

Committee Members

Chair: Brett Cummings
Cr Frank Dooley
Cr Andy Campbell
Cr Allan Birchfield

Cr Peter Ewen
Cr Peter Haddock
Cr Mark McIntyre

Iwi Representatives

Francois Tumahai (Ngāti Waewae)
Jackie Douglas (Makaawhio)



WEST COAST
REGIONAL COUNCIL

PUBLIC COPY

Meeting of Resource Management Committee
(Te Huinga Tu)

Tuesday, 7 May 2024

10:00am

West Coast Regional Council Chambers,

388 Main South Road, Greymouth

and

Live Streamed via Council's Facebook Page:

<https://www.facebook.com/WestCoastRegionalCouncil>

Resource Management Committee Meeting

(Te Huinga Tu)

AGENDA

(Rarangi Take)

	Pg No.
1. Welcome (<i>Haere mai</i>)	
2. Apologies (<i>Ngā Pa Pouri</i>)	
3. Declarations of Interest	
4. Public Forum, Petitions and Deputations (<i>He Huinga tuku korero</i>)	
5. Confirmation of Minutes (<i>Whakau korero</i>)	
5.1 Minutes of Resource Management Committee Meeting 9 April 2024 Matters Arising	1
6. Actions List	9
7. Chairs Report (verbal update)	
8. Reports	13
8.1 Planning, TTPP and Science Report	13
8.1.1 <i>Te Uru Kahika submission on NPS for Natural Hazard Decision-making</i>	
8.1.2 <i>South Island Regional Transport Committee Chairs Groups' submission on Draft Government Policy Statement (GPS) 2024</i>	
8.1.3 <i>WCRC Submission on Fast-track Approvals Bill</i>	

8.2 Inaugural West Coast Regional Council Catchment Management Programme to Improve Surface Water Quality

56

8.2.1 *Selected catchments or segments of catchments for the WCRC catchment programme work*

9. General Business

PUBLIC EXCLUDED BUSINESS

10. Confirmation of Public Excluded Minutes

10.1 Minutes of Resource Management Committee Meeting
9 April 2024
Matters arising

11. Actions List

D. Lew
Chief Executive

Purpose of Local Government

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

Health and Safety Emergency Procedure

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THE WEST COAST REGIONAL COUNCIL
MINUTES OF THE RESOURCE MANAGEMENT COMMITTEE MEETING HELD ON 9 APRIL 2024
AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL, 388 MAIN SOUTH ROAD,
GREYMOOUTH COMMENCING AT 9.52AM

PRESENT:

B. Cummings (Chair), P. Haddock, F. Dooley, A. Campbell, A Birchfield, M. McIntyre, P. Ewen

IN ATTENDANCE:

D. Lew (Chief Executive), F. Tumahai (Te Rūnanga o Ngāti Waewae), J. Douglas (Te Rūnanga o Makaawhio), L. Sadler (Planning Team Leader), S. Tripathi (Governance Advisor), S. Morgan (Acting Infrastructure Manager), A. Pendergrast (Acting Corporate Services Manager), F. Love (Acting Group Manager, Office of the Chief Executive), C. Barnes (Compliance Team Leader), C. Mills (Project Accountant), N. Costley (Contractor), B. McMahon (Media)

1. Welcome (*Haere mai*)

The Chair welcomed everyone to the meeting.

2. Apologies (*Ngā Pa Pouri*)

The Chair called for apologies. An apology was received by Cr Frank Dooley.

Moved (McIntyre/ Haddock) *that the apology from Cr Dooley be received.*

Carried

3. Declarations of Interest

The Chair called for any declaration of interests. There were none.

4. Public Forum, Petitions and Deputations (*He Huinga tuku korero*)

There were no public forums or deputations.

5. Confirmation of Minutes

5.1 Minutes of Resource Management Committee meeting 5 March 2024

The Chair called for any corrections to the minutes. There were none.

Moved (Haddock/ McIntyre) *that the minutes from 5 March 2024 meeting to be deferred to the next meeting.*

Carried

Matters Arising

There were none.

5.2 Minutes of Resource Management Committee meeting 29 January 2024

The Chair called for any corrections to the minutes. There were none.

Moved (Campbell/Douglas) *that the minutes from 29 January 2024 meeting to be deferred to the next meeting.*

Carried

Matters Arising

There were none.

6. Actions List

The following was noted/updated on the actions list.

- Item 1 – Completed. Waiting for the result.
- Item 2 – Ongoing and postponed to May 2024.
- Item 3 – Ongoing and postponed to May 2024.
- Item 4 – Completed. To be deleted.
- Item 5 – Ongoing. To be completed in May 2024.
- Item 6 – Ongoing. Iwi member to be appointed to the Regional Transport Committee.
- Item 7 – Completed. To be deleted.
- Item 8 – The application was submitted for consent. It was initiated by a community group rather than WDC, and they received permission from DoC to use the area for a green waste dump. Some progress was made with NZTA, and further follow-up will be done.
- Item 9 – Ongoing. It was a private property in Westport, and constituent councillors had been contacted. The issue was not resolved at that point.
- Item 10 – Completed. To be deleted.
- Item 11 – Completed. To be deleted.
- Item 12 – Completed. To be deleted.
- Item 13 – Ongoing.
- Item 14 – Ongoing.
- Item 15 – Ongoing. C. Barnes confirmed that feedback from Iwi had been received. It was noted that several applications were awaiting approval from other affected parties. Additionally, C. Barnes committed to emailing an update to the Councillors within a couple of weeks.
F Tumahai confirmed that no applications were delayed by Iwi. The consent applications were held for sign-off by other affected parties before being submitted for Iwi approval.

Moved (Campbell/Ewen) *that the report be received.*

Carried

7. Chairs Report (verbal update)

The Chair noted in a meeting with the transport team that there were no wheelchair taxis in Greymouth, suggesting that WCRC should investigate. It was mentioned that consent had been granted for the dump at Taylorville Resource Park, and the result of the Commissioner's Hearing for Barrytown was released, with positive outcomes.

Moved (Haddock/McIntyre) *that the report be received.*

Carried

8. Reports

8.1 Planning and TTP Report

L Sadler spoke to the report and noted that -

Key discussions:

- The Ministry for the Environment was drafting an NPS on Natural Hazard Decision-making to guide local authorities in considering hazard risks. The draft aimed to limit building in high-risk areas and mandate risk reduction for moderate-risk areas. Te Uru Kahika submitted input on November 20, 2023. Final NPS decisions were expected in early 2024 after submission assessment.
- In the Regional Land Transport Plan update, it was noted that 9 submissions were received by the deadline of March 28, 2024. Analysis of the submissions was underway, and staff recommendations were set to be presented to the Regional Transport Committee.
- In the Regional Public Transport Plan update, the hearing for the Draft RTP 2023 took place on March 13. A Decisions Report was being prepared.
- For the Draft GPS 2024 submission update, the Draft Government Policy Statement for land transport was released on March 4, 2024, for submissions. Concerns were raised about reduced funding impacting maintenance and improvements of State Highways and local roads in the region. A joint submission was prepared and lodged for the three District Councils. WCRC's Councillors P. Ewen (RTC Chair) and P. Haddock (RTC Rep) reviewed and supported the submission.
- An update was given on the Fast-Track Approvals Bill process and decision-making. The Bill was open for submissions until April 19, 2024. Te Uru Kahika drafted the submission, submitted to Council staff for review and feedback on April 12, 2024.
- An update was provided on the TTP Hearings. Hearings on Subdivision, Financial Contributions, and Public Access took place at WCRC on April 16 and 17, 2024. Hearings for Sites and Areas of Significance to Māori were

held at Arahura Marae from April 30, 2024. The proposed variation for mapping Coastal Hazards in the TTPP was presented at the TTPP Committee meeting on April 29, 2024, at WCRC. A report was set to be submitted in the next TTPP Committee meeting recommending the Ports Variation be notified separately to affected parties to reduce process costs.

- A brief update was provided on the Contact Recreation Water Quality sampling report, noting that no flood alarm was triggered during the last reporting period.

Moved (Ewen/ McIntyre) *that the Committee receives the report.*

Carried

8.2 **WCRC Hazardous Activities and Industries List (HAIL) Register and DOC Additions**

The Chair took the report as read.

It was noted that many sites in the report were marked "to be assessed." Significant funding would be required for these assessments, and it was suggested that the Council access the Contaminated Sites Remediation Fund.

It was also noted that a letter signed by the Council Chair should be sent to the Director General of the Department of Conservation requesting the following –

- a) Information on the work programme, resources, and funding allocated for investigating and remediating the highest-risk sites on the West Coast/Buller as listed in the Department of Conservation (DoC) inventory.
- b) Information regarding whether the department is aware of any discharges from its sites to land, air, and water that are occurring without proper consent.
- c) Confirmation of the receipt and allocation of Crown funds specifically for these matters. Details on any reallocation by department managers for unrelated issues or projects, including the authority and legal delegation for redirecting these funds from their intended purpose.

Moved (McIntyre/ Haddock) *that the letter be drafted, as discussed and sent to DoC.*

Carried

Moved (Ewen/ Campbell) *that the Committee receives the report.*

Carried

8.3 Compliance and Enforcement Quarterly Report

C Barnes spoke to the report and took the report as read.

Cr Birchfield declared an interest regarding "Mining Work Programmes and Bonds."

Discussion was held regarding an odour-related complaint in the report, highlighting that such issues can be subjective and challenging to identify.

A brief discussion addressed an excessive noise complaint from a mining operation. The issue was forwarded to the Westland District Council without resolution. An officer's assessment found no excessive noise emission, and external noise measurements were not conducted. Equipment from WDC, agreed upon for use, was unavailable at the time.

It was noted that the CE would review the delegation and/or agreements with WDC concerning mining operations and noise issues and report back to the Committee.

Moved (Ewen/ Campbell) *that the Committee receives the report.*

Carried

8.4 Consents Quarterly Report

Discussion was held on the EPA action for TRPL to drain the existing pond and the need for a new consent for a lined cell. It was noted that TRPL had constructed the cell under a consent condition known as an expansion plan. The lining was welded and certified. It was further noted that C Barnes will provide further details to Cr Ewen on this matter.

Moved (Ewen/ Campbell) *that the Committee receives the report.*

Carried

8.5 Quarter Three Biosecurity Report

S Morgan presented the report and introduced Emily Rutherford-Jones and Taylor Blyth, both Biosecurity Coordinators from VCS. They were introduced to the Councillors due to their significant contributions outlined in the report.

It was noted that the biosecurity work programme presented at the beginning of the financial year was progressing well, with nine items on track, one delayed, and one to be completed next year due to the new organizational structure and recruitment of a Group Manager for Environmental Science.

Progress on the RPMP pest plant inspections' data collection system was positive. Surveillance efforts were intensified, and the pest plant surveillance programme was advancing well. Data from this surveillance will be assessed at year-end, with management options for pest plant pathways and localized infestations to be presented to the Council in Q4.

The Parrot's feather containment program, which addressed the significant infestation in Kongahu, initially faced challenges due to access limitations. An alternative drone sprayer was trialled in April for potential cost-effective control. A new Parrot's feather site was identified in Westport with low spread, and efforts to manage this were underway. Marine pest surveillance discovered an unknown species, and samples were collected for identification by NIWA scientists. A report on these findings was presented in Q4.

Progress on the Predator Free Te Kinga project was positive, with partnerships strengthened, particularly with GDC. Helicopter use was limited due to policy and safety concerns. Drones were considered as a cost-effective, accurate alternative, supported by landowners.

Moved (Haddock/McIntyre) *that the Committee receives the report.*

Carried

9. General Business

There was none.

PUBLIC EXCLUDED BUSINESS

Moved (Haddock/ McIntyre) *that:*

- the public be excluded from the following parts of the proceedings of this meeting, namely – 10 to 12 (all inclusive):*

Item No	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 7 of LGOIMA for the passing of this resolution
10.1	Confidential Minutes of	The item contains information relating to	To protect commercial

	<i>Meeting – 5 March 2024</i>	<i>commercial, privacy and security matters</i>	<i>and private information and to prevent disclosure of information for improper gain or advantage (s7(2)(a), s7(2)(b), and s7(2)(j)).</i>
11	<i>Actions List</i>	<i>The item contains information relating to commercial, privacy and security matters</i>	<i>To protect commercial and private information and to prevent disclosure of information for improper gain or advantage (s7(2)(a), s7(2)(b), and s7(2)(j)).</i>
12	<i>Taylorville Verbal Update</i>	<i>The item contains information relating to commercial, privacy and security matters</i>	<i>To protect commercial and private information and to prevent disclosure of information for improper gain or advantage (s7(2)(a), s7(2)(b), and s7(2)(j)).</i>

2. *Darryl Lew, Aaron Pendergrast, Nic Costley, Shanti Morgan and Chantel Mills be permitted to remain at this meeting after the public have been excluded due to their knowledge of the subjects. This knowledge will be of assistance in relation to the matters to be discussed; and*

3. *The Governance Advisor also be permitted to remain.*

The public meeting session concluded at 10.55 am.

.....
Chair

.....
Date

UNCONFIRMED

6

Actions List

Author

Sarah Tripathi, Governance Advisors

Authorizer

Darryl Lew, Chief Executive

Public Excluded

No

Report Purpose

This report is a summary of items that require actions.

Recommendations

It is recommended that the Committee resolves to:

1. *Receive the report.*

ACTIONS LIST

Item No.	Date of Meeting	Item	Officer	Update
1.	9 April 2024	A delegation of MCI would attend the next DWC Board meeting, and Cr Dooley would be happy to assist with his knowledge in the matter. [Previous Action Item- Application to DWC to fund the cost associated to TTPP]	CE	Completed. Awaiting feedback from DWC.
2.	9 April 2024	Schedule the workshops for Regional Plan Committee issues and on effect of legislation changes/ new legislations.	Acting Planning and Science Manager	Roadmaps for Air Plan and Coastal Plan will be provided at the respective RMC workshops in May and June 2024.
3.	9 April 2024	To prepare issues and options report on each Plans' changes/reviews for workshops with the RMC over the next few months, first workshop to consider issues and options for the Air Quality Plan.	Acting Planning and Science Manager Selvia	Completed. Air Plan Review workshop scheduled on 15 May 2024.
4.	9 April 2024	A paper to be presented to the Committee on Catchment priorities.	Acting Planning and Science Manager	Agenda item.

Item No.	Date of Meeting	Item	Officer	Update
5.	9 April 2024	To review the membership of the Regional Transport Committee. The issue was raised regarding the potential for Iwi participation in the Regional Transport Committee during the RMC meeting of 29 Jan 2024. The CE and Council Chair to have discussion with the Iwi reps.	CE	To write to the Iwi Chairs for the appointment of a member for the Regional Transport Committee and then update the Terms of Reference. Present it to the next Regional Transport Committee meeting.
6.	9 April 2024	To present a paper on the approach on Regional Pest Management Strategy.	Biosecurity Manager	This will be presented in June 2024 and will include the annual plan for the 2024/2025 FY for Biosecurity.
7.	9 April 2024	To present to the Committee the Coastal Plan Review issues and options paper in the next few months.	Acting Planning and Science Manager	To be presented in June 2024 committee meeting.
8.	9 April 2024	To provide detailed information to the Councillors around the consent applications awaiting sign-off from third parties.	Manager Compliance	Ongoing.
9.	9 April 2024	To send a letter to the Director General of DoC requesting information on the contaminated site work program and funding.	Council Chair/ CE	

Item No.	Date of Meeting	Item	Officer	Update
10.	9 April 2024	To investigate the delegation and/or deeds with WDC regarding the mining operations and noise issues/consents and update the Councillors.	CE/ Manager Compliance	With respect to the Mining Deed the matter sits with WCRC.
11.	9 April 2024	To provide further details regarding TRPL to Cr Ewen.	Manager Compliance	Completed. Email sent to the Cr Ewen on 12 April 2024.

8. REPORTS

8.1	Planning, TTPP and Science Report
Author	Selva Selvarajah, Acting Planning and Consents Manager; Lillie Sadler, Acting Planning Team Leader
Authorizer	Darryl Lew, Chief Executive
Public Excluded	No

Report Purpose

To update the Resource Management Committee on planning, TTPP and science developments.

Recommendations

It is recommended that the Committee resolves to:

1. *Receive the report.*
2. *The Committee approve the WCRC pausing of the implementation of the Resource Management (Freshwater Farm Plans) Regulations 2023 (FWFP) until any relevant government notice or new/amended regulations.*

Issues and Discussion

Planning

Submissions lodged by other parties

TUK submission on NPS for Natural Hazard Decision-making

The regional sector body, Te Uru Kahika (TUK), drafted a submission on the National Policy Statement for Natural Hazard Decision-making (NPSNHD) in November 2023. Staff understand that the draft submission was circulated to the Resource Management Committee (RMC) and Poutini Ngāi Tahu (PNT) staff for feedback on or around 3 November. TUK lodged their final submission on 20 November, but there was no December RMC meeting to report on it, and the submission was not reported in the subsequent RMC reports. This submission is reported on now for your information, and it accompanies this report as Attachment 1.

To summarise the main changes sought by the TUK submission:

- National direction must require robust hazard assessment, and a strong risk-based approach in regional and district plans to provide decision

makers with the tools to decline, restrict or manage development appropriately;

- National direction should also promote community focused and non-regulatory adaptation planning to natural hazards;
- All possible current and future hazard scenarios, and all new development need to be within the scope of the NPS;
- Reword the primary objective to link more clearly to risk-based provisions in the NPS;
- Clearer process and common standards for identifying and assessing natural hazards and risks, including risk tolerance, are required;
- Apply a single risk terminology: low, moderate and high, as the most practical and easily understood language; and decision-makers should be required to apply this framework;
- Assessments need to be supported by western science and mātaranga experts, and assessments by Māori should be provided for where desired by iwi and hapū;
- Include in the NPS land that is returned to Māori through Tiriti settlement processes, and urge that further work be done to understand the impact of the proposed NPS on hazard-sensitive Māori land. Provide scope in the NPS to consider important historical and cultural associations as part of the natural hazards management regime, and make amendments to the NPS to ensure that Tiriti settlement requirements and conditions are required;
- Maori communities need to be central in decision-making, planning and executing strategies for natural hazard decision-making, underscored by a Tiriti-based approach;
- Central government should work with local government to provide guidance on implementing the NPS.

The new Government is progressing development of the NPSNHD and is currently reviewing submissions.

South Island RTC Chairs Submission on Draft GPS 2024

The South Island Regional Transport Committee (SIRTC) Chairs Group made a submission on the Draft Government Policy Statement (GPS) 2024 for land transport. The SIRTC Chairs submission raised similar concerns to those in the West Coast Councils' submission, about reduced funding in a number of areas that will potentially affect maintenance and improvement of State Highways and local roads in the South Island. The SITRC submission includes reference to:

- Key resilience projects across the South Island that are not identified in the draft GPS, for example, moving SH6 in the West Coast south of the Waiho River away from the floodplain; and

- The GPS needing to recognise that public transport plays an important role in supporting people and communities to access their needs in smaller urban areas, and investment in these services must be continued.

The draft and near-final draft SIRTIC Chairs Group submissions were circulated to Council's RTC Chair and representative on the RTC, and Chief Executive for feedback. The final submission was lodged on 2 April. A copy of the submission accompanies this report as Attachment 2.

Submission lodged by WCRC

Fast-track Approvals Bill

Since the Te Uru Kahika (TUK) draft submission on the Fast-track Approvals Bill (the Bill) was not fully supported by the Council, a separate Council submission was therefore drafted, and lodged on 19 April. The Council and RMC Chairs, the Chairs of Poutini Ngāi Tahu, and Makaawhio RMC rep Jackie Douglas provided input and reviewed the submission before it was signed. As per the Delegations Manual, since the submission closing date was before this May RMC meeting, Council's Chief Executive approved the submission for lodging. A copy of the submission is in Attachment 3.

The main points in the submission are:

- The Council supports in principle the majority of the Bill as it will add significantly to jobs on the West Coast and support a regenerative economic future.
- The Bill appears to also provide for managing adverse environmental effects, indicating alignment and consistency with the RMA.
- The Bill could be improved by:
 - having clear criteria for the joint Ministers' decision-making process, and/or that the Ministers must give greater weight to the Expert Panel's recommendations;
 - Increasing the numbers of local authority members on the Expert Panel;
 - Improving iwi and hapu participation at the decision making level;
- Adding cost recovery provisions to include reasonable costs incurred by iwi and hapū in participating in fast-track processes.
- The Council and PNT support most of the TUK submission, but do not agree with adding a reference in the Bill to "sustainable management as a secondary focus"; and replacing references to "prohibited activity" status, with "the potential for long term and significant irreversible harm".

Te Tai o Poutini Plan

The Subdivision, Financial Contributions and Public Access, hearing was held at WCRC Council Chambers on 16 and 17 April 2024. A total of 15 submitters were represented at this hearing.

The hearing for Sites and Areas of Significance to Māori will be held at Arahura Marae from 30 April 2024. This hearing is likely to be completed over two days. Hearings continue to take less time than originally planned, with fewer people wishing to be heard than originally indicated in their submission form.

As noted previously, further information in relation to a proposed variation for the mapping of Coastal Hazards in the Proposed TTPP will be brought back to the next TTPP Committee meeting on 29 April 2024, to be held at WCRC. A scientist from NIWA will be at the meeting to provide more information to the Committee on the coastal hazard mapping work done to date. A report by the Principal Planner will also be going to the next TTPP Committee meeting to recommend that the proposed Ports Variation be notified separately to any other proposed variations, and on a limited basis to affected parties only, to reduce the costs of this process.

Pausing of the Freshwater Farm Plan regulations implementation

Resource Management (Freshwater Farm Plans) Regulations 2023 (FWFP) was developed under s217M of Part 9A of the Resource Management Act (RMA) and has been in force since 1 August 2023. The purpose of FWFP is to protect and restore New Zealand's freshwater by assessing farm's impact on freshwater and developing tailored set of actions within the context of the respective catchment.

Under the above regulations regional councils must provide catchment context, challenges, and values (CCCVs) for their respective Freshwater Management Units (FMUs) which will be used by the farmers to develop farm plans along with consideration to managing impacts of the farm. Based on the above the farmer in addition to detailed assessment of farm resources and risks, must provide a 5-year action plan by categorising into catchment, regulatory and supplementary actions. Regional council appointed and trained certifiers will assess and certify the plans followed by the regional council appointed auditors checking for compliance of the specified actions.

Various timelines have been provided for regional councils to implement the regulations under Resource Management (Application of Part 9A—Freshwater Farm Plans) Order 2023. According to the above regulations, Waikato, Southland, Otago, West Coast and Manawatu-Wanganui regional councils are required to implement the FWFP regulations starting at various intervals between 1 August 2023 and 1 August

2025. Ministry for the Environment staff have been assisting and co-ordinating the implementation.

According to the regulations, West Coast Regional Council (WCRC) must commence the Hokitika FMU FWFP regulation implementation on 1 February 2024 followed by South-Westland FMU on 1 February 2025 and Grey and Kawatiri FMUs by 1 August 2025. WCRC has completed the CCCV development in consultation with PNT for the Hokitika FMU and has been in the process of providing the training module to the national/regional training co-ordinator Assure Quality to train and certify the certifiers and auditors. As such WCRC has been on schedule to implement the Hokitika FMU farm plans.

The entire process under various and relevant regulations is complex and the high cost of farm plan development, certification and auditing processes must be borne by the farmer. Consequently, the government has decided to review the current regulations. As the Council is aware, National Policy Statement for Freshwater Management 2020 (NPS-FM 2020) will also be replaced within the next 18 months. The FMUs and the respective catchment values and challenges have been developed under the NPS-FM 2020, as such any changes will affect the CCCVs developed which will in turn will affect how the farm plan regulations will be implemented.

The government is intending to simplify the current FWFP regulations, and the details of the changes are not yet known. It is anticipated given the current complexity and the high cost associated with the FWFP regulations implementation, any changes to the regulations can be predicted as substantial. Under the circumstances, it is risky for the Council continue with the implementation because any farm plan developed and certified may have to be changed substantially or the worst case may be that entire process could be potentially redundant.

Council staff have already held meetings with the relevant MfE staff to pause the implementation process until there is certainty with the amended or replaced regulation. In the meantime, Council can focus on the newly initiated catchment programme co-ordination in consultation and partnership with PNT and the stakeholders which has been proposed to this Committee at this same meeting. These catchment programmes will support landowners to identify actions to mitigate risks and improve water quality. Whilst the FWFP implementation process is paused, our farmers will still be actively involved in identifying and implementing practical measures that will ultimately be integrated into their farm plans once the government finalised its approach.

Hydrology - Flood warnings

Two flood alarms were triggered in the last reporting period:

April 2024

Site	Alarm threshold (mm)	Warning issued	Peak level (mm)	Time of peak
Waiho Rv at SH6	8000	09/04/2024 20:24	8729	11/04/2024 15:50
Hokitika Rv at Gorge	3750	10/04/2024 00:44	5158	11/04/2024 19:55

Considerations

Implications/Risks

There are no implications or risks arising from the items in this report.

Significance and Engagement Policy Assessment

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

Tangata whenua views

Poutini Ngāi Tahu provided feedback on the draft TUK submission, and the Council's submission, on the Fast-track Approvals Bill.

Views of affected parties

No parties will be affected by the subject matter of this report.

Financial implications

There are no current financial implications arising from the items in this report.

Legal implications

There are no legal implications arising from the items in this report.

Attachments

Attachment 1: Te Uru Kahika submission on NPS for Natural Hazard Decision-making

Attachment 2: South Island Regional Transport Committee Chairs Groups' submission on Draft Government Policy Statement (GPS) 2024

Attachment 3: WCRC Submission on Fast-track Approvals Bill

20 November 2023

Ministry for the Environment
PO Box 10362
Wellington 6143
Aotearoa

Tēnā rā koutou,

Te Uru Kahika submission on the National Policy Statement – Natural Hazard Decision Making (NPS-NHD)

Te Uru Kahika (Regional and Unitary Councils Aotearoa) thanks the Ministry for the Environment for the opportunity to submit on the Proposed National Policy Statement for Natural Hazard Decision Making (NPS-NHD). Te Uru Kahika is the Regional and Unitary Councils' collective voice, representing New Zealand's 16 regional and unitary councils.

This submission is based upon input from key special interest groups within Te Uru Kahika – including Ngā Kairapu, Resource Managers, Natural Hazards, River Managers, Climate, Policy and Consents Managers, and Compliance and Enforcement, along with specialist subject matter experts. The role of these groups is to provide the regional CEOs with tactical advice and expertise on a range of issues, as well as working with central government to achieve national and regional outcomes. The Te Uru Kahika network also plays a vital role in championing best practice, information sharing and collaboration across councils.

Te Uru Kahika acknowledges and appreciates the steps the Ministry for the Environment has taken to seek regional government expertise and input in shaping the draft Policy Statement. Regional government has proven and extensive implementation experience across natural hazards management and decision making - working with central and local government to improve community outcomes. We are encouraged by our continued involvement and extend the offer to share examples and experience to assist with implementation.

At the outset we wish to express our strong support for integrated national direction on Natural Hazard decision-making and the two stage process proposed with amendments.

In the context of post severe weather event responses, we consider national Natural Hazards direction is essential to:

- Provide more certainty to participants in these processes; and
- Support good future focused decision making on existing and new development in a way which ultimately protects communities.

We also note the importance of partnering with Iwi/hāpu, ensuring that they are supported and enabled to be involved in the development and implementation of the NPS-NHD.

Key Recommendations

The attached submission outlines the key areas for consideration to improve the effectiveness of the draft NPS-NHD. The key points are as follows:

- New national direction must require robust hazard assessment, and a strong risk-based approach in regional and district plans providing decision makers the tools to decline, restrict or manage development appropriately. Direction needs to be clear that decisions on subdivision and use are in scope.
- National direction should also promote community focused and non-regulatory adaptation planning to natural hazards, to compliment regulatory decision making (we note this may be better suited for Stage 2 depending on timeframes).
- All possible current and future hazards scenarios need to be in scope, including those that may be exacerbated by climate change in non-linear ways such as sea level rise increasing the liquefaction risk by pushing up groundwater. Through similar logic, all new development must be in scope to provide for a more integrated approach and support consistency across all development settings.
- Te Uru Kahika recommends rewording the primary proposed objective, to link more clearly to risk-based provisions within the proposed NPS (see question 9).
- Clearer process and common standards for identifying and assessing natural hazards and risks, including risk tolerance, are required.
- We recommend applying a single risk terminology: low, moderate and high, as the most practical and easily understood language. We also agree that decision-makers should be required to apply this framework, and broad direction also be provided on the types of adaptation measures to be adopted.
- The proposed risk framework will support decision-making if applied appropriately, and providing assessments are supported by western science

and mātauranga experts. Furthermore, assessments by Māori should be provided for where desired by iwi and hapū.

- Te Uru Kahika strongly supports inclusion within the proposed NPS of land returned to Māori through Tiriti settlement processes and urge further work to understand the impact of the proposed NPS on hazard-sensitive development on Māori land. We also suggest providing scope to consider important historical and cultural associations as part of the natural hazards management regime, and encourage amendments to ensure that Tiriti settlement requirements and conditions are required by the proposed NPS.
- Māori-owned land is commonly vulnerable to natural hazards. Māori communities need to be central in decision-making, planning and executing of strategies for natural hazard decision making, underscored by a Tiriti-based approach.
- We support the production of guidance to support the NPS working in partnership between local government and the Ministry for the Environment.

Summary

Te Uru Kahika supports the development of the NPS-NHD, as a key first step in a two-step reform to bring in much improved direction and regulation to manage the interface of our communities with natural hazards at place.

To assist, Te Uru Kahika will continue to offer our support to further drafting effort and drawing on the substantial hands-on expertise from across regional government. We welcome the opportunity to give feedback on our submission.

Ngā manaakitanga,



pp

Michael McCartney

REGIONAL CHIEF EXECUTIVES GROUP

TE URU KAHIKA – REGIONAL AND UNITARY COUNCILS AOTEAROA

Te Uru Kahika Submission

Link to consultation document [Proposed National Policy Statement for Natural Hazard Decision-making - Ministry for the Environment - Citizen Space](#)

Engagement Questions

Part 2 Problems to Solve

1. Is more action needed to reduce development from occurring in areas facing natural hazard risk?

Yes, absolutely!

Worsening coastal, flood and slope failure hazards are not yet fully reflected in peoples' decisions to subdivide, develop or extend property in coastal areas, on floodplains or in areas susceptible to slope failure. New Zealanders are still building new residential developments and invest in climate-risky locations - this means more lives and property will be at risk.

In 2014, the Insurance Council of New Zealand (ICNZ) requested a review of the natural hazard regulations under the RMA to introduce changes that would require local authorities to decline consent applications where long-term data shows that the risk from natural hazards will increase. ICNZ made this request in recognition of the fact that in many areas, climate change and sea level rise is going to exacerbate the risk from natural hazards over time in many areas. As the insurance burden is demonstrably increasing, there is a risk that some level of insurance will be withdrawn from high hazard areas if the risk is left unmanaged and development allowed to continue without appropriate planning frameworks in place.

Whilst instruments and technologies to help manage the risks from natural hazards have improved somewhat over the past 10 years, local and regional authorities and their decision makers do not have full set of integrated mechanisms to effectively manage the significant risks from natural hazards and climate change, and are still struggling to manage or prevent ongoing development in hazard prone areas. Part of this is because the

Engagement Questions

planning cycle takes such a long time to complete, ie, 5-10 years. Many regional and district plans are in the process of reviews now to implement a risk-based approach to manage risks from natural hazards which will be a vast improvement on a lot of first generation plans. But, the process is fraught with opposition from people/organisations/infrastructure companies and providers (including central government agencies) opposing what is proposed, disagreeing with the science and drawing out and watering down provisions making the whole process slow, expensive and often compromised. The challenges that the Kāpiti Coast District Council has faced over many years is a good example of the difficulty of this, but not the only example.

In addition, there is misalignment in policy directions and mixed messaging from central government on hazard risk management. An example is the Medium Density Residential Standards and the NPS-UD. Whilst it is fully recognised that we need more and better-quality housing, the requirement to have blanket medium and high-density housing in all Tier 1 council general residential areas has created a minefield for managing the risks from natural hazards in those areas. This is because the ability to prevent inappropriate development and restrict density requirements hinges entirely on a robust understanding of the hazards of an area, coupled with a strong risk-based approach in district plans to restrict or manage development in those areas subject to natural hazards. And in many places, there is currently neither. There is an instrument in the RMA to employ qualifying matters to restrict density requirements in hazard prone areas, but this a cumbersome process and the Act sets a very high bar to implement this, making it clear that the evidence must be robust and the circumstances extenuating before it can be employed. And currently, in many situations there isn't sufficient hazard mapping and assessment of the risks to employ this mechanism, the result being that houses will continue to be built in hazard prone areas until the gaps can be filled in the planning rules.

This is why a National Policy Statement provides clear integrated and aligned (with National Adaptation Plan, Regional Coastal Policy Statements amongst others) direction, is so important. It is needed by regional, unitary and territorial authorities requiring them to assess and map hazards and include a strong risk-based approach in regional and district plans providing decision makers the tools to decline, restrict or manage development appropriately.

Engagement Questions

This should also be coupled with a requirement to undertake community focussed and non-regulatory adaptation planning for hazards and climate change, the shape of which can be tailored to each district and community. Having the baseline requirement to undertake this work removes all the local debate about the need for it to be done.

2. Are there any other parts of the problem definition that you think should be addressed through the NPS-NHD. Why?

The impacts of natural hazards can disproportionately affect marginalised and low socio-economic groups, and funding is a key consideration and issue required to address this. For example, in Canterbury flooding is a major hazard and a risk that disproportionately affects the rural community. These communities have a lower rating base than urban areas but provide a nationally important role in the economy. Wider national policy for natural hazards should provide an opportunity to address this to achieve adequate funding and support for those communities.

As outlined in the discussion document, inconsistent identification and assessment of natural hazards and risks is an ongoing issue for local authorities. However, as currently worded, the proposed NPS-NHD does not fully resolve this issue. A clearer process and common standards for identifying and assessing natural hazards and risks are required. Related to this is variation in resource management planning frameworks for considering natural hazard risks. This is another issue that is not addressed through the proposed NPS-NHD. Some of these inconsistencies are discussed in the question one above. It would be helpful for implementation of the NPS to have a set of common standards to assess risk tolerance and this should be seen as a good opportunity for a guidance document to support the NPS.

Whilst provided for under s106 RMA, decision-making for subdivision and use are otherwise not properly addressed in the proposed NPS-NHD and this part of the challenge of hazard risk management and needs to be included in the NPS.

Engagement Questions

Wording changes are outlined in the last section of this submission to help address this and to provide a clearer hazard identification and management framework through the NPS.

3. Are there other issues that have not been identified that need to be addressed through the NPS-NHD or the comprehensive National Direction for Natural Hazards?

A significant issue that must be addressed through this framework is how natural hazard risk changes over time because of climate change. Areas with a low to moderate risk now, may become moderate to high risk in 20-50 years, and the NPS needs to allow for this assessment to be included in the policy framework. Wording changes to the NPS are outlined in the last section of this submission to help address this.

Related to this is the need for clearer national direction on how to apply climate change scenarios in the decision-making process. Likelihood is very different under SSP2-2.6 versus SSP3-7.0 scenarios. The NAP advises the use of a range of scenarios. However, if we are still tracking on the higher scenarios as at present, ie, making SSP3-7.0 scenarios more like than SSP2-2.6 scenarios, direction will be necessary about which scenarios (including AEPs) could be used for different aspects of the decision making process decisions off, aside from taking a precautionary approach to everything, which runs the risk of unnecessarily hindering development.

As discussed in the 1st question, consistency in direction across central government legislation is required. For example, the Building Act (BA) allows for development in flood prone areas if there is sufficient freeboard. However, with climate change exacerbating flood hazard it may be the case that development needs to be restricted in some of these areas. The BA complicates the application of long-term hazard risk management planning in this respect, especially as it only considers a 50-year planning horizon.

Engagement Questions

To help address this the NPS-NHD, any supporting guidance and the next phase of the process need to have clear definitions and applications of timeframes (eg, for buildings and infrastructure or hazard assessments), terminology for assessing likelihood, frequency, or consequences from hazard events.

The safe access, egress, and ability for emergency evacuation routes needs to be considered for hazard assessments and this needs to be included in the NPS.

Infrastructure resilience is also a key concern. A lot of regionally significant and critical infrastructure is in areas vulnerable to natural hazards. Consequently, the NPS needs to address 'use' as well as new development.

It is important not to confuse requirements in the NPS with the requirement for Emergency Management Groups to undertake a risk assessment as part of their Group Plans as per the NEMA Directors Guideline, as the two are required for different purposes.

Part 3 Key policy proposals of the proposed National Policy Statement for Natural Hazard Decision Making

4. Do you support the proposed NPS-NHD's requirement that decision-makers take a risk-based approach when making decisions on new development in natural hazard areas?

Yes, it is necessary for local authorities, regional and district plans and adaptation programmes to employ and implement a risk-based approach to hazard risk management.

A risk-based approach ensures that both the likelihood of a hazard event and its potential consequences are assessed, followed by an appropriate response to land use and development based on that assessment e.g., general avoidance for high hazard areas, management in moderate to low hazard areas and an enabling approach in very low hazard areas. This should be used instead of tolerable/intolerable as tolerability is an extremely subjective and potentially politically loaded concept. Alternatively, 'tolerance' would need to be clearly decoupled from the 'technical' assessment

Engagement Questions

of event likelihood, consequence and vulnerability (now and into the future). Qualitative discussions regarding tolerance tend to be place-based, and community-informed - but with bias to the present-day and less about future communities' interests.

As discussed above, it is important to support a risk-based approach with good guidance as there are complexities in implementation, including issues with the reliability of data, economic implications for landowners in locations assessed as high risk, difficulties in weighting priorities like safety, social implications and economic implications, against the development needs of the community.

5. Should all natural hazards be in scope of the proposed NPS-NHD?

Yes, it is important that all hazards remain in scope as it will help to future proof the NPS. Excluding certain types of hazards opens the door to a lot of arguments about what is in and what is out. Natural hazard events will affect Aotearoa/New Zealand regardless of what is excluded in the NPS, so in the long term it is best practice to consider all possible current and future scenarios, including those that may be exacerbated by climate change in non-linear ways such as sea level rise increasing the liquefaction risk by pushing up groundwater.

In applying an all-hazards approach it is again important that it be backed with good guidance, as some hazards present a low-probability, high impact risk, such as volcanic eruption or tsunami, that could have a perverse outcome of causing an overly restrictive or precautionary planning regime. An example is Taranaki where most people live and work on the ring plain, or Lake Taupō. The second stage of the NPS can address different hazards in a more nuanced manner, but the NPS-NHD needs to remain all hazards focussed.

If not all natural hazards are in scope, which ones should be included? Why?

See answers to question 5.

Engagement Questions

6. Should all new physical development be in scope of the proposed NPS-NHD?

Yes, all development should be included in the NPS-NHD to ensure a fair and a consistent approach and the ability to manage risks in an integrated way.

There should be no differentiation or distinction made on basis of type of landholding/land tenure. Under a risk-based approach, different types of **development** can be treated in different ways, for example based on building importance category, density of development or type of activity.

7. What impact do you think the proposed NPS-NHD would have on housing and urban development? Why?

We acknowledge the focus of the NPS is on new development only, to enhance the resilience of our communities, infrastructure and development and ultimately the country from the impacts of natural hazards and climate change.

We are pleased to see the list (a-g) of specified Māori land in this NPS, and that it includes land returned by way of Tiriti Settlement.

We advise a further in-depth 'check' on how the proposed NPS-NHD might affect new hazard-sensitive development by owners of Māori land (in all its many definitions and categories). Issues relating to Māori land tenure are complex and have, over time, resulted in much disadvantage (as discussed in depth in the report by the Māori Issues Working Group by NZ institute of Surveyors in 2009). Te Uru Kahika has recently submitted on this topic in relation to the NPS-HPL (which does not include land returned by way of Treaty Settlement). We urge clarification on overlaps between established national direction and the many complex desired outcomes for Māori communities that are intricately connected to whakapapa and cultural connections that need protection.

We are pleased to see that 'new development' can include extension or replacement of existing buildings, structures or infrastructure which might affect marae or papakāinga that are already located in areas that subsequently have been included in natural hazard zones (Pre-dating the RMA and its instruments). However, important historical and cultural associations with the land do not appear to be considered as part of the natural

Engagement Questions

hazard management regime, other than (in Policy 2b) the tolerance to bear risks and in Policy 7, where tangata whenua values interests and aspirations must be recognised and provided for. Whether the land is in customary, freehold, or general title the whakapapa and cultural connections remain the same and are not extinguished.

8. Do you agree with the proposed objective of the NPS-NHD?

Yes, in principle, but it requires some rewording. The Objective(s) need to clearly link to a risk-based approach in the provisions which would be best achieved by splitting the objective in two, with one objective focussing on high hazard areas. And a second objective focussing on low to moderate hazard areas where hazards can be better managed to help build community resilience through a risk-based approach.

A suggested wording approach is provided in the last section.

9. What are the pros and cons of requiring decision-makers to categorise natural hazard risk as high, moderate or low?

It is important to pick a terminology framework and stick with it. The proposed NPS-NHD refers to low/mod/high risk, and the As Low as Reasonably Practicable (ALARP) framework and concepts of or tolerable/intolerable. This creates some confusion in their application. This flows into the general summary document, where high natural hazard risk is described as “areas where a natural hazard event would cause loss of life”, but the moderate natural hazard risk is defined as “unlikely to cause intolerable loss of life”, implying that some loss of life might be tolerable. As discussed above, using the word ‘tolerable’ is high subjective and open to a lot of interpretation. Tolerance will vary over time and from community to community, making a consistent application of the risk-based approach very challenging. Hence why risk thresholds should be set nationally. To this end, in a resource management planning context, using low, moderate and high is the most practical and easily understood language, although we recognise advantages and disadvantages of this approach:

Engagement Questions

Pros:

- Simple approach.
- Prioritises management or avoidance in higher hazard areas.
- Consistency across the country.
- Clear guidance for the community once risk level is set.

Cons:

- Potential for over-simplification.
- Complacency in low-risk locations.
- Potential lack of flexibility in responding to changing hazard risk, or lack of certainty for the community if made too flexible to change categories.
- Economic impacts from classification.
- Subjectivity of “tolerance”.
- Anxiety in the community about applying hazard categories in a hazard risk assessment.

10. What are the pros and cons of directing decision-makers to assess the likelihood, consequence and tolerance of a natural hazard event when making planning decisions?

It needs to be made clear that any assessment of the likelihood and consequences of a natural hazard event is undertaken by suitably qualified experts. However, it will always be the role of council planners, and managers, councillors, and other decision-makers to apply a hazard and risk assessment to a resource management and planning context, and the role of consenting officers to apply associated rules.

Engagement Questions

An alternative is to set risk thresholds at a national level which may be a more efficient to be applied to new development and would be easier to implement.

Pros:

- Holistic view of hazard risks.
- Decisions grounded in data and insights.
- Adaptable to changing conditions.

Cons:

- Requires accurate scientific data and matakauranga.
- Ambiguity without clear guidance.
- Potential for over-complexity.
- There will always remain some degree of uncertainty
- Potential for tendency to say 'no' to proposals, even if proposal is short-term or has relatively low consequence.
- Potential for 'tolerance' judgements to be made without a community or political lens being applied.

11. What are the pros and cons of directing decision-makers to adopt a precautionary approach to decision-making on natural hazard risk?

Pros:

- Prioritises safety over uncertainties.

Engagement Questions

- Pragmatic in unpredictable scenarios.
- Promotes responsible development.

Cons:

- May hinder reasonable development, and impact economic activity
- Reliance on imperfect or inadequate data.

12. What are the pros and cons of requiring natural hazard risk as a matter of control for any new development classified as a controlled activity in a plan, and as a matter of discretion for any new development classified as a restricted discretionary activity?

This is a positive requirement under the proposed NPS as it provides clear direction to local authorities and will prevent ongoing debate about the need to include provisions and an assessment of hazards for new development. Procedurally, these additions need to be mandated as per s55 of RMA so an elongated Schedule 1 RMA process is not required for every single plan. Using s55 powers would mean these matters for control/discretion can be inserted into plans without any further formality.

Some of the challenges are, whilst controlled activities provide a simple framework in areas where risk is well defined and suitable mitigation measures can be implemented, the approach requires more investment for locations where there is more hazard complexity or a lack of information. Many councils will need to update their hazard mapping to ensure this approach can be properly implemented, but the changes do not need to wait for updated mapping.

Discretionary activities offer more flexibility and the ability to assess risk on a consent-by-consent basis, however it increases the complexity and cost of processing consents. Good guidance and a clear planning framework would assist with processing consent applications.

Engagement Questions

13. What are the pros and cons of requiring planning decisions to ensure the specific actions to address natural hazard risk outlined in policy 5?

Policy 5 sets up a risk-based framework to help manage the risks from natural hazards and the proposed NPS-NHD will not be effective unless this policy or a variation of it is retained (see suggested wording below).

Policy 5 aligns, in principle, with a number of regional and district planning documents. For example, it is common for modern regional policy statements to direct managing the risks from natural hazard risk from: - avoid development in high-hazard areas where there might be risk to life or significant damage to property; to - mitigate the risks from hazards where the risk can appropriately managed or avoided.

To apply a risk-based policy framework, a good understanding is required of the hazards and risks in an area and these need to be mapped and assessed. This takes time and resource, but many councils around New Zealand have been advancing this work over the past 10 years and are in a much better position to apply this NPS.

As discussed in other sections of this submission, using the term 'tolerable' is fraught. It can only be used subjectively, and it would be better to use more easily understood terminology that is less open to subjective interpretation if that is intended by the proposed NPS.

14. What is the potential impact of requiring decision – makers to apply this framework in their decision-making? Will it improve decision-making?

If applied appropriately, it should increase the resilience of our development, infrastructure and communities and provides stronger direction to prevent or control development in hazard prone areas. However, as discussed above it needs to be made clear that any commensurate assessment of the likelihood and consequences of a natural hazard event is undertaken by suitably qualified experts. Te Uru Kahika can offer support for assessments done to make them available on public interactive mapping portals. It is the role of planners and decision makers to apply a hazard and risk assessment to a resource management and planning context and the role of and regulators and consenting officers to apply these rules.

Engagement Questions

Also as discussed above, the terminology needs to be consistent. Using unclear wording such as risk has been reduced to a “tolerable” level creates uncertainty as there is no clear guidance to define what is tolerable and it is subjective. The potential impact of requiring decision makers to apply this framework (without changes) is the risk of different interpretations, the requirement for specialists or lawyers to assist applicants.

15. What are the pros and cons of providing direction to decision-makers on the types of mitigation measures that should be adopted to reduce the level of natural hazard risk?

It is important that there is some broad policy direction around the application of hazard mitigation measures as they have the potential to have adverse effects on the environment, interfere with natural processes and ecosystems or even exacerbate the risks through effects such as diverting floodwaters or end effects erosion.

A greater understanding of these effects coupled with the development of a range of new technologies and engineering advancements in soft engineering, green infrastructure and nature-based solutions provides a range of other opportunities to mitigate the risks from natural hazards in ways that are more sympathetic to the natural environment and can provide multiple benefits of hazard mitigation and environmental enhancement. It is important that these options are fully explored when assessing the range of options that may be available in hazard mitigation decisions.

Clause (b) appears to encourage the construction of large mitigation schemes and needs recrafting. Climate change is exacerbating the risks from natural hazards over time and in ways are uncertain. This policy needs to be crafted in such a way that hazard mitigation structures are only constructed if necessary and that it doesn't encourage the development of high hazard land using hazard mitigation structures to moderate the hazard. Building hazard mitigation structures can create a false sense of security and encourage further investment in areas that are hazard prone.

Providing guidance on suitable types of mitigation, along with direction on when or where mitigation is not appropriate and development avoided, would be useful in achieving a consistent and fair approach.

Engagement Questions

16. Does policy 7 appropriately recognise and provide for Māori rights, values and interests?

Māori communities should be central in decision-making, planning and executing strategies for natural hazard decision making. Te Uru Kahika fully supports the need for a Te Tiriti based approach – both the Crown and local government have obligations to give effect to the principles of Te Tiriti o Waitangi, including through empowering and resourcing iwi/hapū to actively lead or participate in natural hazard risk assessments and decision-making. It is not uncommon for Māori owned land to be in moderate to high hazard areas, so this creates challenges in providing for Māori aspirations in these areas.

We leave it to mana whenua to comment on whether this policy is strong enough. Further we note support/capacity to engage will likely be needed. We also note that a risk-based approach more generally is suited to meet this challenge, as it recognises that whilst some development and investment is best avoided it allows for appropriate mitigation for areas with a manageable risk.

We recommend that this important aspect is not left to last (as Policy Number 7).

17. Can traditional Māori knowledge systems be incorporated into natural hazard risk and tolerance assessments? Please write your answer here

Yes, it is essential to provide for input on risk assessments that are conducted by Māori with appropriate support and include the use of Māori frames of reference alongside standard approaches, and where desired by iwi and hapū. Some iwi/hapū may choose to lead natural hazard risk and tolerance assessments and should be supported to do so. Current processes often do not acknowledge or incorporate the long-held knowledge and experiences of mana whenua in assessing natural hazard risks and adapting accordingly.

Engagement Questions

Early engagement enables a better chance for traditional Māori knowledge systems to sit and be considered alongside scientific/engineering understanding of natural processes and infrastructure and natural hazard risk/mitigation assessments in order to inform a more thorough decision.

While the definition of specified Māori land is useful, it is not clear what the policy response is to manage natural hazard risk. We suggest further consideration be given to the extent to which it is a mandatory requirement and/or what matters are included in risk assessments to address qualitative matters such as mātauranga and specific consequences to marae, urupa, any other taonga following consideration of s6(e) matters as a minimum following engagement with iwi and hapū.

Any risk-based policies and methodologies should consider consequences on 6(e) matters including and any other matters identified by iwi/hapu through engagement processes.

Policy 7 is general and could be more specific and be clear about what is intended to be achieved – what is the issue the policy is attempting to address.

As commented on above, the policies and any risk assessment methodology (or at a minimum, what parameters be included) that makes specific reference to s.(6)(e) matters and relevant matters identified in an iwi management plan following engagement with hapū and iwi.

18. Does the requirement to implement te Tiriti settlement requirements or commitments provide enough certainty that these obligations will be met?

Te Uru Kahika is pleased to see this requirement within the proposed NPS and know that iwi and hapū around Aotearoa will have valuable views on this.

We support the intent to ensure that any rights established by specific Tiriti settlement legislation are upheld and recommend a close look at implications of this NPS on various types of Māori land as described elsewhere in this submission.

Engagement Questions

However, we note that Tiriti settlement requirements or conditions are not explicitly mentioned or required in the proposed NPS-NHD, so no, there is not enough certainty. The only mention is in specified Māori land in Policy 7.

We acknowledge tensions between different policy instruments when some feature this directive, yet others don't. We note the NPF potential pathway to reconcile this.

19. Is the implementation timeframe workable?

There has been a lot of work into understanding natural hazards by councils around New Zealand over the past 10 years or so, so many councils will be able to implement the NPS. However, hazard information is not perfect and is patchy, so there will be challenges in applying the NPS in consenting if there is insufficient information available on natural hazards to inform a sound decision. It may mean that the precautionary approach gets applied more frequently or that decisions are made in the absence of information as it is unknown whether there is a risk.

20. What do you consider are the resourcing implications for you to implement the proposed NPS – NHD?

If Policy 4 requires an RMA Schedule 1 plan change it will add considerably to the financial and resource burden of all councils. A likely increased need for subject matter experts' input into planning and consenting – will likely place a greater reliance on external advisors to inform assessments and decision-making, with potential to pass on costs to consent applicants.

There will be resourcing issues to consider for Māori in implementing Policy 7 and for councils engaging with mana/tangata whenua. For example there will be an increased need for subject matter experts' input into consenting, where external advisors are needed to inform decision making, potentially passing costs onto consent applicants.

Engagement Questions

It will be essential to ensure that access to and use of funding is flexible enough to be tailored to unique needs of Māori communities. Their resourcing needs will likely include data/model/tool interpretation and translation, wānanga and facilitator resourcing, and access to Māori experts and unique tools. Equitable and transparent funding models will be needed to back Māori led initiatives.

21. What guidance and technical assistance do you think would help decision-makers to apply the proposed NPS-NHD? Please write your answer here

A lot of useful guidance is available already and could be drawn upon to develop guidance specific to this NPS, including:

- Application of the risk-based approach
- Guidance in determining risk (low, moderate, high) for different hazard types
- Guidance on the application of climate change scenarios

Use of the word tolerance/tolerable is not recommended in this submission but if it used it requires clear and thorough definition including:

- Guidance on the hierarchy of priorities for determining tolerance
- Guidance on timeframes for determining risk tolerance thresholds

There is a key opportunity for Crown to build and host an interactive mapping portal spanning the whole of NZ for hazard mapping.

General Feedback

Topic/Provision/page	Change Sought	Rational
Executive Summary		
definition 'New Development'	<p>new development means development:</p> <p>(a) of new buildings, structures, or infrastructure on land that currently does not have buildings, structures, or infrastructure located on it; or</p> <p>(a) (b) that is the extension, <u>construction of additional</u> or replacement of existing buildings, structures, or infrastructure.</p>	
Objective	<p>Objective</p> <p>The risks from natural hazards to people, communities, the environment, property, and infrastructure, and on the ability of communities to quickly recover after natural hazard events, are minimised.</p>	<p>Need to separate the two approaches so it flows into the policy framework as discussed in the submission.</p>

Topic/Provision/page	Change Sought	Rational
	<p>Te Uru Kahika Solution Options</p> <p><u>Option 1 (Replace with 2 Objectives)</u></p> <p><u>Objective 1</u></p> <p><u>New subdivision, use and development in high hazard areas/significant risk areas reduces or does not increase the risks from natural hazards to people, property and infrastructure.</u></p> <p><u>Objective 2</u></p> <p><u>New subdivision, use and development in low to moderate hazard areas minimises risks from natural hazards to people, property and infrastructure.</u></p> <p><u>Option 2 - Risk Management Approach – to avoid or mitigate</u></p> <p>The risks from natural hazards to people, communities, the environment, property, and infrastructure, and on the ability of communities to quickly recover after natural hazard events, <u>are avoided and/or mitigated.</u></p>	

Topic/Provision/page	Change Sought	Rational
Policy 1	<p>Policy 1</p> <p>When making planning decisions, decision-makers are to determine the level of natural hazard risk as high, moderate, or low.</p>	<p>Recommend delete and include in Policy 2</p>
Policy 2	<p>Policy 2_1</p> <p>When determining natural hazard risk, decision-makers are to consider:</p> <p><u>When making planning decisions, decision-makers are to determine the level of natural hazard risk as high, moderate, or low. This is undertaken by considering:</u></p> <ul style="list-style-type: none"> (a) first, the likelihood of a natural hazard event occurring <u>both now and in the future as a result of climate change</u> (either individually or in combination) and; (b) the consequences of from the natural hazard event occurring, including potential loss of life, serious injury, <u>egress routes</u>, adverse effects on the environment, and potential serious damage to property and infrastructure and; (c) The operational or functional need for the activity to be located in a hazard area. <p>(b) second, tolerance to a natural hazard event, including the willingness and capability of those who are subject to the risk (such as a community,</p>	<p>The problem with using tolerance as a measure is that it is extremely subjective, some people will have a very high tolerance for a range of reasons and others may be extremely risk averse out of proportion with the objective risk. Communities change over time and with it their tolerance to risk. This determination needs to be based on measurable indices.</p>

Topic/Provision/page	Change Sought	Rational
	<p>Māori, or the Crown) to bear the risk of that natural hazard (including its cost) and any indirect risks associated with it.</p>	
<p>Policy 3</p>	<p>Decision-makers must adopt a precautionary approach when determining natural hazard risk if:</p> <p>(a) the natural hazard risk is uncertain, unknown, or little understood; and</p> <p>(b) the natural hazard risk could be intolerable.</p> <p><u>When determining the risks from natural hazards decision-makers must adopt a precautionary approach if the hazards and risks are uncertain, unknown, or little understood.</u></p>	<p>Must be careful not to mix hazards and risk – the two are different. If the risk is intolerable something must be known about the hazards and risks and the policy framework will deal with it. Including it is somewhat redundant.</p>
<p>Policy 4</p>	<p><u>Risks from natural hazards risk</u> must be a:</p> <p>(a) <u>a</u> matter of control for any new <u>subdivision, use or</u> development that is a controlled activity; and</p> <p>(b) <u>a</u> matter of discretion for any new <u>subdivision, use or</u> development that is a restricted discretionary activity.</p>	<p>Need to include subdivision and use as well as new development.</p> <p>Need to amend NPS to utilise powers under s55 RMA so all plans are amended without further formality</p>

Topic/Provision/page	Change Sought	Rational
		(and associated delays) of using Schedule 1 RMA process.
Policy 5	<p>in areas of high natural hazard areas risk, <u>subdivision, use or new development</u> is avoided unless: the level of risk is reduced to at least a tolerable level or:</p> <ul style="list-style-type: none"> (i) the new development is not a new hazard sensitive development; and (ii) there is a functional or operational need for the new <u>subdivision, use or development</u> to be located in <u>a</u> the area of high natural hazard area risk, and (iii) there are no practicable alternative locations for the new <u>subdivision, use or development</u>; and (iv) risk is reduced or not increased to as low as reasonably practicable; and <p>(b) in areas of low to moderate natural hazard areas risk, mitigation measures are <u>implemented to minimise the risk</u> taken to reduce natural hazard risk to new subdivision, use and development as low as reasonably practicable; and</p> <p>(c) in areas of no or very low natural hazard areas risk, new <u>subdivision, use or development</u> is enabled.</p>	The framework needs to have a clear line of sight to avoid new development in high hazard areas, to manage in low to moderate and enable outside these areas.

Topic/Provision/page	Change Sought	Rational
<p>Policy 6</p>	<p>When appropriate, the most effective natural hazard mitigation measures are adopted to reduce <u>the risks from</u> natural hazards risk over the life of any proposed new <u>subdivision, use or</u> development provided that:</p> <p>(a) the natural hazard mitigation measures do not exacerbate <u>the risks from</u> natural hazards risks in other areas; and where possible:</p> <p>(a) <u>(b)</u> nature-based solutions are preferred over hard-engineering solutions; and</p> <p>(b) <u>(c)</u> for large scale development, comprehensive area-wide <u>integrated</u> measures are preferred over <u>adhoc</u>, site specific solutions.</p>	<p>The policy needs to clear that hazard mitigation measures are only to employed when appropriate and that they are integrated rather than adhoc. 'comprehensive area-wide measures' appears to encourage the development of large stopbank or seawall schemes in areas that might have a high risk from natural hazards.</p> <p>Need to clarify between hazard and risk as the two terms embody different meanings and concepts.</p>
<p>Policy 7</p>	<p>Māori and, in particular, tangata whenua values, interests, and aspirations are recognised and provided for, including through early engagement, when making decisions on new <u>subdivision, use or</u> development on specified Māori land where there is a high or moderate natural hazard risk.</p>	

Te Uru Kahika consent to release our submission on this website with our Submitter Name.

28 March 2024

Ministry of Transport
PO Box 3175
Wellington 6140

By email: GPS@transport.govt.nz



Tēnā koe,

South Island Regional Transport Committee Chairs Group submission on the draft Government Policy Statement on land transport 2024

Thank you for the opportunity to provide feedback on the draft Government Policy Statement on land transport (GPS) 2024. This letter forms the submission from the South Island Regional Transport Committee Chairs Group (the Chairs Group), setting out the collective feedback of the Chairs from each of the Regional Transport Committees in the South Island.

The Chairs Group was formed in 2016 for the purpose of significantly improving transport outcomes to, from and within the South Island through stronger interregional collaboration and integration. This approach has sought to ensure that the needs and aspirations of our South Island communities – including those of more than 1.2 million people – for our transport system are well recognised and understood. While each region in the South Island is unique, they also share many of the same transport priorities and challenges.

The Chairs Group wishes to express support for the individual submissions provided by South Island Regional Transport Committees. This includes those made from Canterbury, Marlborough, Nelson/Tasman, and Otago/Southland.

This submission highlights and reinforces some of the shared views expressed by South Island Regional Transport Committees on the draft GPS. Our key points are set out below.

The South Island transport network is critical for unlocking the economic potential of New Zealand, but faces significant resilience issues that will impact our economic productivity and output if not addressed.

The South Island's transport network is vast. It includes around 5,000km of state highways, more than 35,000km of local roads and over 1,500km of railway lines (including two main lines, two secondary lines and several branch lines). It connects our communities and underpins their prosperity and wellbeing, while simultaneously being critical for supporting economic growth and productivity in the South Island and New Zealand. The South Island generated \$78.9bn of GDP during the year ended March 2022 – 22% of national GDP.

Current levels of road network maintenance and renewals are proving inadequate to maintain acceptable levels of service across the South Island. Underinvestment and constraints on the delivery of increased road maintenance and renewals, coupled with increases in travel from population, tourism and economic growth, is resulting in deteriorating conditions.

Our transport network is also highly vulnerable to disruption from a range of natural hazards – earthquakes, flooding, landslides and coastal erosion, to name a few. The NZ Transport Agency’s National Resilience Programme Business Case (for state highways) identifies the top of the South, the West Coast, Canterbury and Otago as four of the top five ‘at-risk’ regions in New Zealand by number of natural hazards, and the top four regions by criticality (ie. the number of risks with a ‘major’ or ‘critical’ risk rating).

The impacts of climate change are only expected to increase the vulnerability of our transport network over time. Unplanned disruption on our network has significant impacts on the efficiency and reliability of freight movements, which reduces productivity and potential economic output. Longer disruptions greatly reduce visitor flows, which can have significant impacts on our local economies.

There is an extensive programme of work to increase the maintenance and resilience of the South Island’s transport network that requires funding commitment from Government.

We strongly support the increased focus on maintenance and resilience in this draft GPS, and commitment made to progressing a number of key resilience projects in the South Island during this GPS period. This includes the Second Ashburton Bridge in Canterbury and investing in the resilience of a number of critically important bridges across the island. Replacing our ageing bridge infrastructure is of particular importance to the South Island.

However, we are concerned a number of other key resilience projects across the South Island are not identified in the draft GPS. This includes, for example, moving SH6 in the West Coast south of the Waiho River away from the floodplain. These projects are also important for helping to address the resilience issues we face in the South Island, and reduce the economic and social impacts of disruption from extreme events.

The South Island freight task is forecast to grow significantly over the coming decades. Continued investment in our rail network is required to support the efficient movement of goods and reduce the pressure on our roads.

In addition to our road and rail networks, the South Island has a long-haul international airport in Christchurch, two short-haul international airports in Dunedin and Queenstown, and eight domestic airports. We also have two major container ports at Lyttelton, Christchurch and Port Chalmers, Dunedin, and six regional ports.

We are linked to the North Island via coastal shipping and road/rail ferries between Picton and Wellington. There is a strong reliance on the ferry link for inter-island freight and passenger travel, and it is well known that the ferry fleet requires upgrading. With the cancellation of the Inter-island Resilient Connection (iReX) project, the number of trucks travelling on state highways in the South Island are likely to increase at a faster rate than previously estimated.

We urge the Government to invest in freight to ensure that there is a reliable link between the South and North Islands that has the capacity to meet future demands for moving both freight and people. This is critical for both the South Island and national economies. We support the Hope Bypass in Nelson/Tasman being identified as a Road of National Significance in the draft GPS, noting that this represents a significant investment at a key location in the network that is currently delaying a significant number of journeys daily.

In 2017, the total freight movements in the South Island (to, from and within) represented approximately 32 percent of the national total. A significant share of this freight movement is internal to the South Island (ie. inter- or intra-regional movements). South Island freight volumes are projected to increase substantially over the coming decades. Having freight and supply chain systems that efficiently move goods across the South Island, and beyond to the North Island and international markets, is crucial for our continued economic growth and productivity.

While our road freight sector will remain the dominant mode for moving goods into the foreseeable future, rail and coastal shipping also play a role in moving freight, and there are opportunities to increase the share of the freight task moved by these modes. Shifting freight from road to rail and coastal shipping has a number of benefits for our economy, communities and environment; for example, reducing the pressure on our road network, improving safety in our communities, and reducing emissions and pollution from heavy vehicles.

We support the commitment made in the draft GPS for continued investment in the national rail freight network. While the draft GPS makes a particular point about the importance of moving goods by rail in the Auckland, Hamilton and Tauranga triangle, we stress the importance of rail for also moving freight to, from and within the South Island. We expect to see continued investment in the South Island rail network during this GPS period, noting that not all regions in the South Island have rail and there may be differing views across regions about how investment in our rail network should be funded.

Public transport is a key enabler of growth and productivity in the South Island's main urban areas. Underinvestment in public transport risks the future of our urban areas.

No mention of public transport investment outside Auckland and Wellington is a stark omission of this draft GPS. Public transport comes in various forms in the South Island and is a key enabler of growth and productivity in our main urban areas of Greater Christchurch, Dunedin, Nelson/Tasman and Queenstown. There are strong expectations from our communities to see enhanced public transport in our urban areas in the near future.

We would expect that the GPS, at a minimum, recognises the importance of public transport in all main urban areas in New Zealand. This includes the main urban areas in the South Island noted above. It should also acknowledge that public transport plays a role in supporting people and communities to access their needs in a number of smaller urban areas, and that investment in these services will be continued.

There is constrained funding for public transport in this draft GPS. Couple this with the additional activities now funded through the public transport activity classes (ie. inter-regional

rail), and escalated costs for service delivery and infrastructure improvements, means the available funding to improve, or even just operate existing services, will be limited. The focus on farebox recovery and increased expectations for 'user pays' is concerning, and likely to create barriers to increasing patronage, reducing congestion, and implementing or trialling new services in some urban areas.

If funding for public transport is reduced, the only way to make savings will be to reduce our levels of service (ie. reduce frequency and/or remove lower patronage services).

We ask that the public transport activity classes are funded at the upper ranges.

A fit-for-purpose land transport funding system in New Zealand is urgently required.

It is clear that New Zealand's land transport funding system is under extreme pressure and is no longer fit-for-purpose. This is due in large part to the additional activities being funded from the National Land Transport Fund over and above those anticipated when the hypothecation of funds for transport was put in place.

We remain deeply concerned about the medium- to long-term land transport funding situation and urge that the work on the Future of the Transport Revenue System review be progressed as a priority by the Ministry of Transport, ideally in time to inform the 2027 GPS. Through this work, we expect that the Regional Transport Committees in the South Island are involved in a collaborative way. This will support alignment between revenue, funding and pricing expectations across both central and local government.

We support the system reform signalled in the draft GPS. While the GPS has had a ten-year focus for strategic outcomes, the reality is that the focus has always been on short-term funding outcomes that have the potential to change with successive governments. This has created a very short-term focus for transport planning in New Zealand based around funding requests included in the Regional Land Transport Plan six-year cycle and mid-term reviews.

Ensuring the GPS requires Approved Organisations submit detailed ten-year transport programmes for inclusion in Regional Land Transport Plans will provide the Government with a forecast of required long-term funding that can be relied on. This requirement should apply to both local government and the state highway sector.

The current misalignment of the GPS with Road Controlling Authorities' Activity Management Plan cycles and subsequent Regional Land Transport Plan legislative timeframes is almost guaranteed to result in the Government's strategic outcomes from the GPS not being reflected in the planning documents that should underpin the National Land Transport Programme. We support legislative changes signalled in the draft GPS that support greater alignment between the various national, regional and local transport planning processes.

For this GPS period, we strongly support the commitment made in the draft GPS to progressing a number of major transport projects in the South Island (eg. the Belfast to Pegasus Motorway including Woodend Bypass in Canterbury and the Hope Bypass in Nelson/Tasman). However, we note that not all regions in the South Island benefit from this

proposed investment programme and the number of major transport projects identified in the South Island is relatively small when compared with the North Island.

We continue to urge that the Government and NZ Transport Agency ensures that the level of investment directed into the South Island is equitable and at least commensurate with the contribution the South Island makes to the national economy. The right investment in our transport network provides a significant opportunity for the Government to unlock the economic potential of New Zealand.

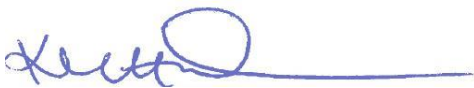
Closing remarks

We thank all those involved in preparing this draft GPS document and for the opportunity that has been afforded to provide feedback on it.

We ask that you note that while the NZ Transport Agency is invited to attend the meetings of the Chairs Group, this submission does not reflect their views.

The Chairs Group's secretariat is available to clarify or answer any questions that the Ministry may have about our submission. Please contact Jesse Burgess, Senior Strategy Manager at the Canterbury Regional Council on 027 381 5102, jesse.burgess@ecan.govt.nz if you have any questions or would like to discuss the submission further.

Yours sincerely



Kate Wilson

Chair, South Island Regional Transport Committee Chairs Group
Councillor, Otago Regional Council



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19 April 2024

Consultation: Fast-track Approvals Bill
Environment Committee Komiti Whiriwhiri Take Taiao
1 Museum Street
Wellington 6160

en@parliament.govt.nz

Dear Sir/Madam

Submission on Fast-track Approvals Bill

Thank you for the opportunity to submit on the Government's Fast-track Approvals Bill. The West Coast Regional Council's (WCRC or the Council) submission is attached.

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

Due to our high workload and short notice, Council could not make a comprehensive submission on the Bill. This submission therefore covers the most important points for the WCRC. We would be grateful for acknowledgement of receipt of our submission.

Our contact details for service are:

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West Coast Regional Council
PO Box 66
Greymouth 7840
Phone: 021 190 6676
Email: ls@wcr.govt.nz

Yours faithfully

Darryl Lew
Chief Executive

West Coast Regional Council Submission on the Fast-track Approvals Bill

Introduction

The West Coast Regional Council (WCRC or the Council) appreciates the opportunity to submit on the Government's Fast-track Approvals Bill (the FTAB or the Bill).

Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (of Poutini Ngāi Tahu – PNT) are mana whenua of Te Tai o Poutini (the West Coast). The '*Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol, Whakahono ā Rohe Resource Management Act Iwi Participation Agreement October 2020*' (a protocol and arrangement between Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio, Te Rūnanga o Ngāi Tahu and the West Coast Regional Council), captures the intent of WCRC and its partners to progress our relationship in accordance with the Treaty of Waitangi partnership between iwi and the Crown.

At short notice, our mana whenua partners were invited to have input into this submission, and provided brief feedback which has been incorporated.

WCRC & Poutini Ngāi Tahu (PNT) support in principle the majority of the Bill. The West Coast is rich in natural resources, and utilising the fast-track process for larger developments will add significantly to jobs on the West Coast, and support a regenerative economic future. The West Coast is a microcosm of the national economy, and industry and commerce in the Region generally mirrors the rest of the country. Improving the regulatory environment and investing in critical infrastructure will support key sectors of the West Coast's economy, including:

- Forestry
- Fishing
- Agriculture & Dairy
- Mining
- Tourism

Despite the media hype, the FTAB has safeguards for the environment built into it, and the participation of the affected iwi and local authorities throughout the approval process.

There are some parts of the Bill that the Council and PNT have concerns about or could see some improvements made to it, and this submission makes recommendations to address these matters.

The Council and PNT considered the near-final draft submission by the regional sector body – Te Uru Kahika (TUK) - which is prepared on behalf of the Regional Council Chief Executives. WCRC and PNT agree with most of the TUK submission, however we have a different view to the TUK submission on some matters. This submission also addresses where Council and PNT have a different view to the TUK submission.

Support for the Bill

The WCRC supports in principle the FTAB for the following two reasons:

1. Potentially enabling development in the Region

The fast-track approvals process could provide opportunities in the West Coast for larger-scale developments and infrastructure such as the Waitaha River 'run of the river' hydro electricity generation scheme, potential relocation of the State Highway south of the Waiho River bridge at Franz Josef away from the River's flood plain, and various mining proposals, to be processed more efficiently. These developments could otherwise face high costs and lengthy delays going through the Resource Management Act (RMA) submission, hearing and appeals process, especially where an activity will be located on, or close to, public conservation land which covers 84% of our Region.

Opening Stewardship Land, and non-National Park Conservation Land to exploration and development opportunities such as alluvial and mined gold, non-thermal coal production, strategic green energy minerals, and harvesting naturally felled timber is essential to the future of the West Coast.

Investment in infrastructure resilience is essential to unlock the region's mineral, agricultural and tourism potential. Infrastructure upgrades are critical to the region's natural hazard resilience, particularly in response to climate events or an 8 or higher quake along the Alpine Fault (AF 8+).

2. Provision for managing adverse environmental effects giving effect to Part 2 matters under the RMA

While the focus of the Bill is on facilitating the delivery of infrastructure and development projects with significant regional or national benefits enabling development which will contribute positively to regional economies, the Bill appears to also provide for managing adverse environmental effects under s14 when making application (referral application), and under s21 where joint Ministers decide to decline applications (decision to decline applications for referral).

Further and detailed opportunity also exists under Schedule 4 (Process for approvals under Resource Management Act 1991) to consider adverse effects on the environment. Under Schedule 4 of the Bill, there is opportunity to consider Part 2 matters of the RMA and key sections under the RMA consent process. Under Schedule 4, section 12(h), there is also opportunity to consider relevant national directions, regional plan/policies and planning documents lodged by a local iwi authority.

Council supports all of these provisions as they indicate alignment/provide consistency with one of the main tenets of the RMA – managing adverse environmental effects.

Feedback

Retain these provisions, and strengthen them where needed. Where significant adverse effects are considered, there must be opportunity to avoid, remedy and mitigate adverse effects without which the process of considering adverse effects will not be complete.

Improvements to the Bill

The Council considers that the Bill could be improved by making the following changes:

1. Make final decision-making more robust

Council is aware that the decision-making process of the joint Ministers appears to be more critical than that of the Expert Panel, since the Panel makes recommendations to the joint Ministers, who then make the final decision on an application. It is therefore important that the Bill has clear criteria for the joint Ministers' decision-making process, and/or that the Ministers must give greater weight to the Expert Panel's recommendations.

Recommendation

Ensure that the Bill has clear criteria for the joint Ministers' decision-making process, and/or that the Ministers must give greater weight to the Expert Panel's recommendations.

2. Increase provision for local authority participation on Expert Panel

As the Expert Panel is likely to consider applications for both regional council and city/district council consents, the number of local authority representatives provided for in Schedule 3, clause (3)(1) to be on the Panel could be insufficient to represent both local authorities. While clause (3)(6) provides for more than one local authority representative to be appointed to the Panel, this is at the Convenor's discretion and in specified circumstances. Council supports the suggestion in the TUK submission No 53b, to provide training on effective participation for local government and Māori representatives in the FTA process. In addition to this, Council considers that the numbers of local authority members on the Panel should be increased depending on the significance of the approval or disapproval to the region.

Recommendation

Increase the numbers of local authority members on the Expert Panel to provide for both regional and city/district input.

3. Increase provision for Maori participation

There appears to be several opportunities in the Bill for affected iwi and hapu to be involved in the process, including:

- The joint Ministers must obtain a report which outlines what Treaty settlements and other obligations must be considered by the Ministers (section 13 of the Bill);
- The applicant must consult with the relevant iwi, hapu and settlement entities (with 10 day timeframe)(section 16);
- The Ministers must invite written comments on an application from the relevant iwi and settlement entities, those party to a Mana Whakahono a Rohe agreement, and any Maori land-administering entity where Māori land is in the proposed area of activity (section 19);
- Having representation on the expert panel, with the option for more than one iwi authority to be on the expert panel provided for in Schedule 3, clause (3)(6) of the Bill, albeit at the Convenor's discretion and in specified circumstances;
- Iwi or hapu participation in the appointment of hearing commissioners;
- Any other consultation requirements or obligations with iwi or hapu as outlined in Treaty settlement Acts (section 6).

However, there are some constraints on iwi and hapu participation in these processes. For example, the timeframes in the Bill for consulting with mana whenua are relatively short and may not work for iwi where consultation and participation within a tribe and/or hapu may take more time, given their

internal, collective structures and processes. PNT support the Te Uru Kahika submission Nos 16-21, which seek that the Bill goes further with providing for iwi participation under the Treaty of Waitangi principles, including having sufficient numbers appointed to the Expert Panel. PNT further agree with the TUK submission No 28, that *“More effective participation from Regional Government can add considerable value at the expert panel stage.”*

Recommendation

Iwi and hapu participation must be improved at the decision making level.

4. Cost recovery provisions needed for iwi and hapu

PNT agree with the TUK submission No 36, that *“cost-recovery provisions in the Bill ought to be extended to include reasonable costs incurred by iwi and hapū in participating in fast-track processes.”*

Recommendation

Add cost recovery provisions to the Bill to include reasonable costs incurred by iwi and hapū in participating in fast-track processes.

Te Uru Kahika submission

1. Support for TUK submission

As mentioned in the Introduction of this submission, the Council and PNT support most of the TUK submission. Some of the TUK submission points that Council and PNT agree with are already referred to in this WCRC submission. The following are other key TUK submission points that are supported:

No 22: decision-making to be the charge of expert panels, appointed for their inherent expertise and capability.

No 25: Enhancing effective participation in the fast-tracking process: process steps between application lodgement and consideration by the expert panel are too short for very large projects, limiting effective input by councils and other parties.

No 26: Add a pre-lodgement stage bounded by set timeframes (for pre-lodgement engagement and specific inputs required from councils). Evidence shows that good pre-lodgement engagement builds quality applications, capable of being approved and successfully implemented.

No 29: Require conditions to be developed by applicants and councils, with the option to bring in other participants on merit based on circumstances.

Provide an option to expert panels to direct caucusing with participants, in lieu of a hearing, while still maintaining process efficiency.

No 35: The cost-recovery regime needs to be broadened and rebalanced. While an improvement on the COVID fast track regime, ratepayers should not be expected to pick up the full tab for councils' functions in relation to pre-lodgement advice to applicants and assessing and reporting on applications.

2. Where we differ in views

The Council has not specifically indicated its support for all of the TUK submission as there are a small number of matters where we have a different view.

TUK Submission Nos 10 and 11: The Council does not agree with adding a reference in the Bill to “*sustainable management as a secondary focus*”. While it may be an attempt to link the purpose of the Bill with s5 of the RMA, our view is that treating sustainable management as a secondary focus is inconsistent with the RMA. A common sense interpretation and application of the Bill’s provisions for assessing environmental effects, and Schedule 4 of the Bill upholding much of the RMA process means “sustainable management as a secondary focus” does not need to be added to the Bill.

TUK Submission No 33: PNT opposes the change sought by TUK to replace references to “prohibited activity” status, with “the potential for long term and significant irreversible harm”. The latter is very subjective, and how it is interpreted could depend on who is doing the interpreting. Council agrees with the PNT view.

Feedback

Retain references to “prohibited activity” status.

TUK Submission No 41: PNT opposes the change sought by TUK to make the consideration of eligibility criteria mandatory (section 17). The reason given in the TUK submission, that the Fast-track process “*could be used as a back door for such projects*”, is also not supported. Council agrees with the PNT view, and considers there are sufficient checks in the Bill, especially with a Court Judge as the Expert Panel Convenor, and subject to clear criteria for Minister’s final decision-making or greater weight given to the Panel’s recommendations, to ensure that no ‘back door’ approvals are given.

This ends our submission.

8.2 Inaugural West Coast Regional Council Catchment management programme to improve surface water quality

Authors	Selva Selvarajah, Acting Consents & Planning Manager; Nicola McGrouther, Consultant; Koen Beets, Regional Catchment Co-ordinator; Jonny Horrox, Manager Science
Authorizer	Darryl Lew, Chief Executive
Public Excluded	No

Report Purpose

To initiate a regionwide catchment management programme within the West Coast region to improve surface water quality in priority catchments. This requires initial conceptual support and approval in principle from the Resource Management Committee.

This is the first time a programme to tackle surface water quality of this scale through a non-regulatory approach has been proposed by the West Coast Regional Council.

On approval, Council staff will consult with Poutini Ngāi Tahu (PNT) to create a collaborative programme between the Council and PNT, followed by stakeholder engagement and a subsequent reporting and approval of the programme by this Committee.

Report Summary

This report provides for an inaugural region-wide catchment programme which will be consulted with PNT and stakeholders. It will be implemented in the identified freshwater catchments in the region to improve surface water quality.

The catchments or segments of catchments have been identified based on the water quality data collected by the Council. They require water quality improvement actions including changes in land and water uses and discharges that are managed by land owners/occupiers and consent holders.

The main objective of the catchment programme is to improve surface water quality in the identified parts of the catchments using non-regulatory approaches.

For this regional inaugural programme to be effective and successful, land owners/resource users must be convinced there are water quality issues in their areas which require collective and co-ordinated actions.

Therefore, in partnership with PNT and relevant industries/stakeholders, Council staff will collaborate with the land owners/resource users in a coordinated and educative role to promote win-win actions that improve surface water quality.

There is no risk involved to the Council or the land owners/resource users since the actions implemented will be voluntary and landowner-led.

The long-term benefit of this initiative is significant to the region, stakeholders and the land owners/resource users, because, if the initiative is found to be effective, less regulatory intervention is required to manage the West Coast surface water quality issues.

Recommendations

It is recommended that the Committee resolves to:

- 1. Receive the report.*
- 2. Approve the regional catchment management initiative/programme to improve freshwater quality.*

Issues and Discussion

Background

To date the West Coast Regional Council has been using regulatory methods to deal with environmental issues. The Council does this by enforcing regional rules and national directions (e.g., national environmental standards) and regulations (regulations under s360 of the Resource Management Act) through consenting and consents and compliance monitoring activities.

These approaches deal with environmental issues on a case-by-case basis, and consequently, cumulative adverse effects caused by multiple activities in a catchment or segment of catchment may not be identified and managed.

Catchment management programmes have been used successfully by various other regions to tackle cumulative adverse effects as an additional but non-regulatory action to improve freshwater quality.

Current situation

Using key water quality indicators such as nutrients, water clarity and *E.coli*, Council science staff have identified the segments of the catchments which require water quality improvements to sustain freshwater ecosystem. In most cases, the poor water quality identified has been attributed to cumulative impacts of poor or unintended land and water use practices.

Catchments have also been identified for their respective cultural, community and ecological values and predominant land or resource use types and key indicators/attributes and their relevant states. Dairying and mining have been identified as main land uses, with dairying predominantly affecting faecal bacteria levels whilst mining affecting sediment levels. A list of affected catchments or segments of the catchments has been provided in Appendix 1. As priority catchments Waimea Creek with predominantly mining discharges, Bradshaw's Creek with mixed farming and Baker Creek with mainly dairying will be considered when initiating the programme.

Options Analysis and cost benefits

As stated before, the existing regulatory approach may not be as effective in improving water quality as it applies more to a case by case basis and not for cumulative water quality adverse effects. Freshwater Farm Plan regulations may not be also implemented in the next 18 months because of the expected changes to the regulations.

Collective non-regulatory action or catchment management approach has never been undertaken at this proposed scale by the West Coast Regional Council. Since catchment actions do not require costly and laborious plan changes, a non-regulatory approach must be the first logical step from a cost benefit and collaborative viewpoint.

Considerations**Implications/Risks**

Unlike much of the regulatory measures, non-regulatory catchment management measures are not cost recoverable and must be funded by the wider ratepayers and self-funded by the participating land owners/resource users.

Effective and successful non-regulatory catchment management programmes will deliver major regional benefits without requiring major regulatory intervention via stringent rules by water plan changes.

It goes without saying that regulatory interventions are required only in situations where non-regulatory actions are ineffective. Council is yet to undertake its major freshwater plan change process under the national direction such as National Policy Statement Freshwater Management 2020 (NPS-FM 2020). Council has paused its freshwater planning process because of the impending replacement of the NPS-FM 2020 by a new NPS-FM within the next two years by the Central Government. Consequently, the new freshwater planning notification timing has been extended up to December 2027.

The above timeframe offers opportunity for the Council to implement its non-regulatory catchment programme and, if there is sufficient and positive response from the affected land/resource users, Council could consider the proposed programme as a long-term regional action plan.

Council will continue to use its wide-ranging enforcement options in cases of recidivist or wilful adverse effects on water quality. However, in cases of cumulative or unintended adverse effects Council will prefer non-regulatory and educational approach as a first step over any enforcement actions.

Catchment programme implementation

The proposed catchment programme aims to assist landowners and communities in implementing actions that have a positive impact on water quality. Catchment programmes can also lead to other benefits, such as other improvements in the environment such as biodiversity, farm economics, and social support within communities.

An extra benefit of applying the non-regulatory approach, working alongside stakeholders and landowners, is an improved engagement and stronger relationships between the Council and the community it serves.

Catchment programmes are a well-established non-regulatory tool utilized by many councils in New Zealand..

Catchment programmes (adapted from MPI extension services programme):

- enable landowners to share knowledge and learn from each other
- showcase innovation and success
- enable landowners to access expertise, up-to-date research and tools
- improve opportunities that support on-farm decision-making

- provide landowners with information about other funding opportunities that could boost their projects and understand new regulations.

For catchment programmes to be successful, they should not simply provide information or dictate pre-selected actions to landowners. Instead, these programmes help landowners comprehend the issues, inspire them to identify their reasons for improving water quality, and support them in selecting and implementing practical actions suitable for their individual situation.

Catchment programmes also succeed when:

- locals in the catchment area lead the programme
- Communities are valued for their knowledge and understanding
- There is a collaborative process between Council, manuhenua and other stakeholders to support the programme
- Each programme is strategically designed and are customized to each catchment.
- There are practical outcomes that deliver real value for landowners.

When running a catchment program, a typical approach is to follow a series of strategic steps in the catchment area. This involves sharing information about the issues to be addressed, building trust in the community for the program, and developing a catchment-wide response either through a catchment group or other means.

Additionally, the program should support landowners in identifying their reasons for making changes and help them identify the actions they can take to address the challenges.

It is important to monitor progress, adapt and continue with the actions as illustrated in the model in Figure 1.

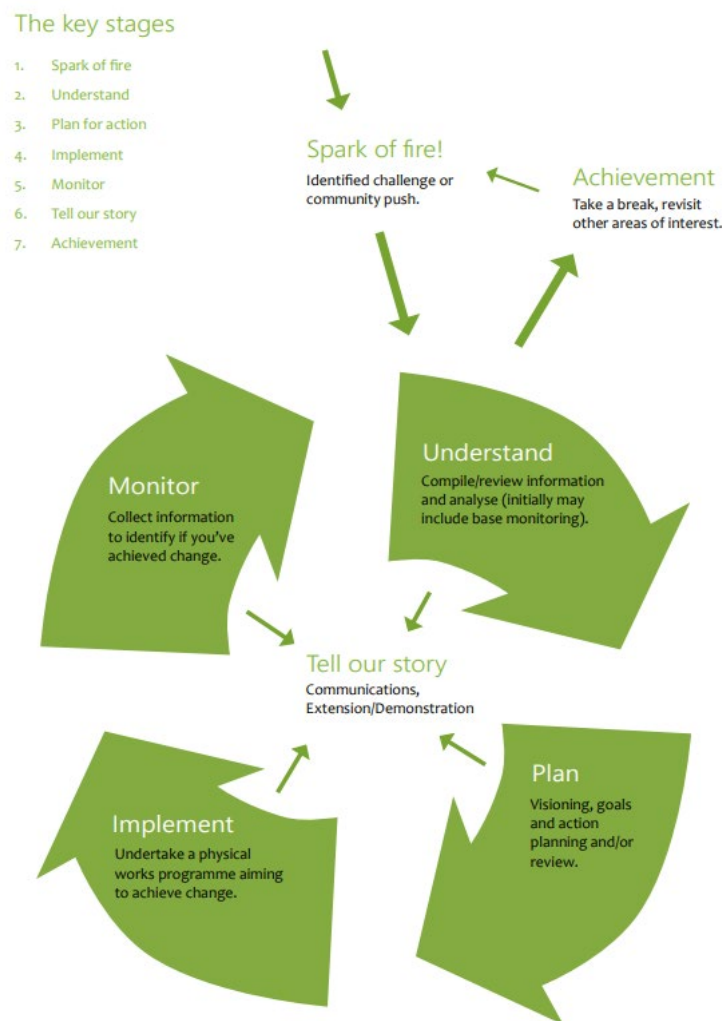


Figure 1. The NZ Landcare Trust model from "Community Catchment Management Guide 2020".

Considering these factors, the West Coast Regional Council's catchment program implementation recommendations below are based on effective catchment program management principles. These suggestions are currently broad and provide room for further development in partnership with Poutini Ngāi Tahu, farming leaders, and stakeholders.

The programme includes:

- Identifying the catchments / catchment segments where water quality needs to be improved (Appendix 1).
- Create materials and resources that can be shared with others to better understand the issues.

- In consultation with Poutini Ngāi Tahu, farming leaders, and stakeholders, identify the catchments for either a focused catchment programme or broader level of support. This needs to be aligned with the available resources to ensure the success of the project. This will also be dependant on what what work other agencies and stakeholders are doing in those catchment areas.

Design an implementation strategy for each catchment/catchment segment area to discuss the water quality issues and build a catchment response. The Landcare Trust model can be modified to fit the community in consultation with Poutini Ngāi Tahu, farming leaders, and stakeholders. A broad approach is provided in Appendix 2. Developing and implementing a communication strategy is vital for project success, both within individual catchments and across the whole project. This will build trust and credibility in the programme, reduce barriers to engagement with landowners and create momentum and action though sharing positive successes.

It is also recommended that Poutini Ngāi Tahu, stakeholders, and farming leaders meet regularly to provide feedback, get input and suggestions and keep everyone informed.

The next steps would be to meet with Poutini Ngāi Tahu to discuss, followed by stakeholders and farming leaders to firm up the programme. A more detailed programme for each catchment can be reported back to Council and implementation can start.

Poutini Ngāi Tahu and stakeholder engagement to manage Council programmes

Under the Council's Mana Whakahono ā Rohe Resource Management iwi participation arrangement both Poutini Ngāi Tahu (PNT) and the Council will work together on alignment on water and coastal management aspirations. The proposed draft programme will be consulted firstly with PNT to gain feedback and any input to improve its effectiveness and alignment with PNT aspirations and catchment values. This will create a collaborative programme.

After the above process key stakeholders will be consulted. If there are changes to the programme as a result of the above consultations, the revised programme will be reported to the Committee for further consideration and approval.

Financial implications

In February 2023, Council secured a \$1.5M funding from the Ministry for the Environment *to fund the engagement of staff to support catchment group initiatives to strengthening regional capacity and capability between the Council and catchment groups and tangata whenua in the region to deliver Essential Freshwater reforms*. One of the purposes of the funding has been *Resource Management (Freshwater Farm Plans) Regulations 2023* (FWFP) implementation as well.

To date the funding has been used mainly for the FWFP implementation purpose and owing to staff resourcing reasons and narrowly scoped funding Deed conditions, the funding has not been utilised fully to establish and conduct the catchment programme.

Following several consultation with the MfE staff in the past few months, more flexibilities have been allowed for the use of fund by MfE. The above funding will expire in June 2025.

It is envisaged that until June 2025, the programme will be funded exclusively from the MfE funding. Given the inaugural catchment programme is intended as a long-term Council option, Council must consider future funding options to continue with the programme should this prove to be effective and successful option in engaging land owners/resource users to improve water quality.

Attachments

Appendix 1: Selected catchments or segments of catchments for the WCRC catchment programme work

Appendix 2: Developing and implementing Catchment Programmes

Appendix 1: Selected catchments or segments of catchments for the WCRC catchment programme work

Priority rank	Water body (specific)	FMU	Land/Resource use	Water quality state attributes
1	Waimea Creek	Hokitika	Mining, Mixed farming, forestry	Clarity: D Sediment deposits, bed smothering
2	Bradshaw's Creek	Kawatiri	Mixed Farming	Phosphorus: C but declining E. coli: D Macro: D, Clarity: D Temperature: High Oxygen: Low
3	Sawyers Creek	Grey	Primary: Urban discharge Secondary: Farming (dry stock)	E. coli: E Macro: C
4	Baker Creek @ Oparara	Kawatiri	Mainly dairying	E. coli: E Macro: C Clarity: D
5	Burkes Creek @ SH69	Kawatiri	Dairy Farming Mining	E. coli: D, Macro: D, Clarity: D, Temperature: High
6	L. Haupiri Trib @ Gloriavale Main Drain	Grey	Dairy Farming	Ammoniacal-N: B, Phosphorus: D E. coli: E

Priority rank	Water body (specific)	FMU	Land/Resource use	Water quality state attributes
7	Harris Creek	Hokitika	Mainly dairying	Nitrate: A but declining Phosphorus: D E. coli: E Clarity: B but declining
8	Murray Creek	Hokitika	Mainly diarying	Nitrate: A but increasing Phosphorus: D and increasing E. coli: D
9	Duck Ck @ Kokatahi-Kowhitirangi Rd Br	Hokitika	Mainly dairying	Nitrate: A but declining Phosphorus: D E. coli: D
11	Pigeon Ck @ NIWA stage	Grey	Mainly dairying	Phosphorus: D E. coli: E
12	Orangipuku Rv @ Mouth	Grey	Mainly dairying	E. coli: D
13	Orowaiti Rv @ Excelsior Rd	Kawatiri	Dairy dominant farming	Phosphorus: C but declining E. coli: D
14	Unnamed Creek	Hokitika	Mainly dairying	E. coli: E Macro: D

Priority rank	Water body (specific)	FMU	Land/Resource use	Water quality state attributes
15	Otto Creek	Kawatiri	Mining	Sediment
16	Garvey Creek	Kawatiri	Mining	Sediment and metals
17	Seven Mile Ck @ SH6 Rapahoe	Kawatiri	Septic tanks and treatment ponds	E. coli: D
18	La Fontaine Creek	Hokitika	Mainly dairying	NO3: A but increasing E. coli: D
19	Berry Creek	Hokitika	Mainly dairying	E. coli: E
20	Blackwater Creek	Kawatiri	Mainly dairying	Phosphorus: D and declining E. coli: E Clarity: D Temperature: High
21	Ford Creek	Grey	Mining	Nitrate: A but declining Clarity: D
22	Deep Ck @ Arnold Vly Rd Br	Grey	Mainly dairying Secondary: Mining	E. coli: D
23	Molloy Ck @ Rail Line	Grey	Mainly dairying Secondary: Mining	Nitrate: A but declining E. coli: D

Priority rank	Water body (specific)	FMU	Land/Resource use	Water quality state attributes
24	Page Stream @ Chasm Walkway	Kawatiri	Mainly dairying Secondary: Mining	E. coli: E Macro: D
25	Boatman's Creek	Kawatiri	Mining	Sediment and metals
26	Nelson Creek @ Swimming Hole Reserve	Grey	Mainly dairying Secondary: Mining	Nitrate: A but declining Temperature: High
28	Lake Brunner	Grey	Mainly dairying Secondary: Mining	None, but concern over decline in oxygen at lakebed.
29	Small creeks in warm dry areas	All	Mainly dairying	High E. coli likely. Poor clarity and sediment deposition
30	Small spring-fed creeks	All	Mainly dairying	High E. coli likely.

Appendix 2: Developing and implementing Catchment Programmes

There are a number of key principles in designing and implementing a catchment programme including:

- Landowners, resource users and the community are at the centre of the programmes. Local ownership of the issues and voluntary and active involvement in the design and implementation of solutions is critical to their success.
- They are flexible enough to support the needs of each community and the issues being tackled. Landcare Trust notes that the local context shapes programme design. The history of the issues, the people involved, the nature of the environment, the regulatory setting and the resources that are available all affect the way communities work together.
- They are not developed and implemented in isolation but rather in consultation and alongside Poutini Ngāi Tahu, farming leaders, and stakeholders.
- Build and support capacity within the community to support and drive the catchment programmes. This will include support and information from the council staff and external experts, and Council's monitoring of the performance in collaboration with PNT, stakeholders, landowners/resource users of the actions where needed.
- Ensure strong communications support.
- Have a robust process to engage with the communities and landowners. There are plenty of examples of good catchment programme processes that can be used as models on the West Coast including:
 - <https://landcare.org.nz/wp-content/uploads/2022/09/Community-Catchment-Guide.pdf>
 - <https://ourlandandwater.nz/outputs/the-catchment-group-toolkit/>
 - <https://www.dairynz.co.nz/support/farmer-led-groups/catchment-group-support/>

WEST COAST REGIONAL COUNCIL

To: Chair, West Coast Resource Management Committee

*I move that the public be excluded from the following parts of the proceedings of this meeting, namely – **item 10 and 11 (all inclusive)** due to privacy and commercial sensitivity reasons and that:*

1. *Darryl Lew and Chris Barnes, be permitted to remain at this meeting after the public have been excluded due to their knowledge of the subjects. This knowledge will be of assistance in relation to the matters to be discussed; and*

2. *That the minutes taker also be permitted to remain.*

Item No	General Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 7 of LGOIMA for the passing of this resolution
10.1	Confidential Minutes of Meeting – 9 April 2024	The item contains information relating to commercial, privacy and security matters	To protect commercial and private information and to prevent disclosure of information for improper gain or advantage (s7(2)(a), s7(2)(b), and s7(2)(j)).
11	Actions List	The item contains information relating to commercial, privacy and security matters	To protect commercial and private information and to prevent disclosure of information for improper gain or advantage (s7(2)(a), s7(2)(b), and s7(2)(j)).