed to protect the values. However, waiting to reclassify land and allowing activities to continue for prolonged periods of time, where it has been identified that the land should have a higher level of protection, may have implications for the protection of the land's conservation values. This is at odds with DOC's responsibilities to manage public conservation lands for the protection of conservation values.

To mitigate the instances where this occurs, DOC could continue to use flexible approaches where possible, as concession holders may adjust to the new circumstances. For example, a concession holder may be able to change their activity to suit a new land classification, or the new owner of disposed land may allow concession holders to continue their activity. However, given the scale of stewardship land reclassification, it is unlikely that DOC would have sufficient resource to explore flexible approaches for a significant proportion of concessions.

As this option relies on an internal operational policy approach, it could leave some stakeholders feeling uncertain about how concessions will be managed. Decisions would be open to challenge and risk being relitigated.

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Assessment of the option against the objectives

This option ensures DOC meets its wider obligations to stakeholders, including concession holders. Due to the uncertainty involved, it does not meet the objective of delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process. It may not ensure conservation values are adequately protected in every case.

Analysis of option 6.2: Amend the legislation to clarify that existing concessions on stewardship land can continue under agreed terms regardless of reclassification

This option largely reflects the same costs, benefits and risks as option 6.1. in terms of enabling DOC to fulfil its contractual obligations to concession holders, and possible risks to protection of conservation values. However, it would provide clarity to all interested parties regarding the ongoing status of concessions during the stewardship land reclassification process and provide transparency about DOC's decision-making by clarifying that concessions will continue regardless of reclassification. This clarity ensures that concessions holders know their rights and obligations and can plan for the future. This would also reduce the risk of decisions being challenged.

Assessment of the option against the objectives

This option ensures DOC meets its wider obligations to stakeholders, including concession holders. It also meets the objective of delivering clarity for everyone on the status of the land, the appropriate level of protection/use and the reclassification process. It may not ensure conservation values are adequately protected in every case.

Questions

22. Please identify your preferred option. You may provide further analysis or comments to support your choice.
23. If a concession is inconsistent with a new land classification or on land that has been recommended for disposal, should it be allowed to continue? Please explain your answer.
24. Are there any other risks or impacts associated with allowing inconsistent concessions to continue?
25. Are there any further options you think DOC should consider that would meet the objectives set out above?

7. Non-regulatory options to improve stewardship land reclassification

Additional non-regulatory options to support streamlining the process for reclassifying stewardship land

We have identified three non-regulatory changes for improving reclassification processes. We are progressing these within current legislative and operational frameworks:

1. Clarifying survey requirements

Survey requirements associated with reclassifying or disposing of stewardship land

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can be costly and time consuming, creating a significant barrier to action. This reflects the large size, remote location and challenging topography of many areas of stewardship land, and the scale of all stewardship land. Surveying requirements are important in meeting various legal responsibilities for land management. These requirements are set out in the Rules for Cadastral Survey 2021 (CSR 2021).¹³ Exceptions to these rules need to be sought on a case-by-case basis from Toitū te Whenua Land Information New Zealand (LINZ). However, given the amount of stewardship land set to be reclassified, prioritising the significant resources needed for surveying at the expense of other core work will be challenging for both DOC and LINZ.

DOC and LINZ are working together to achieve greater efficiency and lower costs for DOC during the reclassification process, by clarifying and agreeing situations where surveys are required (in line with the CSR 2021) and where no additional survey will be required. Greater communication between agencies as the reclassification project continues will allow both DOC and LINZ to manage the impact on resources this work may have.

2. Ensuring operational arrangements between DOC and the Ministry of Business, Innovation and Employment (MBIE) are fit for purpose

DOC and MBIE have an existing operational agreement to share information about intended reclassifications of stewardship land. This agreement provides MBIE with an opportunity to assess land for important mineral values which may affect the desirability of the reclassification. MBIE can provide feedback to DOC on the proposed classification, ahead of public notification. The agreement also provides for Ministers to resolve any disagreement between MBIE and DOC on reclassifications. This can add time and complexity to stewardship land reclassifications. It also does not align with the intent that the national panels make independent recommendations to the Minister of Conservation.

DOC and MBIE no longer consider the agreement fit for purpose given the new panel process and are in the process of dissolving it. MBIE will be able to provide any information relevant to the reclassification of an area of stewardship land to the national panels during their assessment process.

3. Bundling Orders in Council for reclassification of stewardship lands:

Reclassifying land to national park, wilderness areas, sanctuary areas, nature reserves and scientific reserves requires an Order in Council (OIC) by the Governor-General on recommendation of the Minister of Conservation.¹⁴ OICs go through an established process including drafting, government agency consultation and the 28 days that must be allowed before the OIC can come into force. Given the scale of the reclassification project, OICs for each piece of reclassified land may create a significant resource burden on DOC and other government agencies and add considerably to time frames. This may act as a barrier to the timely

¹³ For more information, see the Cadastral Survey Rules 2021 (CSR 2021) Implementation webpage on the Toitū Te Whenua Land Information New Zealand website at:

www.linz.govt.nz/land/surveying/cadastral-survey-rules-2021-csr-2021-implementation

¹⁴ Sections 7 and 12 of the National Parks Act 1980, section 18AA of the Conservation Act 1987, and section 16A of the Reserves Act 1977.

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reclassification of large amounts of stewardship land. However, as the national panels' recommendations are not yet known, it is difficult to gauge the scale of this issue.

DOC considered whether legislation could be amended to remove the requirement that some or all these types of classifications be enacted by an OIC. Instead, all the classifications currently enacted through OIC would be done by a declaration of the Minister of Conservation, except for national parks.

However, DOC considers OICs are the appropriate mechanism for reclassification of stewardship lands. OICs must be approved by Cabinet and therefore provide for consideration of wider government interests, and the interests of tangata whenua: iwi, hapū, and whānau in decision-making for land classifications that involve long-term protections that would potentially limit land use.

Instead, DOC proposes that where the national panels have completed their assessment of all the stewardship land in a region, we will go through the OIC process for those parcels that require it at the same time. This will retain the level of wider government oversight, while ensuring the process is as streamlined as possible, achieving time, resource and efficiency gains.

Non-regulatory options that would not be recommended

The scope of proposed changes to stewardship land reclassification processes means the options in this document focus on regulatory changes affecting legislation. This is due to the nature of conservation legislation, where multiple Acts govern land classifications and the requirements to undertake reclassification. Therefore, most of the potential system changes are regulatory changes.

Increasing DOC resources to work within the current system is a non-regulatory option that has been considered. It is likely that DOC will need to reprioritise resources to reclassify stewardship land at the scale and speed expected by the Government. However, on its own, this would not achieve the objectives of this discussion document. Regulatory changes are needed in order to achieve the efficiencies necessary to progress large scale stewardship land reclassification within the desired timeframe, and to enable the national panels to make their recommendations on reclassification to the Minister of Conservation.

An additional non-regulatory alternative we have considered is to have DOC carry out reclassification (rather than national panels). This option would remove the need for regulatory options that enable national panels to conduct assessments and reviews. However, this option is not favoured because of the current issues that hinder land reclassification, for example the lengthy process, and the Government's expectation that stewardship land reclassification be accelerated.

Question

26. Are there any other non-regulatory options to help streamline the process for reclassifying stewardship land that we should consider? Please explain your answer.

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8. Implementing changes

DOC has an Operations Group with teams across the country to support the implementation of the current or changed system. The NZCA and Conservation Boards will also provide input upon or lead recommendations.

The national panels will be supported by DOC's Operational teams in executing their responsibilities but will be able to direct their own activities. They will have allocated funding from DOC to perform their role. The Statutory Land Management team located within DOC's Operations Group will both prepare and execute reclassification decisions and disposals.

DOC's Planning, Permissions and Land unit (which includes the Statutory Land Management team and is also located within the Operations Group) will deal with concessions affected by any changes in classification (concessions will not be affected until reclassification recommendations are made).

How changes will be evaluated and monitored

A successful outcome for this project would be that most of the 2.5 million hectares of stewardship land is appropriately reclassified or disposed of within the next five years. The overarching aim will be to ensure reclassification protects conservation values more effectively, while disposing of land with very low or no conservation values where appropriate.

It may be difficult to evaluate the effect of the regulatory changes on the scale and rate of stewardship land reclassification, as DOC intends to increase reclassification activities regardless of regulatory change. There is a low baseline level of stewardship land reclassification to use as a basis for comparison.

All processes where a legislative power is exercised are subject to judicial review if a party has cause to challenge. DOC expects some reclassification and disposal decisions will be challenged for various reasons, not necessarily related to options discussed in this document.

For reclassified land, DOC will monitor and maintain the conservation values of that land as appropriate for its new classification, as per its current requirements. The NZCA and Conservation Boards monitor conservation outcomes from DOC activities and provide feedback to the Minister of Conservation. For land that is disposed of, DOC does not intend to monitor or evaluate future uses, as it has no mandate.

Question

27. Are there any additional evaluation or monitoring measures that you think should be implemented? Please explain your answer.

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Appendix 1: Glossary of key terms

- **Concession:** A lease, license, permit, or easement granted under Part 3B of the Conservation Act 1987.
- **Conservation:** The preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations (section 2 of the Conservation Act 1987).
- **Conservation Board:** Independent bodies that empower local communities and iwi to contribute to the management of conservation areas. Board members are appointed by the Minister of Conservation. Some members are appointed on the recommendation of local tangata whenua. Members are appointed as individuals for their experience, expertise, and links with the local community.
- **Gazette:** The New Zealand Gazette is the official newspaper of the Government of New Zealand. Legislative Instruments are notified in the Gazette after they are made. The date of notification is given at the end of the Legislative Instrument, under administrative information or the Gazette information. Other Instruments are usually either published or notified in the Gazette.
- **General Policy for National Parks:** A policy approved by the New Zealand Conservation Authority that provides direction for the administration of national parks across the country. More information can be found on the General Policy for National Parks webpage on DOC's website at: <https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/statutory-plan-publications/national-park-management/general-policy-for-national-parks/>
- **New Zealand Conservation Authority/ Te Pou Atawhai Taiao O Aotearoa:** An independent statutory body that advises the Minister of Conservation and the Director-General of DOC on conservation priorities at a national level. The New Zealand Conservation Authority / Te Pou Atawhai Taiao O Aotearoa (NZCA) is closely involved in conservation planning and policy development affecting the management of public conservation areas administered by DOC. The NZCA has 13 members appointed by the Minister of Conservation. The Minister has regard for the interests of conservation, natural sciences and recreation in making the appointments.
- **Order in Council:** A type of Legislative Instrument that is made by the Executive Council presided over by the Governor-General.
- **Public conservation land:** All lands and water areas administered by DOC for whatever purpose, including natural and historic resources. Public conservation land has different layers of protection, depending on which category or status the parcel of land holds under various pieces of legislation.
- **Reclassification:** For the purposes of this document the term reclassification is used to refer to the process by which land (in this case stewardship land) is classified as a different category/classification of land. For example, a parcel of stewardship land might be reclassified to scenic reserve.

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- **Reserves:** Land that is set apart to provide for the preservation and management of an area for the benefit and enjoyment of the public. Under the Reserves Act 1977, a reserve must be classified according to its principal or primary purpose. It is then managed/preserved according to that purpose.
- **Stewardship land (also known as stewardship area):** A category of public land created under the Conservation Act 1987. At that time, the Government transferred responsibility for large areas of land to the Department of Conservation (DOC), to act as a steward of the land until its conservation value had been assessed. They are conservation areas that have not yet been assessed and identified as requiring any additional protection. DOC is legally required to manage this land so that its natural and historic resources are protected.

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Appendix 2: List of questions

Do you	Question	Page reference
Section: Introduction	1. Do you agree with the objectives listed above?	7
	2. Should any other objectives be included in this review?	7
Section: Current legislative framework	3. Do you agree with the description of the problem? If not, please provide reasons to support your answer.	12
	4. Do you think there are any additional factors that have contributed to stewardship land reclassification not being progressed on a large scale? If so, please describe them.	12
	5. Do you think there any other issues or impacts caused by the failure to reclassify stewardship land on a large scale that have not been described here? If so, what are they and who/what do they affect?	12
Section 1: Improving consistency of public notification and submission processes	6. Please identify your preferred option. You may provide further analysis or comments to support your choice.	24
	7. Do you think 20 working days (1 month) is adequate to prepare a written submission? If not, what time period would be adequate?	24
	8. What role or function do you consider hearings play?	24
	9. Are there any further options you think DOC should consider that would meet the objectives set out above?	24
Section 2: Enabling the national panels to carry out the public notification and submission process	10. Please identify your preferred option. You may provide further analysis or comments to support your choice.	25
	11. If the national panels carried out the public notification and submissions process, what impact do you think this would have on the reclassification or disposal process?	25
	12. Are there any further options you think DOC should consider that would meet the objectives set out above?	25
Section 3: Clarifying responsibilities for making recommendations to reclassify stewardship land to national park.	13. What particular expertise/experience do you consider the national panels could bring to the process?	27
	14. If the national panels were responsible for making recommendations to reclassify land to national parks, do you consider this would create any risks?	27

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	15. Are there any further options you think DOC should consider that would meet the objectives set out above?	27
Section 4: Removing the statutory step to declare all stewardship land to be held for conservation purposes before it can be reclassified or disposed of	16. Please identify your preferred option. You may provide further analysis or comments to support your choice.	29
	17. Are there any alternative options that have not been discussed here? Please provide analysis or comments to explain your answer.	29
	18. Do you think that there are any other risks or impacts associated with declaring all section 62 stewardship land to be held for a conservation purpose via a legislative change that have not been identified here?	29
Section 5: Enabling the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC	19. Please identify your preferred option. You may provide further analysis or comments to support your choice.	31
	20. What are the risks or impacts associated with allowing the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC that have not been identified here?	32
	21. Are there any further options you think DOC should consider that would meet the objectives set out above?	32
Section 6: Clarifying the status of concessions on reclassified stewardship land	22. Please identify your preferred option. You may provide further analysis or comments to support your choice.	34
	23. If a concession is inconsistent with a new land classification or on land that has been recommended for disposal, should it be allowed to continue? Please explain your answer.	34
	24. Are there any other risks or impacts associated with allowing inconsistent concessions to continue?	34
	25. Are there any further options you think DOC should consider that would meet the objectives set out above?	34
Section 7: Non-regulatory options to improve stewardship land reclassification	26. Are there any other non-regulatory options to help streamline the process for reclassifying stewardship land that we should consider? Please explain your answer.	36
Section 8: Implementing changes	27. Are there any additional evaluation or monitoring measures that you think should be implemented? Please explain your answer.	37

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Appendix 3: Cost Recovery Impact Statement for Area 5 – Enabling the Minister of Conservation to direct the proceeds of sale of stewardship land to DOC

Stage 1 Cost Recovery Impact Statement

Directing proceeds from disposal (by sale) of stewardship areas to fund DOC's ongoing reclassification and statutory land management work.

Status quo

A description of the activity and why it is undertaken:

- Stewardship areas (referred to as stewardship land) are public conservation land managed by the Department of Conservation that are not yet classified into formal land protection based on conservation values. This category of land covers 2.5 million hectares or approximately 9% of Aotearoa's land area.
- The government intends to improve processes by which stewardship land is assessed for conservation values and subsequently reclassified or disposed if eligible.
- Stewardship land with very low or no conservation values may be disposed by sale, if it is no longer required for conservation purposes. While the administration and efforts required to assess values and prepare land for disposal are funded through Vote Conservation, proceeds from disposals are paid to the Crown trust account (section 33 of the Conservation Act 1987).

What policy outcomes will the activity achieve?

- The reclassification of stewardship land will improve the management of public conservation land and ensure conservation values are properly protected. However, it will also identify land with very low or no conservation values, and these become eligible for potential disposal. Land that is disposed no longer requires management and administration by DOC.

What is the rationale for government intervention?

- The government administers stewardship land. Reclassifying this land is set out in the Conservation Act 1987, the Reserves Act 1977, and the National Parks Act 1980, while disposal is set out in the Conservation Act. There are 3236 stewardship areas to be assessed. The rationale for reclassification is to ensure land is managed appropriate to the conservation values that it has; land with very low or no conservation purposes can potentially be disposed of.
- Under the status quo, there may be the option to direct some of the proceeds of sale of stewardship land to DOC without legislative change. However, this would only extend to the cost of readying and disposal. Obtaining the cost of readying land for sale, under the current process, would require joint agreement of the Minister of Conservation and the Minister of Finance. Therefore, if the Minister of Finance declined the application, DOC

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would not be able to offset the cost of disposal. This affects DOC ability to prioritise statutory land management operations.

- By way of contrast, section 82(1)a of the Reserves Act 1977 does allow the Minister of Conservation to direct proceeds from the disposal of reserves to activities that enable management and purchase of reserves generally. There is no apparent reason for the difference between the two acts, though the scale of land protected under the Conservation Act is much larger and the potential for large transfers is therefore greater.

What are the relevant policy decisions that have been made?

- The main decisions are to make progress with stewardship land reclassification so this large amount of land is properly classified and managed and to use expert panels to coordinate the reclassification process and make recommendations to the Minister of Conservation. Additional changes to legislation are sought to improve the efficiency and process to undertake reclassification.

What is the statutory authority to charge ie, the Act that gives the power to cost recover?

- The Conservation Act 1987 gives the authority to dispose of stewardship land, but does not give the authority for proceeds of sale to be directed to the costs of overall administration of land (whether that be future management or ongoing processes to reclassify or dispose of).

Is this a new or amended fee?

- This is a change in process. The current process directs proceeds from disposal to the Crown trust account. The change would enable such proceeds to be directed to Vote Conservation (DOC) for the purposes of further reclassification and statutory land management activities.

Policy Rationale: Why a user charge? And what type is most appropriate?

Why is cost recovery appropriate for the activity (over and above the legal authority to charge) – ie, why should it be third-party funded rather than funded by the Crown?

- DOC will need to fund the bulk of activities to reclassify stewardship land. However, where there are lands eligible for disposal, the proceeds from disposal could offset some of the costs to DOC. The nature of this cost recovery depends on there being land eligible for disposal, and willing buyers in the market for these lands.

What is the nature of output from the activity (the characteristics of the good or service) – eg public/private/club goods?

- The goods are public conservation lands that no longer have a conservation purpose and that are sold to other kinds of land ownership (depending on the context, available buyers, etc.). Public land becomes private property.
- The output from directing the funds to further reclassification and management activities will be more resources to enable these activities and therefore more likelihood they will be undertaken and progressed.

Is full or partial cost recovery being proposed? What is the rationale for proposing full or partial cost recovery?

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- Directing proceeds to DOC would only partially recover costs. For any individual piece of land put up for disposal, the cost recovery would depend on the market for that land and could vary from partial recovery of costs to returning profits. Occasionally land is sold at a loss where cost-benefit analysis indicates that keeping it would be more expensive in the long term.

What type of charge is being proposed? – eg, fee, levy, hourly charge? What is the rationale behind selecting this type of charge?

- No change in charge is proposed from the status quo, the proposal is to enable the Minister of Conservation to direct proceeds to DOC rather than to the Crown trust account.

Who will pay the cost recovery charges?

- The charges are paid by whomever is the willing buyer for disposed land. This is likely to be highly variable groups of private individuals, tangata whenua (iwi, hapū, whānau and associated organisations), businesses and councils. Until land is assessed for values and those are found to be very low or none, it is not eligible for disposal; we cannot ascertain interest until that point.

High level cost recovery model (the level of the proposed fee and its cost components)

What are the estimated charge levels?

- The charge levels are the same under status quo and proposed change – depending on the nature of the land for disposal and the market of willing buyers. The effect of the proposed change does not affect any of the cost-recovery factors; it would just directly offset the costs of reclassification and statutory land management (compare to s82(1)a of the Reserves Act 1977).
- While the overall Crown financial position is not affected, the proposal would increase funding available to land classification and statutory land management and decrease funding available for other Crown priorities. The range of consequences will depend on the value of the land that is disposed. Examples provided on the next page show the range of recent disposals is \$3,500-\$852,000, but the effect will depend on the decision by the Minister to direct revenue from disposal to DOC; the change will not automatically direct all disposal revenue so the Minister will have discretion.

What are the main cost drivers of the activity? What are the outputs of the activity and the business processes that are used to produce those outputs?

- The overarching process of reclassifying 2.5 million hectares will yield a small proportion of land for disposal.
- The land will be in various sized packages; most will be 1-10 hectares, a few could be thousands of hectares. Disposal preparation, valuation, listing and transaction costs will be similar and will be affected by time on market and other land disposal factors.
- The user charge is the market price of the land paid by a willing buyer, with a potential valuation process setting expectation on that market prices. The user charge is not itemised to any costs.

What are the estimates of expenses and revenue for the activity?

ATTACHMENT 2

- For reclassification leading to disposal, DOC's Statutory Land Management team provided the table below. The items are consistent to each disposal process, though the costs are only indicative based on recent disposals and may vary over time depending on demand, inflation etc. Starred items may vary depending on the characteristics of the land being disposed of. The additional expenses associated with **each** disposal include:

Item	Purpose	Indicative cost \$ ex GST
DOC staff costs – 40 hours	Coordinate disposal activities	5,200
LINZ agents	Crown land services and survey (fee for service)	18,000
Survey Plan*	Survey documentation (fee for service)	15,000
Valuation*	Establish value (fee for service)	3,500
Processing fees (legal, conveyancing, <i>Gazette</i>)	Compliance services	1,500
Land agent and marketing*	Listing and coordinating sale process	10,000
Total Indicative costs		53,200

- While difficult to predict final amounts, the approximate costs of disposal will be approximately \$1-1.1 million for every 20 areas that fit the criteria and which can be prepared for disposal, assuming only one valuation and market listing is needed to achieve disposal each time.
- For example, if 50 stewardship areas are disposed of, this will cost approximately \$2.5-2.8 million, if 150 areas are disposed of, this will cost approximately \$7.5-8.6million.
- We have no way to model revenue until we know which areas are eligible for disposal. It is feasible that some land that is disposed of will generate one-off revenues that exceed the cost of preparing for its disposal, but unlikely that revenues overall will cover the costs of reclassifying all stewardship land, including land that is not disposed of.
- Recent disposal revenues (ex GST) include:
 - \$22,500 for 5.1078 hectares in Westland District in 2016
 - \$200,000 for 5.0585 hectares in Selwyn District in 2017
 - \$3,400 for 0.0331 hectares in St Bathans in 2019
 - \$852,000 for 0.0207 hectares in Auckland in 2021.

How will changes in the underlying assumptions affect financial estimates?

- The costs are affected by the size of the land – larger areas have higher valuation and survey costs, and agent costs can be higher because land is on the market for longer or requires multiple listings to generate a sale. However larger areas are also less likely to be eligible as they are more likely to contain conservation values or to meet criteria for protection under a different classification. Where conservation values vary across a large area, the area could be broken into parcels so some parcels with very low or no values could be disposed.

ATTACHMENT 2

Consultation

Who has been consulted (or who will be consulted), what form will consultation take and what options are being canvassed?

- The proposal to redirect proceeds from disposal of stewardship land will be consulted on in a public discussion document and will be one of the issues that DOC engages tangata whenua and conservation stakeholders on in hearings and meetings.
- Public sector agencies consulted on this proposal have not raised any concerns with the option of the Minister potentially redirecting proceeds from disposals to DOC to offset the costs of reclassification and statutory land management.

What key feedback has been received and were any significant concerns raised about the preferred option?

- This is an interim CRIS to accompany the discussion document; it will be revised based on feedback from consultation

How will consultation be managed for the rest of the process (that is, while the detailed cost recovery model is developed and through implementation).

- Because the proposal relates to changing where proceeds of land disposal may be directed, we do not intend to update the overarching cost recovery model; we will provide a report on submissions on this proposal as work progresses.
- Any recommendation to dispose of land requires its own public consultation process.

REGULATORY AND HEARINGS COMMITTEE

9 MARCH 2022

AGENDA ITEM 8

Prepared by Sharon Mason
Chief Executive Officer

GENERAL BUSINESS

1. BACKGROUND

The Regulatory and Hearings Committee are to receive a verbal update on bylaws timelines and to discuss general business

Any other large items requiring discussion are to be discussed outside the meeting with the Chairperson, to be presented to the next meeting through the agenda.

2. DRAFT RECOMMENDATION

That the Regulatory and Hearings Committee:

- 1. Receive a verbal update on bylaws timelines**
- 2. Discuss general business items.**