

## Item 5.1

# Minutes of the Franz Josef Joint Committee Rating District

Monday 18<sup>th</sup> December 2023 – 11am

St John Meeting Room

Franz Josef

### Present:

West Coast Regional Council, Cr A. Campbell (FJ JC Chair), Cr P. Haddock (WCRC Chairman), Cr B. Cummings (WCRC Dept Chairman), Westland District Council, Mayor H. Lash (Dept FJ JC Chair), Cr B. Manera, Cr A. Cassin (via Zoom), NZTA J. Caygill (via Zoom), Department of Conservation M. Davies

### In attendance:

West Coast Regional Council, D. Lew (CEO), S. Scott (Infrastructure Manager), K. Jacobsen (Area Engineer), L. Crozier (BSO).

### 1. Welcome

Chair A. Campbell welcomed the public and committee members to the meeting.

### 2. Apologies

P. Madgwick, (Te Rūnanga O Makaawhio) S. Bastian (WDC)  
B. Green (Community)

**Moved** (Mayor H. Lash/Chair P. Haddock) that these apologies be accepted.

*Carried*

### 3. Declarations of interest

Deputy Chair Mayor H. Lash asked for the declarations of interest register be circulated at the next meeting, Cr P. Haddock declared his son B. Haddocks part ownership of MBD Contracting who is currently completing the Franz Josef Kānoa works.

**Moved** (Cr B. Manera/Cr A. Campbell) that these declarations be noted.

*Carried*

### 4. Confirmation of Minutes

L. Skinner advised that he cannot confirm the North Side minutes until the key points that he handed over to the minute taker at the last meeting have been added, L. Skinner will send corrections to WCRC.

**Moved** (Mayor H. Lash/M. Davis) that the Joint Committee can only receive the minutes, time has gone by, and memories have changed, they have been recorded at a satisfactory level, amended minutes to be sent out to North Side only in the post with sufficient time to be read for confirmation at the next meeting.

*Carried*

### 5. Consideration of Terms of Reference

WCRC Chair Cr P. Haddock said the whole reason of this meeting today is to clarify the Joint Committee, Cr P. Haddock spoke briefly to the background, structure and operations of the committee, Terms of Reference and delegations below:

*The Franz Josef Joint committee is an advisory committee to the West Coast Regional Council. The Joint Committee purpose is to advise the Regional Council on capital upgrade, and maintenance of the flood protection assets on the north and south side of the Waiho River.*

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*The Franz Josef joint committee was formed as a result of a directive from Wellington - to enable access to continued funding a merger of the north and south side rating districts would be required.*

*As the Franz Josef committees mandate is confined to the administering of the flood protection assets, any matters associated with future land use planning on the south side including managed retreat will require a different governance arrangement. It is anticipated that central government will be represented on this governance arrangement, along with local authorities and affected landowners.*

*Recommendations from the Franz Josef committee will be referred to WCRC for decision.*

*A current term of reference exists for the Franz Josef committee. To date no community representatives have ever been formally appointed under the existing terms of reference.*

**5.1** First item is to consider a revised terms of reference regarding Structure and Operations of the Committee **extract** below:

7. Two community members will be appointed to the Joint Committee by the WCRC and WDC, following a call for nominations. The initial community members shall be the spokespersons from the previous rating districts. New community members will be appointed as vacancies arise and the term of the appointments will match the local government constituent's appointments. The nomination process shall be administered by the WCRC, in consultation with WDC.

**5.1a** The proposed amendments to the Franz Josef Rating District Joint Committee Agreement are as follows (additions underlined, deletions struck through) **extract** below:

2. WCRC shall appoint three elected Councillors to the Joint Committee, being two Councillors from the Westland constituency (or a delegate) and the Chair of WCRC. If the Chair of WCRC is from the Westland constituency, then the third Councillor will be appointed from another constituency.
3. WDC shall appoint the Mayor for Westland, plus the two elected South Westland Councillors (or a delegate) to the Joint Committee.
7. ~~Two~~ Four community members, two representing the north, and two representing the south side of the Waiho River, will be appointed to the Joint Committee by the WCRC and WDC, following a call for nominations. ~~The initial community members shall be the spokespersons from the previous rating districts.~~ New community members will be appointed as vacancies arise and the term of the appointments will match the local government constituent's appointments. The nomination process shall be administered by the WCRC, in consultation with WDC.
13. A quorum of the Committee shall be not less than ~~five~~ seven members and must include ~~one~~ two or more members from each of the two Councils (~~one~~ two or more from WCRC and ~~one~~ two or more from WDC).

Cr P. Haddock read the above out, L. Skinner advised, most opposed the joint committee, wanted to keep the one rating group.

Discussion on how much of the maintenance costs NZTA paid.

Consideration on Terms of Reference, L. Skinner would like a quorum from at least the ratepayers to agree to this, can we go back to the rating group of rate payers, actual decisions from the rate payers not the members of the Joint Committee? D. Lew advised he understands that is the model for other rating schemes due to Kānoa.

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Cr P. Haddock advised 2022 June the Joint Committee agreement was signed and listed the parties namely Westland District Council, West Coast Regional Council, Te Rūnanga O Makaawhio, New Zealand Transport agency, Director-General of Conservation, M. Davis said at that time there was a drive to access the Kānoa funding and was a requirement of MBIE at that time to be put in place, Cr P. Haddock said it is written in there that the community members were to be put in place. I suggest we move forward.

South secretary requested four members to D. Lew. Mayor H. Lash explained the requirement by government to push forward, Te Rūnanga O Makaawhio and community members, engagement, consultation, we need to move on and get the structure right and work to that.

D. Lew said to draw down the money it was a government stipulation, twelve million for north side is not fully down for our bank account it gets drawn down in progress program milestones, second thing that there is nothing stopping more regular meetings throughout the year, Cr P. Haddock moves we go to making the agreement, number two discussed first Cr A. Campbell and I are both your representatives, and Cr B. Cummings, Westland District Council should appoint the Mayor, two elected councilors, Makaawhio and NZTA everyone is happy with that.

L. Skinner said NZTA were originally paying maintenance costs. of the works, J. Caygill will go away and confirm what NZTA protects.

Cr P. Haddock read out **point 7.** from the Structure and Operations of the Committee, Cr B. Manera said he can't see anything wrong with adding four. The community said it needs to be rate payers not just community members, advertise and call for nominations in February, South Side have decided their four they are good to go.

D. Lew said it is becoming a big committee, with quorums etc, can't be held up, L. Skinner suggested four elected but two for the quorum, amend through the chair only two on the voting but four on the community.

Discussion held by the community, there is concern that there has been no maintenance.

D. Lew advised delegations flying to Wellington in the new year as soon as we get it, we will put a programme of works together, that is the business of Joint Committee for the south side.

**Moved** (M. Davis/Mayor H. Lash) motion for four from each side join to progress a supportive community.

*Carried*

**Item 13.** *A quorum of the Committee shall be not less than five members and must include one or more members from each of the two Councils (one of more from WCRC and one or more from WDC) was discussed, three must be from the committee for a quorum, must have minimum of two from each side ability to spread representation. J. Caygill said you will need to adjust total number for quorum the crown would have wanted the committee to be able to meet sure but not entirely absent from total committee, need to add total amount, can't dilute, need a number of nine, M. Davis thinks that is reasonable for trust and confidence, eleven is for committee, nine is a reasonable number.*

**Moved** (Mayor H. Lash/Cr. B Manera) That a **quorum** be made up of two community representatives from the south side of the Waiho River, two community representatives from

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the north side, two each from WDC and WCRC, and one from either of the remaining membership NZTA, DOC and Makaawhio totaling nine as the quorum.

Minute/record DOC and NZTA agree to nine for the quorum, put to council that the rules around zoom will be changed, J. Caygill said a minimum from the other group only one member from either DOC, NZTA and Makaawhio will be a quorum NZTA, DOC are happy with that and minute/record P. Madgwick (Makaawhio) is an apology, records from committee to rate paying members and add the word *scheme*, *pay into the scheme*, this relates to **point 7**.

WCRC to call for nominations, put a notice-on-notice board around town, L. Skinner wants it to go by mail as well. D. Lew made a suggestion, we send out a letter after Christmas to the north side calling a meeting January, February, call for nominations and a vote will be taken, if you cannot attend that meeting give us a proxy vote.

WCRC Communications Team to get in touch with Sabine a letter should go out to the rate payers, send a letter to the north side rate payers and including who to send their vote to, with clear email address of where they can address their questions to, letter will go out by the 15<sup>th</sup> of January calling a meeting for last week of January or first week of February, vote on proxy/nominations on the floor of the meetings, Cr P. Haddock said people voting will only be from the north, bring the verifications.

**Moved** (Mayor H. Lash/Cr B. Manera) There will be a call for nominations after Christmas to the North Side, there will only be a general meeting for the north side, people voting will only be from the north.

## 6. Reports

### 6.1 Impairment, condition assessment, level of service (*D. Lew verbal report*).

Discussion under 3190, formally inspects that work after construction to the design of the design engineer, design drawings and specs are signed off. Discussed accounting standard through auditor general that we are maintaining banks to level of service they are designed to.

Joint Committee must consider cost to maintain, dip into reserves to bring back to standards, discussed if you don't get it back to standards the auditor general will lower the conditional assessment and we must lower the level of service auditor general getting tough on this around the country.

D. Lew advised what would have to happen at the AGM the AGM must accept that at the service levels, D. Lew is only advising of these processes, the current service level in terms of scour in rock, will get this is out to L. Skinner in a letter. WCRC to write this up to WDC about how we want approval to upgrade this, then the assets value goes to WDC on their books, council and NZTA banks we must lower if we don't want to pay on impairment and accounting.

D. Lew said we will bring a report through to first meeting (Tetra Tech Coffey), the community asked about storm water, but WCRC said this is WDC and WDC have noted this, M. Davis said in support of D. Lew's statement this is what crowns expectation would be. Cr A. Campbell said floods change rivers, D. Lew said we don't make those changes each time the river behaves, it is the longer-term trends on the level of service, D. Lew said we need the eyes and ears of the community essential to us.

### 6.4 Update on Kānoa Funded Work

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S. Scott spoke to Kānoa funding 6.4 the most prominent works, the link bank the connection Heli port bank to Havil Bank, gone extremely well, put in toe rock to depth of four meters, was peer reviewed, Havil bank 6.6 engineering design been extensively taking into account river flows and velocity, 7-8 meters a second in a major major flood, current state and conditions, teams been doing assessments, surveyed the beds using lidar, 100 – 700 meters worth of change, level of significant toe rock, what is being processed is we duplicate that engineering standard into the Havil wall.

L. Skinner asked about cost S. Scott said it has been allowed for in the project budget, we have designed it to a particular standard, L. Skinner said about cost to ratepayers D. Lew said it is Kānoa funding, L. Skinner said we have to pay a portion he wants to have discussion, D. Lew said if the four members say they do not want to spend that money it puts the Kānoa money in jeopardy. D. Lew said we are doing it to a 100-year flood but will confirm in writing, not just capacity but incorporates velocity and scour, spending local money and government contribution.

**Moved** (Cr P. Haddock/Mayor H. Lash) to receive the verbal update on Kānoa Funded Work.

L. Skinner would like S. Scotts report in writing.

## 6.7 Update from Department of Conservation

M. Davies said he is supported by W. Costello, but any questions and details W. Costello is here to help.

Since the 2019 March event DOC been working on long term visitor strategy, need to have one visitor experience going forward, been working with NZTA strategic framework future of Franz Josef, road preferred options in terms of walking in cycling access, been talking to Iwi and community and will continue to do that, in the meantime GHD have identified very high risk section on roads very important for community to know we have taken them from very high risk to high risk but still remains, 50/50 arrangement with NZTA something in the order of ten years on the road to seek agreement on the long term visitor TTPP management plan ten year duration to go through this process and construct.

L. Skinner asked about committed funding for next ten years, if it washed out tomorrow would it be replaced, high level agreements 50/50 but those numbers are not locked in anywhere, will be focusing to obtain security around funding something in order of four hundred thousand dollars of work to maintain current road, need to have this discussions amongst DOC and NZTA, L. Skinner asked if we are all in danger of severe risks and loss of infrastructure, like for like is not a given, what all governments have been saying for years, need to plan and adapt.

The community asked about relocation of road, M. Davies said there was six maybe eight options, community member asked about consultations, M. Davies said community long-term experience, south side still concerned about road, toe, M. Davies said we have money to maintain, W. Costello said M. Healey has done a lot of work at looking at this fairly confident have not lost the toe.

The community asked about quarry being opened up to benefit community, M. Davies said if a case and application is put of course we will consider it, rock not really suitable, M. Davies said it was considered at time not being great quality.

**Moved** (Mayor H. Lash/Cr P. Haddock) to receive M. Davies (Department of Conservation) verbal report.

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### 6.8 Update New Zealand Transport Agency (verbal report)

J. Caygill had to be excused from the meeting before he could deliver his report.

*Note from J. Caygill had said nothing substantial to report will seek detailed advice to south side so committee has that next time, D. Lew said he now has it on list on funding for investigating for moving road out over next three years in discussion with DOC over this, need ten years of current road to have this happen, geotech, alignment.*

### 6.9 Update on CDEM (verbal report)

S. Scott spoke to the CDEM report, to build additional resource and infrastructure to remain intact, need to be adaptable, developing processes and plans, C. Browns team have done a lot of work alongside community response plan, on back of ten year Waiho river strategy, critical action on reviewing current response and community plans, can bolster that, intended moving into first quarter next year a meeting by full service agencies Saint John's, Police, FENZ, WCRC and importantly from the community, some of drivers around the work shop what current situation is, community response plans placed on TAG report, that will underpin some of the key decisions, C. Brown has put this brief together, strong community engagement, how do we embrace technology, any gaps and resources training, is there any new products, plan required, first quarter 2024.

Mayor H. Lash advised Franz Josef is unique, are aware of all agencies, very slick operating team, important CDEM come here to listen, learn, the river can split their town in half, each side has their own communication team, wants to see a civil defense program for a south side a combined program won't work, what they want what they need, or it will not work, they rely on themselves and needs to be understood from a civil defense action.

**Moved** (Mayor H. Lash/Cr B. Cummings) to receive CDEM verbal report.

### Financial/Annual Works Report

S. Scott spoke to the 2022-23 financial report discussed opening balance and income stream, internal interest income and rates, L. Skinner suggested the year to date, biggest cost capital expenditure on the true left, S. Scott spoke to the works report, rubbish bank stopbank, 515 tones, more recently in June replacement of rock, and expenditure for the year.

Cr P. Haddock said going forward if community representatives say works needs doing, I imagine we work with the spokesperson, and the council would of contacted those, council do emergency work as required but we need to talk to both as required, going forward L. Skinner agreed that would be ok going forward with an email going out first.

D. Lew said two things here, look forward of 12-34 months, what is work programmed, look at finances, emergency works what typically happens is we work the phones the members, go to spokesperson from each side because we need a quick turnaround, what we will do when there is four and four are elected one and one need to be nominated for emergencies, the community asked again about having two separate sides but Cr P. Haddock said not a conversation for today, we are talking about emergency works, we will contact one from north and one from south and they will get hold of three members.

M. Davis was excused from the meeting at 1:30pm.

S. Scott said he really appreciated the feedback and putting those processes in place and thanks to the community.

L. Skinner asked about the rock stockpile, S. Scott said this will be discussed in February.

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Mayor H. Lash said in future we will make it a lot clearer in the presentation of the finances.

Community members asked about who makes the decision on the NZTA stopbank. D. Lew said we write formally to NZTA to ask them to spray out their banks, D. Lew said strong works programme for WCRC to spray. K. Jacobsen advised current best practices worldwide to remove toot to be able to inspect stopbank.

L. Skinner asked about the two years of rates and where that money has gone two lots of rates, missing two years of accounts for rating district, L. Skinner directed this question to D. Lew, L. Skinner asked can we commit to the supplying the 2019, 2020, 2021 accounts. D. Lew explained the challenges the engineering team is going back in time with the finances.

Cr P. Haddock advised how much pressure staff have been under, apologized for lack of meetings and consultation, we have recruited a good team, have a massive workload have been working flat out, going forward we have a team that want to work with your community with the best outcomes.

K. Jacobsen spoke to the community about our closing balance which we take and put with the works going out, what is not showing is engineering cost recovery going out happy to go through it with a calculator after the meeting.

L. Skinner discussed WCRC own consultation document, in covid times in 2020 WCRC council were committed to refunding that money to those who had paid into it, 2020 council meeting after the bridge went out, Mayor H. Lash said nothing can happen until we get that document.

**Moved** (Cr. P Haddock/Mayor H. Lash) to receive the Annual Works Report, to receive the requested financials at the next North Side Meeting.

L. Skinner and the Franz Josef North side committee would like to acknowledge the loss of three members who have put many hours into the river.

Tim Gibb

Paul Wilson

Peter York

**Moved** (L. Skinner/all in agreement)

*Carried*

L. Skinner said rates invoices for the town some people are paying river works and some are not, a trend across entire north side. D. Lew said through the chair, what I need in February formal mover and seconder to do a quality assurance check on classification, and the Joint Committee may want a full review to make sure all beneficiaries are paying accurately, total fresh look all direct and indirect benefices are paying costs, L. Skinner talked about the center map, he always pays into town now doesn't so are other people paying for this, D. Lew said motion to undertake formal review on existing Classification.

**Moved** (Cr P. Haddock/Cr B. Manera) to action D. Lew's suggestion of a full review.

Mayor H. Lash noted that the Franz Josef Rating District Joint Committee Terms of Reference point .24 should refer to .18 instead of 8 and that the agreed plan for the community representatives and quorum will be taken back to WDC in January to avoid any further delays for structure of documents to come back in January for formal actions.

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Proposed works will have more details of where stockpiles will be, L. Skinner discussed price of rock, K. Jacobsen said we agreed to spraying and other maintenance work.

D. Lew going away from here staff will spray banks, remove vegetation, channel works on south side, just below Canavan's.

WCRC contact details on board.

### 8. Closing Meeting

Chair A. Campbell thanked all members of the Joint Committee and closed the meeting at 2:13.

### Amendments raised at the 6<sup>th</sup> May 2024 meeting:

Minutes to state it was requested that the distribution of the meeting agenda at least two weeks prior to the meeting.

WCRC was to call for nominations for the North Side Rating District not L. Skinner.