

**Committee Members**

Chair: Brett Cummings  
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, 4 February 2025**

**10.30am**

**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> )	1
5.1 Minutes of Resource Management Committee Meeting 10 December 2024 Matters Arising	2
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8.2 Planning and TTPP Report	33
8.2.1 Roadmap Air Quality Plan Review	
8.2.2 Roadmap for Coastal Plan Review	
8.2.3 Cabinet proactive release on LIM LGOIMA Regulations	

**8.3** Consents Quarterly Report **92**

**8.4** Compliance Monitoring Quarterly Report **110**

**9. General Business**

**PUBLIC EXCLUDED BUSINESS**

**10. Confirmation of Public Excluded Minutes**

**10.1** Minutes of Resource Management Committee Meeting  
10 December 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**

In the event of an emergency, please exit through the emergency door in the Council Chambers.

If you require assistance to exit, please see a staff member. Once you reach the bottom of the stairs make your way to the assembly point at the grassed area at the front of the building. Staff will guide you to an alternative route if necessary.



**5 Minutes of Resource Management Committee Meeting 10 December 2024**

**Author** Sarah Tripathi, Governance Advisor

**Authorizer**

**Public Excluded** No

**Report Purpose**

The purpose of this report is to receive the minutes of the Resource Management Committee meeting of 10 December 2024.

**Recommendations**

***It is recommended that Committee resolves to:***

1. *Confirm that the minutes of the Resource Management Committee meeting held on 10 December 2024 are a true and correct record.*

**Attachments**

Attachment 1: Minutes of the Resource Management Committee meeting held on 10 December 2024.

**WEST COAST REGIONAL COUNCIL**  
**MINUTES OF THE RESOURCE MANAGEMENT COMMITTEE MEETING**  
**HELD ON 10 DECEMBER 2024 AT THE OFFICES OF THE WEST COAST REGIONAL COUNCIL**  
**388 MAIN SOUTH ROAD, GREYMOUTH COMMENCING AT 9.30AM**

**PRESENT:** B. Cummings (Chair), A. Campbell, A. Birchfield, P. Ewen, M. McIntyre

**IN ATTENDANCE:** D. Lew (Chief Executive), J. Douglas (Te Rūnanga o Makaawhio), F. Tumahai (Te Rūnanga o Ngāti Waewae), J. Field (Group Manager – Office of the CE), T. Hopkins (Group Manager – Catchment Management), S. Morgan (Group Manager – Environmental Sciences), S. Davies (Predator Free Te Kinga Project Lead), J. Allen (Group Manager – Regulatory & Policy), F. Love (Chief Advisor (via Zoom)), M. Dickens (Manager Policy), P. Miller (Corporate Services Manager), T. Wyndham-Smith (Principal Communications and Engagement Advisor), S. Tripathi (Governance Advisor), O. Kilgour (Director Operations, Western South Island Department of Conservation), L. Heijs (Strategic Policy Planner, Department of Conservation (via Zoom)), L. Williams (Media)

**1. Welcome (*Haere mai*)**

The Chair welcomed all attendees to the meeting and commenced the meeting with a prayer.

A minute's silence was observed in memory of the late Cr Dooley.

**2. Apologies (*Ngā Pa Pouri*)**

The Chair called for apologies. There were none.

**3. Declarations of Interest**

The Chair called for any declarations of interest for the meeting. There were none.

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

O Kilgour, Director for Regional Operations at the Department of Conservation on the West Coast, presented on the review of the 14-year-old Conservation Management Strategy (CMS). He explained that the CMS was a regional document integrating various legislation to guide conservation management on public land and coastal areas. The review aimed to modernize the CMS to align with current values, treaty partner



aspirations, and community needs, while ensuring adaptability to future legislative changes.

He outlined the review process, which includes:

- Project planning and team assembly.
- Informal consultation through an online survey and community sessions.
- Drafting by DOC planners, Ngāi Tahu planners, and the Conservation Board.
- Public notification of the draft.
- Revision based on feedback.
- Review by the Conservation Board.
- Approval by the New Zealand Conservation Authority.

O Kilgour highlighted the importance of the CMS for the West Coast, noting that 84% of the region's land is public conservation land and emphasizing its relevance to commercial activities such as tourism, mining, and farming. He concluded the presentation by outlining DOC's engagement plans with the Council, including a meeting with Council staff and a workshop involving the Council leadership team and the DOC project team.

F Tumahai joined the meeting at 9.44am.

The Councillors raised questions about the CMS's alignment with the Council's Coastal Plan and the timeline for the formal submissions. O Kilgour stated that the draft CMS was expected to be notified around October or November 2025, depending on various factors.

The Chair thanked Mr Kilgour for his presentation.

## **5. Confirmation of Minutes**

### **5.1 Minutes of Resource Management Committee meeting 5 November 2024**

The Chair called for any corrections to the minutes of the Resource Management Committee meeting held on 5 November 2024. There were none.

**Moved** (McIntyre/ Douglas) *that the minutes of the meeting be accepted as a true and accurate record.*

*Carried*

## **Matters Arising**

There were none.

## 6. Actions List

The actions list was reviewed, and the following updates were noted.

- Item 1 – Ongoing.
- Item 2 –Ongoing.
- Item 3 –Completed. To be deleted. It was noted that the email is to be resent to all the Councillors.

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

*Carried*

## 7. Chairs Report (verbal update)

The Chair reported that the Franz Josef meeting was successful and expressed satisfaction with the community input. He noted that Rating District meetings had begun, with the first held at Nelson Creek. He highlighted potential future changes to rating districts, including challenges related to insurance, liabilities, and the sustainability of smaller districts in covering ongoing insurance costs.

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

*Carried*

## 8. Reports

### 8.1 Planning and TTPP Report

J Allen presented the report, which provided the monthly update on planning matters and the TTPP. Key updates included:

- The Air Plan Review progressed, with an issues and options report being drafted.
- A change to the Air Plan, prompted by the National Policy Statement on Greenhouse Gas Emissions from Industrial Process Heat, was set to be publicly notified in the coming weeks.
- A Coastal Plan workshop was scheduled for 17 December 2024.
- The government amended RMA Section 9A to halt freshwater farm plan requirements.
- The RMA Amendment Bill No. 2 was expected to be introduced before Christmas, with public consultation anticipated in early 2025.
- Development continued on transitioning the total mobility system to a digital card format.

- Ecosystem and indigenous biodiversity hearings took place in Westport and Hokitika in November.
- Variation 2 to Coastal Hazards was notified in November, with a hearing planned for March 2025.

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

*Carried*

## 8.2 Predator Free Te Kinga Governance Decision Report

S Morgan spoke to the report.

Following the Council's request at the 8 October meeting, additional information on community consultation was provided. This included one-on-one discussions with stakeholders, attendance at events, social media engagement, poster development, and enhanced collaboration with iwi partners.

Consulted stakeholders included Predator Free 2050 Ltd., the Department of Conservation, Ngāti Waewae, Makaawhio, OSPRI, Development West Coast, Paparoa Wildlife Trust, Save the Kiwi, the Department of Internal Affairs, local farmers, business owners, bach owners, the local school, and the public via social media, posters, and a gala event in Moana.

The report outlined next steps, detailed on pages 16 and 17, contingent on the Committee's adoption of the recommendations. It was noted that the costs for the transitional community trust were covered within the existing funding agreement with Predator Free 2050 Ltd., requiring no additional cost to the Council.

The CE emphasized the significance of the project, highlighting its focus on economic development and its potential to expand into broader areas, with Te Kinga serving as the trust's inaugural initiative.

The CE also stated that one seat on the trust should be allocated to the Regional Council.

**Moved** (Haddock/ Tumahai) *that the Committee -*

1. *Receives the report.*
2. *Approves that the governance of the PFTK project transition to a new charitable trust.*

*Carried*

### 8.3 Environmental Science Quarterly Report

S Morgan presented the Environmental Science Quarterly Report. The report highlighted several key areas of work:

#### Surface Water Quality Programme:

- Three new true reference sites were established.
- The contact recreation monitoring program had commenced.
- Water quality issues were identified at Rapahoe and Mars Beach, particularly following high rainfall events.
- A map was presented indicating that most sites in the region had better swimmability compared to other regions.

#### Groundwater Quality Programme:

- Contracts were procured for the analysis of long-term data.
- Initial results indicated no breaches of the maximum allowable values for nitrates and fluoride.

#### Air Quality:

- Winter air quality data collection was ongoing in the Greymouth and Hokitika areas.
- Reefton remained a long-term monitoring site.

#### Land Use:

- Work was underway for the triennial State of the Environment report, scheduled for completion in June.

#### Fish Passage Projects:

- Collaboration with NIWA was undertaken to install state-of-the-art fish passage remediations.

#### Hydrology Team:

- The team was actively responding to floods and upgrading sites from 3G to 4G.
- Issues with the radio tower system in the Buller area were identified.
- Continuous groundwater level monitoring began as part of a 10-year Long Term Plan-funded project.
- A new surf beam flow seeker was acquired, enhancing safety for river gauging.

#### Consents and Compliance:

- The science team provided technical advice to the regulatory team.

#### Flood Impact Risk Specialist Team:

- A collaborative team comprising CDEM, Hydrology, and Engineers was established and functioned effectively.

The CE praised the Environmental Sciences team for their high-quality work, scientific excellence, and reporting. It was noted that the Council had gained recognition for its scientific and hydrology work from other regional councils and organizations such as MetService and NIWA.

Concerns were raised regarding the funding of these activities, with the suggestion that, given 84% of the area is government-controlled, the government should contribute more to the costs.

Emphasis was placed on the importance of maintaining flood warning sites and providing information for community flood protection.

**Moved** (McIntyre/ Campbell) *that the Committee –*

1. *Receives the report.*
2. *Notes the attached flood reports.*

*Carried.*

#### **8.4 Sustainable Wild Whitebait Fisheries Final Report and Future Recommendations**

S Morgan spoke to the report and noted that the project was fully funded through the Jobs for Nature initiative by central government. The West Coast Regional Council acted as programme managers for this project, collaborating with several stakeholders, primarily the Department of Conservation, as well as Poutini Ngāi Tahu.

It was explained that the next Regional Pest Management Plan was included in the Long-term Plan, with public consultation documents likely to be prepared the following year. The first stage would involve a discussion document, followed by workshops with various districts and regions, especially in areas where site-specific rules could be implemented.

The pest plant crack willow was discussed, and it was noted that it identified as one of the most invasive willow species. It spreads extensively, negatively impacts waterways and catchments, and has the potential to exacerbate flooding.

The Councillors supported the work done, noting the progress made on various rivers and creeks, with some now only requiring minimal maintenance over the next 5 to 10 years.

It was clarified that including crack willow in the Regional Pest Management Plan would grant the Council authority under the Biosecurity Act to control it in specific areas. Additionally, the potential introduction of Good Neighbour rules in the RPMP was mentioned to ensure enforcement on Crown land, including properties managed by the Department of Conservation and the New Zealand Transport Agency.

**Moved** (Douglas/ Ewen) *that the Committee -*

- 1. Receive the report*
- 2. Endorses the biosecurity teams efforts to continue targeted crack willow control in and upstream of whitebait habitat*
- 3. Endorses the biosecurity team's proposal to consult on catchment specific rules for crack willow control during the next Regional Pest Management Plan review.*

*Carried*

## **9. General Business**

On behalf of Te Rūnanga o Makaawhio, an invitation was extended to the Council and staff to hold one of the monthly meetings at the Te Tauraka Waka a Māui Marae, Bruce Bay. This invitation had been delayed previously due to factors such as Covid, renovations, and road closures. February or March 2025 was suggested as potential dates, depending on availability.

The CE supported the proposal, seeing it as a valuable opportunity for the Council to visit an area they don't frequently access. He suggested extending the trip to include visits to Council assets and other points of interest in the region. The Chair agreed that it was a great idea and instructed staff to follow up on the logistics of holding a meeting at the Te Tauraka Waka a Māui Marae, Bruce Bay.

Inquiry was raised regarding an approved bulldozing project at Franz Josef and a bill received for the work. T Hopkins confirmed that he had been managing the issue, stating the bill had been redirected from the landowners to the Council, which paid the contractor directly. It was confirmed that the Council had approved the work.

**PUBLIC EXCLUDED BUSINESS**

**Moved** (Cummings/ Haddock) *that*

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

<b>Item No</b>	<b>General Subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 7 of LGOIMA for the passing of this resolution</b>
10.1	<i>Confidential Minutes of Meeting – 5 November 2024</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>
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>Compliance Matters (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),</i>

			s7(2)(b), and s7(2)(j).
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2. *Darryl Lew, Jocelyne Allen, Peter Miller, Tom Hopkins and Jo Field, 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. *That the minute taker also be permitted to remain.*

The meeting was adjourned at 10.41am.

The meeting reconvened and moved into the public-excluded session at 11.26am.

.....  
Chair

.....  
Date

UNCONFIRMED



**6 Actions List**

**Author** Sarah Tripathi, Governance Advisor

**Authorizer**

**Public Excluded** No

**Report Purpose**

This report is a summary of items that require actions.

The responsible managers have updated the list and will address their respective action items.

**Recommendations**

***It is recommended that the Committee resolves to:***

1. *Receive the report.*

## ACTIONS LIST

Item No.	Date of Meeting	Item	Officer	Update
1.	10 Dec 2024	To investigate the delegation and/or deeds with WDC regarding the mining operations and noise issues/consents and update the Councillors.	Group Manager - Regulatory & Policy	Ongoing.
2.	10 Dec 2024	To determine the timelines for the review and update of the Flood Protection Bylaw.	Group Manager - Regulatory & Policy	Ongoing.

## 8. REPORTS

### 8.1 Quarter One Biosecurity Report

**Author** Shanti Morgan, Group Manager Environmental Science; Emily Rutherford-Jones, Biosecurity Co-ordinator; Taylor Blyth, Biosecurity Co-ordinator

**Authorizer** Darryl Lew, Chief Executive

**Public** No

**Excluded**

#### Report Purpose

The purpose of this report is to provide WCRC’s Resource Management Committee with a Quarter One update on the biosecurity team’s progress on implementation of the Biosecurity Annual Operating Plan for 2024/2025.

#### Report Summary

The West Coast Regional Council have developed an annual operating plan to deliver the objectives set within the Regional Pest Management Plan 2018–2028.

The intent of this report is to ensure that WCRC’s Resource Management Committee are informed of the delivery of projects and of any emerging risks and issues.

The 2024/2025 biosecurity annual work program includes 36 deliverables, 32 of which are On Track (Green), Two facing minor delays (Amber), two facing major delays (Red).

#### Recommendations

***It is recommended that the Committee resolves to:***

1. *Receive the report.*
2. *Note the progress on the annual Biosecurity operational plan*

#### Issues and Discussion

##### Background

The West Coast Regional Council has a regional leadership role under the Biosecurity Act to implement the regions, Regional Pest Management Plan (RPMP). The purpose of the

plan is to minimize the actual or potential impacts of identified pests to the region's economic, social, cultural, and environmental values.

The West Coast Regional Council's RPMP intends for the council to provide regional biosecurity leadership by promoting alignment of pest control operations, promoting public support for pest management, administering the RPMP, and facilitating communication and co-operation between all parties involved in pest management both within the region and externally.

**Current situation**

To improve biosecurity leadership within the region the biosecurity team have been working to deliver thirteen objectives with 45 deliverables with 64 Key Performance Indicators under the biosecurity annual operating plan. Commentary has been provided under each objective with a Red, Amber, Green (RAG) status to indicate how each objective is tracking against the plan.

\*Deliverables that are 'OnTrack' with no update for this quarter have been removed from the table of each objective.

**Objective one:** *To detect incursions of introduced aquatic weeds within the West Coast Lakes.*

Deliverable	KPI	Target	Status	Commentary
Annual lake surveillance	Number of lakes surveyed	Eight	<b>On Track</b>	Diver services have been procured and the services agreement signed. Lake surveillance operations are on track to taking place quarter three at 12 lakes, and at six of these lakes environmental DNA (eDNA) will be used as a complementary survey method. Ship creek Dune Lake has been removed from the original dive surveillance list after a site visit, now being deemed low risk due to limited access. eDNA methods will be used at this lake to confirm

				absence of major aquatic pests as this lake was last checked in 2004.
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**Objective Two:** *To operate an annual surveillance program to detect incursions of introduced marine species in priority areas.*

Deliverable	KPI	Target	Status	Commentary
Annual Marine surveillance	Number of locations surveyed for marine pests	One	<b>On Track</b>	A full day of biosecurity surveillance diving done is on track to be completed at Westport Harbour during quarter 3. Methods will involve a general scan of the area and any structures present. Reference plots will also be established to monitor changes over time.

**Objective three:** *To identify new or upcoming pest threats to the region.*

Deliverable	KPI	Target	Status	Commentary
Identify and map pest species of interest, new to region or otherwise.	Percentage of identified new to region pest plants mapped in the Biosecurity GIS system	100%	<b>On Track</b>	Species searched for include Old Man's Beard, Gunnera, Darwin's Barberry, Knotweed, Chocolate Vine, Woolly Nightshade, Yellow Flag Iris, Parrot's Feather, Yellow Loosestrife, Wilding Cherry, Giant Reed, Yellow Lupin, and Ice Plant.
	Percentage of identified RPMP exclusion and eradication species mapped in the Biosecurity GIS system	100%		
Identify and map sites where green waste is illegally dumped	Percentage of identified green waste sites mapped	100%		Newly identified Illegal green waste dumping sites were mapped using the GIS collection field tool. The locations found consisted of a mix

Deliverable	KPI	Target	Status	Commentary
				<p>of public roadside rest areas, river access points and forestry land. Unusual and problem species identified at these locations were destroyed.</p>
<p>Wilding kiwifruit locations – record locations of wilding kiwifruit and provide to Kiwifruit Vine Health</p>	<p>Percentage of known wilding kiwifruit sites provided to Kiwifruit Vine health with landowner permission</p>	<p>100%</p>		<p>One new Wilding Kiwifruit site was identified this quarter. The infestation is located on an unkept roadside corridor on Notown Road.</p>
<p>Pest plant surveillance at key risk areas</p>	<p>Number of surveillance visits at key risk areas in each management unit to determine the presence of new pest plant infestations.</p>	<p>2</p>		<p>The first round of surveillance visits has been completed at key risk areas in all 30 management units. Timing of these first surveillance visits targeted flowering periods of risk species to each area. Interesting observations noted in certain management units are outlines below:</p> <p>Managment units south of Franz Josef– a few patches of Giant Reed found wilding along the Moeraki and Waitototo rivers.</p> <p>Mauria/springs junction– visible spread of Rowan</p> <p>Reefton – Himalayan knotweed: this is a different species to the other knotweed species seen throughout the region</p>

Deliverable	KPI	Target	Status	Commentary
				Ross – knotweed spreading down Donnelly Creek from the Ross greenwaste, this threatens Totara Lagoon. Spread of pampas upstream of the greenwaste
Establish containment areas for Knotweed species across the West Coast	Percentage of Management units where containment areas are mapped	50%		Ross, Greymouth and Reefton have been mapped by contractors, and we are waiting for GPS data. Buller yet to be surveyed.  Containment areas to be drawn up following the second round of general surveillance (April).
Identify priority sites for exclusion of Yellow Flag Iris (YFI)	Number of At-risk ecosystems for Yellow Flag Iris identified	Five		After this recent YFI flowering season (Oct-Dec) biosecurity staff have identified several catchments where known distribution of Yellow Flag Iris is low and vulnerable ecosystems present in the catchments are at risk if YFI was to invade. Priority sites intensive surveillance will take place next season include: <ul style="list-style-type: none"> <li>• Okarito Lagoon</li> <li>• Otamahana estuary</li> <li>• Lake Mapourika</li> <li>• Okuru Lagoon</li> <li>• Okari lagoon</li> <li>• Birchfield wetland</li> </ul>
Identify containment boundaries for wild cherry ( <i>Prunus serrulata</i> )	Percentage of Management units where containment areas are mapped	50%		Complete, a southern containment boundary proposed for wilding cherry populations at the Mikonui River.

Deliverable	KPI	Target	Status	Commentary
Willow surveillance upstream of Okarito	Willow distribution in the Okarito catchment is mapped	Complete		Willow surveillance upstream of Okarito Lagoon took place and control operations planned. This work is follow-up from the Jobs for Nature work that took place 2022-2023.

**Objective Four** Provide general information, advice, and awareness on identification, impacts and control of biosecurity threats to the West Coast Region.

Deliverable	KPI	Target	Status	Commentary
Deliver Biosecurity media releases	Number 'Weed of the Month' articles published to the Newspaper and WCRC social media channels by June 2025 Number of biosecurity articles in rates newsletters	Ten  Two		Three "Weed of the Month" articles have been published to the Newspaper. Pest plants highlighted included Parrot's feather, Yellow Flag Iris and Sea spurge (Figure 3).  The team Have also begun to post weekly biosecurity content through the WCRC Facebook channels which have received interactions and stimulated discussion.  An article on Ragwort Biocontrol was included in the rural farmers monthly.  The increase in media released has continued to improve reports and sightings from the public via phone call and email. The team have also noted Landowners during compliance visits commenting on the content increasing ease of interaction.



Deliverable	KPI	Target	Status	Commentary
				A handful of community groups have also reached out for support in weed control efforts.
Biosecurity awareness roadshow	Number community meetings by June 2025 to communicate the RPMP program and establish community priorities through a targeted survey.	Four	Major delay - will not be completed this FY	Community meetings have been delayed to August 2025 to align with state of the environment community workshops.



Figure – Two of the 'Weed of the month' articles posted to the messenger this quarter.

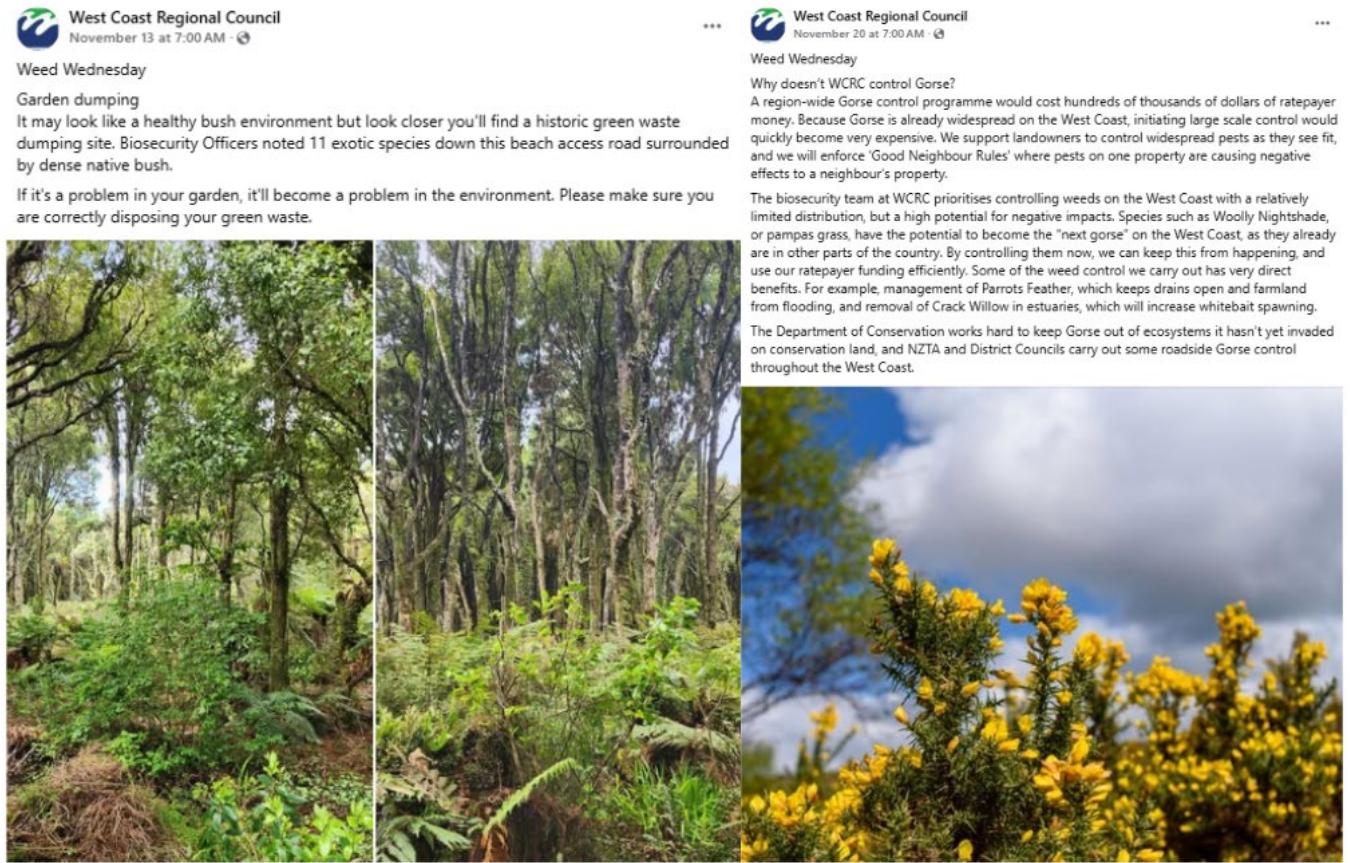


Figure – Two of the ‘Weed Wednesday ’ posted to the WCRC Facebook page this quarter.

**Objective Five:** To prevent the spread of freshwater weeds and pests by influencing the behavior of high-risk users.

Deliverable	KPI	Target	Status	Commentary
Raise awareness of freshwater pests threatening our water bodies amongst landowners and visitors in our region.	Maintain and Place CCD signage at angler access points and boat ramps across the region.  Number of Biosecurity NZ advocacy materials distributed to tourist operators	75%  10	<b>On Track</b>	The Check, Clean, Dry Advocacy co-funding from Biosecurity NZ has been secured.  Unfortunately, working with the Polytech to progress the implementation of the 24/25 Advocacy program could not be arranged to take place this year, instead the idea has been postponed to next FY.

Deliverable	KPI	Target	Status	Commentary
	Number of face-to-face interactions with local water users at freshwater-related events and popular waterbodies.	100		<p>Services have been contracted to MBC to undertake Check, Clean, Dry waterside and event Advocacy this summer.</p> <p>The advocate has been out this season promoting Check, Clean Dry receiving positive feedback with a handful of lake users noting they met and spoke with last season's advocate the previous summer.</p>



As you head out to enjoy our beautiful lakes and rivers this Labour Weekend, please remember to Check, Clean, and Dry your gear between waterways! This helps prevent the spread of harmful invasive freshwater pests that threaten our lakes and rivers.

At a minimum, please ensure you are completing the "Check" step for any visible plant matter, as even small fragments can spread invasive pests that harm our lakes and rivers.

Keep an eye out for the lake weed cordons at Lake lanthe and Paringa. These areas are in place to reduce the risk of invasive aquatic weed Lagarosiphon major spreading to other waterbodies. Please follow all instructions and signage to help protect our waterways.



**Objective Six:** *To exchange information with other Regional Councils on all aspects of biosecurity, including policy, management, funding and research opportunities.*

Deliverable	KPI	Target	Status	Commentary
Ensure attendance at all scheduled Biosecurity Working Group (BSWG) meetings.	Percentage of scheduled BSWG meetings attended	75%		One Biosecurity Working Group meeting was attended in Wellington this quarter.
Ensure attendance at all scheduled Bio Managers Working Group meetings.	Percentage of scheduled Bio managers meetings attended.	75%		One bio managers meeting and one biosecurity working group were attended this quarter

**Objective Seven:** *Facilitate collaboration and knowledge exchange among entities managing landscape-level weed control on the West Coast, including DOC and WCRC, to develop best practices and align biosecurity efforts.*

Deliverable	KPI	Target	Status	Commentary
Ensure Weeds Working Group meetings are held regularly though the year.	The number of Weed working group meetings held per year. Percentage of Biosecurity reports provided to weed working group	Four 100%	<b>On Track</b>	One Weeds Working Group meeting was held this quarter. Attendees included DOC, District Council and Local Contractors who conduct pest plant control in the Region. Upcoming workplans, advocacy resources and innovations were discussed. Opportunities to collaborate on work and combine resources were identified.

**Objective eight:** *Over the duration of the RPMP, prevent the establishment of any of the listed pests within the West Coast, to prevent any adverse effects on economic wellbeing, the environment, human health, or recreational values.*

Deliverable	KPI	Target	Status	Commentary
Record all exclusion pest plant sightings	Percentage of exclusion pest plant reports recorded	100% 100%		No exclusion species were observed while conducting regular surveillance this quarter.

	Percentage of reports followed up on			No sightings of exclusion pests were reported to staff this quarter.
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**Objective nine:** Over the duration of the Plan eradicate all listed pests from the West Coast to eliminate adverse effects on economic wellbeing, the environment, human health and recreational values.

Deliverable	KPI	Target	Status	Commentary
Record all Eradication pest plant sightings	Percentage of Eradication pest plant reports recorded	100%	<b>On Track</b>	One new location of eradication species Woolly Nightshade was observed while conducting regular surveillance this quarter. The plant was found near a historical location.
	Percentage of reports followed up on	100%		No sightings of eradication pests were reported to staff this quarter.
Eradication pest plant control	Percentage of identified eradication pest plant infestations controlled	100%	<b>Minor delays</b>	<p>A Woolly nightshade plant found during regular surveillance was controlled.</p> <p>Cathedral Bells: Control has been completed at two of the three sites, with one site likely to be eradicated. At the third site, the landowner has not granted permission for WCRC to carry out control . Biosecurity officers are engaging informally with the landowner to encourage cooperation, but control has not yet been achieved.</p>

				African Feather Grass compliance visits are being completed over Jan/Feb.
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**Objective Ten:** Contain the listed pests in to land already infested by these pests and reduce the population in these areas over time. The progressive containment program acknowledges that some areas of pest species are more widespread than others.

Deliverable	KPI	Target	Status	Commentary
Record Progressive containment pest plant reports	Percentage of progressive containment pest plant reports recorded	100%	<b>On Track</b>	All new locations of progressive containment pests reported this quarter were recorded.
Monitor historic Yellow Bristle Grass sites	Percentage of historic Yellow Bristle Grass sites monitored	100%		To occur quarter 3.

**Objective eleven:** Contain the progressive containment species (Figure 2) within the Priority Management Areas and reduce the population in these areas over time.

Deliverable	KPI	Target	Status	Commentary
Record Progressive containment (PMA) pest plant sightings	Percentage of reported progressive containment (PMA) pest plant reports recorded	100%	<b>On Track</b>	All new locations of progressive containment pests observed this quarter were recorded using field GIS collection tools.

**Objective Twelve:** Utilize Biocontrol to manage pest plants in the region beyond standard management practices (manual and chemical control).

Deliverable	KPI	Target	Status	Commentary
Release and transfer biocontrol agents.	Number of new biocontrol agents released and/or	One	<b>On Track</b>	Tradescantia beetle releases will be carried out by Tasman District Council staff. Collection of the stem and tip beetles is scheduled

Deliverable	KPI	Target	Status	Commentary
	transferred within the region			to take place in the next week or two.  Old Man's Beard sawfly has been ordered, with the release planned for late summer in Q3.
Monitor establishment of agents.	Number of biocontrol sites monitored	Three		Long term monitoring has been established at 6 sites for both Old Man's Beard and Tradescantia.
National Biocontrol Collective (NBC) and provide input for the NBC prioritisation tool which ranks pest plants of importance to members and guides research and development of new agents.	Attend annual NBC meetings to discuss national biocontrol efforts with other Regional Councils.	100%		Complete.

**Objective Thirteen:** *The Council will undertake control work on these pests as they are identified within the region.*

Deliverable	KPI	Target	Status	Commentary
Progressively contain purple pampas across the West Coast	Percentage of identified sites controlled at least once north of Hector	100%	<b>On Track</b>	Two sites controlled by drone, however a number of sites were not able to be accessed safely. These will be assessed in February when the plants are flowering. DOC to control plants up the Mokihinui River and at Kongahu Point.
	Percentage of identified sites controlled at least once south of the	100%		Planned for February: site list requested from DOC

Deliverable	KPI	Target	Status	Commentary
	<p>Wanganui River on private land</p> <p>Percentage of identified sites controlled at least once on private land in the Brunner-Haupiri, Grey Valley, Reefton, Inangahua, Maruia, and Coast Road Management Units controlled</p>	75%		Planned for February
<p>Progressively contain Parrots Feather across the West Coast</p>	<p>Number of control operations in Kongahu</p> <p>Percentage of known sites where control is undertaken at least once</p>	<p>Three</p> <p>100%</p>	<p><b>Minor delays</b></p>	<p>The first control operation has taken place in the Kongahu.</p> <p>Control has been undertaken at two additional locations within Kaniere and Ruatapu.</p> <p>One historic site in Westport, council staff have been denied access and been instructed that the councilors would arrange this. It is unknown whether parrots feather is still present at the site.</p> <p>One site in Greymouth, and the site at Gillows dam both to be controlled by landowners, council staff awaiting confirmation that control has been undertaken.</p>



Deliverable	KPI	Target	Status	Commentary
				Council staff have also been made aware of another site in the Karamea district. WCRC supporting landowner to undertake control.
Progressively contain knotweed across the West Coast	Percentage of known sites controlled outside of containment areas	25%	<b>On Track</b>	<p>Biosecurity staff have begun undertaking a trial as proof of concept to help inform long-term management of the species by effectiveness of different methods available.</p> <p>Control has been undertaken through Ross, Greymouth and Reefton at 40 small sites.</p> <p>A new knotweed site has been found in Harihari management units and control has been initiated.</p>
Eradicate climbing spindleberry from the West Coast	<p>Number of monitoring visits achieved</p> <p>Percentage of control undertaken at all known sites</p>	<p>Two</p> <p>100%</p>	<b>On Track</b>	<p>First visit complete.</p> <p>First round of control complete</p>
Progressively contain chocolate vine across the West Coast	Number of monitoring visits achieved per wilding site	Two	<b>On Track</b>	One monitoring visit at each wilding site complete.

Deliverable	KPI	Target	Status	Commentary
	Percentage of control undertaken at all wilding sites	100%		Control initiated at all wilding sites save one.
	Control offered at all sites with ornamental hedgerow plants	100%		
Eradicate Cathedral bells from the West Coast	Number of monitoring visits achieved per site	Two	<b>On Track</b>	Two of three sites have had their first monitoring visit.
	Percentage of control undertaken at all known sites	100%		Two of three sites have had some control undertaken.
Progressively contain Yellow Flag Iris on the West Coast	Number of identified priority sites where monitoring and control is undertaken	One	<b>On Track</b>	Staff teamed up with DOC to undertake Yellow Flag Iris control at significant wilding site on Frenchie's Island within the Totora Lagoon.
Progressively contain banana passionfruit on the West Coast	Percentage of properties surveyed for Banana passionfruit within the Karamea and Coast Road Progressive Containment Zones, and the Ross Management Unit	10%	<b>Major delays</b>	Unlikely to achieve this target, our contractors work program has had to reallocate budget to prioritised pest plant sites which have been found e.g. wilding kiwifruit, chocolate vine, and knotweed.

Deliverable	KPI	Target	Status	Commentary
Contain wild cherry ( <i>Prunus serrulata</i> ) to its current extent	Number of Management Units where control is initiated	One	<b>On Track</b>	Based on current knowledge of infestation extent a containment boundary for Wilding Cherry populations will to be established south of the Mikonui River.  Control of Wilding Cherry populations has been undertaken at known locations within the Harihari, Whataroa and Jacksons Bay management units.
Progressively contain Darwin's Barberry across the West Coast	Number of sites where control is initiated	Three	<b>On Track</b>	Control initiated at Ngahere site. Little Wanganui and Kumara sites have been classed as historic (no plants found).
Maintain whitebait habitat sites free of crack willow	Number of catchments where control is undertaken	Four	<b>On Track</b>	Control undertaken at seven sites.
	Number of site-based control areas completed	Four		First visits have been completed at all four sites.
	Number of priority catchments maintained free of crack willow	Three		First visits have been completed at all three sites.
	Willow control is undertaken upstream of Okarito	Complete		Complete



Figure – Yellow Flag Iris on Frenchie's island in the Totara Lagoon Ross, establishing amongst the Flax and Raupo.



Figure – photos of the main drain in the kongahu rating district and the 40L spray drone undertaking the first round of control.



Figure – private drain within the Kongahu Rating District where biosecurity staff are working with the landowner to undertake control.



Figure – before and after successful control of invasive coastal Ice Plant (*Carpobrotus edulis*) at the Pororari river mouth.

## Considerations

### Implications/Risks

Issues and risks remain unchanged for this quarterly update.

### Significance and Engagement Policy Assessment

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

### Tangata whenua views

Tangata whenua have been supportive of biosecurity work to date. Staff take feedback from Makaawhio and Ngati waewae representatives at quarterly RMC meetings.

### Views of affected parties

Views of parties affected by biosecurity work are obtained through site visits and meetings. The recent Kongahu rating district meeting demonstrated strong support for Parrots feather control work in the Kongahu flood protection scheme. Furthermore, quarterly meetings with DOC show great collaboration and support for the operational plan.

Feedback on social media also demonstrates community support for an active biosecurity work program by the Regional Council on the West coast.

### Financial implications

*Current budget: \$195,000 (Includes \$51,000 of external funding)*

*Future implications: This program is on track to deliver to budget*

### Legal implications

There are no legal implications associated with this report.

### Significance and Engagement Policy Assessment

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

**8.2 Planning and TPP Report****Author** Max Dickens, Policy Manager**Authoriser** Jocelyne Allen, Group Manager Regulatory and Policy;  
Darryl Lew, Chief Executive**Public Excluded** No**Report Purpose**

To update the Resource Management Committee on planning and TPP developments.

**Recommendations**

***It is recommended that the Committee resolve to:***

1. *Receive the report.*

**Issues and Discussion****Planning**Air Plan review update: Issues and Options Reports

A draft Issues and Options report on Air Quality and Home Heating is in development. Drafting the Issues and Options report on point source discharges other than Home Heating is also continuing. This includes addressing issues related to odour, dust, smoke, spray drift from agrichemicals and fertiliser, outdoor burning, and waste management, including landfills. Stakeholder engagement is ongoing to gather essential input that will inform the planning process. The current roadmap timeline is attached as Attachment 1.

Coastal Plan

The first full Coastal Plan workshop was held on 17 December 2024. Feedback given at the workshop will be incorporated into the draft Issues and Options Report and drafting of the new Coastal Plan. The Poutini Ngäi Tahu Environmental Manager and contractor Planner are having input into the draft Report. The current roadmap timeline is attached as Attachment 2.

DoC Conservation Management Strategy Review

Planning staff from the four West Coast Councils met online with Department of Conservation (DoC) staff on 12 December 2024 for an overview of the Te Tai Poutini West Coast Conservation Management Strategy (CMS) Review. The Review was

formally initiated on 11 September 2022. The current CMS, which came into effect in 2010 is no longer fit for purpose. For example, with climate change affecting species management. Council and DoC staff are continuing to liaise on technical matters in order to achieve consistency between our differing obligations.

### Plan Uploads

In 2019 year a new Planning Standard was released that required Councils to upload their Plans in a new e-plan format. There are five regional plans that need to be uploaded as an e-plan:

- Regional Policy Statement (RPS)
- Regional Air Quality Plan
- Regional Coastal Plan
- Regional Land and Water Plan
- Regional Pest Plant Management Plan.

Work on this is underway.

### Changes to LGOIMA LIM Regulations

LIMs are the primary source of property information accessible to the public. It has been argued that there is some uncertainty about what natural hazard information should be (or is already) required to be disclosed under section 44A of the Local Government Official Information and Meetings Act (LGOIMA).

In 2023 the government approved changes to the LGOIMA LIM reporting requirements. These will come into effect on 1 July 2025. These standards are intended to make the natural hazard information in LIMs easier to understand and more nationally consistent (Attachment 3).

The key changes in the amendments are:

- a new high-level purpose to ensure that LIMs contain understandable information about natural hazards including climate change impacts;
- a new statutory responsibility for regional councils to provide natural hazard information
- information to territorial authorities to ensure that regional council natural hazard information is included in LIMs;
- a limitation of legal liability for local authorities when making available natural hazard information in good faith in LIMs; and
- provisions allowing for regulations both for territorial authorities (when providing natural hazard information in LIMs) and for regional councils (when sharing natural information with territorial authorities).



These requirements are expected to increase council workloads. However, they should also provide clarity for the type of information councils need to provide.

### 2025 Work Programme

Beyond what is covered in this report, staff have already commenced or may start work on the following:

- Developing a new Floodwall Bylaw
- Updating Dams policies
- Amending the Natural Hazards chapter of the Regional Policy Statement upon the release of the National Policy Statement: Natural Hazard Decision Making.
  - o Under Section 55 of the RMA, this should not require an extensive notification period as it is a mandatory change.
- Reviewing the Land and Water Plan upon the release of the new National Policy Statement: Freshwater Management and National Environmental Standard for Freshwater.
- Developing a Regional Pest Management Plan
- Upon the release of the new NPS: Highly Productive Land (NPS:HPL), staff may be required to make changes to the RPS.
- Providing feedback on the following consultations:
  - o RMA Reform including changes to 14 pieces of national direction (including freshwater),
  - o seven new National Policy Statements and National Environmental Standards
  - o Buller, Grey and Westland District Council's Long Term Plans
  - o DoC Conservation Management Strategy
  - o Other consultations when appropriate.

### Upcoming key legislation

#### *Fast Track Approvals Bill*

The Fast-track Approvals Bill passed its third reading on 17 December 2024 and will become law on receiving the Royal Assent. The purpose of this Bill is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. The government says it has selected 149 projects for referral to an environment committee, which will then approve or reject an application.

## Transport

### Total Mobility System Update

Implementation of the Ridewise system for Total Mobility is underway. Staff have sent out communications and prepared the database to transfer to the new system. This has decreased the number of registered users by 23% so far. This number is expected to increase as more letters are returned to council.

Collection of photos for the Ridewise cards is also underway, we currently have around 15% of the photos returned to council. Staff are looking into running 'pop up' sessions around the region for people who still need to send their photos in. This will require a staff member to travel to these areas to facilitate this.

3 out of the 4 taxis companies are now using software that supports the Ridewise application. With councils' assistance, the last taxi company will be implementing a programme called StringTM which will allow them to continue to provide the vital service to their community.

Staff are optimistic with the current trajectory of the implementation process thus far, with the current "go live" date set for March 30th. This date is flexible as it depends on the database being at least 80% complete with photos.

### Tawhai Railway Tunnel Reopening

The Tawhai tunnel near Reefton recently reopened. This is expected to remove a significant amount of coal trucks from the roads.

The next meeting will be held in April 2025.

## TTPP

### **Renotification of TTPP Variation 2 – Coastal Hazards**

Variation 2 to Te Tai o Poutini Plan (TTPP) was open for submissions between June and September 2024. Submissions were sought on changes to Coastal Hazard Mapping. Submitters raised concerns that changes to the maps also impacted how the coastal hazard rules impacted their properties. On 21 November 2024 Variation 2 submissions were reopened to enable comment on the objective, policies and rules for coastal hazards along with the changes to the maps.

The original submission period resulted in 112 submissions being received. The renotified, extended submission period closed on 19 December 2024 and a further 55

submissions were received. A further submissions period will run between 17 and 31 January 2025.

Hearings on Variation 2 – Coastal Hazards are scheduled for the week of 17–21 March 2025 in Westport and Hokitika and will continue the following week online if required.

### **TTPP Timeline**

The TTPP Hearing Panel are currently writing recommendations reports for each topic in the Plan. These will be sent through individually to TTPP staff as they are finalised. Reports are expected to be delivered between February and July 2024. WCRC planning staff will attend a half day meeting to discuss each report, thereby enabling them to inform and advise TTPP Committee members prior to decision-making meetings.

It is anticipated that all decisions on the TTPP will be made by the end of September 2024. Appeals, resulting in mediation and court processes, are expected to follow the decisions.

## **Considerations**

### **Implications/Risks**

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

### **Significance and Engagement Policy Assessment**

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

### **Poutini Ngāi Tahu views**

Staff are working with our Poutini Ngāi Tahu partners on the matters above as part of our Mana Whakahono a Rohe agreement. We continue to work closely with them throughout the policy development cycle.

### **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 items in this report.

### **Legal implications**

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

**Attachments**

**Attachment 1:** Roadmap Air Quality Plan Review

**Attachment 2:** Roadmap for Coastal Plan Review

**Attachment 3:** Cabinet proactive release on LIM LGOIMA Regulations

# Attachment 1: Road map for Air Plan Review

(from Powerpoint presentation to Councillor workshop 8 October 2024)

2024				2025	2026- post 2029
Jan-Mar	April-June	Jul-Sept	Oct-Dec		
Engage with PNT: Mana Whakahono ā Rohe. Engage with Stakeholders					
Monitoring analysis		Winter air monitoring	Winter science data results available	Public survey	Legal Review
Research analysis	Assess info, eg., comparative air plans, incidents, discharge permits		Analysis	Public drop in meetings	Update draft & finalise internally
W/shops consents, compliance, policy	Workshops Home heating issues Cllr, RMC & PNT	Workshops Home heating options Cllr, RMC, PNT	Web & Comms updates	Formulate Objectives & Policy	s32 report finalised
Engagement: Public Health, NIWA, Housing Forum (inc EECA)		Workshops Issues & Options Point source discharges Cllr, RMC, PNT		Issues/Options Reports	RMC approve to notify
Start non regulatory actions, e.g rejoin Housing Forum	s32 start collecting inputs	Stakeholder Engagement & Concentrated Consultations on Issues & Options		Consultations	Submissions
	GHG NPS NES Inquiry. Help consent holders. Engage with DCs		Plan GHG Change NPS IPH	Draft updated Air Plan	s42A report
				Statutory party review & feedback on draft plan	Pre-hearing mtgs & Hearings
				Contractor Peer Review	

## Attachment 2: Road map for Coastal Plan Review

(from Powerpoint presentation to RMC workshop 17 December 2024)

2024	2024	2025	2025	2025	2025	2026	2026	2026	2026	2027	2027	Other
↑ July-Sept	Oct-Dec	Jan-March	April-Jun	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	Post June 2027
<p>Formally withdraw 2016 pRCP and start plan review afresh based on Council approved issues and options report</p> <p>Mana Whakahono a Rohe: agree inputs/timelines to work with PNT</p> <p>Prepare Powerpoint on CP Issues and Options</p> <p>Workshop Initial Issue &amp; Options with RMC November meeting</p>	<p>Continue drafting Issues and Options Report</p> <p>Stakeholder engagement &amp; consultation on issues &amp; options</p>	<p>Start drafting the new Plan</p> <p>Consultations during preparation of proposed plan: DOC, DCs, Heritage NZ, Min Transport, Min Fisheries</p> <p>Start drafting s32</p>	<p>W/ship C&amp;C &amp; Science after 1st round drafting</p>	<p>Contractor peer review</p> <p>Incorporate changes from peer review &amp;</p> <p>Legal Review</p> <p>Incorporate changes from legal review &amp; edit</p>	<p>Finalise internal draft &amp; s32 rpt for RMC in consultation with PNT</p> <p>Send Draft Plan to Schedule 1 stakeholders for feedback</p>	<p>Prepare &amp; notify proposed RCP &amp; s32 Report for submissions</p> <p>Submissions open at least 40 w/days</p>	<p>Process submissions</p> <p>Notify Summary of Submissions for further submissions, at least 10 w/days</p>	<p>Further Submissions added to Summary of Submissions</p> <p>Prepare S42A Recommend.</p>	<p>Hold pre-hearing meetings with submitters</p>	<p>Hearings</p>	<p>Release Decisions</p> <p>Must release decisions within 2 yrs of notification</p>	<p>Address any appeals lodged</p>

# Hon Simeon Brown, Minister of Local Government

Proactive release of Cabinet material on proposals for regulations for natural hazard information in land information memoranda

6 September 2024

These documents have been proactively released:

***Minute of decision: CAB-24-MIN-0246.01***

***Cabinet paper: Proposals for Regulations for Natural Hazard Information in Land Information Memoranda***

***Regulatory Impact Statement: Proposals for regulations for natural hazard information in land information memoranda***

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply have been identified. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

## **Key to Redaction Codes:**

- **Section 9(2)(f)(iv): Maintain the constitutional convention which protects the confidentiality of advice tendered by Ministers and officials**

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# Cabinet

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Proposals for Regulations for Natural Hazard Information in Land Information Memoranda


**Portfolio**                      **Local Government**

On 1 July 2024, following reference from the Cabinet Economic Policy Committee, Cabinet:

- 1        **noted** that amendments to the Local Government Official Information and Meetings Act (LGOIMA) to improve natural hazard information, including climate change impacts, in land information memoranda (LIMs) will come into effect on 1 July 2025;
- 2        **noted** that the objectives of the amendments are to:
  - 2.1      ensure LIMs provide natural hazard information to property buyers which is clear, concise, nationally consistent in its presentation and easily understood; and
  - 2.2      provide certainty for local authorities about sharing natural hazard information in LIMs and reducing their exposure to legal liability;
- 3        **noted** that the amendments to the LGOIMA include new provisions for the Minister of Local Government (the Minister) to develop regulations for territorial authorities when providing natural hazard information in LIMs and for regional councils when providing natural hazard information to territorial authorities;
- 4        **noted** that the above provisions allow the Minister to set requirements for additional information to make the natural hazard information more understandable and for how natural hazard information is summarised and presented;
- 5        **noted** that the Minister is required to consult with each regional council and territorial authority that may be affected by the proposed regulations, and any other people and organisations that the Minister considers it is appropriate to consult;
- 6        **noted** that that the local government sector has called for regulations and guidance to support councils to implement the amendments;
- 7        9(2)(f)(iv)



## Policy proposals

- 8 **agreed** to the proposals for regulations, outlined in the table in Appendix A of the submission under ECO-24-SUB-0123, for territorial authorities when providing natural hazard information in LIMs that specify:
- 8.1 standardised headings;
  - 8.2 minimum standards for describing natural hazard information;
  - 8.3 plain language summaries for new information commissioned after the date that the regulations come into effect;
  - 8.4 known maps or links to online natural hazard mapping;
  - 8.5 natural hazard information affecting a property in the district plan and notices, signs, and assessments under the Building Act;
  - 8.6 information that territorial authorities are not required to provide;
- 9 **agreed** to the proposals for regulations, outlined in the table in Appendix A of the submission under ECO-24-SUB-0123, for regional councils when providing natural hazard information to territorial authorities that specify:
- 9.1 regional council information meets the requirements for territorial authorities for providing natural hazard information in LIMs;
  - 9.2 information that regional councils are not required to provide;
- 10 **invited** the Minister to issue drafting instructions to the Parliamentary Counsel Office to give effect to the decisions above;
- 11 **authorised** the Minister to approve and release an exposure draft of the regulations and related commentary for public consultation;
- 12 **authorised** the Minister to make decisions consistent with the overall policy decisions above, on any matters that might arise during the drafting process or as a result of consultation on the exposure draft of the regulations;
- 13 9(2)(f)(iv) 

## Next Steps

- 14 **invited** the Minister to report to the Cabinet Legislation Committee by the end of 2024 with draft regulations;
- 15 **directed** officials at the Department of Internal Affairs to develop guidance with the local government sector to support the implementation of the amendments to the LGOIMA and the regulations.

Rachel Hayward  
Secretary of the Cabinet

**Secretary's Note:** This minute replaces ECO-24-MIN-0123. Cabinet agreed to add paragraphs 7 and 13.

## In Confidence

Office of the Minister of Local Government

Cabinet Economic Policy Committee

## Proposals for regulations for natural hazard information in land information memoranda

### Proposal

- 1 This paper seeks agreement to policy proposals for regulations for natural hazard information in land information memoranda (LIMs) under amendments to the Local Government Official Information and Meetings Act 1987 (the LGOIMA).

### Relation to government priorities

- 2 This work will support the Government's priority for housing by enabling efficient market functioning through improving natural hazard risk information for property buyers in LIMs.
- 3 The proposed regulations will also support the Government's work to develop:
  - 3.1 a climate adaptation framework, in particular its objective to increase consistency and access to quality hazard and risk information to support sound decision making; and
  - 3.2 9(2)(f)(iv) [REDACTED]

### Executive Summary

- 4 Buying a property is the most important investment decision in most people's lives. Property buyers need access to quality information so that they can make well-informed decisions and manage the risks from natural hazards. Most recently, we saw the destructive impact of natural hazards on people's lives and homes when storms hit across the North Island in early 2023.
- 5 The LIM is a key due diligence tool for property buyers but it is currently not doing a good job at communicating natural hazard information in a way that supports property buyers' decision making.
- 6 Legislative amendments to improve natural hazard disclosure in LIMs are due to come into effect on 1 July 2025. To ensure these amendments achieve their goals, regulations and guidance are needed to give clear direction to councils on what they need to do. Councils have called for regulations and guidance from central government to provide greater certainty on how natural hazard information should be shared in LIMs, and to help reduce their legal risks when disclosing this information.
- 7 I propose a set of regulations that will set out for territorial authorities:

- 7.1 how they summarise and present natural hazard information in LIMs (eg standardised headings and requirements for plain language summaries); and
  - 7.2 what additional information they need to include in LIMs to make natural hazard information easier to understand (eg to include key district plan information and links to online natural hazards maps).
- 8 I also propose a set of regulations to ensure that regional councils provide natural hazard information in a way that supports territorial authorities to meet these requirements.
- 9 I intend to release an exposure draft for consultation with local government and other stakeholders before seeking Executive Council approval for the regulations.

### **Legislative changes to improve natural hazard information in LIMs will come into effect on 1 July 2025**

*Property buyers need access to quality information on natural hazards to make well-informed decisions*

- 10 Buying a house is one of the most important investment decisions for most people. Property buyers need to have access to quality information to make well-informed decisions and to manage the risks of natural hazards including climate change impacts.
- 11 Due to our geography, New Zealand properties are highly exposed to a range of geological and weather-related natural hazard risks. The floods and storms that hit across the North Island last year demonstrate the destructive impacts of natural hazards on people's lives and homes. As a result of climate change, we can expect more intense and frequent extreme weather events in the future.

*LIMs currently do not always communicate natural hazard information in a way that supports property buyers' decision making*

- 12 The LIM is a property information disclosure tool and a key document for a property buyer's due diligence.
- 13 Councils are required to include known natural hazard information in the LIM, but that information is not always easy for readers to find and understand. The LIM can be hundreds of pages long and technically complex. How councils share natural hazard information in LIMs varies across councils. Key information from regional councils or the district plan may be missing.
- 14 Due to legal risks, some councils have also been reluctant to share natural hazard information in LIMs in a way that is helpful for readers. Councils can be held liable for not properly identifying natural hazards affecting a property, including if they incorrectly summarise or explain information. Councils can also face legal action from property owners if they consider that the natural hazard information in a LIM impacts the value of their property.

*Legislative changes introduced new provisions to ensure LIMs provide easier to understand natural hazard information and to give councils greater certainty*

- 15 Amendments to the Local Government Official Information and Meetings Act (the LGOIMA)<sup>1</sup> to improve natural hazard information in LIMs passed in July 2023. Commencement was delayed until 1 July 2025 to allow time to develop regulations and for councils to prepare for the changes.
- 16 The objectives of the amendments are to:
  - 16.1 ensure LIMs provide natural hazard information to property buyers which is clear, concise, nationally consistent in its presentation and easily understood; and
  - 16.2 provide certainty for local authorities about sharing natural hazard information in LIMs and reducing their exposure to legal liability.
- 17 The key changes in the amendments are:
  - 17.1 a new high-level purpose to ensure that LIMs contain understandable information about natural hazards including climate change impacts;
  - 17.2 a new statutory responsibility for regional councils to provide natural hazard information to territorial authorities to ensure that regional council natural hazard information is included in LIMs;
  - 17.3 a limitation of legal liability for local authorities when making available natural hazard information in good faith in LIMs; and
  - 17.4 provisions allowing for regulations both for territorial authorities (when providing natural hazard information in LIMs) and for regional councils (when sharing natural information with territorial authorities).

### **Councils have called for regulations and guidance to provide greater certainty when sharing natural information in LIMs**

- 18 Councils gave broad support for the amendments during policy development and submissions to select committee but asked for greater certainty on how to meet the new requirements. Councils were particularly concerned that being left to interpret the new obligations themselves would expose them to legal risks.
- 19 In particular, councils asked for more certainty on:
  - 19.1 how to provide understandable information. Some councils considered that the new provisions could require each LIM to include a natural hazard risk assessment for a property, which would be costly to produce and increase the price of LIMs;
  - 19.2 the new requirement in the LGOIMA for regional councils to provide natural hazard information to territorial authorities; and
  - 19.3 the current legal test, as determined in case law, for when a council's natural hazard information needs to be included in LIMs. The amendments confirm

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<sup>1</sup> The Local Government Official Information and Meetings Amendment Act 2023.

this legal test but councils have asked for clarity on key points, e.g. the threshold for when information is “known” to a council.

**I propose a set of regulations that will ensure information in LIMs is easier for property buyers to understand and give greater certainty for councils**

- 20 New provisions in the amendments to the LGOIMA allow regulations to set requirements for:
  - 20.1 additional information to make natural hazard information more understandable; and
  - 20.2 how natural hazard information is summarised and presented.
- 21 I propose a package of eight regulations that will achieve the following goals:
  - 21.1 provide direction on how councils will provide easy to understand natural hazard information that is clear, concise, and more nationally consistent; and
  - 21.2 give councils greater certainty and mitigate potential legal risks.
- 22 My officials have developed the proposed regulations with a group of technical experts from local government.
- 23 Tables 1 and 2 below list the proposed regulations for territorial authorities and for regional councils, respectively, and describe how they will meet the goals of the regulations. More detail on the proposals is provided in an expanded table at **Appendix A**.

**Table 1: Proposed regulations for territorial authorities when providing natural hazard information in LIMs**

#	Proposal	How the regulation will ensure information in LIMs is easier to understand and give greater certainty for councils
1	<b>Standardised headings for the natural hazard section</b>	Headings will: <ul style="list-style-type: none"> <li>• make it clear to the reader if territorial authorities have any known information for each class of natural hazards; and</li> <li>• ensure greater consistency in how natural hazard information is set out in LIMs.</li> </ul>
2	<b>Minimum standards for describing each piece of information</b>	The standards will ensure: <ul style="list-style-type: none"> <li>• the reader has an all-in-one-place list of the range of reports and other information on natural hazard risks that relate to a property; and</li> <li>• territorial authorities take a more consistent approach to sharing natural hazard information in LIMs.</li> </ul>
3	<b>Maps of hazard overlays or links to online natural hazard mapping</b>	Maps make it clear for readers if a property is exposed to a natural hazard by presenting information in a simple and concise way.  Territorial authorities can meet this requirement if the electronic copy of the LIM links to online hazard mapping portals (as some councils already do). This will help promote the use of more interactive digital portals in property buyers’ decision making if available.

4	<b>Plain language summaries for new natural hazard information</b>	<p>Plain language summaries will give readers a concise, easy to understand high level summary of each piece of newly commissioned natural hazard information that is relevant for a property. This builds upon current best practice by territorial authorities.</p> <p>To ensure that this is feasible for all territorial authorities, this requirement will only apply to new information that is produced after the date that the regulations come into effect (see paragraphs 24 to 27 below). This gives territorial authorities time to commission summaries for LIMs from technical experts that supply the reports.</p> <p>Clear direction in the regulations will help reduce legal risks for territorial authorities. Territorial authorities also have protection from the new provision in the LGOIMA that limits their legal liability when providing natural hazard information in good faith.</p> <p>Guidance with best practice examples will also help give greater certainty to territorial authorities and mitigate potential legal risks. This will also promote consistency across councils.</p>
5	<b>Natural hazard information affecting a property in the district plan and notices under the Building Act</b>	<p>This will give readers in one place in the LIM information on:</p> <ul style="list-style-type: none"> <li>• what natural hazards are managed by the district plan and the implications for the use of the land; and</li> <li>• Building Act notices related to natural hazards e.g.: <ul style="list-style-type: none"> <li>○ any notice under section 73 that a building consent has been granted subject to a natural hazard(s) for a building on the land concerned;</li> <li>○ post-event assessments (known as a rapid building assessments); and</li> <li>○ signs and notices under sections 133BQ and s133BT (known as red or yellow “stickers”).</li> </ul> </li> </ul>
6	<b>Confirmation of information that territorial authorities are not required to provide</b>	<p>This will confirm that the purpose of the LIM is an information disclosure tool and not a site specific risk assessment for a property. This will alert property buyers to the fact that they must complete their own due diligence and risk assessment with the information provided in the LIM. It will address territorial authorities’ concerns that they would need to provide a far greater level of analysis specific to a property for each LIM.</p>

**Table 2: Proposed regulations for regional councils when providing natural hazard information to territorial authorities**

#	Proposal	How the regulation will ensure information in LIMs is easier to understand and give greater certainty for councils
7	<b>Regional council information meets the requirements for territorial authorities for providing natural hazard information in LIMs</b>	<p>These requirements will ensure that regional councils provide information to territorial authorities in a way that is ready to include in LIMs.</p> <p>They will also give greater certainty and promote greater consistency on how regional councils share information with territorial authorities.</p>

8	<b>Confirmation of information that regional councils are not required to provide</b>	<p>This will confirm regional councils' role to provide information when it becomes known to the regional council, not in response to each LIM application.</p> <p>It will also address regional councils' concerns that they would need to provide a far greater level of analysis specific to a property.</p>
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*The proposals balance the goal of easy to understand information for property buyers with what is feasible for councils*

- 24 The regulations build upon current settings for LIMs and how regional councils' share information with territorial authorities. In particular, I consider that the requirement for plain language summaries should only apply to information that is produced from when the regulations come into effect. A requirement to provide summaries for all known natural hazard information (i.e. to retrospectively produce summaries for all existing information) would be a significant time and cost burden for territorial authorities.
- 25 Some territorial authorities already provide plain language summaries in LIMs. However, others, currently do not provide these in LIMs (in particular smaller territorial authorities). They do not have staff with the relevant technical skills and would likely need to retrospectively commission technical consultants to do this work. The cost of this would increase the price of LIMs or fall to ratepayers.
- 26 Delaying the requirement until after the regulations come into effect allows territorial authorities to include requests for plain language summaries to be used in LIMs when commissioning future natural hazard information.

**The regulations and amendments to the LGOIMA will be supported by guidance developed with technical experts from local government**

- 27 I plan to direct officials at the Department of Internal Affairs to develop guidance, working with experts from local government, to support the implementation of the regulations and the amendments to the LGOIMA.
- 28 This guidance will clarify key points for councils when making decisions on providing natural hazard information. It will also provide best practice examples and templates for how to communicate natural hazard information and meet the new requirements in the amendments to the LGOIMA and the regulations.

**I propose to release an exposure draft of the regulations for consultation**

- 29 I seek your approval to issue drafting instructions to the Parliamentary Counsel Office (PCO) to give effect to Cabinet decisions on the proposed regulations in this paper.
- 30 Before seeking Executive Council approval for the draft regulations, I plan to consult with the local government sector and other stakeholders on an exposure draft of the regulations. Under the amendments to the LGOIMA, as Minister of Local Government, I am required to consult with each regional council and territorial authority that may be affected by the proposed regulations, and any other people and organisations that I consider it is appropriate to consult.

- 31 An exposure draft will provide an opportunity to test technical details across a wide group of councils, identify any barriers to implementation and ensure the regulations are workable. It will also give more certainty to councils on the regulations so that they can start preparing to make changes to their systems and processes.

**The success of this work will be strengthened by other government work programmes to improve New Zealand’s natural hazard data and information**

- 32 The amendments to the LGOIMA and regulations for LIMs will not address wider system issues with New Zealand’s natural hazard data and information. Currently councils’ approaches to gathering natural hazard information is not consistent and there is significant variation in quality and coverage of that information across New Zealand.

- 33 However, I expect significant improvements in natural hazard risk data and information over the next five to ten years, including at the property level, as a result of the following Government work programmes:

33.1 **Adaptation framework:** This will include a workstream to examine how hazard risk and response information can be better shared so that property owners, insurers, financial markets, and councils can make more informed decisions about their appetite for and management of risk; and

33.2 9(2)(f)(iv) [Redacted]

- 34 Another related government initiative is the Earthquake Commission Toka Tū Ake (EQC) national portal ([www.naturalhazardsportal.govt.nz](http://www.naturalhazardsportal.govt.nz)), being developed by EQC. This currently provides mapping of historic EQC claims but EQC plans to provide more risk information, including hazard maps, on the portal in the future.

- 35 The regulations will ensure that, as better-quality information becomes available, LIMs will share this information in a way that supports property buyers’ understanding and decision making, e.g. by providing plain language summaries and linking to new online hazard mapping tools.

**Cost-of-living Implications**

- 36 The proposals in this paper will have little or no impact on the cost of living. The changes may result in small increases to LIM application fees.

**Financial Implications**

- 37 There are no notable financial implications for the Crown.
- 38 It is likely that there will be additional costs for local authorities to implement the proposed regulations. This will include costs to territorial authorities and regional councils to update systems and processes to meet the new requirements in the regulations.



## **Legislative Implications**

- 39 The recommendations in this Cabinet paper will lead to the drafting of new regulations to be made under the LGOIMA.

## **Impact Analysis**

### **Regulatory Impact Statement**

- 40 Officials have prepared a Regulatory Impact Statement (RIS) that is attached to the Cabinet paper.
- 41 The Department of Internal Affairs's Regulatory Impact Analysis Panel (the Panel) has reviewed the RIS in accordance with the quality assurance criteria set out in the CabGuide. The Panel considers that the information and analysis summarised in the RIS meets the quality assurance criteria.

### **Climate Implications of Policy Assessment**

- 42 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that CIPA requirements do not apply to this proposal as it is not expected to result in any significant, direct emissions impacts.

## **Population Implications**

- 43 There are no significant impacts from the proposals for regulations in this paper for any specific population groups.

## **Human Rights**

- 44 There are no human rights implications arising from the proposals in this paper.

## **Use of external Resources**

- 45 The Department utilised two consultants with expertise in developing regulations to progress early policy development from 1 May to June 2023 due to limited available resourcing with relevant experience and knowledge.

## **Consultation**

- 46 The following agencies were consulted on the proposals in this paper: Ministry for the Environment; the Treasury; Ministry of Business, Innovation and Employment; Ministry for Primary Industries; Toitū Te Whenua Land Information New Zealand; National Emergency Management Agency; Ministry of Housing and Urban Development; EQC; the Office of the Ombudsman.
- 47 The Department of Prime Minister and Cabinet has been informed of the paper.
- 48 The Department undertook targeted engagement with local government technical experts to support development of the proposals.

## Communications

- 49 My officials at the Department of Internal Affairs will publish commentary on the exposure draft of the regulations when the exposure draft is released for consultation.

## Proactive Release

- 50 I intend to proactively release this paper within 30 business days of Cabinet consideration, subject to any redactions warranted under the Official Information Act 1982.

## Recommendations

The Minister of Local Government recommends that the Committee:

### *Context*

- 1 **note** that amendments to the Local Government Official Information and Meetings Act to improve natural hazard information, including climate change impacts, in land information memoranda (LIMs) will come into effect on 1 July 2025;
- 2 **note** that the objectives of the amendments are to:
- 2.1 ensure LIMs provide natural hazard information to property buyers which is clear, concise, nationally consistent in its presentation and easily understood; and
  - 2.2 provide certainty for local authorities about sharing natural hazard information in LIMs and reducing their exposure to legal liability;
- 3 **note** the amendments to the LGOIMA included new provisions for the Minister of Local Government to develop regulations for territorial authorities when providing natural hazard information in LIMs and for regional councils when providing natural hazard information to territorial authorities;
- 4 **note** the provisions for the regulations allow the Minister of Local Government to set requirements for additional information to make the natural hazard information more understandable; and for how natural hazard information is summarised and presented.
- 5 **note** that the Minister of Local Government is required to consult with each regional council and territorial authority that may be affected by the proposed regulations, and any other people and organisations that the Minister considers it is appropriate to consult;
- 6 **note** that that the local government sector has called for regulations and guidance to support councils to implement the amendments;

### *Policy proposals*

- 7 **agree** to the proposals for regulations (outlined in the table at **Appendix A**) for territorial authorities when providing natural hazard information in LIMs that specify:
- 7.1 standardised headings;

- 7.2 minimum standards for describing natural hazard information;
  - 7.3 plain language summaries for new information commissioned after the date that the regulations come into effect;
  - 7.4 known maps or links to online natural hazard mapping;
  - 7.5 natural hazard information affecting a property in the district plan and notices, signs, and assessments under the Building Act; and
  - 7.6 information that territorial authorities are not required to provide;
- 8 **agree** to the proposals for regulations (outlined in the table at **Appendix A**) for regional councils when providing natural hazard information to territorial authorities that specify:
- 8.1 regional council information meets the requirements for territorial authorities for providing natural hazard information in LIMs; and
  - 8.2 information that regional councils are not required to provide.
- 9 **invite** the Minister of Local Government to issue drafting instructions to the Parliamentary Counsel Office to give effect to policy decisions on the proposed regulations above;
- 10 **authorise** the Minister of Local Government to approve and release an exposure draft of the regulations and related commentary for public consultation;
- 11 **authorise** the Minister of Local Government to make decisions consistent with the overall policy decisions in this paper on any matters that might arise during the drafting process or as a result of consultation on an exposure draft of the regulations;
- 12 **invite** the Minister of Local Government to report to the Cabinet Legislation Committee by the end of 2024 with draft regulations; and
- 13 **direct** officials at the Department of Internal Affairs to develop guidance with the local government sector to support the implementation of the amendments to the LGOIMA and the regulations.

Authorised for lodgement

Hon Simeon Brown

Minister for Local Government

## Appendix A: Proposed regulations for providing natural hazard information in land information memoranda (LIMs)

### Regulations for territorial authorities providing natural hazard information in LIMs

#	Proposal	Description	Purpose
1	<b>Headings</b>	Regulations prescribe broad headings that must be used in LIMs, covering each class of natural hazard eg <i>Floods</i> , <i>Coastal hazards</i> , <i>Earthquakes</i> . The territorial authorities can add sub-headings for more specific hazards eg <i>Liquefaction</i> under <i>Earthquakes</i> .	This will ensure that LIMs: <ul style="list-style-type: none"> <li>• make clear to the reader if councils have any known information relevant to the property for each class of natural hazard.</li> <li>• achieve greater consistency in how natural hazard information is presented.</li> </ul>
2	<b>Minimum standards for describing natural hazard information</b>	The regulations set the minimum standards for describing each piece of information that needs to be included in the LIM. The minimum standards for each report or other information will include: <ul style="list-style-type: none"> <li>• title/date</li> <li>• who produced or commissioned the report/information</li> <li>• purpose of the report/information</li> <li>• the scale (whether it covers a single property or a broader area) and</li> <li>• the source of the information and where to access it.</li> </ul>	This will help ensure that: <ul style="list-style-type: none"> <li>• the reader has an easy to find, all-in-one-place list of the range of reports and other information on natural hazard risks that relate to a property in a LIM, with consistent key basic details for each of those reports and sources of information.</li> <li>• territorial authorities take a more consistent approach to sharing natural hazard information in LIMs.</li> </ul> <p>This is basic information that all territorial authorities will be able to include without relying on natural hazard expertise.</p> <p>It will help reduce legal risks by setting clear requirements for the level of information for each natural hazard report and other information.</p>

#	Proposal	Description	Purpose
3	<b>Maps</b>	<p>Regulations will require territorial authorities to include in LIMs either:</p> <ul style="list-style-type: none"> <li>• known maps of natural hazards affecting a property; or</li> <li>• provide a link to an online natural hazard mapping portal/s with the known maps of natural hazards affecting a property.</li> </ul>	<p>Maps are a visual tool that make clear for the reader in a simple and concise way if a property is affected by a natural hazard. Most regional councils, and some larger territorial authorities, have developed interactive online portals with natural hazards mapping that are searchable by property address.</p> <p>By making clear that sharing a link will meet requirements, the regulations will promote the use of these portals in LIMs if available.</p>

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#	Proposal	Description	Purpose
4	<b>Plain language summaries for new natural hazard information</b>	<p>The regulations will require territorial authorities to provide a clear, concise, understandable summary of each new piece of known natural hazard information that needs to be included in the LIM.</p> <p>This requirement only applies to new information that is produced after the date that the regulations come into effect.</p>	<p>Previous engagement showed that natural hazard technical information can be difficult for property buyers and professional advisors without natural hazard expertise to understand.</p> <p>This regulation will ensure LIMs provide an easy to understand, concise high-level summary of technical reports and other information for a property.</p> <p>This builds upon current best practice by territorial authorities.</p> <p>By only applying to new information produced after the regulations come into effect, the regulations strike a balance between providing easy to understand information for property buyers and what is feasible for councils. This allows councils to commission summaries from technical experts with each piece of new information.</p> <p>It would be expensive for councils to retrospectively create the summaries for existing information, in particular for smaller councils without in-house natural hazard expertise.</p> <p>There is a small risk that property buyers may take legal action if a summary is not sufficiently understandable. However, territorial authorities will have protection under new section 44D in the LGOIMA which limits their legal liability when providing natural hazard information in good faith. Guidance with best practice examples will also help mitigate any potential legal risks.</p>

#	Proposal	Description	Purpose
5	<b>Natural hazard information in the district plan and notices under the Building Act</b>	<p>Regulations require territorial authorities to include natural hazard information:</p> <p><i>For the district plan:</i></p> <ul style="list-style-type: none"> <li>include maps of natural hazards affecting the property in the district plan or a link to an online portal with the district plan maps; and</li> <li>note the objectives, policies and rules that affect the property relating to natural hazards.</li> </ul> <p><i>For notices under the Building Act:</i></p> <ul style="list-style-type: none"> <li>include any notice under section 73 that a building consent has been granted subject to a natural hazard(s) for a building on the land concerned, including the extent of the effect of that natural hazard(s) on the land concerned;</li> <li>note any post-event assessment (known as a rapid building assessment) completed under section 133BQ for a building on the land concerned; and</li> <li>note any decision made under section 133BT to place a sign or notice on or near a building on the land concerned, and any subsequent decision to remove such sign or notice.</li> </ul>	<p>Territorial authorities are already required under the LGOIMA to include in LIMs information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land under section 44A(d).</p> <p>However, this will ensure that the LIM gives readers in one place information on what natural hazards are identified in the district plan and natural hazard related notices under the Building Act, and the implications for the use of the land in the LIM.</p>
6	<b>Information not required</b>	<p>Regulations will confirm that territorial authorities are not required to provide property specific risk assessments or other further analysis for each LIM.</p>	<p>This will address territorial authorities concerns that they would need to also provide far greater information and analysis for each LIM.</p> <p>It will also the confirm the purpose of the LIM as an information disclosure tool and not a risk assessment for a property.</p>

Regulations for regional councils providing natural hazard information to territorial authorities

#	Proposal	Description	Purpose
7	<b>Regional council national hazard information is LIM ready</b>	<p>Regulations will require regional councils to provide natural hazard information that meets the requirements for territorial authorities when they include it in the LIMs.</p> <p>Regulations will specify that territorial authorities will be required to:</p> <ul style="list-style-type: none"> <li>• use the wording that the regional council provides for minimum content and summaries for the information in LIMs;</li> <li>• note the information is from the regional council; and</li> <li>• include links to the regional council's online natural hazard mapping portal (where available).</li> </ul>	<p>This will ensure that the regional councils are responsible for providing information to territorial authorities in a way that meets the requirements for how that information is shared in the LIM.</p> <p>Based on feedback, regional councils are better placed to do this as the owner of the information with often more expertise and resources in the natural hazard field than territorial authorities.</p>
8	<b>Information not required</b>	<p>Regulations will confirm that regional councils are not required to:</p> <ul style="list-style-type: none"> <li>• provide specific risk assessments or other further analysis for each property; and</li> <li>• provide information in preparation of each LIM application.</li> </ul>	<p>This regulation will address regional council concerns that they:</p> <ul style="list-style-type: none"> <li>• will need to also provide far greater information and analysis and</li> <li>• provide information in response to each LIM application.</li> </ul> <p>This also confirms the policy intent of the legislation that territorial authorities remain responsible for processing each LIM application.</p>

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# Regulatory Impact Statement: Proposals for regulations for natural hazard information in land information memoranda

## Coversheet

Purpose of Document	
Decision sought:	Agreement to the drafting of new regulations for natural hazard information in land information memoranda.
Advising agency:	Department of Internal Affairs
Proposing Minister:	Hon Simeon Brown, Minister of Local Government
Date finalised:	6 June 2024
Problem Definition	
<p>As a result of legislative changes to the Local Government Official Information and Meetings Act 1987 (the LGOIMA) due to come into effect on 1 July 2025, land information memoranda (LIMs) will have to provide natural hazard information which is clear, concise, nationally consistent in its presentation and easily understood in order to better support property buyers' decision-making.</p> <p>However, councils lack clarity and certainty on how to implement these changes. This regulatory impact assessment analyses the best approach to support councils to achieve the aim of the legislative changes.</p>	
Executive Summary	
<p><b>Summary of proposal</b></p> <p>The legislative changes to the LGOIMA (the LGOIMA changes) included discretionary regulation-making powers. We propose developing two sets of regulations to support implementation of the LGOIMA changes on natural hazard information disclosure in LIMs.</p> <p>One set of regulations will apply to territorial authorities. It will set out how they are to summarise and present natural hazard information in LIMs, and requirements to include additional information to make that information understandable.</p> <p>The other set will apply to regional councils. It will set out how they are to provide natural hazard information to territorial authorities, to ensure this is done in a way that will support territorial authorities to meet their obligations under the LGOIMA.</p> <p>The two sets of regulations will work together as an integrated package to support councils to implement the LGOIMA changes in a way that gives effect to their objectives.</p> <p><b>Why government intervention is required</b></p> <p>The LGOIMA changes set out the framework for disclosing natural hazard information in LIMs but do not contain the operational detail on how this should be done. Councils will be</p>	

responsible for implementing these changes and have told us that they lack clarity and certainty on how to implement them. If greater clarity and certainty is not provided to councils on how to implement these changes, there is a high risk that the policy intent of providing natural hazard information in LIMs that is clear, concise, nationally consistent in its presentation and easily understood to better support property buyers' decision-making will not be achieved.

### **Options considered**

The LGOIMA changes included discretionary regulation-making powers that would achieve this objective, but there are other potential ways the problem may be solved. We have looked at three feasible options:

1. Counterfactual (do nothing).
2. Develop non-statutory guidance only.
3. Develop regulations.

The status quo is not considered to be an option here. This is because the legislative changes will come into effect on 1 July 2025 and councils will have to change how they provide natural hazard information in LIMs to meet the LGOIMA changes.

Our preferred option is to develop an integrated package of regulations for territorial authorities and regional councils to support their implementation of the LGOIMA changes. While there will technically be two sets of regulations because this is how the regulation-making powers are drafted, for the purpose of this assessment we have considered them together as an integrated package and this analysis applies to the package unless otherwise stated. Preparing regulations for one type of council but not the other was not considered to be a feasible option.

We also propose to work with the local government sector to develop non-statutory guidance to support implementation of the regulations, and to promote public understanding of natural hazard information in LIMs. Non-statutory guidance will provide best practice examples, templates and other advice to support implementation of the regulations.

Using non-statutory guidance alone to support councils to implement the LGOIMA changes themselves was not supported as this was not considered to provide the level of certainty for councils to ensure the LGOIMA changes are implemented in a way that will provide the intended outcomes for LIM readers. This approach is reflected in the Cabinet paper.

### **Potential impact of the preferred option**

Property buyers will benefit from clear, concise and more consistent natural hazard information in LIMs that will support them to make better purchasing decisions.

Professionals who advise property buyers, including lawyers and real estate agents, will benefit from greater consistency in the presentation of natural hazard information between LIMs from different districts.

The proposed package of regulations will create costs for councils. We consider the main costs will be for system and process changes to implement the new requirements. However, councils will incur costs for implementing the LGOIMA changes, regardless of whether regulations and/or non-statutory guidance are developed.

Regulations have the potential to reduce implementation costs as they will provide clarity and certainty on how to operationalise the LGOIMA changes. They will also provide

consistency in how LIM systems and processes are updated, instead of each council individually deciding how to implement the LGOIMA changes. Greater certainty is also likely to reduce legal and technical review costs, along with potential legal risks and the associated costs for councils.

### **Stakeholder views**

The Department worked with a group of technical experts from ten councils to develop the package of proposed regulations<sup>1</sup>. The experts were from councils whose areas are exposed to a range of hazards and from a range of councils across New Zealand including:

- District, city, unitary and regional councils;
- Metropolitan, regional, provincial and rural sector councils; and
- North Island and South Island councils.

The technical experts unanimously supported the options in the package of regulations and identified options for non-statutory guidance including templates, best practice examples of summaries and plain language notations for natural hazards.

### **Limitations and Constraints on Analysis**

#### **Scope of analysis limited by previous policy decisions**

The scope of this analysis was limited by previous policy decisions for the LGOIMA changes. The Department's previous regulatory impact statement (RIS) provides our analysis of the policy decisions on the LGOIMA changes.<sup>2</sup>

This analysis is limited to implementation of the LGOIMA changes and we did not consider any further changes to the LIM provisions in the LGOIMA. The regulatory options in this analysis were limited by the scope of the provisions for regulations in the LGOIMA changes.

As with the previous RIS, our assessment is focussed on disclosure of natural hazard information in LIMs and does not consider:

- other categories of information required to be disclosed in LIMs (e.g. information about rates, service connections etc);
- other tools for communicating natural hazard information to property buyers or the wider public; and
- barriers for property buyers accessing LIMs, e.g. time or cost constraints.

The quality, availability and accessibility of natural hazard information held by councils is outside of the scope of our work. There are other Government work programmes currently looking at these issues including work programmes to develop a climate adaptation framework and explore national direction for natural hazards.

#### **Consultation was limited to targeted engagement with local government**

We limited consultation to targeted engagement with local government. This was because the focus of this stage of the policy work for the LGOIMA changes is on implementation by councils. In addition, the Department previously consulted widely with local government

<sup>1</sup> Referred to in this document as "the group"

<sup>2</sup> <https://www.treasury.govt.nz/sites/default/files/2022-02/ria-dia-idn-nov21.pdf>

and other stakeholders including professional advisors to property buyers (lawyers and real estate agents) during policy development for the LGOIMA changes. We also considered submissions to select committee on the bill for the LGOIMA changes.<sup>3</sup>

The Department primarily worked with the group of ten technical experts from a representative range of councils. We also consulted with a small number of other councils, based in part on the recommendation of the group, and natural hazard technical consultants who advise councils.

We are proposing public consultation on an exposure draft of the regulations. This will provide an opportunity for stakeholders and other interested parties to make their views known on the package of regulations before final decisions are made.

### **Constraints**

We have not undertaken a robust cost-benefit analysis of the package of regulations. The implementation costs were difficult to estimate due to the variation between councils, depending on their systems and processes. From engagement, councils with fully automated systems may have significantly higher costs to update their software than councils with manual systems.

### **Assumptions**

The following key assumptions have underpinned this analysis:

- The LGOIMA changes will come into effect on 1 July 2025. We did not consider extending the timeframe beyond this date.
- The public will continue to rely on councils as the main source of natural hazard information and not pay for independent risk assessments by consultants. In general, the New Zealand public relies upon councils for property information and are not accustomed to commissioning independent reports (outside of building inspections) to inform property purchasing decisions.

### **Approaches in other jurisdictions**

The analysis for the LGOIMA changes considered approaches taken in the United Kingdom, Australia and the United States. In the jurisdictions reviewed there was not a single council property information document akin to a LIM. Central or state governments provide online hazard mapping tools in all jurisdictions reviewed.

New Zealand's property conveyancing system differs from these jurisdictions. Our system is based on the principle of caveat emptor – buyer beware. The jurisdictions reviewed placed natural hazard disclosure requirements on the vendor. Taking the same approach here would require a fundamental change in our property conveyancing system and was considered to be outside the scope of this assessment.

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<sup>3</sup> The departmental report on the Local Government Official Information and Meetings Amendment Bill for the select committee is available here: [https://www.parliament.nz/resource/en-NZ/53SCGA\\_ADV\\_130003\\_GA22591/38d7d1ee3cbadc35ddbdbd28a96cc5ddffd830c32](https://www.parliament.nz/resource/en-NZ/53SCGA_ADV_130003_GA22591/38d7d1ee3cbadc35ddbdbd28a96cc5ddffd830c32)

**Responsible Manager(s) (completed by relevant manager)**

Frédérique Bertrand  
Policy Manager  
Natural and Built Environment  
Department of Internal Affairs



13/5/24

**Quality Assurance (completed by QA panel)**

Reviewing Agency:	Department of Internal Affairs
Panel Assessment & Comment:	<p>The Department's Regulatory Impact Analysis (RIA) panel (the panel) has reviewed the <i>Proposals for regulations for natural hazard information in land information memoranda</i> RIA (RIA) in accordance with the quality assurance criteria set out in the CabGuide.</p> <p>The panel considers that the information and analysis summarised in the RIA meets the quality assurance criteria.</p> <p>The RIA contains the necessary information needed by Ministers to make an informed decision. The assumptions, constraints and limitations are clearly outlined in the analysis, and the Panel consider them to be fair and reasonable. Appropriate consultation has been undertaken with a representative group of councils, who clearly support the regulations to enable them to implement the wider legislative changes and achieve the policy objective. Although the costs and benefits are uncertain and will differ depending on the size of the council and the systems they operate, it is not a reflection of the quality of the analysis. The Panel notes the systems in place to monitor and evaluate the changes. Overall, the RIA explains why regulations are the best option for implementing the requirement to include natural hazard information in land information memoranda.</p>

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## Section 1: Diagnosing the policy problem

### What is the context behind the policy problem and how is the status quo expected to develop?

LIMs are an information disclosure tool to assist prospective property buyers with their decision-making

1. LIMs are an information disclosure tool that communicate a range of information, including natural hazard information, about a property.<sup>4</sup> The purpose of providing this information is to “inform the market of special features or characteristics of the land that may affect value, suitability or saleability.”<sup>5</sup> It is a key consumer protection document for purchasers of real estate in New Zealand.
2. Under section 44A of LGOIMA, a person may apply to a territorial authority for a LIM about a particular property, on payment of a fee.<sup>6</sup> LIMs include a wide range of information about a property, including: special features and characteristics of land (natural hazard information), building and resource consents, drainage, water supply, rates, and weather tightness events (section 44A(2) LGOIMA). The territorial authority may also include any other information it considers relevant (section 44(3) LGOIMA).
3. Territorial authorities (i.e. city and district councils) are responsible for producing and providing LIMs, using information that is known to them. Regional councils hold and are responsible for a range of natural hazard information (e.g. under the Resource Management Act 1991) but there is no legal mechanism to apply for a LIM from a regional council. Relevant information from a regional council is only provided in a LIM if it is known to the territorial authority. Each territorial authority has its own process and template for producing a LIM, and each regional council has its own process for sharing natural hazard information with the territorial authorities in its region.
4. LIMs do not perform the same functions as a risk assessment. LIMs do not warrant that land is good or safe or provide advice.<sup>7</sup> They provide a snapshot at a particular time of known information for a specific property, which a purchaser can use to decide whether to buy.<sup>8</sup>

The Local Government Meeting and Official Amendment Act 2023 introduced changes to improve natural hazard information disclosure in LIMs

5. *LGOIMA changes* is used in this RIS when referring to the Local Government Official Information and Meetings Amendment Act 2023 (the Act) amendments to LGOIMA relating to LIMs.<sup>9</sup>

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<sup>4</sup> Saunders, W.S.A., Mathieson, J.E. 2016. Out on a LIM: The role of Land Information Memorandum in natural hazard management, *GNS Science Miscellaneous Series* 95. Gunnell SN, Grace ES. 2018. A review of how Land Information Memorandum, Project Information Memorandum and Land Information Request reports for the Canterbury Region address natural hazards. Lower Hutt (NZ): GNS Science. 71 p. (GNS Science consultancy report; 2018/113).

<sup>5</sup> *Weir v Kāpiti Coast District Council* [2013] NZHC 3522, at [49].

<sup>6</sup> On average \$297 for a standard LIM request based on LIM processing fees information available on council websites in September 2021.

<sup>7</sup> *Trustees of the THP Trust v Auckland Council* [2014] NZHC 435, at [92].

<sup>8</sup> *Trustees of the THP Trust*, at [92].

<sup>9</sup> These changes introduced the issuing of LIMs as an additional purpose of the LGOIMA, a purpose to ensure that LIMs contain understandable information about natural hazards including the impacts of climate change

6. The RIS for the LGOIMA changes concluded that LIMs do not currently deliver all key natural hazard information in a way that supports property buyers' decision-making. The three key challenges identified were:
  - there are inconsistencies in the natural hazard information provided in LIMs and they may not contain all known information;
  - LIMs do not currently communicate natural hazard information in a way purchasers can easily locate and understand; and
  - councils' concerns about legal liability can inhibit full disclosure of natural hazards information.
7. The LGOIMA changes aimed to support property buyers' decision-making by ensuring LIMs provide natural hazard information that is clear, concise, nationally consistent in its presentation, and easy for property buyers to understand. They were also intended to give more certainty to local authorities when sharing natural hazard information in LIMs, and reduce their exposure to legal liability to promote greater disclosure of natural hazard information.
8. The LGOIMA changes included new discretionary regulation making powers for natural hazard information in LIMs. These allow regulations to be developed for territorial authorities when sharing natural hazard information in LIMs and for regional councils when sharing natural hazard information with territorial authorities.
9. The regulations can include requirements for:
  - additional information to make natural hazard information more understandable; and
  - how natural hazard information is summarised and presented.
10. The Act delayed commencement of the LIM-related provisions to 1 July 2025, or earlier by Order in Council. The purpose of the delay was to allow regulations to be developed, and to give councils time to prepare for implementation and update their information management and LIM systems and processes.

**These changes will alter the status quo, regardless of whether or not regulations are developed**

11. The LIM-related provisions in the Act will come into effect on or before 1 July 2025 regardless of whether or not regulations are in place. Councils will have to meet the new legislative requirements from the date they come into force.
12. While councils have to disclose natural hazard information in LIMs now, the LGOIMA changes create new legislative requirements they will have to meet when disclosing this information. For territorial authorities, the requirement for information to be explicitly understandable is new and novel in respect of LIMs. Regional councils do not produce LIMs, and have not previously had any statutory role in the LIM process, so the LGOIMA changes introduce an entirely new set of obligations for them.
13. The table below summarises the new and existing legislative requirements for natural hazard information disclosure in LIMs, and relevant case law.

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that exacerbate natural hazards, clearer requirements to provide natural hazard information in the LIM (including the impacts of climate change), a statutory responsibility for regional councils to provide natural hazard information (including the impacts of climate change) to territorial authorities, provisions to develop regulations for providing natural hazard information in LIMs, and limitation of legal liability for local authorities when disclosing natural hazard information in good faith.

**Table 1: New and Existing Legislative Requirements, and Relevant Case Law**

New Legislative Requirement	Existing Legislative Requirement	Case Law
<p>LIMs must contain understandable information about natural hazards related to a property (s44B LGOIMA).</p> <p>LIMs must contain any further information required by regulations to make natural hazard information more understandable (s44B LGOIMA).</p>	<p>LIMs must contain information identifying the potential for natural hazards related to the land (s44A(2)(a) LGOIMA).</p> <p>Councils are not required to add any explanatory information for natural hazard information in LIMs.</p>	<p>Councils must ensure that the information in LIMs is accurate, states the position fairly and does not mislead, particularly if the information could seriously affect property values.<sup>10</sup></p> <p>If a council does include specific natural hazard information in a LIM, e.g. a map, it needs to clearly communicate the key points that a person needs in order to understand that information, including any important conditions and assumptions.<sup>11</sup></p>
<p>Territorial authorities must include natural hazard information from their district plans in LIMs.</p>	<p>Territorial authorities were not required to include natural hazard information if it was apparent from the district plan.</p>	<p>N/A</p>
<p>Discretionary powers allow regulations for how natural hazard information is summarised and presented.</p>	<p>No specific requirements for councils to summarise natural hazard information in a LIM.</p> <p>No specific requirements for how natural hazard information is presented.</p>	<p>Councils must ensure any summaries are accurate, fair and not misleading.<sup>12</sup></p> <p>Councils have broad discretion in how they represent natural hazard information in a LIM.<sup>13</sup></p>
<p>Regional councils must provide natural hazard information to territorial authorities.</p> <p>Territorial authorities must include regional council information in LIMs once it is known.</p>	<p>No requirement for regional councils to share natural hazard information with territorial authorities.</p> <p>Territorial authorities only need to include regional council information in LIMs if it is known to the territorial authority.</p>	<p>N/A</p>

<sup>10</sup> *Weir v Kāpiti Coast District Council* [2013] NZHC 3522 at [68].

<sup>11</sup> *Weir v Kāpiti Coast District Council* [2013] NZHC 3522 at [70].

<sup>12</sup> *Weir v Kāpiti Coast District Council* [2013] NZHC 3522 at [68].

<sup>13</sup> *Weir v Kāpiti Coast District Council* [2013] NZHC 3522 at [68].



**Links to other work programmes**

14. The table below summarises significant work programmes at central government agencies that are related to LIMs.

**Table 2: Related work programmes**

Agency	Work Programme	Connection to LIMs
<p><b>Ministry for the Environment</b></p>	<p><b>Adaptation Framework</b></p> <ul style="list-style-type: none"> <li>• Provide a predictable, principled, fair and rules-based framework for responding to the effects of climate change.</li> <li>• One of the objectives is to improve climate risk and response information flows.</li> <li>• The framework will be developed through four workstreams including one for risk and response information sharing.</li> </ul> <p><b>National direction for natural hazards</b></p> <ul style="list-style-type: none"> <li>• The Government is considering options to develop national direction for natural hazards.</li> </ul> <p><b>National Adaptation Plan (the NAP)</b></p> <ul style="list-style-type: none"> <li>• The NAP sets out the Government's response to the National Climate Change Risk Assessment.</li> </ul>	<p>The Adaptation Framework and national direction for natural hazards will influence the quality and availability of natural hazard information for territorial authorities and regional councils.</p> <p>Legislative changes to improve natural hazard information in LIMs is a critical action under the NAP to enable better risk-informed decisions.</p>
<p><b>Treasury</b></p>	<p><b>Government response to the EQC Public Inquiry</b></p> <ul style="list-style-type: none"> <li>• The Public Inquiry into EQC recommended (6.4.1) making changes to enable greater availability and use of information to inform land-use decision-making and to support current and prospective property owners.</li> </ul>	<p>Improvements to the disclosure of natural hazard information in LIMs assisted in meeting this recommendation.</p>
<p><b>EQC</b></p>	<p><b>Natural hazards portal</b></p> <ul style="list-style-type: none"> <li>• EQC launched a natural hazards portal with EQC claims from past natural hazard events. EQC's long-term goal is to give people natural hazard information to understand individual property-level risk and tools to manage this.</li> </ul>	<p>The Department continues to engage with EQC on the development of this portal to identify opportunities to link with the LIM system.</p>

## What is the policy problem or opportunity?

### Uncertainty about how to implement the LGOIMA changes

15. During select committee and targeted engagement we heard that there is uncertainty about how to implement the LGOIMA changes in practice. This came through particularly from councils, who will be the implementers of the changes. They have asked for more clarity and shown support for exercising the discretionary regulation-making powers included in the LGOIMA changes.
16. The table below summarises the areas of uncertainty that have been raised, and why these are considered to be an issue.

**Table 3: Areas of uncertainty and implementation issues**

Area of uncertainty	Issue
<p><b>Purpose to provide understandable natural hazard information</b></p>	<p>Councils are unclear what is meant by “understandable”, and how this requirement is to be met in practice.</p> <p>“Understandable” will be a judgment call at the discretion of councils. Likely to result in inconsistent approaches being taken by councils. The LGOIMA changes would not meet their objective of providing information for property buyers that is nationally consistent and easy to understand.</p> <p>This also creates a risk of legal challenge for councils. LIM applicants will continue to receive different natural hazard information depending on which district they apply in.</p>
<p><b>The level of analysis of known natural hazard information</b></p>	<p>Territorial authorities and regional councils considered the new provisions in the LGOIMA changes implied an obligation for them to produce an individual risk assessment based on known information for each property when sharing natural hazard information.</p> <p>This type of information would be inconsistent with the purpose of the LIM as an information disclosure tool not an assessment of or advice on the property. It was not the intention of the LIM changes to change the purpose of the LIM.</p> <p>Producing these types of assessments and analysis would be costly and time consuming, requiring skillsets that are generally not found in district councils, and lead to increases in LIM fees or funded out of rates.</p> <p>There would be legal risk if the assessment/analysis was inaccurate.</p>
<p><b>District plan information</b></p>	<p>Some district plans contain considerable information about natural hazards. District plan information tends to be technical and can be difficult to follow when taken out of the context of the plan document as a whole. Including all of this information in its entirety in a LIM would increase the length of the LIM and decrease its readability for the end user. There is a risk that this information would not meet the “understandable” requirement.</p>

<p><b>The legal test for decisions to include natural hazard information</b></p>	<p>Councils raised uncertainty when deciding to include natural hazard information including:</p> <ul style="list-style-type: none"> <li>• When is information “known” to a council (e.g. is a draft report “known” information? Should historic or superseded information be included?).</li> <li>• How site specific information has to be before it is included in a LIM (e.g. does a report have to be about the individual property to be included? Should reports at a neighbourhood or community scale be included?).</li> <li>• How to deal with conflicting information (e.g. when two technical reports reach different conclusions).</li> <li>• How accurate or certain information has to be before it is included in a LIM.</li> <li>• How to explain any conditions and assumptions used in modelling and reports.</li> <li>• How to include natural hazard related information collected through Building Act processes (e.g. notices issued for buildings subject to natural hazards, “red and yellow stickers” from rapid building assessments following natural hazard events).</li> </ul> <p>If these matters remain uncertain councils will each interpret them in their own way, and natural hazard information in LIMs will continue to differ between districts.</p> <p>There is a risk that some natural hazard information will continue to be left out of LIMs if particular interpretations are used.</p> <p>LIM readers will not have certainty or clarity on what is and is not included in their LIM.</p> <p>Natural hazard information in LIMs may not be understandable or of relevance to the reader if appropriate standards are not set for when information is to be included.</p>
<p><b>Requirements for regional councils</b></p>	<p>Councils raised concerns over the lack of clarity on:</p> <ul style="list-style-type: none"> <li>• If regional councils or territorial authorities are responsible for ensuring that natural hazard information provided by regional councils meets the requirements for inclusion in LIMs. Territorial authorities were concerned that it would be a significant burden to prepare this information to include in LIMs and that regional councils were best placed to do this.</li> <li>• If territorial authorities have to present the information as it is provided to them by regional councils.</li> </ul>

**Uncertainty is likely to mean that natural hazard information in LIMs continues to be inconsistent, and is not shared in a way that is easier to understand**

17. We consider that this uncertainty about how to implement the LGOIMA changes will mean that councils take different implementation approaches to providing “understandable” natural hazard information on LIMs after the LGOIMA changes come into effect. We also consider it highly likely that the presentation of natural hazard information in LIMs will remain inconsistent across the country without additional

- guidance on what consistency looks like. This will not achieve the aims of the LGOIMA changes, nor will it support LIM users.
18. We expect some councils would make changes to provide natural hazard information that is easier to understand and better supports property buyers' decision-making. The limitation for legal liability at new s44D of the LGOIMA removes one of the existing barriers to providing this information and may encourage councils to take a less risk averse approach when sharing natural hazard information in LIMs.
  19. Variation in how councils explain natural hazard information in LIMs is also expected to continue without additional guidance. It is likely some councils would make no changes and continue to provide information without additional support for readers to make it understandable. Others would provide additional information but there will be no consistency in how this is done across the country.

**Regional councils may not provide natural hazard information in a consistent way that supports territorial authorities**

20. The legislative changes introduce a new responsibility for regional councils to share natural hazard information with territorial authorities. While most regional councils regularly share this information with territorial authorities, regional councils' approaches are not consistent across regions, and some regional information may not be added to LIMs.
21. Even when the information is shared some territorial authorities, especially smaller ones, can find it difficult to interpret new natural hazard research and datasets as they often lack staff with natural hazard expertise. This means it is challenging for territorial authorities to share regional information in LIMs in a way that is clear and easy for readers to understand.
22. Once the LGOIMA changes come into effect, the new requirement for regional councils to provide natural hazard information should mean that this information is shared more consistently and frequently. However, the uncertainties raised by both regional councils and territorial authorities indicates that regional councils are unlikely to take a consistent approach to sharing natural hazard information without implementation support.
23. It is also considered likely that regional councils may not provide this information in a way that supports territorial authorities to include it in a LIM in a way that is easy for the reader to understand. It is difficult for territorial authorities to summarise or explain natural hazard information when they did not commission the information, particularly if they lack inhouse technical expertise.
24. Councils may face legal actions as a result of the uncertainty about regional councils' new responsibilities. For example, if a LIM is missing regional council information because it has not been shared by the regional council, or a territorial authority misrepresents that information in a LIM, the "good faith" protection from legal liability may not apply.

**There is an opportunity to improve how natural hazard information is summarised and presented in LIMs, and to make it more understandable**

25. Regulations are an option for addressing the implementation uncertainties raised by councils. In doing so they also present an opportunity to improve how natural hazard information is summarised and presented in LIMs, and to make that information more understandable for the end user.
26. Natural hazard information is not currently presented in LIMs in a way that assists readers. The layout and formatting of LIMs varies significantly across councils, and in some cases natural hazard information is presented in multiple locations in the LIM (e.g. it may be split across sections on special land characteristics, Building Act information and other relevant/discretionary information).
27. Natural hazard information is often lengthy, written in technical language and difficult to understand. Councils' approaches to providing this information in LIMs range from stating the name of technical report/s and where to find them, to reproducing extracts

- or full reports in the LIM. Councils have generally been reluctant to summarise natural hazard information in LIMs. Reasons for this include there being no legal requirement to do so, legal risk if the summary is inaccurate, and lack of in-house technical expertise to produce summaries.
28. There are some existing examples of good practice where councils have tried to improve natural hazard information in LIMs for the benefit of the end user. For example, some councils do provide short plain language summaries of natural hazard reports in LIMs, while others use formatting tools like headings or tables to make natural hazard information easier for readers to locate and read in the LIM. Regulations present an opportunity to turn this good practice into a requirement for all councils when producing LIMs.

### What objectives are sought in relation to the policy problem?

29. The main objective is to provide clarity and certainty to councils on how to implement the changes to natural hazard information disclosure requirements in LIMs. An improved LIM system ensures property buyers have access to key natural hazard information in a clear and consistent manner to support their understanding of natural hazard risks and help them make informed decisions.
30. The preferred option should:
- ensure that LIMs provide natural hazard information to property buyers which is clear, concise, nationally consistent in its presentation and easily understood;
  - provide certainty for territorial authorities when sharing natural hazard information in LIMs;
  - provide certainty for regional councils when providing natural hazard information to territorial authorities; and
  - reduce councils' exposure to legal liability to promote greater disclosure of natural hazard information in LIMs.

## Section 2: Deciding upon an option to address the policy problem

### What criteria will be used to compare options to the status quo?

31. Assessment criteria have been identified based on the policy problem and objectives set out above. Each criterion has been considered of equal weight in the overall assessment, as no aspect is of greater importance than any other.

**Table 4: Assessment Criteria**

Criteria	Explanation
<b>Fit-for purpose</b>	<ul style="list-style-type: none"> <li>• Does the option ensure the LIM provides potential property buyers with natural hazard information that:               <ul style="list-style-type: none"> <li>○ supports buyers to understand known natural hazard information related to a property and make good decisions?</li> <li>○ is broadly consistent in presentation and approach across local authorities?</li> <li>○ represents the information fairly, accurately and does not mislead?</li> </ul> </li> </ul>
<b>Certainty</b>	<ul style="list-style-type: none"> <li>• Does it provide certainty to local authorities on the information they need to share?</li> </ul>

<b>Efficiency</b>	<ul style="list-style-type: none"> <li>• Is the option administratively efficient?</li> <li>• Is it technically feasible?</li> <li>• Does this build upon current settings?</li> <li>• How long and how much would it cost to implement?</li> <li>• Does it address potential legal liability and associated legal costs for councils?</li> </ul>
<b>Accessibility</b>	<ul style="list-style-type: none"> <li>• Does the option improve the LIM as a one-stop-shop for the key natural hazard information for property buyers?</li> <li>• Will the option increase the cost of the LIM for property buyers?</li> </ul>
<b>Future-proof</b>	<ul style="list-style-type: none"> <li>• Will the option be compatible with new natural hazard data and information and information sharing tools as they become available?</li> <li>• Will it work for developments in the property market and future user needs?</li> </ul>

## What scope will options be considered within?

### Legislative parameters

32. The development of the options outlined in this RIS are framed by the LGOIMA and the LGOIMA changes. New sections 44B and C in the Act limit the scope of the regulations. We have not considered regulations for other sections of the LIM.
33. We have not considered further primary legislation options for this impact assessment, including the legal test for including natural hazard information in LIMs confirmed in section 44B and 44C in the LGOIMA changes. There is no evidence from engagement that further changes to the LGOIMA would address the policy problem in the RIS for the LGOIMA changes.

### Stakeholder engagement

34. The development of the options has been informed by input from key stakeholder groups during:
  - policy development for the LGOIMA changes;
  - submissions during the select committee process for the LGOIMA changes; and
  - co-design with councils after the passing of the changes.
35. Our assessment and refinement of the preferred option has been informed by our consideration of feedback received from technical experts from a range of councils.

### Non-regulatory options

36. We have considered two non-regulatory options – do nothing and only developing non-statutory guidance. This has enabled us to compare exercising the discretionary regulation-making power in the LGOIMA with taking a non-regulatory approach, and assess which option has the greater net benefits.

### Regulatory options that were not technically feasible

37. We have not included the following regulatory options in the Options Analysis of this RIS because they were not technically feasible:
  - *A national template for the natural hazard section in LIMs*: Feedback indicated this would not be possible to implement with the variety of council information

systems that produce LIMs. It would also not be futureproof for developments in natural hazard information and council information sharing systems.

- *A natural hazard glossary/plain language notation for common natural hazard concepts and terms*: These would be too difficult to set due to the variation in councils' natural hazard data and information, and changes in council approaches to data collection that are expected in the future.

### Consideration of existing systems

38. The LGOIMA changes and regulations apply to natural hazard information in LIMs only. The rest of the information requirements for LIMs remain unchanged and councils will have to continue to meet them. We did not consider options that would require a separate system and process for including natural hazard information in a LIM.

### No population groups are considered to be disproportionately affected by this policy problem and opportunity

39. Engagement for the LGOIMA changes indicated that LIMs are not an appropriate tool for communicating natural hazard information about whenua Māori to Māori landowners. Whānau, hapū and iwi landowners are unlikely to purchase a LIM as whenua Māori is generally transferred through succession under the rules of the Māori Land Court. As the scope of this policy problem and opportunity is limited to the LIM system, it is not considered likely to have a disproportionate impact on Māori. There are no Treaty of Waitangi obligations in regards to what is covered in a LIM.
40. We acknowledge that document accessibility is important, particularly for people with disabilities and English as a second language. This is considered to be an issue for the LIM system as a whole and is not specific to natural hazard information. The scope of the regulation-making powers are not broad enough to include wider changes to the accessibility of LIMs. Improving the accessibility of natural hazard information in LIMs would be within scope of non-statutory guidance and this is considered to be the best means of addressing accessibility needs as guidance can be more responsive and is quicker to update and change as needed. We will undertake further work on this issue as part of developing non-statutory guidance.
41. Prospective purchasers of properties exposed to natural hazard risk, and owners of those properties, are much more likely to be interested in natural hazard information disclosures in LIMs than the general public, but only for the properties they have a particular interest in. This assessment is focussed on how existing natural hazard information is disclosed. The information itself, and the legal requirement to disclose this type of information, are not within the scope of this assessment. This group are not considered to be any more affected by how information is disclosed than the public at large.

### What options are being considered?

42. The Department has identified three options to support councils to achieve the aim of the LGOIMA changes and better support property buyers' decision-making:
  - The counterfactual (do nothing) where the Act comes into effect on 1 July 2025 with no central government intervention.
  - Non-statutory guidance only.
  - A package of proposed regulations for territorial authorities and regional councils.

## Counterfactual (Do nothing)

### *Description*

43. After the LGOIMA changes come into effect on 1 July 2025, territorial authorities and regional councils will need to determine how to meet the new provisions in sections 44B and 44C.
44. The biggest change for territorial authorities from the status quo is the new purpose to provide understandable information (s44B(1)). For regional councils, it is a new requirement to provide known natural hazard information and they will need to ensure that how they share natural hazard information to territorial authorities meets the new requirements in s44C.
45. Decisions by the courts and the Ombudsman will clarify the requirements for territorial authorities and regional councils when sharing natural hazard information.
46. The new limitation of liability will provide a good defence for territorial authorities and regional councils when sharing natural hazard information in good faith.

### *Analysis*

47. The combination of the new purpose in s44B and the limitation of liability would provide direction for territorial authorities to include more understandable information in LIMs. However, there will be uncertainty for territorial authorities in how they share natural hazard information in LIMs and make that information easier to understand. As a result, we expect that there will continue to be variation in how councils share natural hazard information.
48. While we expect some councils to make improvements to help property buyers understand this information, others will continue not to make any changes. We expect that the formatting of natural hazard information in LIMs will continue to be inconsistent across New Zealand and that information will not always be set out in a way that is helpful for the reader.
49. There will also be uncertainty for regional councils on meeting their new requirement to provide natural hazard information to territorial authorities. As a result, regional councils will not take a consistent approach to sharing information with territorial authorities. This will create a risk that key regional council natural hazard information is not shared with territorial authorities or if shared, it is not done in a way that supports territorial authorities. If so, this will create challenges for territorial authorities with no or limited expertise to share regional natural hazard information in a way that is easy for readers to understand.
50. This may result in disputes between territorial authorities and regional authorities about who is responsible for ensuring that regional natural hazard information in a LIM is understandable. It may also result in legal actions by property owners or property buyers if regional information is missed or not presented accurately in the LIM.

### *Stakeholder views*

51. As outlined in Table 3 above, councils' submissions to select committee asked for more clarity on how to meet the new requirements. Councils were particularly concerned that being left to interpret the new obligations themselves would expose them to legal risks.
52. In addition to the concerns outlined in Table 3 above, territorial authorities and regional councils also raised concerns about the lack of clarity on the current legal test, as determined in case law, for when a council's natural hazard information needs to be included in LIMs. The LGOIMA changes confirm this legal test but councils have asked for clarity on key points, in particular the thresholds for:
  - when information is "known" to a council;



- when information is about a potential natural hazard;
- when information is accurate or certain enough to be included in LIMs.

### Non-regulatory options

#### *Description*

53. Under this option, the Department would work with technical experts from the local government sector to develop non-statutory guidance to support implementation of the LGOIMA changes.
54. The guidance could include content that:
  - provided support for summarising and presenting natural hazard information including best practice examples of summaries and templates for natural hazard sections;
  - provided support for making natural hazard information understandable including best practice examples for notations to explain natural hazard information;
  - set out processes and best practice for decision-making for territorial authorities when providing natural hazard information in LIMs; and
  - set out processes and best practices for regional councils when providing natural hazard information and support to territorial authorities.

#### *Analysis*

55. With the introduction of guidance, we expect to see improvements in how territorial authorities provide natural hazard information so that it is presented in a way that is easier for property buyers to understand.
56. Guidance provides more certainty to territorial authorities on how to provide understandable natural hazard information with best practice examples and templates.
57. This option also provides flexibility for territorial authorities to adapt the guidance to the natural hazard information that they share in LIMs.
58. However, there will still be inconsistencies in how natural hazard information is summarised and presented in LIMs. Some territorial authorities may choose to make only small changes or none at all if it is considered too difficult or expensive to introduce.
59. The guidance will help set expectations for how regional councils share natural hazard information with territorial authorities in a way that supports territorial authorities to provide easier to understand information.
60. However, there will likely remain inconsistencies in how regional councils share their natural hazard information and the level of support for territorial authorities. In these situations we would expect it will remain challenging for smaller territorial authorities to provide regional natural hazard information in LIMs in a way that is understandable for readers.

#### *Stakeholder views*

61. Feedback from local government engagement was unanimous that non-statutory guidance would be more useful than regulations for some matters. For example, it is difficult to prescribe a national template or plain language notations to include in LIMs due to the variation in councils' data and natural hazard information, and the councils' LIM systems.
62. However, councils expressed a strong desire for clear direction on operationalising the LGOIMA changes. Councils consider that regulations supported by guidance would provide a higher level of certainty than guidance alone.

## Regulatory options

63. The regulatory option considered in this RIS is a proposed package of regulations for territorial authorities and regional councils. The package was developed with a group of local government and natural hazard technical experts from a range of councils.
64. The package of regulations could be supported by non-statutory guidance including, for example, best practice examples of plain language summaries and process maps for regional councils sharing natural hazard information.

### *Regulations for territorial authorities when providing natural hazard information in LIMs*

65. The table below summarises the proposed package of regulations for territorial authorities that set requirements for:
- additional information to make the natural hazard information in LIMs understandable; and
  - how natural hazard information is summarised and presented in LIMs.

**Table 5: Proposed package of regulations for territorial authorities**

Options	Description	Analysis
<b>Headings</b>	Regulations prescribe broad headings for territorial authorities to use in LIMs for each class of hazard eg <i>Floods</i> , <i>Coastal hazards</i> , <i>Earthquakes</i> . The territorial authorities would be able to add sub-headings for more specific hazards eg <i>Liquefaction</i> under <i>Earthquakes</i> .	This will ensure that LIMs: <ul style="list-style-type: none"> <li>• make clear to the reader if councils have any known information relevant to the property for each class of natural hazard; and</li> <li>• achieve greater consistency in how natural hazard information is presented.</li> </ul>
<b>Minimum standards for describing natural hazard information</b>	The regulations set the minimum standards for describing each piece of information that needs to be included in the LIM.  The minimum standards for each report or other information would include: <ul style="list-style-type: none"> <li>• title/date</li> <li>• who produced or commissioned the report/information</li> <li>• purpose of the report/information</li> <li>• the scale (whether it covers a single property or a broader area) and</li> <li>• the source of the information and where to access it.</li> </ul>	This will help ensure that: <ul style="list-style-type: none"> <li>• the reader has an all-in-one-place list of the range of reports and other information on natural hazard risks that relate to the property in the LIM, with consistent key basic details for each of those reports and sources of information.</li> <li>• territorial authorities take a more consistent approach to sharing natural hazard information in LIMs.</li> </ul> <p>This is basic information that all territorial authorities will be able to include without relying on natural hazard expertise.</p> <p>It will help reduce legal risks by setting clear requirements for the level of information for each natural hazard report and other information.</p>

Options	Description	Analysis
<p><b>Plain language summaries</b></p>	<p>The regulations would require territorial authorities to provide a clear, concise, understandable summary of any <i>new</i> piece of known information that needs to be included in the LIM.</p> <p>This requirement only applies to new information that is produced after the date that the regulations come into effect.</p>	<p>This regulation will ensure LIMs provide an easy-to-understand, concise high-level summary of technical reports and other information for a property.</p> <p>This builds upon current best practice by some territorial authorities.</p> <p>By only applying to new information produced after the regulations come into effect, the regulations strike a balance between providing easy to understand information for property buyers and what is feasible for councils. This allows councils to commission summaries from technical experts with each piece of new information.</p> <p>It would be expensive for councils to retrospectively create the summaries for existing information, in particular for smaller councils without in-house natural hazard expertise.</p> <p>There is a small risk that property buyers may take legal action if a summary is not sufficiently understandable. However, territorial authorities will have protection under new section 44D in the LGOIMA which limits their legal liability when providing natural hazard information in good faith. Guidance with best practice examples will also help mitigate any potential legal risks.</p>

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Options	Description	Analysis
<b>Maps</b>	<p>Regulations would require territorial authorities to include in LIMs either:</p> <ul style="list-style-type: none"> <li>• known maps of natural hazards affecting a property or</li> <li>• provide a link to an online natural hazard mapping portal/s with the known maps of natural hazards affecting a property.</li> </ul>	<p>Maps are a visual tool that make clear for the reader in a simple and concise way if a property is affected by a natural hazard.</p> <p>Most regional councils, and some larger territorial authorities, have developed interactive online portals with natural hazards mapping that are searchable by property address.</p> <p>By making clear that sharing a link will meet requirements, the regulations will promote the use of these portals in LIMs if available.</p>
<b>District plan information and notices under the Building Act</b>	<p>Regulations would require territorial authorities to include in the natural hazard section information:</p> <ul style="list-style-type: none"> <li>• information from the district plan: <ul style="list-style-type: none"> <li>○ including maps of natural hazards affecting the property in the district plan or a link to an online portal with the district plan maps; and</li> <li>○ noting the objectives, policies and rules that affect the property relating to natural hazards.</li> </ul> </li> <li>• information on notices under the Building Act: <ul style="list-style-type: none"> <li>○ noting any post-event assessment (known as a rapid building assessment) completed under section 133BQ for a building on the land concerned;</li> <li>○ noting any decision made under section 133BT to place a sign or notice on or near a building on the land concerned, and any subsequent decision to remove such sign or notice; and</li> <li>○ including any notice under section 73 that a building consent has been granted subject to a natural hazard(s) for a building on the land concerned, including the extent of the effect of that natural hazard(s) on the land concerned.</li> </ul> </li> </ul>	<p>Territorial authorities are already required under the LGOIMA to include in LIMs information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land under section 44A(d).</p> <p>However, this will ensure that the LIM gives readers in one place information on what natural hazards are identified in the district plan and natural hazard related notices under the Building Act, and the implications for the use of the land in the LIM.</p>

Options	Description	Analysis
<b>Information not required</b>	Regulations will confirm that territorial authorities are not required to provide property-specific risk assessments or other further analysis for each LIM.	<p>This will address territorial authorities concerns that they would need to also provide far greater information and analysis for each LIM.</p> <p>It will also the confirm the purpose of the LIM as an information disclosure tool and not a risk assessment for a property.</p>

### Stakeholder views

66. The Department undertook a co-design process with a group of local government experts on the proposed package of regulations. Further engagement was undertaken with natural hazard technical consultants who provide advice to councils.
67. The group:
- **supported** standardised headings as a way of promoting consistency in the layout of information. This will also give readers a concise summary of the information contained in the LIM about each class/type of natural hazard.
  - **supported** high-level summaries as a way to give readers an easy-to-understand explanation of natural hazard information, subject to the concerns outlined below.
  - **generally supported** requirements for district plan information to be included in LIMs, but considered the best approach to be a simple note referring people to the plan. This will ensure the information provided is the most up to date, and avoid the legal risks associated with interpreting the district plan information in the LIM.
  - **supported** clearer direction on including information in LIMs about post-disaster building assessments under the Building Act 2004 (e.g. notices commonly known as “red and yellow stickers” applied following rapid building assessments post-disaster).
  - **strongly supported** regulations clarifying the information that is not required to be included in LIMs. Clearly stating that certain information does not have to be included was seen as a way to improve certainty and decrease legal risk for councils, and to help LIM recipients understand what a LIM is and is not.
68. The group raised concerns about requiring summaries for all natural hazard information due to the level of work required, especially for councils who do not currently do this. Submissions to select committee pointed to similar concerns. The group considered that the council or consultant that produced the report or other information should create the summary. Summaries need to be checked by relevant experts e.g. the council’s legal advisor and/or a natural hazard expert. This would be expensive, and challenging for historic information if the technical experts that produced the information were no longer available.

*Regulations for regional councils when providing natural hazard information to territorial authorities*

69. The table below summarises the proposed package of regulations for regional councils that set requirements for:
- additional information to make the natural hazard information understandable; and
  - how natural hazard information is summarised and presented.

**Table 6: Proposed package of regulations for regional councils**

Options	Description	Analysis
<p><b>Regional council natural hazard information is LIM ready</b></p>	<p>Regulations will require regional councils to provide natural hazard information that meets the requirements for territorial authorities when they include it in the LIMs.</p> <p>Regulations will specify that territorial authorities will be required to:</p> <ul style="list-style-type: none"> <li>• use the wording that the regional council provides for minimum content and summaries for the information in LIMs</li> <li>• note the information is from the regional council</li> <li>• include links to the regional council's online natural hazard mapping portal (where available).</li> </ul>	<p>This will ensure that the regional councils are responsible for providing information to territorial authorities in a way that meets the requirements for how that information is shared in the LIM.</p>
<p><b>Information not required</b></p>	<p>Regulations will confirm that regional councils are not required to:</p> <ul style="list-style-type: none"> <li>• provide specific risk assessments or other further analysis for each property</li> <li>• provide information in preparation of each LIM application.</li> </ul>	<p>Based on feedback, regional councils are better placed to do this as the owner of the information and often have more expertise and resources in the natural hazard field than territorial authorities.</p>

### Stakeholder views

70. The group:

- **supported** regulations for regional councils.
- **supported** making it clear in regulations that the requirement is to provide summaries of the information as a whole, not to provide an analysis for each individual property subject to a LIM. Requiring councils to provide property-level analysis would open regional councils up to the risk of legal liability. It would also require significant resources and move away from the purpose of the LIM as an information disclosure tool.

71. The group considered that it is the role of the regional councils to provide summaries for the natural hazard information they provide, as they are the ones who commissioned and understand the information. It is difficult for territorial authorities to translate information provided by regional councils when they do not have the background to its commissioning, nor the technical expertise on staff to do this.

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## How do the options compare to the status quo/counterfactual?

Table 7: Options comparison

	Counterfactual	Regulations for territorial authorities and regional councils	Non-statutory guidance only
<b>Fit-for purpose</b>	<p>0</p> <p>Some councils may make changes like summaries and formatting changes to make natural hazard information easier to understand.</p> <p>Natural hazard information provided by territorial authorities in LIMs will continue to be inconsistent in content and format.</p> <p>Risks that regional councils do not support territorial authorities so that regional council information presented in a way that is not easy to understand, inaccurate and/or misleading.</p>	<p>++</p> <p>Territorial authorities will share summaries for new natural hazard information in a way that easier for property buyers to read and understand. Older information will contain basic information but may still be difficult to understand.</p> <p>LIMs communicate natural hazard information more consistently and with a common layout across New Zealand.</p> <p>Regional councils will support territorial authorities to share regional natural hazard information that is more understandable for property buyers.</p>	<p>+</p> <p>Better purchaser understanding of natural hazards is dependent on uptake of guidance by territorial authorities. Risk that natural hazard information provided by territorial authorities in LIMs may continue to be inconsistent in content and format.</p> <p>Risk that regional councils may not use guidance. If so, regional councils will (1) continue to take an inconsistent approach to sharing their natural hazard information with territorial authorities and (2) not adequately support territorial authorities to communicate regional information in a way that is easy for property buyers to understand.</p>
<b>Certainty</b>	<p>0</p> <p>Territorial authorities continue to be uncertain about the nature and extent of natural hazard information they should include in LIMs.</p> <p>Regional councils continue to be uncertain about the nature and extent of natural hazard information they should provide to territorial authorities.</p>	<p>++</p> <p>Clear requirements in regulations provide territorial authorities and regional councils with certainty about how they should share natural hazard information.</p>	<p>+</p> <p>Territorial authorities and regional councils have greater certainty than the counterfactual with direction in guidance. However, some uncertainty will remain if some councils do not follow guidance.</p> <p>Risk that court decisions may challenge guidance and create more uncertainty.</p>



<p><b>Efficiency</b></p>	<p>0</p> <p>Overall, costs and resourcing requirements remain stable - subject to individual council decisions to change LIM systems. Councils continue to incur significant legal costs due to uncertainty.</p>	<p>++</p> <p>This would provide detail for councils on how to implement the LGOIMA changes. Stakeholder engagement has indicated that the proposed package of regulations is technically feasible and would work within current settings. This will be further tested through consultation on the exposure draft, with an opportunity to amend the proposal if issues are raised.</p> <p>Councils will need to make changes to their LIM systems and processes to implement the LGOIMA changes. Regulations containing details on how to do this are not expected to add costs over and above those councils would have had to meet anyway. There is the potential for cost savings in implementation as the regulations will provide some of the detail instead of each council having to establish this.</p> <p>Legal liability risks and the associated costs are decreased through the operational certainty regulations will provide.</p>	<p>0</p> <p>This would be technically feasible but less administratively efficient. Councils would individually decide how to implement the LGOIMA changes and could choose the extent to which they followed the guidance (including choosing not to follow it). There may be less cost for councils with complex, automated systems if they choose to take a light-touch approach to implementing the changes, but overall, the implementation costs are likely to be greater than if there were regulations and much the same as the status quo.</p> <p>The cost of developing non-statutory guidance alone will be similar for the Department but would not require resources from the Parliamentary Counsel Office (PCO), nor for consulting on an exposure draft.</p> <p>This would not address potential legal liability and associated legal costs as guidance has less standing in court.</p>
<p><b>Accessibility</b></p>	<p>0</p> <p>LGOIMA changes ensure regional council, and district plan natural hazard information are included in LIMs but is likely to be located in a different section than the natural hazard section.</p>	<p>+</p> <p>Regional council, district plan and Building Act natural hazard information included in LIMs in a clear, concise, nationally consistent and easily understandable way in one place in the LIM.</p>	<p>+</p> <p>Regional council, and district plan natural hazard information are included in LIMs. This information may not be included in one section with other natural hazard information. Some consistency may be achieved (e.g. if the guidance includes best</p>

	<p>Territorial authorities will continue to take inconsistent approaches to including natural hazard related Building Act notices in LIMs.</p> <p>No cost increases to LIMs.</p>	<p>This may increase the cost of the LIM due to additional time being needed to provide extra information.</p>	<p>practice examples some councils may choose to adopt this format), but national consistency will not.</p> <p>Territorial authorities will continue to take inconsistent approaches to including natural hazard related Building Act notices in LIMs.</p> <p>This may increase the cost of the LIM due to additional time being needed to provide extra information.</p>
<b>Future-proof</b>	<p>0</p> <p>Flexibility for how councils share natural hazard information. Does not require territorial authorities to incorporate future data and information in LIMs in way that is easy for property buyers to understand.</p> <p>Changing individual council LIM processes in response to developments in the property market and future user needs will be much simpler than changing regulations and non-statutory guidance.</p>	<p>+</p> <p>The proposed package of regulations creates a framework for presenting natural hazard information in a way that is clear, concise, nationally consistent in presentation and understandable. This framework can be used for disclosing any natural hazard information, including new information and tools as they become available. They also clarify that providing links to online tools will satisfy information disclosure requirements, enabling greater use of these tools.</p> <p>Changing regulations in response to developments in the property market and future user needs will be more difficult than changing non-regulatory options.</p>	<p>+</p> <p>May promote the incorporation of future data and information in LIMs.</p> <p>Changing non-statutory guidance in response to developments in the property market and future user needs will be more difficult than the status quo but simpler than changing regulations.</p>
<b>Overall assessment</b>	<p>0</p>	<p>++</p>	<p>+</p>

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Key for qualitative judgements:	
++	much better than doing nothing/the status quo/counterfactual
+	better than doing nothing/the status quo/counterfactual
0	about the same as doing nothing/the status quo/counterfactual
-	worse than doing nothing/the status quo/counterfactual
--	much worse than doing nothing/the status quo/counterfactual

**What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?**

72. The Department's preferred option is the package of regulations. The regulations are preferable over the counterfactual or stand-alone guidance in providing greater clarity to councils on their requirements and ensuring LIMs provide easier to understand natural hazard information that supports property buyers in their decision making. Regulations also ensure that councils take a consistent approach in how natural hazard information is presented in LIMs.
73. Regulations will also have greater standing in court than guidance and will mitigate potential or perceived legal risks for councils when sharing natural hazard information in LIMs

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## What are the marginal costs and benefits of the option?

**Table 8: Costs and benefits**

<b>Affected groups</b> <i>(identify)</i>	<b>Comment</b> <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	<b>Impact</b> <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	<b>Evidence Certainty</b> <i>High, medium, or low, and explain reasoning in comment column.</i>
<b>Additional costs of the preferred option compared to taking no action</b>			
Regulated groups	<p><b>Territorial authorities</b> will incur one-off costs to update LIM systems and processes, including receiving and incorporating data and information from regional councils.</p> <p><b>Regional councils</b> will incur additional ongoing costs to meet new statutory responsibilities to provide natural hazard information in a way that meets regulations e.g. provide plain language summaries for each new natural hazard report.</p>	<b>Low-Medium</b>	<p><b>Medium</b></p> <p>Territorial authorities already have a duty to provide natural hazard information in a LIM, and operate existing LIM systems and processes.</p> <p>Regional councils already monitor and collect natural hazard information and share this with territorial authorities. Regulations would formalise and build upon existing information sharing arrangements.</p> <p>Based on initial feedback from stakeholders, we consider that the regulations are feasible for councils without large resources. The most intensive requirement will be for plain language summaries. However, this regulation only applies to new information to allow councils to include work for plain language summaries in commissioning natural hazard reports. Some councils already provide summaries in LIMs.</p>
	<p><b>LIM applicants</b> may be required to pay more for LIMs if councils incur greater costs.</p>	<b>Low</b>	<p><b>Medium</b></p> <p>We expect an initial increase in LIM fees in response to implementation costs for territorial authorities. These will vary between councils based on their costs for providing the service and their revenue and financing policies which outline what costs are recovered from</p>

			fees and what are covered from rates.
Regulators	<p><b>The Department</b> will incur one-off costs to introduce and support implementation of the regulations. Low, ongoing monitoring and evaluation costs will be incurred.</p> <p>There is potential for ongoing additional costs to the <b>Ombudsman</b> to review how well councils' LIMs meet any new requirements in the regulations. Increased natural hazard information may also result in more complaints from property owners to the Ombudsman.</p>	<p><b>Medium</b></p> <p>Estimated 2 FTEs for six months for regulations.</p>	<p><b>Medium</b></p> <p>Estimate of Department costs based on Parliamentary Counsel Office (PCO) official guidance for regulations that are small in size and low complexity.</p> <p>There are many factors that drive complaints, including the specific natural hazard information included on LIMs and property owner motivation to complain. Costs to the Ombudsman may increase over time as the potential impact of natural hazards and the relationship to insurance and property values is realised.</p>
Others (eg, wider govt, consumers, etc.)	<p>Potential impact on value of properties for <b>property buyers</b> if the cost of the LIM increases as a result of information sharing requirements and including additional natural hazard information.</p> <p>Potential long-term impact on property values due to additional natural hazard information on LIMs.</p>	<p><b>Low</b></p>	<p><b>Low-Medium</b></p> <p>Property markets are complex and natural hazard information has historically had a low impact on property values.</p>
<b>Total monetised costs</b>		<p><b>Total monetised costs uncertain</b></p>	<p>We do not have sufficient information about the changes required to council LIM systems and processes to provide monetised costs. The large variation in LIM and information management systems across councils makes it difficult to quantify the monetised costs of the changes. Implementation costs are likely to be at least partially offset by a reduction in costs associated with legal uncertainty and challenges.</p>
<b>Non-monetised costs</b>		<p><b>Low-Medium</b></p>	<p><b>Medium</b></p>
<b>Additional benefits of the preferred option compared to taking no action</b>			
Regulated groups	<p><b>Territorial authorities'</b> legal costs and technical advice costs and resourcing to analyse natural hazard information are likely to reduce due to greater certainty.</p> <p><b>Regional councils</b> benefit from having greater certainty about what</p>	<p><b>Medium</b></p>	<p><b>Medium</b></p> <p>Greater certainty about the nature and extent of natural hazard information included on LIMs. More certainty on requirements in regulations are</p>

	natural hazard information should be shared with territorial authorities.		likely to help reduce legal costs. Technical advice costs and resourcing for territorial authorities may reduce due to greater regional council support. However, the extent of cost reduction is unknown.
	<b>Property purchasers</b> benefit from having improved natural hazard information. This will support better purchaser understanding of natural hazards and help them to make better informed property decisions.	<b>Medium-high</b>	<b>Medium</b> Clear improvements in the quality of natural hazard information for purchasers. Difficult to assess broader improvements to purchasing decisions without further quantitative analysis.
Regulators	There will not be a cost savings to the Department or Ombudsman.		
Others (eg, wider govt, consumers, etc.)	Better informed property purchasing decisions that reduce or avoid natural hazard risks can have significant benefits for long-term community wellbeing, as well as potentially reducing future government liability from natural hazard events.	<b>Medium</b>	<b>Low</b> Difficult to attribute improved decision-making and reduced future liability to natural hazard content on LIMs, as a small part of a suite of natural hazard information and risk reduction measures.
<b>Total monetised benefits</b>		<b>Unknown</b>	We do not currently have sufficient information about the benefits, particularly long-term, to provide monetised costs.
<b>Non-monetised benefits</b>		<b>Medium-High</b>	<b>Medium</b>

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## Section 3: Delivering an option

### How will the new arrangements be implemented?

74. Councils will need to implement the regulations from 1 July 2025, when the LGOIMA changes come into effect. The LGOIMA only applies to councils and does not require other organisations to do anything. Although the regulations could be brought in earlier by an Order-in-Council, we propose keeping the date regulations come in effect to 1 July 2025. This will allow time for councils to prepare for the changes.
75. We expect that development of the regulations will be completed by late January 2025 based on PCO official guidance for drafting regulations that are small in size and of low complexity. This will allow approximately five months for councils to update their systems and process to implement the LGOIMA changes and regulations. Councils will have an indication of what is likely to be covered by the regulations when the exposure draft is released for public consultation approximately 10-12 months before the LGOIMA changes come into effect.
76. To support implementation of the regulations, we plan to develop guidance with local government technical experts. We propose that the guidance cover:
  - support for decision-making for including natural hazard in LIMs; and
  - templates for natural hazard sections and best practice examples, e.g. plain language summaries and notations for key natural hazard terms.
77. We also propose developing material for the public to ensure that property buyers are aware of the changes to the natural hazard section in LIMs. This is also an opportunity to provide information about what a LIM does cover (e.g. disclosure of known information) and where additional information or advice might be needed (e.g. technical advice, risk assessment).
78. We consider that this material could be released on an agency's website that already provides supporting information to property buyers, e.g. EQC or the Real Estate Authority. The Department could also promote the changes through webinars targeted at professional advisors such as lawyers and real estate agents who read LIMs and provide advice to their clients.

### How will the new arrangements be monitored, evaluated, and reviewed?

#### Complaints and compliance monitoring

79. Complaints and compliance monitoring of changes to the LIM system will be integrated into existing regulatory systems. The Office of the Ombudsman is the regulator for the LGOIMA, and is able to investigate complaints about LIMs e.g. if a property owner disagrees with the natural hazard information in their LIM or if a property buyer considers that the natural hazard section of their LIM is inaccurate, misleading or missing information.
80. The Ombudsman also proactively carries out LGOIMA practice and compliance investigations of councils, including how they produce LIMs. Reports from these investigations are made publicly available on the Ombudsman's website. If the Ombudsman decides to carry out a review of councils' LIMs, it will provide case studies of compliance with the regulations.
81. Courts will continue to make decisions and develop jurisprudence on councils' obligations to provide natural hazard making in LIMs. Property buyers that relied on natural hazard information in LIMs and property owners that are concerned about the impact of this information on their property values may take legal action against a territorial authority and/or regional council.



82. The Department will undertake ongoing monitoring of Ombudsman decisions and reports on local authorities' performance with the regulations and new LGOIMA requirements. We will also monitor the number of legal actions as a result of natural hazard information in LIMs and related court decisions.

#### **Opportunities for amendment**

83. If the Department identifies significant concerns with the regulations, the Minister of Local Government may review and amend them. This will require consultation with each council the Minister considers may be affected by the regulations, along with other persons and organisations considered appropriate.
84. If a need for minor amendments arises, for example to correct an error or make a technical alteration or other change with no more than minor effect, this can be done following consultation with appropriate persons and organisations. If serious issues arise with the regulations, they can be repealed. If minor issues arise with the regulations these may be able to be addressed through the non-statutory guidance, developed with the local government sector.

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### 8.3 Consents Quarterly Report

<b>Author</b>	Leah Buchanan, Senior Planning Technician; Steven May, Consents Manager
<b>Authoriser</b>	Jocelyne Allen, Group Manager – Regulatory & Policy; Darryl Lew, Chief Executive
<b>Public Excluded</b>	No

#### Report Purpose

The purpose of this report is to update the Resource Management Committee regarding the activities in the Consents department for the month of October, November and December 2024 and to provide an update on current matters.

#### Report Summary

Consents quarterly report to advise the Council of recent consenting actions made under regional plans and the Resource Management Act 1991, in accordance with Council procedures and delegations.

#### Recommendations

***It is recommended that the Committee resolve to:***

1. *Receive the report.*

#### Issues and Discussion

##### Background

The attachments show resource consent applications, certificates of compliance and deemed permitted activities that have been investigated and decisions made pursuant to delegated authority by officers of the West Coast Regional Council.

Consent Processing quarterly statistic highlight the number of Resource Consent application received by the Consents team for this quarter. It illustrates the number of applications processed and granted (authorising the applicant to legally commence their activity) or returned to the applicant. The applications returned to the applicant are due to it not including all the information prescribed by regulations; or not including an full assessment of the activity's effects on the environment, that is required by Schedule 4.

### Report format review

The next quarterly report due to Resource Management Committee will be more detailed. It will provide the Resource Management Committee with more viability of considerations of tangata whenua values by way of consultation from the applicant and also by processing officers.

### Consent Processing Quarterly Statistics

Applications lodged		46
Applications returned incomplete	Sec 88	5
Decisions granted	Within statutory timeframe	41

Of Note is that all 41 Resource consents processed have been within the statutory time frame permitted.

### Consent Process by activity

An application for a resource consent may have more than one activity related to it, the above table quantitatively records the total number of Resource consents issued for this quarterly report.

This table below represents the activities under the RMA that the staff had to assess and be satisfied that plans, policy and legislation were complied with.

<b>Restrictions on use of land</b>	Section 9	23
<b>Restrictions on use of coastal marine area</b>	Section 12	4
<b>Restriction on certain uses of beds of lakes and rivers</b>	Section 13	25
<b>Restrictions relating to water</b>	Section 14	25

<b>Discharge of contaminants into environment</b>	Section 15	24
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### Site Visits

10/10/2024	RC-2019-0040-V3 Hokitika Gold Ltd Houhou	To look at current mining operation in relation to new depth mining proposed, undertaken with Compliance Officer.
21/10/2024	RC-2024-0133 Aureon Mining Ltd Adairs Road, Rimu	To look at current mining operation for renewal of consent, undertaken with Compliance Officer.
22/10/2024	RC-2024-0147 Aratika Farms Ltd	Pre-Application visit
23/10/2024	RC-2024-0126 Robin Hodgkinson Wanganui River	To view location of river protection work, particularly in relation to existing Rating District infrastructure. Undertaken with
25/10/2024	RC-2024-0135  M & M Aggregates	To assess mining activity and monitoring points
29/10/2024	PA-2024-9024 Karl Topp	To assess against Rule 79 RLWP
31/10/2024	RC-2024-0138 Terry Young Waitahu/Reefton	To view location of proposed new alluvial gold mine and its proximity to the river and neighbor's. Undertaken with Compliance and BDC.

13/11/2024	Oceana Gold Former Globe Progress Mine, Reefton	To view the rehabilitation of the site and determine if site is in a suitable state to surrender parts of the consent.
15/11/2024	Manawa Energy Arnold Dam	To view site after completion of upgrade works. Undertaken with Compliance Officer
11/12/2024	RC-2024-0148 Brent Robinson Back Creek Rd, Ruatapu	To view proposed mine site with drainage patterns, water takes and discharges and proximity to neighbours.
9/12/2024	RC-2024-0144  BRM Ltd	To assess new mining proposal  at Ross

### **Non-notified Resource Consents Granted**

Thirty-five non-notified resource consent applications were granted between 01 October to 31 December 2024.

RC-2024-0119 K & R Blackburn Whataroa Westland District	To discharge dairy effluent to land where contaminants may enter water and to surface and groundwater near DS72, Tetaho, Whataroa.
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RC-2024-0117 Shooting Creek Limited Shooting Creek, Ross Westland District	To discharge dairy effluent to land where contaminants may enter water and to surface and groundwater near DS196, Shooting Creek, Ross.
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RC-2024-0093  
 Cherie Ann Inglis  
 191 Omoto Road, Kaiata  
 Grey District

To discharge treated onsite sewage wastewater from a domestic dwelling at 191 Omoto Road.

RC-2024-0130  
 Paul & Barbara Dunn  
 33 Hans Bay Road, Lake Kaniere – Lot 1  
 Westland District

To discharge treated onsite sewage wastewater to land in circumstances which may result in contaminants entering water from a domestic dwelling at 33 Hans Bay, Lake Kaniere.

RCF-2023-0137  
 Department Of Conservation –  
 Franz Josef Glacier Field Base  
 Waiho River Valley, Glacier Road, Franz  
 Josef  
 Westland District

To undertake earthworks and vegetation clearance within riparian margins associated with river protections works, Waiho River, Glacier Road, Franz Josef, including any future maintenance works and any river protection works associated with the Douglas Suspension Bridge.

To disturb the bed and banks of the river to undertake rock protections works, Waiho River, Glacier Road, Franz Josef, including any future maintenance works and any river protection works associated with the Douglas Suspension Bridge.

To temporarily and permanently divert water from rock protection structures, Waiho River, Glacier Road, Franz Josef, including any future maintenance works and any river protection works associated with the Douglas Suspension Bridge.

To incidentally discharge contaminants (namely sediments) to water associated with rock protections works, Waiho River, Glacier Road, Franz Josef, including any future maintenance works and any river

protection works associated with the Douglas Suspension Bridge.

To extend or replace existing culverts and/or install new culverts, associated with the protection and maintenance of Franz Josef Glacier Access Road, Waiho River, Glacier Road, Franz Josef

RC-2024-0134  
 Jade David Coleman  
 Rail bridge 45 Stillwater-Ngakawau Line, Blackwater River  
 Grey District

To discharge treated onsite sewage wastewater to land in circumstances which may result in contaminants entering water from a domestic dwelling at Paroa.

RC-2024-0129  
 Lake Brunner Contracting Limited  
 Crooked River – Lake Brunner  
 Grey District

To disturb and excavate the dry bed of the Crooked River for the purpose of gravel extraction.

RC-2024-0116  
 Department Of Conservation  
 Morrisons Footbridge, Otira River  
 Westland District

To disturb the bed and banks of the Otira River to replace a bridge pile on the Morrisons Footbridge.

RC-2024-0131  
 Terri Winder & Christopher Lea  
 Arnold Valley, Moana  
 Grey District

To discharge treated onsite sewage wastewater to land in circumstances which may result in contaminants entering water from a domestic dwelling at Lot 2 DP 5884911, Beechwater Drive.

RC-2024-0127

Robert Mckenzie  
State Highway 6, Poerua River  
Westland District

To disturb and excavate the dry bed of the Poerua River downstream of the Whataroa Highway Bridge for the purpose of removing gravel.

RC-2024-0133  
Aureon Ltd  
Ruatapu  
Westland District

To undertake alluvial gold mining activities including earthworks, Adairs Road, Ruatapu.

To take and use groundwater via seepage into mining ponds for the purposes of alluvial gold mining activities, Adairs Road, Ruatapu.

To discharge water containing sediment to groundwater associated with alluvial gold mining at Adairs Road, Ruatapu.

RC-2024-0132  
Nicolaas & Rachel Van Loggenberg  
Gillams Gully Road, Waimea  
Westland District

To discharge treated onsite sewage wastewater to land in circumstances which may result in contaminants entering water from a domestic dwelling at 317 Gillams Gully Road.

RC-2024-0140  
Kevin Lane and Jillian Leighton  
Ballarat Rise, Awatuna  
Westland District

To discharge treated onsite sewage wastewater to land in circumstances which may result in contaminants entering water from a domestic dwelling at Ballarat Rise.

RC-2024-0139  
Gaylene Sweeney  
Snowy River Road, Mawheraiti.

To discharge treated onsite sewage wastewater to land in circumstances which may result in contaminants entering water



Buller District from a domestic dwelling at 9 Snowy River Road.

RC-2023-0114 To excavate and disturb the bed of the  
 Arthur Gillman Mahitahi River associated with the removal  
 Westland District of native tree log salvage.

RC-2024-0137 To excavate and disturb the dry bed of the  
 T Croft Limited Grey River for the purpose of gravel  
 extraction.  
 Kiwipoint, Stillwater, Grey River bed  
 Grey District

RC-2024-0124 To disturb and excavate the bed of the Grey  
 Hamish Rennie and Grant Palmer River for the purpose of exploration gold  
 Grey District mining within EP 60728.  
 To take water from the Grey River and ponds  
 within the riverbed associated with  
 exploration alluvial gold mining within EP  
 60728.  
 To discharge water containing  
 contaminants (namely sediments) to land  
 in circumstances where contaminants may  
 enter water namely the Grey River  
 associated with exploration gold mining  
 within EP 60728.

RC-2023-0094 To undertake mining, including earthworks  
 Elect Mining Ltd and vegetation clearance, in the Westland  
 Serpentine Creek, Serpentine. District, Serpentine.  
 Grey District

To undertake earthworks and vegetation clearance associated with alluvial gold mining near Serpentine.

To take and use water from Serpentine Creek for the purposes of alluvial gold mining.

To take and use groundwater for alluvial gold mining, Serpentine.

To discharge sediment-laden water to land from a mine settling pond system in circumstances where it may enter water (Serpentine Creek).

RC-2024-0123

Landmark Lile Limited  
Orowaiti River, McKenna Road,  
Westport  
Buller District

To undertake earthworks involving the placement of fill for construction of the McKenna stopbank.

RC-2023-0057

Scenic Hotel Punakaiki Resort Limited  
Punakaiki – Coastal Marine Area  
Buller District

To disturb the Coastal Marine Area (CMA) at Punakaiki for the purpose of sand, shingle and/or stone extraction.

To deposit sand, shingle and/or stone within 50 metres of the CMA.

RC-2024-0141

Dwan & Andrews Limited  
Reg Cox Drive, Blue Spur  
Buller District

To discharge treated onsite sewage wastewater to land in circumstances which may result in contaminants entering water from a domestic dwelling at 29E Reg Cox Drive, Blue Spur.

RC-2024-0143

Baird Farms Limited  
Kokatahi

Westland District  
 To discharge dairy effluent to land where contaminants may enter water and to surface and groundwater near DS274, Kokatahi.

RC-2024-0088  
 NZ Transport Agency Waka Kotahi  
 Deadman Creek, SH7  
 Grey District  
 To disturb the riparian margins, including by vegetation clearance, of Deadman Creek while undertaking bank scour protection and diversion works.

To excavate and disturb the bed of Deadman Creek to undertake bank scour protection and diversion works.

To temporarily divert water in Deadman Creek associated with bank scour protection and diversion works.

To temporarily discharge sediment to water associated with bank scour protection and diversion works, Deadman Creek.

RC-2023-0141  
 Buller District Council  
 Punakaiki  
 Buller District  
 To undertake earthworks and vegetation clearance including within riparian margins associated with road reinstatement works.

To undertake activities in the bed of an unnamed tributary of Wanganui River associated with culvert scour protection.

Incidental discharge of sediment to water associated with the road reinstatement activities.

RC-2023-0136  
 Buller District Council  
 Mokihinui-Seddonville Road,  
 Seddonville  
 Buller District  
 To undertake earthworks and vegetation clearance including within riparian margins associated with road reinstatement works.

<p>RC-2024-0149 Te Kinga Holdings Limited Crooked River, Moana Grey District</p>	<p>To undertake activities in the bed of Page Stream associated with reinstatement works.</p> <p>Incidental discharge of sediment to water associated with the road reinstatement activities.</p>
<p>RC-2024-0057 Pouakai Timber Limited Mahitahi River, Haast River, Okuru River, Turnbull River, Cascade River, Waiatoto River. Westland District</p>	<p>To disturb and excavate the dry bed of the Crooked River near Cashmere Bay Road, for the purpose of removing gravel.</p> <p>To excavate and disturb the beds of Mahitahi River, Haast River, Okuru River, Turnbull River, Cascade River and Waiatoto River associated with log salvage activities.</p>
<p>RC-2024-0135 M&amp;M Aggregates Limited New River Road, Marsden Grey District</p>	<p>To undertake earthworks associated with alluvial gold mining at New River Road and within Mineral Permit (MP) 51571.</p> <p>To take and use water for alluvial gold mining activities within MP 51571 at New River Road.</p> <p>To discharge sediment-laden water to land associated with alluvial gold mining within MP 51571 in circumstances where it may enter water namely New River and its tributaries.</p>
<p>RCF-2024-0154 NZ Transport Agency Waka Kotahi Unnamed Creeks, Fergusons Bush Westland District</p>	

To undertake earthworks and vegetation clearance in riparian margins, unnamed creeks, Fergusons Bush.

To deposit aggregates and rocks and excavate and disturb the bed and banks of various unnamed creeks to undertake culvert extensions and replacements, Fergusons Bush.

To temporarily divert water associated with the installation and extension of culverts, Fergusons Bush.

To incidentally release sediment to various unnamed creeks associated with culvert extensions and replacements, Fergusons Bush.

To extend or replace culverts within various unnamed creeks, Fergusons Bush.

RC-2024-0155  
Birchfield Ross Mining Limited  
Aylmer Street, Ross  
Westland District

To discharge treated onsite sewage wastewater to land in circumstances which may result in contaminants entering water from a domestic dwelling at 22 Aylmer Street, Ross.

RC-2024-0043  
Westland Mining Limited  
Fox Creek, Kawaka  
Westland District

To undertake alluvial gold mining within the Westland District at Fox Creek near Fox Road, within Mineral Permit (MP) 60557.

To undertake earthworks associated with alluvial gold mining at Fox Creek near Fox Road, within Mineral Permit (MP) 60557.

	<p>To take and use water from dredge ponds for alluvial gold mining activities at Fox Creek near Fox Road, within MP 60557.</p>
	<p>To discharge sediment-laden water to land in circumstances where it may enter water namely Fox Creek associated with alluvial gold mining at Fox Creek near Fox Road, within MP 60557.</p>
<p>RC-2024-0152 Inca Farm Ltd Maruia River, Buller Buller District</p>	<p>To disturb and excavate the dry bed of the Maruia River for the purpose of removing gravel.</p>
	<p>To disturb the bed of the Maruia River to remove willow trees and to remove willow trees.</p>
<p>RC-2024-0145 MBD Contracting Limited Mikonui River, Westland District</p>	<p>To disturb and excavate the dry bed of the Mikonui River for the purpose of removing gravel.</p>
<p>RC-2024-0118 Buller Coal Ltd Coalbrookdale, Denniston Plateau Buller District</p>	<p>To undertake earthworks including stockpiling and rehabilitation of the site within a Schedule 2 wetland, Coalbrookdale.</p>
	<p>To discharge stormwater containing contaminants to land and to a tributary of Cascade Creek via existing water management infrastructure for the purpose of operating a mining support area, Coalbrookdale.</p>
<p>RC-2024-0088 NZ Transport Agency Waka Kotahi Deadman Creek, State Highway 7 Grey District</p>	<p>To disturb the riparian margins, including by vegetation clearance, of Deadman</p>

Creek while undertaking bank scour protection and diversion works.

To excavate and disturb the bed of Deadman Creek to undertake bank scour protection and diversion works.

To temporarily divert water in Deadman Creek associated with bank scour protection and diversion works.

To temporarily discharge sediment to water associated with bank scour protection and diversion works, Deadman Creek.

### **Changes to Consent Conditions**

Six applications to change consent conditions were granted in the period 01 October to 31 December 2024.

RC-2015-0078-V4 Aratika Farm Limited Partnership & Logburn Farm (2005) Ltd Atarau & Arnold Valley Grey District	Variation to include new organic biomass types
RC12175-V4 Fulton Hogan Ltd Beynons Beach & Otomo Island Grey District	Variation increase gravel take.
RC-2022-0020-V1 Andrew and Philipa Gill Marsden Rd, Marsden Grey District	Variation to change of sewage system
RC10174-V3 Desmond John Mcgrath Kumara Westland District	Variation to change of mining permit number

RC-2021-0052-V2 Fitzherbert Investments Ltd Arthurstown Westland District	Variation to change mining permit number and correct disturbed area
RC-2020-0068-V1 Westland Dairy Company Ltd Hokitika River Westland District	Variation to change of application to allow channel clearance works to occur during the whitebait fishing season

### **Consents processed and granted on behalf of Westland District Council**

Two consents granted for the period 1 October to 31 December 2024.

RC-2024-0133 Aureon Ltd Ruatapu Westland District	To undertake alluvial gold mining activities including earthworks, Adairs Road, Ruatapu.  To take and use groundwater via seepage into mining ponds for the purposes of alluvial gold mining activities, Adairs Road, Ruatapu.  To discharge water containing sediment to groundwater associated with alluvial gold mining at Adairs Road, Ruatapu.
RC-2024-0043 Westland Mining Limited Fox Creek, Kawaka Westland District	To undertake alluvial gold mining within the Westland District at Fox Creek near Fox Road, within Mineral Permit (MP) 60557.  To undertake earthworks associated with alluvial gold mining at Fox Creek near Fox Road, within Mineral Permit (MP) 60557.  To take and use water from dredge ponds for alluvial gold mining activities at Fox Creek near Fox Road, within MP 60557.  To discharge sediment-laden water to land in circumstances where it may enter water namely Fox Creek associated with alluvial gold mining at Fox Creek near Fox Road, within MP 60557



**Four Consent applications lodged still yet to be finalised on behalf of Westland District Council**

RC-2024-0125 Gold mining activities- 37A(5)  
 M & M Agates  
 Hokitika, Westland District

RC-2024-0164 Gold mining activities  
 Geoff Mills  
 Awatuna  
 Westland District

RC-2024-0144 Gold mining activities-37A(5)  
 Birchfield Ross Mining Limited  
 Ross Beach Road, Ross, Westland District

RC-2024-0148 Gold mining activities(H)  
 Brent Robinson  
 Ruatapu, Westland District

**Potential Hearings**

RC-2024-0058- Alluvial gold mining activities, Stafford, Waimea Creek, Westland District -limited notified

RC-2023-0133 - Mineral sand mining, Mananui, Westland District -Publicly notified  
 Hearing potentially mid-year 2025

RC-2024-0164 Gold mining activities Awatuna Limited Notified Publicly notified  
 Hearing potentially mid-year 2025

**Consents Processed (running totals)**

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June
2024/2025	15	17	15	14	16	11						
2023-2024	8	17	10	11	12	10	14	7	9	15	15	8
2022-2023	5	10	7	10	18	5	6	5	19	9	17	11

**Consent type process**

	July to September 2024	October to December 2024	January to March 2025
Total consents granted	47	41	
Publicly Notified	8		
Limited-notified	12	1	
Non-notified	38	35	
Applications withdrawn	2	0	
Application returned incomplete information	2	5	
Changes to Consent conditions	9	6	
37A(4)	13	1	
37A(5)	3	10	

**Considerations****Implications/Risks**

There are no implications/risks associated with this report.

**Significance and Engagement Policy Assessment**

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

**Tangata whenua views**

In line with the implementation of Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol in the Mana whakahono ā Rohe Resource Management Act Iwi Participation Arrangement, Poutini Ngāi Tahu are provided with the weekly consent applications received report.

This provides opportunity to alert Council of any resource consent applications received in the weekly table that are of particular interest to them. Iwi do alert

Council of their interest in applications and are provided a copy of applications and made affected parties where appropriate.

### **Financial implications**

There are no financial implications associated with this report.

### **Legal implications**

All consents are prepared in accordance with the Resource Management Act and appropriate staff reports compiled to show the reasoning towards granting the consent.

Legal implications for all consents are a risk of judicial review by any party. A judicial review would involve the court reviewing a decision made by the Council and determining if correct process was followed or not. Should a review find that the correct process was not followed then the Court would recommend the process be revisited and reassessed. The main implications would be additional cost to the Council and reputational damage.

No judicial reviews have been instigated to date.

**8.4 Compliance Monitoring Quarterly Report**

**Author** Chanelle van Rooyen, Senior Compliance Officer; Chris Barnes, Manager Compliance

**Authoriser** Jocelyne Allen, Group Manager, Regulatory & Policy; Darryl Lew, Chief Executive

**Public Excluded** No

**Report Purpose**

For the Resource Management Committee to be kept informed of activities in the Compliance and Monitoring section, and to provide an update on current matters.

**Recommendations**

*It is recommended that the Committee resolve to:*

1. *Receive the 26 September 2024 to 31 December 2024 report of the Compliance Group.*

**Background**

**Site Visits**

A total of 144 site visits were undertaken during the reporting period, which consisted of:

Activity	Number of Visits
Resource consent monitoring	54
Mining compliance & bond release	28
Complaints	44
Territorial Authorities consent monitoring	15
Dairy farm	3

This report covers the period of 26 September 2024 to 31 December 2024.

- A total of 44 complaints and incidents were recorded.

**Non-Compliances**

There were 12 non-compliances that occurred during the reporting period.

<b>Activity</b>	<b>Description</b>	<b>Location</b>	<b>Action/Outcome</b>	<b>INC/Comp</b>
Coal Mining	Notification of dirty water in creek	Ford River, Blackball	Compliance staff attended site and found dirty water being discharged from mine site. This matter is currently under investigation.	Complaint
Gold mining	Notification of dirty water in creek	Little Landing Creek, Rotokohu	Compliance staff attended site and found sediment laden water discharging from mine site. An investigation was undertaken and Enforcement action has been taken.	Complaint
Gold mining	Consented area of disturbance exceeded	Hokitika	During routine compliance monitoring visit, compliance staff established that the maximum area of disturbance consented, has been exceeded. Enforcement action has been taken.	N/A – Staff observation

Gold Mining	Dirty water discharge to creek	Maimai	Compliance staff visited site and found dirty water being discharged from mine site to creek. The matter is under investigation.	Complaint
Gold mining (black sand)	Notification of miner disturbing dunes and vegetation	Charleston	Compliance staff visited site and found miner to be 'borderline' in distance from dune. Issue rectified on site and an education approach taken on this occasion.	Complaint
Gravel extraction	Notification of person extracting gravel without consent	Crooked River, Moana	Compliance staff visited site and determined that gravel take required consent. This matter is under investigation.	Complaint
Gold mining	Black smoke coming from mine site	Awatuna	Compliance staff visited site and identified prohibited items being burned. Recommendation report to follow.	N/A – Staff observation

Trade	Paint being washed down drain	Paroa	Compliance staff noticed persons water blasting paint off the road, which washed down into Mill Creek. Enforcement action taken.	N/A – Staff observation
Farming	Dirty water running down Orwell Creek	Ahaura	Compliance staff noted Orwell Creek running dirty and investigated source of discharge. Identified a digger working in the wet bed of the creek, with no consent. Enforcement action taken.	N/A – Staff observation
Gold mining	Maximum depth of mine pit exceeded	Hokitika	Compliance staff visited site and noted the depth of the mine pit exceeded what was applied for in their consent. Enforcement action has been taken.	N/A – Staff observation

Gravel extraction	Gravel extraction taken place – no notification	Arahura	Compliance staff visited gravel extraction site. No prior notification had been given by consent holder. Enforcement action taken.	N/A – Staff observation
Gold mining	Notification of dirty water in Kennedy creek	Humphreys Gully	Compliance staff visited site and identified sediment laden water being discharged to the creek. This matter is currently under investigation.  (Note that there was another notification of a discharge a few days prior, where at the time the source could not be found as the mine site was very remote and difficult to locate).	Complaint

**Other Complaints/Incidents**

Note: These are the complaints/incidents assessed during the reporting period whereby the activity was found to be compliant, or non-compliance is not yet established at the time of reporting.



<b>Activity</b>	<b>Description</b>	<b>Location</b>	<b>Action/Outcome</b>	<b>INC/Comp</b>
Farming	Effluent pond breach	Kokatahi	Compliance staff visited farm. No sign of effluent contamination to waterway or breach of pond/s.	Complaint
Residential	Notification – septic tanks too close to ground water bore	Kakapotahi	Compliance & Consent Officers attended site. Technical non-compliance with residents of Beach road – septic systems within 50m from water bores. WCRC working on a plan to address with residents.	Complaint
Farming	2 x dead animals on beach	Hokitika	Contractor contacted to remove the animals, which was done early the following morning.	Complaint
Unknown	Dead fish in river	New River, Marsden	Compliance staff investigated – no dead fish located, and no dirty water discharge identified.	Complaint

Unknown	Taking of gravel and dumping waste/clean fill at creek	Fagans Creek, Barrytown	Site visited by Compliance staff – Consent exists for gravel extraction, but no evidence of recent takes. A dug-out hole, filled with household waste was however located. Enquiries are being made to follow up on.	Complaint
Landfill	Discoloured water coming from site	Coal Creek, Greymouth	Compliance staff visited site and took samples. Currently under investigation.	Complaint
Gold mining	Dirty water in Little Grey River	Maimai	Compliance staff investigated – no discharge located during visit.	Complaint
Unknown	Grey coloured discharge to Creek	German Gully, Awatuna	Investigated by Compliance staff. Grey water tracked to stream coming from mountains where no activity was taking place. Drone used to locate a large slip at the top of the hills that released the grey discharge.	Complaint

Landfill	Asbestos pipe dumped at landfill	Greymouth	Site visited by Compliance staff – located the piece of pipe. A shard from the pipe was bagged and taken for analysis. Followed up with consent holder.	Complaint
Unknown	Notification of earthworks within 50m of Coastal Marine Area	Ruatapu	Compliance staff investigated and found no earthworks taken place – just a tractor putting in a gate and fence posts. No further action required.	Complaint
Landfill	Notification of trucks entering landfill, content unknown	Coal Creek	Site inspection carried out by Compliance staff – no breaches identified	Complaint
Residential /private	Notification of neighbour blocking drain and flooding property	Lake Kaniere	Site inspected by Compliance Officer, no breaches identified on site, no further action taken.	Complaint
Gold mining	Notification of dirty water discharge from mine site	Awatuna	Compliance staff investigated. Discharge found to be compliant with resource consent, at the time of the site visit.	Complaint

Residential /private	Notification of potential material being pushed into Creek	Watson Creek, Greymouth	Site inspected by Compliance staff. Creek was running clear/clean and no evidence of material pushed into creek.	Complaint
Landfill	Notification of odour coming from site	Coal Creek	Site visited by Compliance staff – no odour detected by staff at the time of the visit.	Complaint
Unknown	Notification of unusual, coloured water running under road, leaving Dobson	Dobson	Compliance staff investigated. Water slightly discoloured, running from area that had been cleared. Currently being followed up with landowner.	Complaint
Residential /private	After hours notification of person burning tanalised wood	Haast	Compliance staff contacted landowner and discussed the items being burned. Landowner advised only green waste being burned and photos supplied. No evidence of treated timber on burn pile. Educational approach taken.	Complaint

<p>Gold mining</p>	<p>Notification of excessive noise coming from mining operation</p>	<p>Hokitika</p>	<p>Compliance staff visited neighbouring properties to assess noise, which did appear to be loud at the time of the visit. Staff are following up with the miner to address the matter.</p>	<p>Complaint</p>
<p>Residential /private</p>	<p>Notification of waterway diversion</p>	<p>Woodstock-Rimu</p>	<p>Site visited by Compliance staff – waterway not registered on Topo Maps but runs from old dredge pond. Work had only just started, and waterway had not been diverted as yet. Assessment made that a Resource consent is required to divert the waterway – Operator advised, who decided against diverting the waterway.</p>	<p>Complaint</p>

Gold mining	Notification – concerns regarding new access road being built	Hokitika	Compliance staff visited notifier's address. New access road seen, but part of mining operation on private land, no rules or consent conditions breached. Notifier advised and no further action taken.	Complaint
Railing	Notification that rail bridge work is causing flooding to neighbouring properties	Arnold Valley	Work site visited by Compliance staff. No breaches to consent or regional rules identified. No further action.	Complaint
Gold mining	Notification of dirty discharge to Waimea creek	Awatuna	Investigated by Compliance staff. No dirty water located at the time of investigation.	Complaint
Gravel extraction	Notification that the consent holder had breached multiple consent conditions	Brittania Creek	Site visited by Compliance staff. Extraction work completed at time of visit. Determined that only one consent condition had not been complied with – Consent holder is being followed up with.	Complaint

Gravel extraction	Notification that contractor had been breaching consent conditions	Brittania Creek, Sergeants Hill	Compliance staff investigated. Minor breach of one condition identified – consent holder being followed up with.	Complaint
Black sand mining	Notification regarding black sand mining – making ramps and diverting water	Hokitika Beach	Site visited by Compliance staff – no evidence of water diversions or ramps having been installed.	Complaint
Farming	Notification – offensive smoke from a smouldering fire, affecting neighbours.	Kowhitirangi	Compliance staff visited the farm. The fire was smouldering at time but not crossing farm boundary. Fire inspected; Educational approach taken and fire put out by farmer.	Complaint
Unknown	Fire reported with “lots of black smoke”	Totara Flat	Compliance staff responded, after extensive searching of the area, no smoke or fire could be located.	Complaint
Unknown	Notification regarding track being made with culverts and steep slope	Kumara Junction	Site visited by Compliance Officer. Deemed to be a District Council matter – referred to the Westland District Council.	Complaint

Gold mining	Notification of noise coming from mine site	Awatuna	Compliance staff visited site – noise coming from a generator after it was being moved to new area. Issue remedied on site – miner immediately put a bund in – no further notifications received.	Complaint
Farming	Notification – concern about unconsented gravel extraction – Crooked River	Moana	Site visited by Compliance staff. Gravel extraction under Permitted Activity rules for adjacent farm, however, no prior notification given. While on site, staff also noted a creek diversion being put in – the matter is currently being investigated.	Complaint and Staff observation
Landfill	Notification of objectionable odour coming from site	Coal Creek	Compliance staff visited site – no odour detected at the time of the visit.	Complaint

### Update on Previously Reported Ongoing Complaints/Incident



Activity	Description	Location	Action/Outcome	INC/Comp
Dairy Farming	During a routine visit to a dairy farm, it was found that three of the farm's stock crossings had not been bridged.	Rotomanu	The farmer now has a consent – this matter has now been resolved.	N/A
Tourism	The Council was notified regarding a concrete slip way constructed in the Waiatoto River and the earthworks involved.	Waiatoto	A tourism operator constructed a concrete slipway and undertook earthworks in the Waiatoto River without obtaining the necessary resource consent. The operator has gained a retrospective consent and the case is now closed.	Complaint

<p>River Works</p>	<p>The Council was notified about a bulldozer working in McCullough's Creek.</p>	<p>Hari Hari</p>	<p>The site was visited. It was found that a bulldozer had moved a small amount of gravel to the creek bank to form bank protection. Since this has happened, the persons carrying out this work have submitted a consent application which has now been approved and the case is now closed.</p>	<p>Complaint</p>
<p>Gold Mining</p>	<p>While investigating an illegal discharge to a waterway, Compliance Officers discovered a second unauthorised discharge into Waimea Creek through another tributary.</p>	<p>Awatuna</p>	<p>This matter is currently before the courts.</p>	<p>N/A</p>
<p>Meat Processing</p>	<p>Self-notification from the operator relating to their yearly environmental reports not being credible for the past three years.</p>	<p>Kokiri</p>	<p>This matter is currently before the courts.</p>	<p>N/A</p>

Green waste	During a proactive visit to the area, it was observed that a green waste dumping area continued to operate adjacent to a District Council transfer station in Ross.	Ross	The community group has since submitted a resource consent application for processing. Currently awaiting affected parties' approval. An educative approach has been taken, and the case is now closed.	N/A
Flood Protection Works	During a proactive gravel extraction visit, a Compliance Officer found that demolition waste had been deposited into the riverbed behind recent flood protection works.	Sergeants Hill	The site was found to have a resource consent for flood protection works which included slabs of concrete. No notification was given of the works and a small amount of unconsented materials were found. This material was removed by the contractor.	N/A
Creek Diversion	An applicant for a creek diversion was found to have completed the diversion without a resource consent being granted.	Dobson	A resource consent application has been submitted. The affected party is currently reviewing the engineering report which supports the application.	N/A

Ford Crossing	The installation of a ford crossing with multiple culverts at a creek crossing point has been found to not comply with National Environmental Standards for Freshwater regulations.	Waitangita huna River, Whataroa	Enforcement action was taken to remove the ford, which had been done and a resource consent has now been gained to install a new structure. This matter is now closed.	Complaint
Sewage Discharge	The Council was contacted about a septic tank outlet pipe near a creek emitting a foul smell.	Te Miko, Punakaiki	Two Officers located the pipe and found that nothing was emitting from it. Enquiries made – this system was set up within the Permitted Activity rules – closed off.	Complaint
Fuel Station	Accidental fuel spill. Fuel entered the stormwater and creek, killing fish and crawlies.	Kumara	Incident investigated and enforcement action has been taken. Station owner has also taken remedial action to prevent reoccurrence.	Incident
Gold mining	Notification of sediment laden water discharged from mine.	German Gully, Awatuna	Compliance Officers investigated and have taken enforcement action.	Complaint

Gold mining	Dirty water discharge from old mine tunnel	Arthurs-town	Compliance Officer visited site – miner has closed/sealed off the old mine tunnels with gravel. No further action required.	Complaint
Gold Mining	Area of disturbance exceeded limit allowed in consent.	Kapitea	Enforcement action has been taken to decrease the disturbed area in line with consent conditions.	N/A – Staff observation

### **Mining Work Programmes and Bonds**

The Council received 11 mining work programmes during the reporting period.

<b>Date</b>	<b>Mining Authorisation</b>	<b>Holder</b>	<b>Location</b>	<b>Approved Y/N</b>
27/09/2024	RC-2019-0105	Garry John Cooper	Duffers Creek, Stafford	N
27/09/2024	RC-2022-0054	Belborough Holdings limited	Ianthe Forest	Y
09/10/2024	RC-2024-0064	Darrin Christopher Hampton	Fuschia Creek Road, Marsden	Y
31/10/2024	RC-2018-0095	Jacob Pieter van Alphen	Buller River	Y
01/11/2024	RC-2023-0149	Westland Mineral Sands Co	Cape Foulwind	In Progress
04/11/2024	RC-2018-0090	Murray Brian Clegg & Jacquelin Carol Palmer-Clegg	Marsden Road	Y
14/11/2024	RC-2023-0094	Elect Mining Limited	Serpentine Creek, Kumara	In progress
22/11/2024	RC11212	Phoenix Mining Limited	Browns Terrace	N
27/11/2024	RC-2022-0128	Brian Blacktopp Contracting	Mahinapua Forest	N

Further information has been requested for the Mining Work Programmes above, showing as not yet approved.

**The following bonds were received:**

Date	Mining Authorisation	Holder	Location	Amount
09/10/2024	RC-2024-0064	Darrin Christopher Hampton	Marsden	\$24,000
12/12/2024	RC-2022-0054	Belborough Holdings Limited	Ianthe Forest	\$20,000

**The following bond is recommended for release:**

Mining Authorisation	Holder	Location	Amount	Reason For Release
None				

Note – An application has been submitted by a historic mining operation for a release of their bond, however, some rehabilitation concerns are currently being worked through with the consent holder and land owner, prior to recommending the release to Council.

## Considerations

### Implications/Risks

There are no implications/risks associated with this report.

### Significance and Engagement Policy Assessment

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

### Tangata whenua views

Compliance monitoring and enforcement activities are carried out in line with the implementation of Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol in the Mana whakahono ā Rohe Resource Management Act Iwi Participation Arrangement.

### Financial Implications

There are no financial implications associated with this report.

### **Legal implications**

All compliance activities are carried out in accordance with the Resource Management Act.

Staff recommendation reports are compiled for any enforcement and reviewed by Management.

Enforcement actions are subject to appeal provisions. No appeal/s against enforcement actions have been instigated during this reporting period.

**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, Jocelyne Allen and Jo Field, 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 minute taker also be permitted to remain.*

<b>Item No</b>	<b>General Subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 7 of LGOIMA for the passing of this resolution</b>
10.1	Confidential Minutes of Meeting – 10 December 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)).



