

Report



DATE: 19 December 2013

TO: Mayor and Councillors

FROM: Manager: Planning and Regulatory

SECTION 33 RMA: TRANSFER OF FUNCTIONS

1.0 SUMMARY

- 1.1 The purpose of this report is to continue to assist the Council in the process of transferring certain resource management and District Plan functions from the Council to the West Coast Regional Council (WCRC).
- 1.2 This issue arises from Council's October 2013 meeting that adopted a Statement of Proposal. The special consultative procedure has now finished and Council now needs to consider the submissions and deal with the statement of proposal in light of those submissions. A copy of the Statement of Proposal is found at **Appendix 1**.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002 Amendment Act 2012. That purpose is:
 - (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
 - (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 1.4 Council seeks to meet this obligation and the achievement of the District Vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders Having inspirational leadership	Consulting with and having regard for the views of important stakeholders and the community.

- 1.5 This report concludes by recommending that Council reconsider its approach to the proposal.

2.0 BACKGROUND

- 2.1 Applicants for resource consents for mineral activities generally deal with both Council and WCRC as a case of statutory necessity. In addition, applicants need to deal with land owners, and other statutory bodies such as DoC and NZHPT.
- 2.2 Section 30 of the Resource Management Act (RMA) provides that the function of a regional council is the integrated management of the natural and physical resources of the region. Essentially, the WCRC's regulatory influence is restricted to matters of water and soil conservation.
- 2.3 Section 31 of the Resource Management Act provides that the function of a territorial authority is the integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the District. A District Council's regulatory requirements extend across the environment to encompass the management of noise, heritage, amenity effects, visual effects and the consideration of significant terrestrial ecosystems.
- 2.4 Council considered a proposal to transfer some or all mining resource management functions to the WCRC and consulted with the industry and others.
- 2.5 The question of "duplication" was seen to be important for the industry. The industry saw favour in the option of a "single application". Other comments related to the need to obtain consent at all and the fundamental statutory roles of the two Councils.
- 2.6 At its meeting on 29 August 2013 Council resolved to commence the transfer of mining functions to the WCRC.
- 2.7 Both Councils, as a precursor to the proposed transfer, negotiated a proposed Deed of Transfer. The need for an agreement was seen as an essential component of a Statement of Proposal in order to give clarity as to the intention.

- 2.8 At its meeting on 26 September 2013 Council resolved to adopt a proposed deed of transfer with the WCRC and commence the Special Consultative Procedure.
- 2.9 At its 31 October 2013 meeting, Council resolved that a Statement of Proposal be adopted and the special consultative procedure commence.
- 2.10 As required by the RMA, the Minister for the Environment has been advised of the transfer proposal.

3.0 CURRENT SITUATION

- 3.1 The Statement of proposal was given public notice on 5 November 2013 and submissions closed on 4 December 2013. At the time of the closure of submissions a total of 119 submissions had been received. A summary of the submissions received is found at **Appendix 2**. A copy of the actual submissions is attached as **Appendix 3**.
- 3.2 At the same time as submissions opened, all parties who had previously showed an interest in the proposal were also advised that the Statement of Proposal was open for submission.
- 3.3 All submitters are entitled to speak to their submission. All submitters that had not indicated a desire to be heard or not have been written to and asked to indicate their preference. At the time of the preparation of the agenda the schedule of those wanting to be heard is correct.

4.0 OPTIONS

- 4.1 Adopt the Statement of Proposal as attached.
- 4.2 Amend the Statement of Proposal.
- 4.3 Reject the Statement of Proposal.
- 4.4 Reconsider the Statement of Proposal.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 The transfer of functions under the provisions of the RMA is considered to be a significant action by virtue of the statutory requirement for consultation.
- 5.2 The special consultative procedure is specifically provided to ensure that consultation with the public occurs.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 The number of submissions indicates a concern for the sector. The submissions cover a range of issues, some of which have not been considered by the Council in the initial stages of drafting the proposal.

6.2 The issues are identified as:

6.2.1 The statutory roles of both Councils:

The roles of both Councils are provided for in sections 30 and 31 of the RMA as noted above at paragraphs 2.2 and 2.3. There is a significant onus placed on District Councils by the section 31 requirement for the “management of the effects of the use, development or protection of land and associated natural and physical resources of the District”.

The Act provides two very separate approaches to resource management functions which call for separate processes and an exercise of discretion.

6.2.2 Efficiencies and duplication:

This concept is based on the industry’s desire that there be a “singular application”. Only one application would need to be made which would need to be comprehensive and cover the requirements of both Councils. Additionally, a single application could readily be expansive enough to cover the two Councils, the Department of Conservation, the Historic Places Trust, the land-owners and any other person or agency.

The suggestion that “two applications are required” misses the obvious factor that the industry could readily approach the application in a comprehensive and information sharing way. The development of a single application could be attended to very quickly by the industry with the help and encouragement of the affected agencies.

The transfer of functions does not mean that existing District objectives, policies and rules are set aside in favour of a regional approach. The transfer would mean that the applications are considered by the Regional Council using the Westland District Plan; nothing changes in terms of what is required to be considered and evaluated.

Council has restricted its discretion in dealing with land use consents for mining to:

- Distance to boundaries
- Water bodies and riparian margins
- Gradient of mined land to boundaries
- Bulk and location of stockpiling and buildings
- Noise
- Hours of Operation
- The use and transport of hazardous substances
- Financial contributions relating to landscaping, land restoration and roading
- Habitat of threatened or protected species
- Intrinsic values
- Amenity values
- Archaeological, historical and cultural sites
- Avoiding, remedying or mitigating potential adverse effects on the life supporting capacity of air, water, soil and ecosystems; on the natural character of waterways and their margins and the coast; on significant indigenous vegetation and significant habitats of indigenous fauna; and on outstanding landscapes

These matters do not change with the transfer and Council will need to have confidence that these particular issues provided for in the District Plan (the effects of land use) are going to be adequately dealt with by a consent authority that has a statutory function that is geared towards an environmental management function.

6.2.3 Additional information requirements:

The matters for consideration (above) are generally well stated in applications but there are three factors that often result in additional information requests, particularly from expert commentators. They are noise, amenity values and heritage issues. The effects of these matters are often not well stated (eg: “the usual noise associated with an alluvial mining operation”). The Council’s obligation and, if the transfer proceeds, the Regional Council’s obligation, will need to be satisfied on the same grounds.

6.2.4 Knowledge of staff (both Councils):

Some of the comments made about District and Regional Council staff are inflammatory and also appear to be somewhat uninformed.

Because of the statutory differences in the roles of both Councils there are different ways of approaching the issues for consideration.

It is not easy to compare, for example, the issues of water and soil conservation vs amenity, landscape and heritage. In respect of an alluvial mining operation, the Regional Council issues are often straight forward and minor as opposed to some District issues that are of intense interest to adjoining occupiers and passers-by.

Recent presentations from the Minerals Industry and a number of submissions received through this process indicate a strong view that Westland District Council is not assisting the economy and growth of the mineral industry. If this is Council's view, it is suggested that the transfer of functions will not address this, as there will be no change to the matters required to be assessed in each application. The Council could instead direct staff to reconsider the status of mining activities within the District Plan, or the matters that are required to be considered in each application. This could be achieved as part of the review of the District Plan, and will allow a discussion with the community about what effects of mining activities require management and how this is to be achieved.

6.2.5 Bias (both Councils):

The comments of bias are unfair and will not be responded to in this report.

6.2.6 Adherence to time-frames:

The criticisms of compliance with timeframes are not supported by the figures. Since 2002 there have been a total of 75 resource consents relating to mining applied for.

- 6 have been withdrawn/cancelled or varied prior to a decision.
- 5 are on hold for a notification decision.
- 8 are on holding waiting for the applicant to gain affected party approvals.
- 56 have been processed to a decision and the outcome of those is:
 - No of completed decisions: consents non notified, 80.4% (45).
 - No. of completed decisions: consents limited notified, 14.3% (8)
 - No. of completed decisions: consents publicly notified, 5.4%, (3).
 - No. of completed decisions processed within timeframes: 47

- % of completed decisions processed within timeframes: 84%
- No of completed decisions processed outside of timeframes: 9
- Completed decisions processed outside of timeframes: 16%
- No of consents approved: 54
- No of consents declined: 2

It is worth noting that the percentage of consents processed on time in 2005-2007 was less than 40%. This track record was improved when staff capacity was increased.

A number of submissions raised a perceived change in the difficulty of obtaining mining consents over time, and other submissions discussed the conflict between rural lifestyle areas and adjacent mining operations. The change from Mining Licenses to Mining Permit, the increase in gold price, and the rural property boom are considered to contribute to this effect. Between 2002 and 2007 there were a total of 7 applications for land use consent to undertake mining. During 2005-2008 Westland experienced a surge in rural lifestyle subdivision with many new allotments created in outlying areas such as Stafford, Awatuna and Kaniere. The Gold price increase meant that it became economic to mine additional land and provided an opportunity for contracting work at the end of the property boom. Council processed 12 consents in 2010, 10 in 2011, 11 in 2012 and have received 19 applications in 2013. Mining 'hotspots' have been in Stafford, Kapitea, and Ross south to the Mikonui. Unfortunately, this often corresponds directly with the areas of rural residential development. This has meant that miners now have additional affected parties to consult with, and new residents who moved to a location for a particular amenity may not have perceived that mining was part of this. It is considered that this tension has led to the majority of perceived delays in applications.

6.2.7 Compliance monitoring.

The ability of a Council to adequately monitor and enforce consents and conditions to consents is pivotal to the Council maintaining integrity with the community and gaining information that will inform changes to the District Plan in the future. Compliance monitoring is not well done by the Council and it is a matter of concern.

- 6.3 The financial implications are reasonably straightforward. The Council will not receive any income from mining applications on transfer and, in addition, it will only need to meet minimum costs relating to mining applications. Staff time will be freed-up and priorities can be re-established

which could favour the District Plan Review or compliance monitoring generally. The transfer will not impact on overall staff numbers.

7.0 PREFERRED OPTION AND REASONS

- 7.1 The preferred option is that Council consider the submissions and reconsider the proposal when the new Group Manager: Planning, Community and Environment is in place in early 2014.
- 7.2 One perspective is that Council has a job to do involving the receipt and assessment of resource consent applications and making decisions on those applications (statutory duty) and that the Council, staff, residents and ratepayers are best served by the Council exercising its duty.
- 7.3 The other perspective is that central government are encouraging Councils and making it easier legislatively to share services. What once was the domain of a particular authority is being reassessed in terms of efficiency, cost, customer experience and who is best placed to deliver the service.
- 7.4 The question for Council is: is the approach outlined in 7.3 above the best approach for this particular activity?
- 7.5 The industry would seem to be looking to the Council to introduce “efficiencies” but does not give the appearance of taking an “efficiency” initiative itself. The industry could readily engage with all its partners and look at administrative processes that could be instituted to favour all parties rather than simply exclude one.
- 7.6 In addition, staff hold the view that the management changes that are programmed should be put in place before any transfer is made. A new approach to the duties that are required to be undertaken may suit the Council rather than proceeding with the proposed transfer at this time.
- 7.7 Staff advice is that the submissions to the proposal should be heard and considered, with a decision on the proposal being reconsidered in early 2014.

8.0 RECOMMENDATIONS

- A) **THAT** the submissions to the proposal to transfer mining functions from Council to the West Coast Regional Council be heard and considered.
- B) **THAT** the proposal to transfer mining functions from the Council to the West Coast Regional Council be reconsidered in early 2014.

Richard Simpson

Manager: Planning and Regulatory

Appendix 1: Statement of Proposal

Appendix 2: Summary of Submissions

Appendix 3: Copy of submissions from:

- Barry MacDonell
- The Minerals Institute
- R J Breeze
- Brenda Breeze
- Minerals West Coast
- Brian Blacktopp
- Joan Blacktopp
- Hayden Blacktopp
- Allan Thompson
- Caitlin Thompson
- Daniel Foord
- Gail Pehi
- Jade Thompson
- Tom Milne
- Tina Taylor
- Sarah Heney
- Wade Heney
- Kelvin Taylor
- Lynda Pehi
- Amalgamated Mining Ltd
- Mike Spruce
- Patrick Amberger
- Anita Breyholtz
- Jeff Cairney
- Jocelyn Cairney
- Janet Drylie
- John Drylie
- Dean Fleming
- Kate Fleming
- D A Forbes
- John Foster
- R J Halsey
- Nigel Hoban
- H M Kinghorn
- D S E Kroupa

- W Kroupa
- M C Mann
- Robert Newland
- Rosina Newland
- Annette Peterson
- G T Simon
- P Simon
- P E Singer
- C Stokowski
- Dianje Strang
- Hemi Te Rakau
- A Thrupp
- Gold and Green Resources Ltd
- West Coast Commercial Gold Miner's Association
- Rob Danford
- Stuart Brown
- Biddy Manera
- Ben Blacktopp
- Susi Thompson
- Andrew Birchfield
- Wikitoria Thomson
- John Trotter
- Nathan Høglund
- Ebony Hillman
- Arthur Thomson
- Veronica Chinn
- Anne Watts
- Bob Wilkinson
- Kevin Morrow
- Chris Windley
- James Rochford
- Alan Tainui
- Tony Priebe
- Michael Anderson
- G W Downey
- Shawn Wilson
- Jason Carpenter
- Dave Searle
- Darren Terris
- Graeme Hall
- Paul Birchfield
- Peter Donaldson
- Maise V Bennett
- Daniel Overton
- Dea Minehan

- Lorraine Crowhen
- Luke Fisher
- Terry Crowhen
- Jack Cornish
- Len Higgens
- Barbara Thomson
- Andrew Gifford
- Bev Ellis
- Michael Thomson
- Julie Manera
- Evan Simpson
- Doug King
- Jamie Smith
- Ian Thompson
- Jim Manera
- Michelle Austin
- Jane Birchfield
- Tom Leatham
- June Searle
- Terry Rea
- Michelle Manera
- Doug Wright
- Peter & Emma Cornish
- Peter Rea
- Cathy Jones
- Gary Jones
- Dean Sweatman
- Morris and Watson Gold Buyers
- P W Manera
- Evan Birchfield
- Mrs K Hartwig
- Peter Bennett
- Bryan Chinn
- Brian Torrest
- Gavin Hartwig
- Steve Maitland
- Jen Miller. RF and Bird



STATEMENT OF **PROPOSAL: SECTION 33** **RESOURCE** **MANAGEMENT ACT 1991:** **TRANSFER OF** **FUNCTIONS**

1. INTRODUCTION

At its meeting on 29 August 2013 the Westland District Council resolved that Council transfer the processing, monitoring and compliance functions relating to mining consents to the West Coast Regional Council.

The Council had been considering the concept of transferring minerals functions to the West Coast Regional Council for over 12 months. Council had been engaging informally with representatives of the minerals industry and the Council learned that “duplication” was a major issue for the industry in that it had to deal with both the Regional and District Councils.

The Council consulted with a wide cross section of people and organisations associated with the minerals industry and requested feedback as to how the concept of the transfer of mineral functions would be received by the industry at large. The feedback was such that the Council chose to draft a proposal to transfer mining functions to the West Coast Regional Council.

2. LEGISLATIVE FRAMEWORK

2.1 Section 33 of the Resource Management Act 1991 (RMA)

Section 33 provides that a local authority may transfer any one or more of its functions, powers, or duties under the Act to another public authority.

Where a Council sees a benefit in the transfer of a function, power or duty, Section 33 also requires that the special consultative procedure (Section 83 of the Local Government Act 2002) is to be utilised and the authorities that are agreeable to the transfer must agree that the transfer is desirable on the grounds of community of interest, efficiency and technical or special capability or expertise. The Minister for the Environment must also be advised of the transfer prior to the commencement of the special consultative procedure.

2.2 Section 83 of the Local Government Act 2002 (LGA)

The purpose of this Statement of Proposal is to state the Council's intention in terms of its compliance with Section 83 of the Local Government Act (LGA). The Minister for the Environment has been advised of the intention and the Westland District Council and the West Coast Regional Council have drafted a proposed agreement relating to the transfer of mining functions. The Councils considered that an agreement be proposed prior to the special consultative procedure commencing so that the public could have some degree of certainty of outcome during the submission stage.

3. REASONS FOR THE PROPOSAL

Council has formed the view that the transfer of mining functions to the West Coast Regional Council is an efficient mechanism for dealing with mining applications and mining operations. The Council is of the view that, because applicants for resource consents for mining activities generally have to deal with both the Regional and District Council as a case of statutory necessity, there is an unnecessary duplication. Additionally, applicants often have to deal with landowners and other statutory bodies such as the Department of Conservation and the New Zealand Historic Places Trust.

The Council also holds the view that the West Coast Regional Council has specialist skills in the areas of water and soil conservation and that those skills would have benefit when dealing with mining applications and associated resource consents. This is particularly so in respect of monitoring functions.

In order that there is clarity to the general public as to how the transfer will work, the Councils have negotiated a draft deed that identifies how the transferred functions are proposed to be dealt with. A copy of the proposed deed is attached and forms part of this Statement of Proposal.

4. AVAILABILITY AND CONSULTATION

The Council has now reached the stage where the special consultative procedure provided for within the LGA must be proceeded with. Copies of this Statement of Proposal together with copies of various reports considered by the Council are able to be obtained from the District Council office during usual office hours.

The Council now proposes that applications for resource consents for mining and the monitoring and the checking of compliance of resource consents be transferred to the West Coast Regional Council. Public notice of the proposal to transfer those activities will be given on 5 November 2013 and the notice will invite participation and feedback on the transfer proposal.

Any submission is required to be lodged at the Council building **prior to** 5.00pm on 4 December 2013. Any submissions received will be considered at the regular meeting of the Council to be held on 19 December 2013.

Submissions must be sent to the Westland District Council, Private Bag 704, Hokitika 7842 and the Officer for enquiries is Richard Simpson, (03) 756 9010.

Dated at Hokitika this 31st day of October 2013.

Tanya Winter
Chief Executive

**DEED TO TRANSFER FUNCTIONS UNDER SECTION 33 OF THE RESOURCE
MANAGEMENT ACT 1991**

THIS DEED is made on the day of 2013

BETWEEN **THE WESTLAND DISTRICT COUNCIL**, a body corporate
under the Local Government Act 2002 ("the District Council")

AND **THE WEST COAST REGIONAL COUNCIL**, a body corporate
under the Local Government Act 2002 ("the WCRC")

WHEREAS:

- A. Under section 31(1) of the Resource Management Act 1991 ("the Act"), the District Council has the function of controlling any actual or potential effects of the use, development, or protection of land, including the effects of mining-related activities, within the Westland District.
- B. In accordance with the Act, the District Council has prepared the Westland District Plan, which includes objectives, policies, and rules for mining-related activities.
- C. Under section 30(1) of the Act the WCRC has the functions of controlling the use of land for the purpose of soil conservation, and managing effects of water use and discharges, including the effects of mining-related activities, within the West Coast Region.
- D. The District Council has agreed to transfer to the WCRC and the WCRC has agreed to accept transfer of its functions for mining-related activities in the Westland District.
- E. Both the WCRC and the District Council agree that the transfer is desirable on all of the following grounds required by section 33 of the Act:
 - (a) The authority to which the transfer is made represents the appropriate community of interest relating to performance of the function transferred; and
 - (b) Efficiency; and
 - (c) Technical or special capability or expertise.

- F. The proposed transfer was approved by the District Council and the WCRC, after the District Council undertook the special consultative procedure specified in the Local Government Act 2002.
- G. Before using the special consultative procedure, the District Council gave notice to the Minister for the Environment of its proposal to transfer its functions, powers and duties outlined in this Deed.

NOW THIS DEED RECORDS:

1. INTERPRETATION

1.1 In this Deed, unless the context otherwise requires:

“exploration”, “mining” and “prospecting” have the same meanings as in the Westland District Plan;

“Government Agency” means any national, regional or local governmental or semi-governmental agency, administrative body, judicial body, tribunal, department, commission, public authority, agency, minister, statutory corporation or instrumentality;

“Law” means any legally binding law, legislation, statute, Act, rule, order or regulation which is enacted, issued or promulgated by the Parliament of New Zealand, the Governor General by Order-in-Council or a Government Agency;

“Mining-related activities” includes:

- a) exploration;
- b) mining;
- c) prospecting;
- d) operations which are ancillary to the exploration, mining, or prospecting for any mineral;
- e) the following activities when carried out on the same site as an exploration, mining or prospecting activity and where such activities are ancillary to the exploration, mining or prospecting activity:

2.1 The transfer effected by this Deed commences on 2013.

3. TRANSFER

3.1 The District Council transfers under Section 33 of the Act to the WCRC the functions in Clause 4.

3.2 The WCRC accepts the transfer effected by this Deed.

3.3 This transfer is on the terms and conditions set out in this Deed, and the parties are at all times subject to the provisions of the Act and any other Law.

4. FUNCTIONS TRANSFERRED

4.1 The functions transferred under this Deed are the functions, powers and duties of the District Council in relation to mining-related activities under Section 36, Part 6, Part 6AA and Part 12 of the Act.

5.1 WARRANTIES

5.1 The WCRC warrants to the District Council that in performing the functions, powers and duties transferred and otherwise performing its obligations under this Deed it will:

- a) devote such time, resources (including engaging specialist staff where necessary), care, diligence, attention and skill as is reasonably necessary for the proper and efficient provision of the Functions;
- b) exercise the degree of skill, care, prudence, foresight and diligence which would reasonably and ordinarily be expected from a skilled and competent professional engaged in the same type of undertaking under the same circumstances; and
- c) comply with all applicable Laws and the terms and conditions set out in this Deed.

5. COSTS

5.1 The WCRC may charge and recover fees for mining-related activities in accordance with Section 36 of the Act.

6. LIAISON

- 6.1 The WCRC may consult with the District Council where it considers that in performing the functions, powers and duties transferred, it would be assisted by the technical capability of the District Council.
- 6.2 Where any mining-related activity is immediately adjacent to, or will affect legal road, WCRC will seek comment from the District Assets staff of WDC. This consultation will occur over and above any assessment of affected parties to the consent application. This provision may be met through the agreement of standardised requirements, or consultation on a consent basis with an agreed response timeframe.
- 6.3 To the extent permissible by Law, the District Council shall provide to the WCRC as soon as practicable any information, advice or comment on any mining-related matter reasonably requested by the WCRC to assist the WCRC to carry out the functions, powers and duties transferred.
- 6.4 The parties will cooperate in good faith:
- a) to expedite the transfer to the WCRC of any such matters being handled by the District Council as at the commencement date in Clause 2, which relate to functions, powers or duties transferred to the WCRC pursuant to this Deed; and
 - b) in the event that this Deed terminates in accordance with clause 11, to expedite the transfer to the District Council of any such matters which relate to functions, powers or duties transferred to the WCRC pursuant to this Deed.

7. REPORTING

- 7.1 The WCRC shall report to the District Council information about any of the functions transferred as agreed with the District Council.

8. RELINQUISHMENT

- 8.1 If the WCRC considers relinquishing the functions, powers and duties transferred, it shall first consult with the District Council as soon as practicably possible.
- 8.2 If, following such consultation, the WCRC decides to relinquish all or any of the functions, powers or duties transferred it shall give one months' written notice of its decision to the District Council.

9. CHANGE OF TRANSFER

9.1 Pursuant to Section 33(8) of the Act, the District Council may change the transfer effected by this Deed at any time, by notice to the WCRC.

10. REVOCATION OF TRANSFER

10.1 Pursuant to Section 33(8) of the Act, the District Council may revoke the transfer effected by this Deed at any time, by notice to the WCRC.

11. DURATION

11.1 This Deed and the transfer made under it shall remain in full force and effect until revoked by the District Council or relinquished by the WCRC under Clauses 8 or 10 of this Deed.

12. DEALING WITH DISPUTES

- 12.1 If any difference or dispute arises as to the interpretation of this Deed or as to any matter arising out of or in connection with this Deed, including any question regarding its existence, validity or termination ("Dispute") (other than a Dispute precluded by clause 13), then either party shall by notice in writing served on the other party inform the other party of the details of the Dispute.
- 12.2 Both parties undertake to use their best endeavours to resolve any Dispute by amicable and bona fide negotiation and discussion or by utilising appropriate alternative dispute resolution techniques.
- 12.3 Where a Dispute remains unresolved for more than four weeks, either party will be entitled to refer the Dispute to mediation by notice in writing to the other party.
- 12.4 The parties will agree on a suitable person to act as mediator. If the parties fail to reach agreement within five business days of the matter being referred to mediation in accordance with clause 12.3, either party may request the President for the time being of the New Zealand Law Society, or the nominee of such President, to appoint a mediator.
- 12.5 The mediation will be in accordance with the Mediation Protocol of the Arbitrators' and Mediators' Institute of New Zealand, Inc. The mediation shall be terminated by:
- a) the signing of a settlement agreement by the parties;

- b) notice to the parties by the mediator, after consultation with the parties, to the effect that further efforts at mediation are no longer justified;
- c) notice by one or more of the parties to the mediator to the effect that further efforts at mediation are no longer justified; or
- d) the expiry of 40 days from the mediator's appointment, unless the parties expressly consent to an extension of this period.

12.6 If the mediation is terminated as provided in clauses 12.5(b), (c) or (d) the Dispute shall be referred to and finally resolved by arbitration in New Zealand in accordance with New Zealand law and the current Arbitration Protocol of the Arbitrators' and Mediators' Institute of New Zealand Inc. The arbitration shall be by one arbitrator to be agreed upon by the parties and if they should fail to agree within 21 days, then to be appointed by the President of the Arbitrators' and Mediators' Institute of New Zealand Inc. Any such arbitration shall take place in Hokitika or Greymouth.

13. ALTERNATIVE DISPUTE RESOLUTION BY EXPERT

13.1 As an alternative to the dispute resolution procedures in clause 12 the parties may by written agreement elect to engage an Expert in accordance with the following provisions to resolve any Dispute. This procedure, if adopted, is in substitution of the procedure set out in clause 12 and once an election under this clause has been made the parties may not commence the procedures provided for under clause 12 in relation to the Dispute the subject of the election. The parties shall agree on the manner in which the Expert will conduct the Dispute.

13.2 If the parties elect by written agreement to engage an Expert to determine a Dispute, then the following provisions apply:

- a) the Expert is to be appointed by agreement between the parties. Failing agreement within 5 business days after the agreement to use an Expert, either party may request the President for the time being of the New Zealand Law Society, or the nominee of such President, to appoint an Expert;
- b) upon the Expert being appointed, each party will provide the Expert with a written description of the subject matter and details of the Dispute;
- c) the Expert:
 - i. shall act as an expert and not an arbitrator;

- ii. may inspect any records kept by a party in relation to the matter being considered by the Expert at any reasonable time;
 - iii. is to consider and take into account material, representations and other relevant matters submitted to him or her by a party in accordance with clause 12.2(b); and
 - iv. shall give the parties, within 30 days after his or her appointment, or such other period as the parties may agree, written notice of his or her decision and that decision shall be final and binding on the parties;
- d) if, at any time, it becomes apparent that the Expert will not perform his or her duties under this clause 12 (whether by relinquishing his or her appointment, by failing to provide written notice of his or her decision in accordance with subclause (c)(iv), or by death), a new person may be appointed as Expert in his or her place and the provision of this clause 12.2 shall operate in relation to that appointment;
- e) the parties and the Expert shall keep confidential and shall not disclose to any one not involved in the determination any information contained in the decision unless such disclosure is made in any subsequent proceedings to enforce the Expert's decision; and
- f) the parties' own costs and the costs and expenses of the Expert shall be borne and shared by both parties in the manner determined by the Expert and in the absence of any such determination, each party shall bear its own costs and an equal share of the costs and expenses of the Expert.

14. MISCELLANEOUS

- 14.1 Notices under this Deed must be in writing and sent to the following contact addresses (or alternative addresses notified in writing by the relevant party):

Westland District Council:

The Chief Executive
 Westland District Council
 Private Bag 704
 Hokitika 7842
 Fax: 03 756 9046
 Email: ce@westlanddc.govt.nz

West Coast Regional Council:

The Chief Executive
West Coast Regional Council
PO Box 66, Greymouth
Fax: 03 768 7133
Email: ci@wrc.govt.nz

14.2 Notices:

- a) delivered or sent by facsimile shall be deemed given when correctly sent provided that notices given after 5.00pm on a business day or at any time on a non business day shall be deemed given on the next business day;
- b) sent by mail shall be deemed given on the date which is three (3) business days following posting; or
- c) sent by email, shall be deemed to have been received at the time of transmission provided that:
 - i. a delivery receipt has been received by the sender; and
 - ii. any email sent after 5.00pm on a business day or at any time on a non business day shall be deemed delivered on the next business day.

14.3 This Deed is the entire agreement between the parties about its subject matter and replaces all previous agreements, understandings, representations and warranties about that subject matter.

14.4 No delay, neglect or forbearance by any party in enforcing against the other party any right or remedy under this Deed shall be deemed to be a waiver of or in any way prejudice the right or remedy nor shall any single or partial exercise of any right or remedy preclude any other or further exercise thereof or the exercise of any other right or remedy.

14.5 No amendment to this Deed will be effective unless it is in writing and signed by both parties.

14.6 Except as expressly provided in this Deed:

- a) nothing in this Deed is intended to constitute a fiduciary relationship or an agency, partnership or trust; and
- b) neither party has authority to bind the other party.

- 14.7 Any term of this Deed which is wholly or partially void or unenforceable is severed to the extent that it is void or unenforceable. The validity or enforceability of the remainder of this Deed is not affected.
- 14.8 Except as expressly provided in this Deed, the rights of a party under this Deed are in addition to and do not exclude or limit any other rights or remedies provided by Law.
- 14.9 Each party will do all things reasonably required by the other party to effectively carry out and give effect to the terms and intentions of this Deed. This clause is a continuing obligation separate from each party's other obligations under this Deed and survives termination of this Deed.
- 14.10 Except as expressly provided in this Deed, each party must pay its own costs and expenses of negotiating, preparing and executing this Deed.
- 14.11 This Deed is governed by the laws of New Zealand. Each party irrevocably and unconditionally submits to the exclusive jurisdiction of the courts of New Zealand.
- 14.12 This Deed may be executed on the basis of an exchange of scanned copies of this Deed and execution of this Deed by such means is to be a valid and sufficient execution.
- 14.13 If this Deed consists of a number of signed counterparts, each is an original and all of the counterparts together constitute the same document.

This Deed was executed on the date appearing at its head.

THE COMMON SEAL of)
THE WESTLAND DISTRICT COUNCIL)
Was affixed)
In the presence of:)

Mayor

Tanya Winter
Chief Executive

14.12 This Deed may be executed on the basis of an exchange of scanned copies of this Deed and execution of this Deed by such means is to be a valid and sufficient execution.

14.13 If this Deed consists of a number of signed counterparts, each is an original and all of the counterparts together constitute the same document.

This Deed was executed on the date appearing at its head.

THE COMMON SEAL of)
THE WESTLAND DISTRICT COUNCIL)
Was affixed)
In the presence of:)

Mayor

Tanya Winter
Chief Executive

THE COMMON SEAL of)
THE WEST COAST REGIONAL COUNCIL)
Was affixed)
In the presence of:)

Chairman

Chris Ingle
Chief Executive Officer

Appendix 2

Submitter	Synopsis of Submission	Analysis and comment by staff	To be heard?
Barry MacDonell 5 Orchard Grove East Taieri Dunedin	Supports the proposal on the basis that duplication and paperwork will be reduced. Dealing with multiple bodies constrains economic activity and employment. The Regional Council staff have particular expertise in the main mining related effects which are identified as earthworks and water management.	This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners). Staff are not in position to make any comment on WCRC capacity.	No
The Minerals Institute ellen@engen.co.nz	Supports the proposal on the basis that it will lead to more efficient processes and that the transfer could boost industry and community outcomes.	This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners). Regardless of the Consent Authority involved, all the matters required to be assessed under the Act and under the District Plan must be considered. Delays will always occur where applicants fail to provide the information required of them; there is no change with regard to this aspect relating to the Consent Authority. Resource consent applications are processed in accordance with the requirements of the District Plan and not the personal views of the staff concerned.	No
R J Breeze 2 Monteith Street Ross	Supports the proposal (no reasons).	As no reasons are provided by the submitter no proper analysis can be made.	Not stated
Brenda Breeze 2 Monteith Street Ross	Supports the proposal (no reasons).	As no reasons are provided by the submitter no proper analysis can be made.	Not stated
Minerals West Coast petero@mwco.org.nz	Supports the proposal on the basis that a single application will provide improved efficiency and clarity of process and ensure that compliance monitoring can be dealt with efficiently and quickly.	This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners). It is in the domain of the Council to	Not stated

		sufficiently resource the CE to appoint sufficient compliance staff. In the alternative, Council could transfer the compliance matters only.	
Brian Blacktopp 117 Keogans Road Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Joan Blacktopp 117 Koegans Road Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Hayden Blacktopp 117 Koegans Road Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Allan Thompson 216 Gibson Quay Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Caitlin Thompson 216 Gibson Quay Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Daniel Foord 144 Weld Street Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Gail Pehi 216 Gibson Quay Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Jade Thompson 144 Weld Street Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Tom Milne 49 Seddon Street Kumara	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Tina Taylor 49 Seddon Street Kumara	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated

	happening before.		
Sarah Heney 2b Takutai Road RD 3 Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Wade Heney 2b Takutai Road Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Kelvin Taylor 86 Hoffman Street Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Lynda Pehi 86 Hoffman Street Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been happening before.	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated
Amalgamated Mining Ltd C/o Ian Cummings Address not supplied	Supports the proposal as it will speed up the consents processing time and improve compliance monitoring.	Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon. It is in the domain of the Council to sufficiently resource the CE to appoint sufficient compliance staff. In the alternative, Council could transfer the compliance matters only.	Not stated
Mike Spruce 9 Ballarat Rise and 26 others: Patrick Amberger, Gillams Gully. Anita Breyholtz, Stafford Loop Road. Jeff Cairney, Stafford Loop Road. Jocelyn Cairney, Stafford Loop Road. Janet Drylie, Ballarat Rise. John Drylie, Ballarat Rise. Dean Fleming, Stafford Road. Kate Fleming, Stafford Road. D A Forbes, Stafford Loop Road.	Does not support the proposal on the basis that the Council should accept that it has a statutory responsibility to deal with mining and that it should not shirk from that responsibility. It is a WDC function to recognise and manage the tension between various land uses. Consultation has not been sufficiently wide or discerning. Council needs to be cognisant of its residents as the WCRC does have an unbalanced view of the mining industry. Compliance monitoring procedures used by the WCRC are of concern to the group.	The Council has been previously advised that the RMA does provide for specifically different statutory approaches. Consultation has been undertaken in excess of the statutory minimum and on the initiative of Council. Staff are not in position to make any comment on WCRC capacity.	Yes

<p>John Foster, Stafford Loop Road.</p> <p>R J Halsey, Stafford Loop Road.</p> <p>Nigel Hoban, Gillams Gulley Road.</p> <p>H M Kinghorn, Ballarat Rise.</p> <p>D S E Kroupa, Stafford Loop Road.</p> <p>W Kroupa, Stafford Loop Road.</p> <p>M C Mann, Stafford loop Road.</p> <p>Robert Newland, Stafford Road.</p> <p>Rosina Newland, Stafford Road.</p> <p>Annette Peterson, Gillams Gulley.</p> <p>G T Simon, Stafford Loop Road.</p> <p>P Simon, Stafford Loop Road.</p> <p>P E Singer, Stafford Loop Road.</p> <p>C Stokowski, Stafford Road.</p> <p>Dianje Strang, Stafford Loop Road.</p> <p>Hemi Te Rakau, Stafford Road.</p> <p>A Thrupp, Stafford Road.</p>			
<p>Gold and Green Resources Ltd</p> <p>PO Box 11</p> <p>Hokitika</p>	<p>Supports the proposal on the basis that the Council is very difficult to deal with, takes too long to grant consents, pushes statutory timeframes, uses “threats” of notification, is not impartial, has lost the confidence of the industry and that the West Coast Regional Council will do a better job and will not require such comprehensive information and the staff involved are more practical.</p>	<p>Regardless of the Consent Authority involved, all the matters required to be assessed under the Act and under the District Plan must be considered. Delays will always occur where applicants fail to provide the information required of them; there is no change with regard to this aspect relating to the Consent Authority.</p> <p>Resource consent applications are processed in accordance with the requirements of the District Plan and not the personal views of the staff concerned.</p>	<p>Not stated.</p>
<p>West Coast Commercial Gold Miner’s Association</p> <p>PO Box 115</p>	<p>Supports the proposal on the basis that dealing with the Council causes delays and increased costs. The</p>	<p>Heritage, archaeological and landscape effects are required to be considered regardless of the Consent Authority involved.</p>	<p>Not stated.</p>

Hokitika	Association is not enamoured of the Council's approach in requiring heritage/archaeological assessments and that landscape assessments should not be required. Council's approach to the administration of resource consents has stifled the development of the industry and the West Coast Regional Council will provide a quicker, more efficient and cheaper service.		
Rob Danford 221 Stafford Loop Road RD 2 Hokitika	Does not support the proposal as the West Coast Regional Council is deficient in its ability to deal with the environmental issues that it is statutorily responsible for. A separation of functions is wise so as to ensure that there is limited scope for bias, corruption and conflict of interest. The Council should be specific in establishing procedures and it would be best if there is a separation between consenting procedures and compliance/monitoring procedures.	Staff are not in position to make any comment on WCRC capacity. Regardless of the Consent Authority involved, processing is required to be undertaken in accordance with the statute and in a professional way. Separation between processing and monitoring is a staff capacity issue and does raise the question of the possibility of transferring compliance monitoring only.	Yes.
Stuart Brown soart@yahoo.com	Does not support the proposal as the Regional Council acknowledges a lack of resources to accept the transfer, the WCRC has a conflict of interest and the District Council should be encouraging tourism and not mining.	Staff are not in position to make any comment on WCRC capacity. Regardless of the Consent Authority involved, the effects of the activity are required to be managed. Any hierarchy of industries is not a debate relating to the transfer proposal.	Not stated
Biddy Manera rosschick@clear.net.nz	Does not support the proposal as the WCRC has a conflict of interest and the WDC should be handling the consents work itself. Confidence in the WCRC is low and they do not have the resources to deal with the transfer.	Staff are not in position to make any comment on WCRC capacity.	No.
Ben Blacktopp PO Box 276 Hokitika	Supports the proposal on the basis that the West Coast regional Council will do a better job than has been	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.

	happening before.		
Susi Thompson Address not stated	Does not support the proposal and sees the WCRC as having a conflict of interest. Is concerned about how the Westland District Plan will be considered and how conditions will be monitored and enforced. Consultation on the proposal has not been sufficient.	Staff are not in position to make any comment on WCRC capacity. Regardless of the Consent Authority involved, all the matters required to be assessed under the Act and under the District Plan must be considered. Consultation has been undertaken in excess of the statutory minimum and on the initiative of Council.	Yes
Andrew Birchfield PO Box 17 Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Wikitoria Thomson 46 Moorhouse Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
John Trotter 03 755 6743	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Nathan Hoglund 167 Revell Street Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Ebony Hillman 167 Revell Street Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Arthur Thomson Woolhouse Road Ross	Does not support the proposal because the WDC takes too long to process consents.	Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon.	Not stated
Veronica Chinn 57 Harihari Highway Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Anne Watts 1/13 Alexander Cres Greymouth	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Bob Wilkinson 118 Bealey Street Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Kevin Morrow 17 Tramway Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Chris Windley 37 Aylmer Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
James Rochford 134 Bealey Street Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Alan Tainui 10 Butlers Road Ruatapu	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.

Tony Priebe 271 Gillams Gully Road Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Michael Anderson 202 Revell Street Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
G W Downey 201 Revell Street Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Shawn Wilson 22 Stewart Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Jason Carpenter PO Box 1 Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Dave Searle 27 Moorhouse Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Darren Terris 03 327 5337	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Graeme Hall 10 Bonar Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Paul Birchfield 33 Adairs Road Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Peter Donaldson 90 Red Jacks Road Ngahere	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Maise V Bennett 4 Sale Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Daniel Overton 127 A Davie Street Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Dea Minehan 119 Totara Valley Road Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	No.
Lorraine Crowhen 1333 Harihari Highway RD 1 Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Luke Fisher 39 Moorhouse Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Terry Crowhen 35 Moorhouse Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Jack Cornish	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not

25 Fraser Street Ross	reasons).	specific concerns and accordingly no proper analysis can be made.	stated.
Len Higgens 19 Offenhauser Drive East Tamaki Auckland	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Barbara Thomson Woolhouse Road Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Andrew Gifford PO Box 69 Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Bev Ellis 37 Fraser Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Michael Tmoson 46 Moorhouse Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Julie Manera PO Box 23 Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Evan Simpson 319 Woodstock Rimu Road Hokitika	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Doug King 29 Gibson Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Jamie Smith 120 Cement lead Road Blue Spur	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Ian Thompson 11 Tramway Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Jim Manera 44 Aylmer Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Michelle Austin 31 Aylmer Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Jane Birchfield Woolhouse Road Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Tom Leatham 91 Beach Road RD 1 Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
June Searle 27 Moorhouse Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Terry Rea	Supports the proposal (no	The submitter has not clarified any	No.

32 Aylmer street Ross	reasons).	specific concerns and accordingly no proper analysis can be made.	
Michelle Manera 39 Aylmer street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Doug Wright 29 Bonar Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Peter & Emma Cornish 25 Fraser Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Peter Rea 39 Aylmer Street Ross	Supports the proposal (no reasons).	The submitter has not clarified any specific concerns and accordingly no proper analysis can be made.	Not stated.
Cathy Jones 275 Ruatapu Road RD 3 Hokitika	Supports the proposal because WDC takes too long to process consents and WDC has stopped Westmeats and Subway from developing in Westland.	Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon. Staff are unable to comment on the commercial decisions of other companies and hold no evidence to suggest that statement is correct.	Not stated
Gary Jones 275 Ruatapu Road RD 3 Hokitika	Supports the proposal because WDC takes too long to process consents and WDC has stopped Westmeats and Subway from developing in Westland.	Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon. Staff are unable to comment on the commercial decisions of other companies and hold no evidence to suggest that statement is correct.	Not stated
Dean Sweatman RD 3 Butlers Road Ruatapu	Supports the proposal on the basis that there is duplication and that costs would be reduced with the transfer	Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon. This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners).	Not stated
Morris and Watson Gold Buyers Penrose Auckland	Supports the proposal because mining consents will be easier as will be a one stop shop	This approach is consistent with Council's views but does not address the issue that there are multiple agencies regardless of a transfer or not.	Not stated
P W Manera PO box 23 Ross	Supports the proposal and would like to see all other land clearance and disturbance also transferred.	All other land clearance and disturbance already lies with the WCRC.	Not stated
Evan Birchfield	Supports the proposal because	This approach is consistent with	Not

56 Woolhouse Road Ross	of the current system being inefficient and being duplication. WDC staff are not sufficiently qualified to do the consenting task, delay procedures and are biased.	<p>Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners).</p> <p>It is in the domain of the Council to sufficiently resource the CE to appoint sufficient compliance staff. In the alternative, Council could transfer the compliance matters only.</p> <p>Resource consent applications are processed in accordance with the requirements of the District Plan and not the personal views of the staff concerned.</p>	stated
Mrs K Hartwig 20 Sale Street Ross	Supports the proposal because the outcome would be a high degree of uniformity and expertise. The WCRC staff have diverse knowledge and technical skills.	This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners). Staff are not in position to make any comment on WCRC capacity.	Not stated
Peter Bennett 4 Sale Street Ross	Supports the proposal because the WDC planning staff are a range of adjectives and the speed at which consents are processed is too slow.	Given that the WCRC staff will need to consider the same issues that are required to be considered currently by WDC staff, there is little clarity as to how processing times will be impacted upon.	Not stated
Bryan Chinn 57 Harihari Highway Ross	Supports the proposal and encourages the Council to make mining a permitted activity like in "Buller and Grey". The one stop shop approach is appropriate.	<p>Mining is not a permitted activity in either Buller or Grey Districts.</p> <p>This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners).</p>	Not stated
Brian Torrest 18 Bridge Street Greymouth	Supports the proposal and encourages the Council to make mining a permitted activity like in "Buller and Grey". The one stop shop approach is appropriate.	<p>Mining is not a permitted activity in either Buller or Grey Districts.</p> <p>This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners).</p>	Not stated
Gavin Hartwig 20 Sale Street Ross	Supports the proposal because the transfer will improve employment prospects, the Regional Council Staff are better qualified and decisions will be fairer.	Staff are not in position to make any comment on WCRC capacity.	Not stated
Steve Maitland	Does not support the proposal	Staff are not in position to make any	Yes.

23 Saint James Street Ross	because the WCRC will not approach the work in an unbiased way. Neither the WDC nor the WCRC have taken their responsibilities seriously enough in the past and have allowed mining operations to transgress.	comment on WCRC capacity.	
Jen Miller Canterbury West Coast Field Officer Royal Forest and Bird Protection Society of New Zealand PO Box 2516, Christchurch 03 940 5523 M 021 651 778	Conditionally supports the proposal and sees the WCRC as having a significant conflict of interest because of its association with Vector Control Services which provides advice to applicants and consent holders. The commercial relationship needs to be set aside for the transfer to work with integrity. There needs to be some clarity around the employment of enforcement officers.	This approach is consistent with Council's views but a singular application could readily be prepared (template mostly) for submission to multiple agencies (DoC, WCRC, WDC, NZHPT, WDPL, property owners). Staff are not in position to make any comment on the WCRC relationship with its CCO.	Yes

Richard Simpson

From: BARRY MACDONELL <bmacdonell@xtra.co.nz>
Sent: Tuesday, 26 November 2013 1:41 p.m.
To: Richard Simpson
Subject: Re: Transfer of Functions

Richard

I don't need to be heard,

Regards
Barry

MacDonell Consulting Ltd
mobile 027 228 2386

From: Richard Simpson <richard.simpson@westlanddc.govt.nz>
To: BARRY MACDONELL <bmacdonell@xtra.co.nz>
Sent: Tuesday, 26 November 2013 10:45 AM
Subject: RE: Transfer of Functions

Good morning Barry....

Further to my note of acknowledgement.....

The matter will be dealt with by the Council on 19 December 2013 at a usual monthly meeting. The matter will be considered at 10.00 am.

I note that you have reserved the right to be heard.

Would you please advise if you wish to exercise that right.

Richard Simpson

Manager Planning & Regulatory

DDI +64 3 756 9035 | M +64 27 431 7910 | F +64 3 756 9046 | richard.simpson@westlanddc.govt.nz
Westland District Council, 36 Weld Street, Private Bag 704, Hokitika 7842 | www.westland.govt.nz
"Westland – The Last Best Place"

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Be green - read on the screen

From: BARRY MACDONELL [<mailto:bmacdonell@xtra.co.nz>]
Sent: Thursday, 21 November 2013 8:17 p.m.
To: Richard Simpson
Subject: Transfer of Functions

Richard

Please find attached my submission.

1

Submission on proposal to transfer functions relating to mining consents to the West Coast Regional Council

Submitter : Barry MacDonell, 5 Orchard Grove, East Taieri, Dunedin

Occupation : Geologist (with numerous West Coast clients)

Date : 21 November 2013

Submission

I strongly support the proposal to transfer the processing, monitoring and compliance functions relating to mining consents to the West Coast Regional Council.

Reasons;

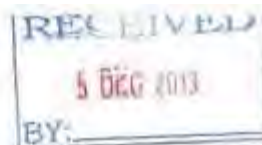
- There is significant duplication and therefore a consequent lack of efficiency in having to obtain consents for the same overall activity from both the District & Regional Councils.
- There is already too much paperwork to deal with, when you also factor in DOC, landowner agreements, NZHPT etc, even to carry out minor activities such as testing. This is severely constraining economic activity and employment.
- The WCRC staff have particular expertise and experience in most of the main mining related effects, namely earthworks and water management.

I reserve the right to be heard if there is a hearing.

Barry MacDonell



MNL 1



Mr Richard Simpson
Manager Planning and Regulatory
Westland District Council
36 Weld Street
Private Bag 704
Hokitika 7842
NEW ZEALAND

Dear Mr Simpson

Thank you for your letter of 1 November inviting The AusIMM to provide comment on the proposed transfer of regulatory functions relating to minerals and mining to the West Coast Regional Council.

The Australasian Institute of Mining and Metallurgy (The AusIMM) represents over 13,000 professionals engaged in all facets of the global minerals sector with approximately 300 members belonging to the NZ branch. The AusIMM supports regulatory arrangements that provide clear and timely advice and decision-making on Governments' minimum expectations for mining activities.

The proposed reforms should lead to more efficient resource management processes in Westland. This has the potential to both boost industry and community outcomes in the region and facilitate AusIMM members' responsibility under our Code of Ethics to conduct their professional activities in a way that ensures 'the safety, health and welfare of the community'.

The AusIMM therefore supports the proposed reform.

Regards

Les McCracken
AusIMM NZ Branch Chairperson

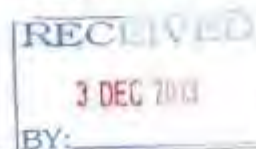
2 December 2013

The Australasian Institute of Mining and Metallurgy ARBN: 062 181 174 ABN: 59 636 002 494
Ground Floor 204 Lygon Street, Carlton Victoria Australia 3053 Postal address: PO Box 580 Carlton South Victoria Australia 3053
Telephone: +61 3 9658 9100 Facsimile: +61 3 9662 3682 Website: www.ausimm.com





MACT RMA 13



**SUBMISSION ON THE PROPOSED TRANSFER OF
MINING RELATED RESOURCE CONSENTING PROCESSES**

26 November 2013

The Westland District Council
Private Bag 704
HOKITIKA 7842

SCANNED

SUBMISSION

Thank you for the opportunity to submit on the proposed transfer of functions from the Westland District Council to the West Coast Regional Council.

Minerals West Coast is in support of the proposed transfer of Minerals Resource Consenting functions to the West Coast Regional Council.

Our support is based on two potential benefits:

1. IMPROVED EFFICIENCY OF PROCESS

Mining companies seeking resource consents for mining activities will need to manage a single application to the West Coast Regional Council, rather than two overlapping applications as happens presently.

This will save time and money, while also providing greater clarity of the process.

2. MONITORING COMPLIANCE

The West Coast Regional Council has the people and capacity to monitor compliance of mining activities against the terms, conditions and expectations established during the consenting process.

This will provide a greater protection for the community and environment, as compliance with the Resource Consents will be monitored and any breaches of conditions dealt with quickly and effectively.

This proposed transfer of functions provides both improved efficiency and clarity of process, while also ensuring that compliance is monitored and any breaches of agreed standards quickly and efficiently dealt with.

If I can be of further assistance to you, please do not hesitate to contact me.

Yours faithfully

Peter O'Sullivan
Manager
MINERALS WEST COAST

CE	Mayor	GM PCE	GM DA	GM CS	EA	
		✓				



www.mwc.org.nz

7685600

petero@mwc.org.nz

Brian Blacktopp
117 Keogans Road
Hokitika



The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

I work for Blacktopp Mining at Hokitika and my job relies on the efficient processing of resource consents to mine. If we don't have consents then I am out of work. The Regional Council will do a better job than has been happening before

Yours faithfully

Joan Blacktopp
117 Keogans Road
Hokitika 7882



The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

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Yours faithfully

J Blacktopp

JBlacktopp

**Hayden Blacktopp
117 Keogans Road
Hokitika**



**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

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Yours faithfully



**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

The Regional Council will do a better job than has been happening before

Yours faithfully *A B Thomson*

*Allan Thomson
216 Gibson Quay
Hokitika*



**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

The Regional Council will do a better job than has been happening before

Yours faithfully *Carlin Thompson*

*Carlin Thompson
216 Gibson Quay
Hokitika*



**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

The Regional Council will do a better job than has been happening before

Yours faithfully

A handwritten signature in blue ink, appearing to read "Daniel Foord", written over a horizontal line.

Daniel Foord
144 Weld Street
Hokitika



**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

The Regional Council will do a better job than has been happening before.

Yours faithfully

A handwritten signature in dark ink, appearing to read "Gail Peni".

Gail Peni
216 Gibson Quay
Hokitika.



**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

The Regional Council will do a better job than has been happening before

Yours faithfully

A handwritten signature in dark ink, appearing to read "Jade Thomson".

Jade Thomson

144 Weld Street

Hokitika

**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**



Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

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Yours faithfully

Tom Milne
49 Seddon Street
Kumara
✓✓ Milne

**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

The Regional Council will do a better job than has been happening before

Yours faithfully

Jane Taylor 28th Nov 2013
49 Seddon St
Kumara.

Sarah Heney
28 Takutai Road
Rd 3
Hokitika



**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

The Regional Council will do a better job than has been happening before

Yours faithfully

A handwritten signature in blue ink, appearing to read "Sarah Heney".

Wade Heney
28 Takutai Road
Rd 3
Hokitika

**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**



Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

I work for Blacktopp Mining at Hokitika and my job relies on the efficient processing of resource consents to mine. If we don't have consents then I am out of work. The Regional Council will do a better job than has been happening before

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**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

The Regional Council will do a better job than has been happening before.

Yours faithfully

A handwritten signature in dark ink, appearing to read "Kelvin Taylor".

Kelvin Taylor
86 Hoffman ST
HOKITIKA.

Lynda Pehi
86 Hoffman St
HOKITIKA



**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

The Regional Council will do a better job than has been happening before.

Yours faithfully

Lynda Pehi

Ian Cummings

RECEIVED

3 DEC 2013

BY: _____

To: The Westland District Council
Subject: Transfer of consenting.

Submission On The Transfer Of Mining Related Resource Consents .

Our Company, AMALGAMATED MINING LTD. supports the transfer of mining related resource consents from the district council to the West Coast Regional Council. We are sure that doing this will speed up the consenting process and improve the compliance monitoring. This has to be good for the security of industry employment and the future of mining in Westland.

For Amalgamated Mining Ltd.
Ian Cummings.





TO Westland District Council

RE Submission re Proposal to Transfer Resource Management Functions to the West Coast Regional Council.

By definition, Territorial authorities (city and district councils) "deal with day-to-day issues that contribute to the well-being of the people that live in their community, such as :

- *Community well-being and development*
- Environmental health and safety (including building control, civil defence, and environmental health matters)
- Infrastructural services (roading and transport, sewerage, water/stormwater)
- Recreation and culture
- Resource management, including *land-use planning and development control*".

It is our contention that - particularly the last of these - cannot be avoided and passed on to a regional authority.

"The role of local authorities is to lead and represent their communities. They must engage with their communities and encourage community participation in decision-making, *while considering the needs of people currently living in communities and those who will live there in the future*". Local government is the system of locally elected members *representing* their communities and making decisions on their behalf. These decisions can relate to the effective and efficient provision of services to meet community needs, the regulation of certain functions and the facilitation of local activities to pursue community goals. In making these decisions, councils have to report to their communities in a clear and accountable way.

The structures and processes currently in place, with the division of accountability across District and Regional councils, if effectively managed, can be effective in representing the interests of those living in the district. As stated above, the *raison d'être* of local councils is to represent their communities - The role of the District council is not to "engage informally with representatives of the mineral industry" and to take decisions that will unilaterally benefit industry, to the detriment of the community members who they are elected to represent. It is noteworthy and concerning that this proposal is predicated by Council having been engaging informally with representatives of the minerals industry. The Council consulted with a wide cross section of people and organisations associated with the minerals industry and requested feedback as to how the concept of the transfer of mineral functions would be received by the industry at large. This is a highly interested sector and their views are not

unbiased or objective. The Council should have also sought the views of other sectors, including residential owners in rural areas to receive a more balanced view before drafting and submitting this proposal. It is almost certain that the views of the latter group would have and do differ markedly from the mining sector. We refer to Westland District Plan Review Issues and Options Paper for discussion and note in particular the part which states "The character of many of these areas is now distinctly rural residential. Alternatively, Council could create an intermediate "lifestyle zone" in areas of lower productive value, where other values such as landscape and natural values will also be protected and alter the status of subdivision within these areas." In our view the Proposal fails to take account of this statement which in our view it is bound to do.

In the light of the submission made by Dr Ian Stewart in November 2013 on behalf of the residents group regarding the Blacktopp Mining Limited resource consent application (Ref 110016), it is clear that the local authorities have created a situation where conflicting residential and industrial interests have not been effectively managed, resulting in unnecessary and avoidable tensions in such communities, placing their lifestyles and property investments at risk. It is the role of the District Council to address and rectify this matter, not avoid it. (One has only to look at one small but telling example of the Regional Council's current performance in terms of its accountability to monitor and enforce the conditions agreed to during their part of the consent process for the mining that went ahead under the application above to see evidence that the proposed process will further undermine the interests of the community involved by placing full power in the hands of a body that either does not have residents' interests at heart, or that lacks the resources to do so. What is left at the moment is a large swathe of ground that has not been rehabilitated or converted into viable grazing. The mining detritus has been superficially smoothed over, leaving a gravel wasteland). The front-page article in the Greymouth Star of November 23rd 2013 stating that "The West Coast Regional Council has thrown down the gauntlet with a proposal to rewrite its regional policy document to make it easier for mining companies", provides unequivocal evidence as to where the vested interests lie. Protecting the interest of residents of the District thus becomes even more important.

We respectfully request that the District Council step up to its responsibilities in this regard and not attempt to distance themselves from a problem that they have been instrumental in creating (by allowing residential developments to go ahead while allowing conflicting industrial activities to continue). Resource management is of fundamental concern to the residents of any district and must form part and parcel of both the long range planning and day-to-day management of the District Council.

It is our firm view that to proceed with this Proposal is to abrogate the District Council's responsibilities under its own District Plan and also to the residents and ratepayers it is charged with protecting and representing.

We request that the Proposal not proceed and that we be heard in support of our submission.

Regards,

Contact: Mike Spruce

7557441
02102421721

Patrick Amberger	184 Gillams Gulley Road
Anita Breyholtz	Sections 28,29, 32, 75-79 Stafford Loop Road
Jeff Cairney	453 Stafford Loop Road
Jocelyn Cairney	453 Stafford Loop Road
Janet Drylie	60 Ballarat Rise
John Drylie	60 Ballarat Rise
Dean Fleming	229c Stafford Road
Kate Fleming	229c Stafford Road
D.A. Forbes	477b Stafford Loop Road
John Foster	Sections 28,29, 32, 75-79 Stafford Loop Road
R.J. Halsey	477b Stafford Loop Road
Nigel Hoban	183 Gillam's Gulley Road
H.M. Kinghorn	9 Ballarat Rise
D.S.E Kroupa	417 Stafford Loop Road
W. Kroupa	417 Stafford Loop Road
M.C. Mann	477a Stafford Loop Road
Robert Newland	117a Stafford Road
Rosina Newland	117a Stafford Road
Annette Peterson	184 Gillam's Gulley Road
G.T. Simon	231 Stafford Loop Road
P. Simon	231 Stafford Loop Road
P.E. Singer	477a Stafford Loop Road
M.F. Spruce	9 Ballarat Rise
C. Stokowski	259 Stafford Road
Dianje Strang	511 Stafford Loop Road
Hemi Te Rakau	9 Stafford Road
A. Thrupp	259 Stafford Road

3 December 2013

MNL 1

Gold and Green Resources Limited

126 Jellie Street
P.O. Box 11
HOKITIKA
Ph/fax 03 7557412
wood.john@clear.net.nz



**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Tanya

Submission on Transfer of Minerals Functions to the West Coast Regional Council

Gold and Green Resources Limited support the proposal to transfer the processing, monitoring and compliance functions to the West Coast Regional Council.

Our consultancy works primarily for companies and individuals working in the alluvial gold mining industry applying for their minerals permits, resource consents and access arrangements. We make applications for resource consents throughout the South Island for mining activities and can state that that over the past five years the Westland District Council has gone from being one of the most proactive councils to deal with in obtaining consents to be one of the most difficult. This is particularly surprising given there have been no changes to the District Plan. One aspect that particularly annoyed our clients was that the Westland District Council always wait until the very last day of the statutory time frame to respond to correspondence. There is no excuse for this.

Our clients have been forced to commission expensive consultants reports to meet the Council's insatiable demands for further information and then when they have been produced the conclusions are often ignored and parties who are clearly identified as not affected are still listed as affected. The time lost in providing sufficient data to the Council before they even accept an application means that consent applications that should be running in parallel with those required from the Regional Council do not, meaning that we end up going to affected parties more than once for what is one mining proposal. This has the effect of duplicating notification, running up costs to clients and causing some bewilderment to those parties affected

The effects of modern alluvial mining are well understood on the West Coast as it is an activity that has been taking place here since the late 1970's. Indeed in the neighbouring Grey District under their District Plan it is a permitted activity which is a clear indication that the effects and impacts are minor. This made the regular threats by the Council staff to publically notify applications all the more annoying when clearly the effects are only local. Most mining activities are discretionary yet the Council staff stopped using discretion some years ago and with it lost the confidence of the mining industry in their ability to do the job impartially.

We welcome the proposal to transfer the minerals functions to the West Coast Regional Council. We have found them to respond promptly to all applications, immediately identifying any areas where they might need clarification or additional information. They do not insist on our clients providing reports on all aspects of a project but where it is appropriate for example an archaeological report that may be required by HPT they will point out that one is required. They have more practical experience in handling mining matters and when visiting a site will ensure that a member of the compliance staff is also present so that future monitoring requirements can be assessed at an early stage and appropriate conditions included in any resource consent issued.

The Westland District Council has gained a reputation throughout the mining industry as being the most difficult council to deal with in New Zealand. The direct result of this has been potential investors in Westland looking elsewhere for mining projects. Mining is still the most important industry on the West Coast. We hope that with confidence restored through the transfer of functions that Westland will again become an attractive proposition for potential mining investors.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Wood', is written over a horizontal line.

John Wood



WEST COAST COMMERCIAL GOLD MINER'S ASSOCIATION

P.O.BOX 115
HOKITIKA 7842
Ph/fax 03 7557412
wood.john@clear.net.nz

27 November 2013

**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA**

Attn: Tanya Winter

Dear Tanya

Transfer of Minerals Functions to the West Coast Regional Council

The West Coast Commercial Gold Miner's Association Inc. (WCCGMA) welcomes this opportunity to record its support of the proposal to transfer the processing, monitoring and compliance functions to the West Coast Regional Council.

The WCCGMA have had concerns over how resource consent applications for alluvial mining have been handled by the Westland District Council for a number of years. Some years ago we invited Richard Simpson to speak at a meeting held in Hokitika to explain why or how the system had changed and what information was required to allow an application to progress smoothly through the system. We were particularly concerned over whether an application should be made over the whole of a mining permit or just a part of it. We were led to believe that only applying for a part of the area within a permit could make things a lot easier but this has proven not to be the case. His summary at the end of the evening was that "the bar has been raised". Given there had been no change to the District Plan and no significant amendments to the RMA only changes to the Council staff our concerns were justified. He might have been more correct to say the costs have been raised and you can expect interminable delays and requests for further information.

In February 2011 we wrote to Mr. Simpson identifying a particular area of concern in that the Historic Places Trust (HPT) were being identified as an affected party to all applications regardless of whether there was any evidence of historic activity in the area. We pointed out that this was an entirely different approach to that being used by the Regional Council and how they were handling this issue under the RMA. Our members are not idiots and are well aware that most of the alluvial goldfields were worked over 100 years ago and are thus likely to require an archaeological authority from the HPT when sites are present. They do not want to bring in an archaeologist when one is not required to write a report saying there is nothing there. Archaeologists are busy people and are not impressed at having to do this either. This is just one example of where the

District Council was adding needless costs and delays to the resource consent processing of mining projects. The insistence of landscape architects reports for amenity value assessment is another. Alluvial gold mining has been going on here since the 1860's and modern mining since the 1970's. It is the one place in New Zealand where the public and tourists expect to see mining. It is part of the landscape of the Coast not a blot on it. Yet not only have reports been insisted but their contents have then been ignored if they did not provide the answers Council staff wanted.

As a major employer in Westland, the alluvial gold mining industry has been badly let down by the District Council in recent years. Over the past 5 years the local gold price was at record levels and there were many people wanting to expand existing operations or start new ones. This could have created numerous jobs throughout the Westland District helping to sustain the local economy in a period that has been trying for other industries like tourism. Council's approach to processing consent applications stopped this cold. Now the gold price is beginning to decline these opportunities have been lost as potential investors were put off by the widely known difficulties experienced with the District Council resource consenting process for the alluvial mining projects at Ross.

The transfer of minerals functions to the West Coast Regional Council cannot come quickly enough for our members. A number of them are holding off applying for resource consents until the transfer is completed because they know they will get a quicker, more efficient and cheaper service once it happens.

Yours sincerely



John Wood
Executive Director

Rob Danford
221 Stafford Loop Road
RD2
Hokitika 7882

4 December 2013

Westland District Council,
Private Bag 704,
Hokitika 7842

Submission on:

WDC STATEMENT OF PROPOSAL: SECTION 33 RESOURCE MANAGEMENT ACT 1991:
TRANSFER OF FUNCTIONS, to transfer the processing, monitoring and compliance
functions relating to mining consents to the West Coast Regional Council.

This submission is **against** the transfer of the mining consent functions from WDC to
WCRC in all it's aspects.

I believe it is not in the community interest to transfer mining resource consents to
the West Coast Regional Council. With two government bodies overseeing the
issuing of mining resource consents it is a checks and balance of the issuing of
mining consents. This helps ensure that the rights of affected parties are not
ignored.

The regional council presently does not appear to have the ability to enforce
conditions of consents or existing rules because of it's understaffed nature and
possibly conflicts of interest. Just go look at the cattle bridge across Waimea Creek
at Stafford Loop Road when the cows are supposedly using it. (nothing to keep the
cows out of the creek). The fence lasted one storm. This bridge design is basically
a joke and it was approved by WCRC. Almost every time it rains of any significant
amount all the poo on the bridge gets washed into the creek. I have regularly seen
the cows in the creek drinking water.

The WCRC technical or special capability and expertise are a hindrance to
enforcement because the individual involved are biased towards mining and a conflict
of interest appears to exist. If independent (not in house, non-related sourced)
enforcement was utilized it would greatly reduce the possibility of bias in decision
making and enforcement. Mining interest are presently embedded in the Regional
Council and it creates an inherent bias and conflict of interest. In any good
governance systems, those who make the rules (conditions) should not enforce the
rules. A separation of powers is necessary to eliminate actual or appearance of bias,
corruption and conflict of interest. Any time processing, monitoring and compliance
functions are placed with one authority bias, corruption and/or conflicts of interest
will inevitably arise. (example: the police do not work for the council).

Please note the wording of 5.1 a) "... diligence, attention and skill as
is reasonably necessary for the proper and efficient provisions of the
Functions". Question:- How & Who judges what is "reasonably necessary" and
by who's criteria, when assessing applications or enforcement? There should be
specific rules and procedures set out for these functions. This should not be left for
the opinion of whom???? If there are set specific procedures the community has a

base line for assessing whether the rules are actually being enforced as set out in the District Plan and RC

WDC does not need to duplicate what the WCRC does but needs to ensure that the district plan is upheld in all decisions.

Giving the WCRC responsibility to process, monitor and enforce mining consents according to the District plan is the first step in the elimination of WDC. Why not turn over all of WDC to WCRC, it will save us a lot of time and money.

Council needs to have specific written procedures for all the aspects of the Resource Consents process. We need to know what to expect.

Those responsible for the implementation and enforcement of consent conditions should be separate from consent application processing and should be independent with no appearance of any conflict of interest. The processing of the application should be done by a separate body. The pressure to get the numbers and timing should be completely separated from implementation and enforcement. Until this is done the pressure from special interest will always bias the decision making and enforcement process at all levels.

When conditions of consents require specific construction qualities council planning staff are not qualified to inspect the construction.

I wish to be heard in relation to this submission.

Rob Danford
03 755 8056

**SUBMISSION FOR PROPOSED TRANSFER OF MINING RESOURCE CONSENTS
FROM WESTLAND DISTRICT COUNCIL TO WEST COAST REGIONAL
COUNCIL**

Stuart Brown
22 Gaye Street
ROSS 7812
email: soart@yahoo.com

4th December 2013

Dear Sir

I am opposed to having Mining Resource Consent process transferred to Regional Council.

Details of my objections are:

Hydrology and Environment Management

Prior licensing has meant that operators have not been required to monitor waters and environment adjacent to their activities, and lack of reinstatements. Regional Council already acknowledge their own lack of resources for compliance officers; how are they going guarantee 100% to the West Coast public, that they will be more able to carry out their responsibilities for the good of our environment. Operators and License holders should be required to regularly monitor their environs, with independent testing requirements and regular public notification.

Conflict of Interest

With proposed increase in the mining industry, how can the public be confident in decisions made within WCRC consents process, when mining and farming are professions of WCRC councilors. Confidence in professional decisions and management for this regions is already at an all time low.

Westland's Future

Westland District Council are encouraging more Tourism than ever, which is a huge bonus for the District, and it is growing rapidly. The Chinese market are heralding Westland and its clean green image; Council should be vigilant in its management of this, which will only boost our image. Tourism is an ongoing industry, and a major employer in the area. Mining is short lived and reinstatements do not favour our clean green image. How can Westland District Council determine the transferring of mining consents to be a positive for our area. Is it not the local councils responsibility to represent our District in all facets of development.

Stuart Brown

Submission for Proposed Transfer of Mining Resource Consents from Westland District Council to West Coast Regional Council

Biddy Manera
45 Tramway Street
ROSS 7812
email: rosschicks@clear.net.nz

4th December 2013

Dear Sir

I am not in favour of this transfer from WDC to WCRC.

Details are:

Having Westland Districts Mining Resource Consenting Processes being handed over to a regional group, who promote land development on a large scale, and in particular, those within the West Coast Regional Council who have personal vested interests in mining and farming, means a huge conflict of interest.

How does the District Council propose to protect the residents, and tourist operators of these areas that are under threat of widespread land development, if not by considering the consents process themselves. The booklet 'Explore West Coast of New Zealand Minerals', advertised in Toronto at a World Minerals convention, shone the spotlight on West Coast, and in particular Westland District. Should more overseas mining companies take the opportunity that the book offered, our environment as we know it will be eradicated. What is the guarantee of balance.

Development, sited in harmony and not in conflict with the surrounding environment, especially the landscape and visual values of the site and surrounds!

We are meant to be embracing Tourism, a high employer on the West Coast.....but when mining 'mishaps' occur and there are no resources available to have compliance officers monitoring these situations and openly reporting back to the public on results.....it is evident that we will be let down by the very councils who are meant to be looking out for the region and our districts future.

By considering the environment and all its needs for long-term protection; that would generate more purposeful employment. We do not need to be racing to be first in a toxic world..... especially here on the coast with inadequate compliance operatives. We are advertised as the ***last best place*** and New Zealand's clean green image is being tarnished. Confidence in WCRC is low, especially with recent mining conflicts, involving some of those who have been WCR councillors.

Water and soil monitoring, looking for residues from mining operations should be up to mining companies proving that they are non pollution operators; but done by independents.

Because an old license says testing not required, it should not mean that operators and license holders aren't made to be accountable to the outlying environments of their operations, especially when it becomes unfit for human or animal consumption.

Old licenses not required to test the waters, yet public being reassured that waterways etc are clean. When others do testing these 'results' are arguable.

Mining consents increase, and with WCRC compliance officers already low in numbers, how can the checks be made quickly and efficiently for everyone to know that process is being carried out effectively for the benefit of the District.

I oppose the WCRC taking over our Westland Districts mining resource consents process.

I do not wish to be heard.

Biddy Manera

Ben Blacktopp
PO BOX 276
Hokitika



**The Chief Executive
Westland District Council
Private Bag 704
HOKITIKA 7842**

Dear Madam

Submission on Transfer of Minerals Functions to the West Coast Regional Council

I support the proposal to transfer the processing, monitoring and compliance functions for minerals to the West Coast Regional Council.

I work for Blacktopp Mining at Hokitika and my job relies on the efficient processing of resource consents to mine. If we don't have consents then I am out of work. The Regional Council will do a better job than has been happening before

Yours faithfully

B Blacktopp

Submission on the Proposal
to Transfer Mining Processing Responsibilities
from WDC to WRC



- This proposal raises many questions for me.
- The rationale for the transfer seems to be founded on a mendacious premise promoted by the mining lobby. I am not convinced that there is not a conflict of interest here.
- I do not believe the transfer of functions is required.
- I do not believe the consultation process was sufficiently broad to consider all those affected by the proposal.
- The proposal raises questions for me about how the Westland District Plan will be considered in the consent application process, and how the conditions imposed will be monitored and enforced.
- Furthermore, who will determine whether consultation or notification is necessary and how will these take place?

I would like a written reply answering my questions
thank you.

Please contact me if you require further information
or clarification of any of the points raised above.

Yours sincerely

SM Thompson
Susi Thompson

29/11/13

RECEIVED
1991:4 DEC 2013
BY:

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Andrew Birchfield
 Organisation: BEM Developments
 Address: Po box 17 Ross
 Phone Number: 037554103 Fax / Email: 037554128
 Signature: A. Birchfield

I support / oppose / am neutral to the application

Blank lined paper for writing.

[illegible]

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**



**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Wikitoria Thomson
Organisation: _____
Address: 46 MOORHOUSE ST
ROSS
Phone Number: 03-7554082 Fax / Email : _____
Signature: W. Thomson

☒ I support / ☐ oppose / ☐ am neutral to the application

My submission is:-

I seek the following decision from the Council:-

RECEIVED

4 DEC 2013

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

***The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.***

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA,

Name: John Trotter
Organisation: Westco Lagoon
Address: Ruatorua
Phone Number: 037566743 Fax / Email : _____
Signature: [Signature]

☒ I support / ☐ oppose / ☐ am neutral to the application

My submission is:-

I seek the following decision from the Council:-

RECEIVED
1991: 4 DEC 2013
BY:

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Address: 1167 Revell Street, Haverhill.

Fax / Email: Nathan.Hopwood@wester.co.nz

Signature N. H. H. H.

I support

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

[illegible]

Page | - 119

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

RET
4 Dec

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Arthur Thomson
Organisation: Farmer
Address: Wool Howe Road Ross
Phone Number: 7554179 Fax / Email : _____
Signature: A Thomson

I support / ~~oppose~~ am neutral to the application

My submission is:-

Transfer of Functions
Westland District Council
holding Westland back
by ~~not~~ taking to long to process
Consents

I seek the following decision from the Council:-

REC
4 DEC 2013

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

***The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.***

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Veronica Chinn
Organisation: _____
Address: 51. Hari-Hari Highway
Ross
Phone Number: 7554091 Fax/Email: 7554091
Signature: [Signature]

I support / oppose / am neutral to the application

My submission is:-

Transfer of Functions

I seek the following decision from the Council:-

Transfer land use consents for
mining to the Regional Council.

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: ENNE WATTS
Organisation: _____
Address: 1/13 ALEXANDER TCE
GREYMOUTH
Phone Number: 03 768 6345 Fax / Email : _____
Signature: [Signature]

I support / oppose / am neutral to the application

My submission is:-

Transfer of functions

I seek the following decision from the Council:-

To approve the transfer of functions
from Westland District Council to
West Coast Regional Council - Greymouth

4 DEC 2013

SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions

RECEIVED
DEC 10 2013

The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Kevin Morrow
Organisation: _____
Address: 17. Tramway St Ross
Phone Number: 7554979 Fax / Email : _____
Signature: [Signature]

☒ I support / ☐ oppose / ☐ am neutral to the application

My submission is:-

I seek the following decision from the Council:-

SUBMISSION: Section 33 Resource Management Act 1991: Transfer of Functions

The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: CHRIS WINDLEY
 Organisation: WINSAW MICA SERVICES
 Address: 37 AYMER STREET
ROSS 7812
 Phone Number: 03 7534955 Fax / Email: ~~chris@winshawmica.com.au~~
 Signature: [Signature] chris@winshawmica.com.au

support / ~~oppose~~ / ~~and neutral~~ to the application

My submission is:-

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

I seek the following decision from the Council:-

[illegible]

1991: 4 Dec 1991

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: JAMES DANIEL ROCKFORD
 Organisation: _____
 Address: 134 BEALEY ST
MONTELEONE
 Phone Number: 755 8747 Fax / Email : _____
 Signature: Rockford

My submission is:-

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

[illegible]

RECEIVED
BY: 4 DEC 2013

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Alan Tainui
 Organisation: _____
 Address: 10 Butlers Rd

 Phone Number: _____ Fax / Email : _____
 Signature Alan Tainui

I support / oppose / am neutral to the application

My submission is:-

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

I seek the following decision from the Council:-

[illegible]

RECEIVED
BY: 6 DEC 2013
1991:

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Tony Priebe.
Organisation:
Address: 271 Gillams Gully Rd Hokitika.
Phone Number: 03 755 6409 Fax / Email :
Signature: A.P. Priebe

My submission is:-

I seek the following decision from the Council:-

SUBMISSION: Section 33 Resource Management Act 1991: Transfer of Functions

The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Michael Anderson
 Organisation: _____
 Address: 202 Revell St Hobart
 Phone Number: 03 7556749 Fax / Email: _____
 Signature: [Signature]

I support / oppose / am neutral to the application

My submission is:-

≡ work in the mining Industry,

I seek the following decision from the Council:-

991: RECEIVED
BY: 4 DEC 2013
December

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: GW DOWNEY
 Organisation: _____
 Address: 201 REVELL ST AUCKLAND
 Phone Number: 092555209 Fax / Email : _____
 Signature: [Signature]

~~I support / oppose / am neutral to the application~~

My submission is:-

I seek the following decision from the Council:-

1991:
December

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Organisation:

Phone Number: 0275212803

Fax / Email :

Signature

My submission is:-

I seek the following decision from the Council:-

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

RECEIVED
4 DEC 2013

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

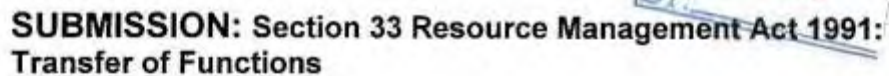
Name: Jason Carpenter
Organisation: _____
Address: Po Box 1 Ross South Westland
Phone Number: 03 7554489 Fax / Email : _____
Signature: Jason Gp

☒ I support / ☐ oppose / ☐ am neutral to the application

My submission is:-

I am a land House owner
in Ross have 2 children, Mortgage.
I work in the Mining Industry and really
in the work

I seek the following decision from the Council:-



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

HOKITIKA.

Name: Dave Scarle

Organisation:

Address: 27 Moorhouse St HSY

Phone Number: 03 7554176 Fax / Email :

Signature: Dave Scarle

I support / ~~oppose~~ / am neutral to the application

My submission is:-

[illegible]

I seek the following decision from the Council:-

[illegible]

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Darren Morris
Organisation: _____
Address: 30 Sovereigns Blvd
Kaitiaki
Phone Number: 3275557 Fax / Email: Tomteome@ta.co.nz
Signature: [Signature]

The specific part or parts of the application that my submission relates to are:-

Transfer of Functions

☒ I support / ☐ oppose / ☐ am neutral to the application

My submission is:-

Transfer of Functions

I seek the following decision from the Council:-

to approve the Transfer of Functions

RECEIVED
4 DEC 2013
BY: 991:

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

~~I support / oppose / am neutral to the application~~

[illegible][illegible]

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

RECEIVED
By: 4 DEC 2013

The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Paul Birchfield
Organisation: _____
Address: 33 Adams Rd, Hokitika
Phone Number: 755 8040 Fax / Email: mickbirch@hotmail.com
Signature: Paul

I support / oppose / am neutral to the application

My submission is:-

I support the transfer of functions
to the regional council.

I seek the following decision from the Council:-

Functions be
transferred to regional council.

RECEIVED
4 DEC 2003
1991

Name: Peter Davidson
 Organisation: Retiree
 Address: 90 Redjack Road HEATHRE
 Phone Number: 037524812 Fax / Email :
 Signature: [Signature]

My submission is:-

I seek the following decision from the Council:-

RECEIVED
BY: 4 DEC 2013

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA,

Name: MAKIE V. BENNETT

Organisation:

Address: BENBIRD BUSH, 4 SALE ST. ROSS 7812,

Phone Number: 03-755-4058

Fax / Email: p.v.b@actrix.co.nz.

Signature: M V Bennett

☒ I support / ~~oppose~~ ~~am neutral~~ to the application

My submission is:-

TRANSFER THE FUNCTIONS OF THE R.M.A.
FROM W.D.C. TO W.C. REGIONAL COUNCIL
AT THE EARLIEST OPPORTUNITY.

I seek the following decision from the Council:-

TRANSFER THE FUNCTIONS AS ABOVE.

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Daniel Overton
Organisation: _____
Address: 127 A Davis Street
Phone Number: 0211905547 Fax / Email : _____
Signature D Overton

☒ **I support** / oppose / am neutral to the application

My submission is:-

I seek the following decision from the Council:-

RECEIVED
4 DEC 2013

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Dea Minehan
 Organisation: _____
 Address: 119 Todara Valley Rd, Ross
 Phone Number: 08 7554090 Fax / Email: dea.minehan@tia.co.nz
 Signature: [Signature]

My submission is:-

I seek the following decision from the Council:-



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Lorraine Crowther
Organisation: _____
Address: 1333 ~~Waiwaka~~ Havi Havi Hwy R121 Ross
Phone Number: 87554266 Fax / Email: lorraine.crowther@gmail.com
Signature: [Signature]

I support / ~~oppose~~ / am neutral to the application

My submission is:-

That the consent process be taken
over by the Regional Council.

I seek the following decision from the Council:-

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Luke Fisher
Organisation: 39 moorheuse st.
Address: Ross
Phone Number: 7554966. Fax / Email : _____
Signature: [Signature]

I support / ~~oppose~~ / am neutral to the application

My submission is:-

Transfer consents dept to
Regional Council.

I seek the following decision from the Council:-

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Terry Greenham
Organisation: _____
Address: 35 Warehouse Street
Ross
Phone Number: 7554 104 Fax / Email: _____
Signature: [Signature]

I support / ~~oppose~~ / ~~am neutral to the application~~


My submission is:-

That the consent process be
taken over by the Regional Council.

I seek the following decision from the Council:-

RECEIVED
BY: 4 DEC 2018

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Phone Number: 03 7554107 Fax / Email: jack.sarnish@yaphco.co.nz
Signature: 

[illegible]

SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions

The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: LEN HIGGINS
 Organisation: KOMATSU NZ
 Address: 19 OFFENHAUSER DR
EAST TAMAKI AUCKLAND
 Phone Number: 081 248 0763 Fax / Email: lhiggins@komatsu.co.nz
 Signature: [Signature]

☒ I support ☐ oppose ☐ am neutral to the application

My submission is:-

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page.

I seek the following decision from the Council:-

SEEKING TO REMOVE DECISION FROM THE COURTROOM
WETLAND DISTRICT.



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Barbara Thomson
Organisation: _____
Address: Woolhouse Road
8035
Phone Number: 7554179 Fax / Email: _____
Signature: Barbara Thomson

I support / ~~oppose~~ / am neutral to the application

My submission is:-

Transfer of Functions

I seek the following decision from the Council:-

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Andrew Gillard
Organisation: Kaitiaki Take Kōwhiri Process Ltd
Address: P.O. Box 69
Hokitika
Phone Number: 03 7554981 Fax / Email: —
Signature: [Signature]

I support / ~~oppose~~ / am neutral to the application

My submission is:-

The Consent process should be retained
by the Regional Council

I seek the following decision from the Council:-



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Ben Ellis
Organisation: _____
Address: 37 Fraser St
Hass
Phone Number: 7554189 Fax / Email : _____
Signature: Ben Ellis

I support / ~~oppose~~ / am neutral to the application

My submission is:-

That the Consent process be
moved away from the Westland District
Council to the Regional Council.

I seek the following decision from the Council:-

RECEIVED
4 DEC 2013

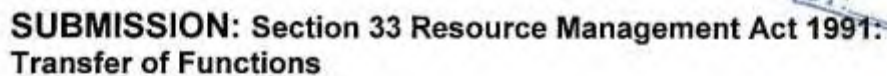
The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Michael Thomson
Organisation:
Address: 46 Moorhouse St
Ross
Phone Number: 7554082 Fax / Email :
Signature: M J Thomson

I support / ~~oppose~~ / ~~am neutral~~ to the application

My submission is:-

I seek the following decision from the Council:-



SUBMISSION: Section 33 Resource Management Act 1991: Transfer of Functions

The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Julie Kay Manera.
Organisation:
Address: P.O. Box 23
Ross
Phone Number: 03 7554025 Fax / Email :
Signature: J K Manera.

I support ~~oppose~~ ~~am neutral to the application~~

My submission is:-

[illegible]

I seek the following decision from the Council:-

[illegible]

RECEIVED
4 DEC 2013

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Organisation:

Address: 319 Woodstock River Road Hackett, MS

Phone Number: 2555066

Fax / Email :

Signature 

☒ I support / ☐ oppose / ☐ am neutral to the application

My submission is:-

I seek the following decision from the Council:-

RECEIVED
4 DEC 2013
By: _____
1991: _____

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Elong King
 Organisation: _____
 Address: 29 Gibson St Ross
 Phone Number: 7554-299 Fax/Email: _____
 Signature: [Signature]

I support / oppose / am neutral to the application

My submission is:-

I seek the following decision from the Council:-

ct 1991:

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: James Smith
 Organisation: 1
 Address: 120 CEMENT LEAD RD BLUE SPUR.
 Phone Number: 03755 8495 Fax / Email: rack1@xtrem.co.nz
 Signature: [Signature]

I support / oppose / am neutral to the application

My submission is:-

I seek the following decision from the Council:-

RECEIVED
4 DEC 2013

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: IAN THOMPSON
Organisation: _____
Address: 11 TRAMWAY ST ROSS
Phone Number: 03 755 1157 Fax / Email : _____
Signature: [Signature]

I support / oppose / am neutral to the application.

My submission is:-

TO TRANSFER RESOURCE MANAGEMENT
FUNCTIONS TO WEST COAST REGIONAL COUNCIL

I seek the following decision from the Council:-

TRANSFER Functions URGENTLY

RECEIVED
4 DEC 2013

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Sun Manera
 Organisation: _____
 Address: 44 Aylmer Street, Ross.
 Phone Number: 7554044 Fax / Email : _____
 Signature: J B Manera

I support / ~~oppose~~ / ~~am neutral to~~ the application

My submission is:-

I seek the following decision from the Council:-



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: JANE BIRCHFIELD
Organisation: BIRCHFIELD ROSS MINING
Address: WOOLHOUSE ROAD ROSS
Phone Number: 7554034 Fax / Email: _____
Signature: J M Birchfield

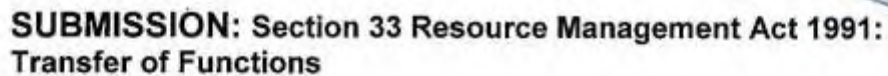
I support / ~~oppose~~ / am neutral to the application

My submission is:-

TO TRANSFER THE FUNCTIONS
TO THE REGIONAL COUNCIL

I seek the following decision from the Council:-

TO TRANSFER
FUNCTIONS



SUBMISSION: Section 33 Resource Management Act 1991: Transfer of Functions

The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: TOM LEATHEN
 Organisation: _____
 Address: 91 BEACH RD A.D.I ROSS 7885
 Phone Number: 03 7559974 Fax / Email : _____
 Signature: [Signature]

I support / ~~oppose~~ / ~~am neutral to the application~~

My submission is:-

[illegible]

I seek the following decision from the Council:-

[illegible]



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

***The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.***

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Jane Seale
Organisation: _____
Address: 27 Moorhouse St. Ross
Phone Number: 03 541 1767 Fax/Email: jane.seale@dcw.govt.nz
Signature: [Signature]

I support / ~~oppose~~ / am neutral to the application

My submission is:-

That the consent process should be
handled by the West Coast Regional
Council.

I seek the following decision from the Council:-

SUBMISSION: Section 33 Resource Management Act 1991: Transfer of Functions

The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

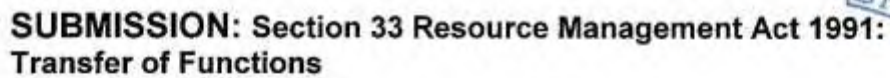
Name: Terry Rea
Organisation:
Address: 32 Aylmer St. Ross
Phone Number: 037556121 Fax / Email: terry.rea@xtrem.co.nz
Signature

I support / oppose / am neutral to the application

My submission is:-

I seek the following decision from the Council:-

To transfer the function of issuing mining consents to The West Coast Regional Council.



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Michelle Manera
 Organisation: _____
 Address: 39 Aylmer St Ross
 Phone Number: KS 4232 Fax / Email: _____
 Signature: M Manera

I support / ~~oppose~~ / am neutral to the application

My submission is:-

I seek the following decision from the Council:-

**SUBMISSION: Section 33 Resource Management Act 1991
Transfer of Functions**



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: DOUG WRIGHT
Organisation: RETIRED
Address: 29 BONAR ST ROSS
Phone Number: 037554021 Fax / Email : _____
Signature: [Signature]

I support / oppose / am neutral to the application

My submission is:-

I SUPPORT MINING CONSENT PROCESS
HANDED OVER TO REGIONAL COUNCIL.

I seek the following decision from the Council:-



**SUBMISSION: Section 33 Resource Management Act 1991
Transfer of Functions**

The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

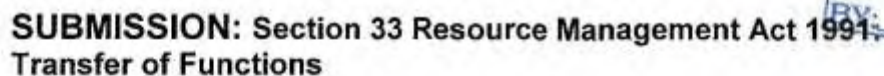
The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: PETER + EMMA CORNISH
Organisation: _____
Address: 25 FLASER STREET
Phone Number: 03 755407 Fax / Email : _____
Signature: _____

☒ I support / ☐ oppose / ☐ am neutral to the application.

My submission is:-

I seek the following decision from the Council:-



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Peter John Rea
 Organisation: _____
 Address: 39 Mylmer St Ross
 Phone Number: 755 4232 Fax / Email : _____
 Signature: PA Rea

I support / ~~oppose~~ / am neutral to the application

My submission is:-

I seek the following decision from the Council:-



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Cathy Jones
Organisation: _____
Address: 275 Rudapu Road, RD3, HOKITIKA
Phone Number: 03 55 1911 Fax / Email: cathyandgary19@vodafone.co.nz
Signature: Cathy Jones

☒ I support ☐ oppose / am neutral to the application

My submission is:-

for the regional council to do the
consents from now on 3 years for
because - westland council takes too mining Co
long to put through consents, some + still waiting
people in the westland council seem to be
against mining in our district. westland district
council has stopped westmeats from redeveloping
because they took too long. and subway

I seek the following decision from the Council:-

that the regional council does the
consents from now on, to get our
region growing economically.

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Gary Jones
Organisation: _____
Address: 275 Rudolphi Rd 3, Hokitika

Phone Number: 755 7911

Fax / Email: cathynidgarry@workfare.co.nz

Signature: G Jones

☒ I support / ☐ oppose / ☐ am neutral to the application

My submission is:-

for the regional council to do the consents from
now on. Due to the fact that Westland District
Council takes too long to put through consents,
local businesses wanted to develop - workmats,
Subway, Mining Companies (3 years + still waiting)
but took too long. Some people ^{in council} seem to
be against mining in our district.

I seek the following decision from the Council:-

that the regional council does the
consents from now on, to get our
region growing economically.

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Dean Sweetman
Organisation: Westco Mining Limited
Address: RD3 Butlers Rd, Awarua
Hokitika
Phone Number: 0274 571093 Fax / Email: dean.sweetman@westco.co.nz
Signature: [Signature]

☒ I support / ☐ oppose / ☐ am neutral to the application

My submission is:-

The current situation is stupid. There
is a total duplication of effort. When we
went through the resource consent process our
cost were significantly higher due to having
two separate initiatives.
Then on going costs are higher with
everything we do being duplicated.

I seek the following decision from the Council:-

To immediately
relinquish all consent matters to do with
mining to the West Coast Regional Council.



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA

Name: MORRIS + Watson Gold Buyers
Organisation: Penrose Auckland
Address: Penrose Auckland
Phone Number: 0800 500654 Fax / Email : _____
Signature: [Signature]

I support / ~~oppose~~ / am neutral to the application

My submission is:-

Mining is large part of our spending
for gold purchase, the West Coast
being part of that spending

Transfer of functions will make consents
easy as a one stop shop.

I seek the following decision from the Council:-

Transfer land consents to Mining
to Regional Council.



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Peter William Manera
Organisation: _____
Address: P.O. Box 23
Ross
Phone Number: 03 755 4025 Fax / Email: _____
Signature: P.W. Manera

I support / ~~oppose~~ / ~~am neutral to the application~~

My submission is:-

I support the transfer of mining consents to
the regional council,
I would also like to see all other land
clearance and disturbance ~~consents~~ consents
transferred to the regional council as well.

I seek the following decision from the Council:-

as above.



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: *Evan Birchfield*
Organisation: *Birchfield's Ross Mining Limited*
Address: *56 Woolhouse Road, Ross, Westland 7812*
Phone Number: *03 755 4004* Fax / Email : *brml@xtra.co.nz*

Signature

E. Birchfield

I support / oppose / am neutral to the application

My submission is:- I support the transfer of mining consent applications to the West Coast Regional Council and the sooner that this is able to be actioned then the better for the local mining industry as the duplication and the inefficiencies of the Westland District Council Planning Department are harming the local economy and as such I currently share my opinion with any potential investors (and I am constantly being asked by potential investors) that it is not wise to invest in the Westland District area until such changes like the transfer of functions to the West Coast Regional Council for all mining applications has taken place.

The Westland District Council planning staff do not have the ability, knowledge or the will to perform these functions and are exposing the council to the possibility of legal action from applicants because of planning staffs lack of knowledge, continued delays and perceived anti-mining stance.

My own company has worked in the Westland District for the past 23 years, contributing millions of dollars to the local economy as have many other mining companies, Westland District does extremely well from the local mining industry, but the current planning staff are making it next to impossible for the mining industry to continue in this area.

I seek the following decision from the Council:- That the Westland District Council stand by their decision to transfer the mining consent applications to the West Coast Regional Council.

REC
BY: 4 DEC 2013

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Mrs K. Hartwig
Organisation: _____
Address: 20 Sale Street, Ross 7812
Phone Number: 755-4242 Fax / Email: white20
Signature: [Signature]

I support / ~~oppose~~ / am neutral to the application

My submission is:-

In supporting the application I feel there
would be a high degree of uniformity & expertise
with WRC operating this process as one. They
already process RMA and this will streamline the
process along with the diverse knowledge & technical
advisors available to do the tasks/consents for all
applications.
On another note, family are employed in the mining
industry which directly relate to (just built tailings)
being sent to live here on the West Coast, and
without major business gaining the consents, we would be
looking elsewhere due to a reduction of employment.
For communities to grow, we need to find good
develop & diversify; consents can be managed to a
degree satisfying both parties, and this also brings
the level of the local economy up a notch or two
along with tourism.

I seek the following decision from the Council:-

That the Westland District Council
follow through with the transfer efficiently &
in a prompt manner, over to the WRC, allowing
processing of all RMA Consents in relation
to mining and all other related RMA matters forthwith.



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: PETER G. BENNETT
Organisation: _____
Address: BELBIRD BUSH, 4 SAUL ST. POSS 1812
Phone Number: 03-755-14038 Fax / Email: p.v.b@actrix.co.nz
Signature: P. Bennett

I support / ~~oppose~~ am neutral to the application

My submission is:-

I support the application to transfer the functions under the RMA to the WCRRegional Council for the following reasons:

- 1) The Westland DC handling of RMA consent applications in recent years has been nothing less than a disgrace.
- 2) The WDC Planning Officer's (and Management) attitude have often been reportedly dictatorial, arrogant, obstructive, pedantic and unhelpful. This biased attitude and culture has resulted in unnecessary delays costing hundreds of thousands of dollars (and additional jobs). In, one instance, delays in processing a consent allegedly resulted in the loss to Westland of an entire business which was relocated to another district. In another instance a significant industrial development has been put on hold because of perceived issues with the WDC Planning Department.
- 3) No-one is asking to allow "open slather" and any right-thinking person understands the need for the protection afforded by the RMA but the WDC should be encouraging firms and businesses to invest in Westland by assisting them through the RMA consents process in a speedy and helpful manner – just the opposite applies at the moment.

I seek the following decision from the Council:

That the WDC transfer its functions under the RMA to the Regional Council at the earliest opportunity in order to allow Westland to develop its industries and grow its communities. Westland is currently being held back in some sectors by the culture and philosophy which exists in the Planning Department of the WDC.

* The Mayor, Councillors and Management should make it their mission to change the culture in the Planning Department of the WDC from the bureaucratic and obstructive "us versus them" (the Ratepayers) to "HOW CAN WE HELP"



**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

**The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.**

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Bryan Chinn
Organisation: _____
Address: 57 Hari Hari Highway Ross
Phone Number: 7554091 Fax / Email: 11
Signature: Bryan Chinn

I support / ~~oppose~~ / am neutral to the application

My submission is:-

Mining is a permitted activity in Buller & Grey
Councils. Westland should make mining a permitted
activity
Transfer of functions will make a one
stop shop

I seek the following decision from the Council:-

Transfer land use consents for
mining to the Regional Council

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**



The closing date for submissions is Wednesday 4th of December 2013 at 5 p.m.

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Brian Torrisi
Organisation: MORRIS & WATSON AGENTS
Address: 18 Bridge St. Greymouth
Phone Number: 03 768 6559 Fax / Email: 03 768 6974
Signature: [Signature]

☒ I support / ☐ oppose / am neutral to the application

My submission is:-

Mining is a permitted Activity in the Buller and Grey Council Westland. Should make mining a permitted Activity.
Transfer of Functions will make a one stop shop.

I seek the following decision from the Council:-

Transfer land use consents for mining to the Regional Council

**SUBMISSION: Section 33 Resource Management Act 1991:
Transfer of Functions**

*The closing date for submissions is Wednesday 4th of December
2013 at 5 p.m.*

The Westland District Council,
Private Bag 704,
36 Weld Street,
HOKITIKA.

Name: Gavin Hartwig

Organisation:

Address: 20 SALE STREET

RCEA

Phone Number: 755-4242

Email: ghartwig57@gmail.com

Signature

I support / ~~oppose~~ / am neutral to the application

My submission is:-

IN FULL SUPPORT OF TRANSFER OF
FUNCTIONS REGARDING MINING CONSENTS FROM
THE WESTLAND DISTRICT COUNCIL TO THE
WEST COAST REGIONAL COUNCIL:

THE COAST AND THIS COUNTRY USED
MINING TO CREATE EMPLOYMENT AND
GENERATE REVENUE FOR NZ, I.E. TRIBUTE
WHICH IS PAID TO CROWN MINERALS (CMT).

ALSO THE MINING INDUSTRY NEEDS TO BE
TREATED FAIRLY AND SOME DECISIONS HAVE
BEEN MADE NOT TO BE TOLD THAT OTHER
CONSIDERATIONS ARE NOW UNDER CONSIDERATION:

THE REGIONAL COUNCIL HAVE MORE THAN
QUALIFIED PERSONNEL THAT ARE MORE THAN
CAPABLE OF HANDLING THE R.M.A ACT FULL
AND MAKE A FAIR DECISION WHEN IS NOT
CURRENTLY THE CASE

I seek the following decision from the Council:-

AS A RATE PAYER I WOULD EXPECT THE
WESTLAND DISTRICT COUNCIL TO HAND
OVER THE FUNCTIONS OF MINING, THE
R.M.A. TO THE WEST COAST REGIONAL
COUNCIL SO WE CAN GET ON WITH CREATING
EMPLOYMENT WHICH ALSO GENERATES
EXTRA INCOME FOR THE GOVERNMENT
AND LOCAL COUNCILS, WHICH LOCAL BUSINESSES
ALSO BENEFIT FROM

Glenys Byrne

From: steve & kath maitland <maitlands@xtra.co.nz>
Sent: Wednesday, 4 December 2013 10:45 a.m.
To: Glenys Byrne
Subject: Submission attn Richard Simpson

Submission document for Richard Simpson
Could you please forward this.

Many thanks
Steve Maitland
23 Saint James st
Ross
Westland 7812

Submission by Steve Maitland of

23 Saint James street

Ross

Westland 7812

Re

STATEMENT OF PROPOSAL: SECTION 33 RESOURCE MANAGEMENT ACT 1991: TRANSFER OF FUNCTIONS

To whom it may concern.

I wish to state my opposition as regards the transfer of mineral functions to the sole actions of the Westcoast Regional Council.

1. One Regional Council member over the last few years has already come out of the closet being reported in a local newspaper as being only in the regional Council to push his interests and that of his enterprise. Make no mistake there are many others on the board that have the same attitude. Having this tunnel vision means this leaves the WCRC in a poor state. In my opinion in denial and not able to have balanced opinion.

2 It is true that previous years little has been done in the area that I reside in, the town of Ross, for businesses to adhere to the rules as far as mining goes. It has to be noted that the Westland District Council has in fact not done it's job in this area at all well. Part of Grimond Avenue has disappeared to mining interests, the local fire brigade training track has ended up on private land. Many photographs of Birchfield's mining transgressions have been sent to notify the Council (through Richard Simpson) that goings on have been occurring here. Photographs of diggers in Donnelly's creek have been sent in with no action taken whatsoever. This being said the WCRC have also been notified and done nothing. Birchfield's mining at this time is allowed access straight across the main south road with no points personal, very little signage etc No triathlon, sports event, Multisport event, no road works in this country would be permitted to cross the main road at such a point (note just before a blind corner on a national highway.

3 It has to be said that the responsibility's of chasing the mining license conditions incur costs and I do understand that however given the vague adherence to policing the rules both by the WCRC and the WDC I do think we need two different referees. The WDC has had a change of guidance with the employment of Tanya Winters. I would like to think and be encouraged to believe that Mineral license holders will be held to account for transgressions in the future. However with only the WCRC at the helm the interests of only the farming sector and the mining sector are going to be attended to considering the balance of power in the committee.

4 Birchfield's mining has had one serious accident that I was personally able to confirm, that of 300 metres of mining road collapse about one hour after work finished of the wall into the big hole (lake roddy to the locals) a year or so before they finished up.

Hearsay only, there is supposed to be a near new big digger up the back of Ross buried and left where a steep bank fell on top of it after the driver only just saved his life by jumping ship. Mining regulations? Are there any?

For me the powers that be are just not happening. My wife and I are just finishing getting building work done that required consent under the WDC. We have had to adhere to the most severe of regulations and yet both the Westcoast Regional District Council and The Westland District Council are not prepared, to my eyes anyway, to stand up and be counted as far as mining goes. Farming is policed yes, there is a lot at stake with our green image as per exports, if that was not at stake I suggest to you that everything would hit the wall as far as standards go pretty smartly.

I leave you with a comment said to me by a WDC employee

"We are not really interested in what you think you don't earn enough"

The thing is of course I am interested in the country health that will bring up your children and your children's children!

Yours sincerely

Steve Maitland

23 Saint James st

Ross

Westland 7812

Submission on Statement of Proposal - Section 33 Resource Management Act 1991: Transfer of Powers regarding mining

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation with 70,000 members or supporters. Forest & Bird acts to protect and restore native flora and fauna. Our nationwide campaigns for more effective pest control and protection and restoration of native habitats means that many more of our native species are better protected and have a better chance of rebuilding their numbers. Forest and Bird has an interest in mining operations in New Zealand due to their potential to impact on the values that we have.

Summary

2. Forest and Bird acknowledges there are benefits in the proposed section 33 transfer of powers with respect to mining operations. There are two issues that Forest & Bird wish to raise. These relate to concerns about a conflict of interest regarding the Regional Councils performance of its mine related functions.
3. Forest & Bird is concerned that the proposed transfer will reduce oversight of mining on the West Coast. The West Coast Regional Council's business unit, VCS Environmental Management Services (VCS) currently provides advice to both applicants and consent holders regarding the resource management requirements of mining operations.
4. The effect of this is that Regional Council is not independent and has an irreconcilable conflict of interest when it comes to the consenting and enforcement of mining operations it has a commercial contractual relationship with. The Regional Council has pecuniary interest in retaining the relationship with its "client". This interest conflicts with its obligation to independently process and enforce resource consents.
5. The proposed transfer of powers removes the Westland District Council from its independent administrative role, and places these functions with the Regional Council, which is not independent in terms of mining operations it has provided advice on. The replacement of an independent statutory authority with one that has a conflict of interest is not supported. Forest & Bird would support the transfer if the Regional Council did not have this conflict of interest.
6. There is also a technical issue regarding the matters transferred, which do not include the power to appoint enforcement officers.

Transfer of Powers

7. Forest and Bird agrees the transfer of mining functions from the Westland District Council to the West Coast Regional Council has the potential to provide an efficient and streamlined process to administer mining applications and mining operations.

8. At present, applicants have to deal with both the Regional and District Council due to statutory requirements. This current splitting of powers requires the District Council to process and enforce resource consents with respect to its functions, including important matters such as indigenous biodiversity. The Regional Council process and enforce resource consents with respect to its separate functions. Forest & Bird accepts there are efficiencies in combining these functions.
9. The transfer of these powers, pursuant to section 33 RMA, excludes the District Council from the entire process and therefore provides only one authority with responsibilities in these matters.

VCS Environmental Management Services advice means Regional Council is not Independent

10. The WCRC has responsibility for monitoring the exercise of consents it issues. This is a critical element of resource management that underpins the integrity of the regional plans and the consents issued under them
11. VCS Environmental Management Services (VCS) is a business unit of the WCRC and advises on resource consent applications as well as provide post consent advice on compliance and enforcement matters. The VCS website states:

VCS Resource Consents West Coast

VCS will manage the consent process for you, as well as any ongoing monitoring. Whether you're running a large-scale mining operation or a family dairy farm, VCS can help you negotiate the red tape and bureaucracy, letting you get on with what you do best.

Consent and compliance issues can be a headache. We understand the importance of getting it right the first time – this is where we can help.

Mining

Have you found the perfect piece of mineable land? Do you need a mining permit, resource consent or access arrangement? Let VCS help you untangle the red tape and get you mining faster.

12. Forest & Bird is firmly opposed to a consent authority entering a commercial arrangement to give advice to consent applicant and consent holders. The pecuniary interest in its clients creates an irreconcilable conflict with their duties to process, monitor and enforce resource consents. If VCS has given negligent advice then the Regional Council could be liable for damages related to this advice in the event it takes enforcement action. This is a serious and irreconcilable conflict.
13. This conflict critically undermines its role in the enforcement of resource consent conditions and confidence in the Regional Council to enforce its consent conditions. The contact person for the consent holder and the consent authority are both located in the office of the WCRC.

14. There have been concerns raised by Forest & Bird members about ineffective compliance monitoring of mining operations that have received advice from VCS. Obvious breaches of resource consents are not addressed, with breaches continuing unabated without any enforcement action being taken.
15. Forest & Bird is concerned that the transfer of powers from the District Council to the Regional Council will result in equally lax enforcement of District Council consents. Unless this conflict is addressed, Forest & Bird opposes the transfer. The only way this can be effectively addressed is if VCS stopped providing advice to mining operators.

Appointment of enforcement officers

16. The Deed transfers the powers under Section 36, Part 6, Part 6A and Part 12. The power to appoint enforcement officers under section 38 is not included. A possible issue arises where the Regional Council wishes to undertake enforcement action with respect to District Council functions. Abatement notices and infringement notices must be signed by an enforcement officer.
17. This is very problematic as it is doubtful if a Regional Council enforcement officer would be authorised to issue an abatement notice or infringement notice on a District Council matter. This issue could mean that the Regional Council was unable to effectively fulfil its compliance and enforcement role because of the difficulties in issuing infringement notices and abatement notices, which are two of the key enforcement tools.
18. We consider that the Deed should be amended:
 - (a) To include the power to appoint enforcement officers under section 38 with respect to the functions transferred by the Deed.
 - (b) To require that the Regional Council ensure that all officers it uses to perform functions transferred under the Deed are authorised as enforcement officers of the District Council.

Conclusion

19. Forest and Bird acknowledges there are potential advantages in the proposed transfer of powers. However, the Regional Council's business unit's role in providing advice to applications critically undermines its ability to properly fulfill its obligations regarding processing and enforcement. There is no public confidence in the Regional Council's enforcement of mining operations where it has a commercial relationship with the mining operator. Further powers of regarding administration of mining operations should not be transferred to it, while this irreconcilable conflict of interest persists.
20. Forest & Bird wishes to ensure that Regional Council staff performing District Council functions are authorised enforcement officers.

21. This conflict can only be overcome if VCS stops providing advice on mining operations. If this occurred Forest & Bird would support the proposed transfer.
22. In any event, the issues around the appointment of enforcement officers need to be addressed.

Report



DATE: 19 December 2013

TO: Mayor and Councillors

FROM: Chief Executive

SPECIAL CONSULTATIVE PROCEDURE TO REVOKE THE JACKSON BAY WHARF BYLAW 2001

9.0 SUMMARY

- 9.1 The purpose of this report is to assist the Council in commencing the special consultative procedure to revoke the Jackson Bay Wharf Bylaw 2001.
- 9.2 This issue arises from a request through the Annual Plan from Westland District Property Ltd that Council revoke the Jackson Bay Wharf Bylaw, and a decision at the Council meeting on 28 November 2013 that this process commence.
- 9.3 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:
- (c) To enable democratic local decision-making and action, by and on behalf of, communities; and
 - (d) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 9.4 Council seeks to meet this obligation and the achievement of the District Vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Involving the community and stakeholders Having inspirational leadership	Using the special consultative procedure to involve the community in matters that affect them.

- 9.5 This report concludes by recommending that Council commence the special consultative procedure for the revocation of the Westland District Council Jackson Bay Wharf Bylaw 2001.

10.0 BACKGROUND

- 10.1 The Jackson Bay Wharf Bylaw was put in place by Council in 2001 under the authority of the Local Government Act 1974. The Bylaw was put in place to control the use of the wharf, to protect the wharf from damage and to recover the cost of providing a service to shipping at Jackson Bay.
- 10.2 The Jackson Bay wharf is one of Westland's strategic assets. Ownership of the wharf was transferred from the Crown to Council in 1998. On transfer of the wharf, Council obtained a Coastal Permit from the West Coast Regional Council for "exclusive occupation...for the purpose of the continued use of the Jackson Bay Wharf."
- 10.3 Options were considered as to how to make the wharf viable, to generate enough revenue from the users and beneficiaries to protect and maintain the asset. In that regard a small committee of representatives of the fishing industry was put together and recommendations from them on fees and charges were brought to Council.
- 10.4 The committee's recommendation was to charge \$300+GST for crayfish and \$23+GST for wet fish. The charges were based on the total value of the two types of catch unloaded across the wharf. This recommendation was accepted by Council and included in the Jackson Bay Bylaw 2001.
- 10.5 In late 2011, Council and WDPL began working towards the transfer of the management of Jackson Bay Wharf from Council to WDPL, to become effective from 1 July 2012. Due diligence was undertaken and a Transition Plan drafted for the wharf and associated facilities to be managed by WDPL, with the goal of bringing its operation to breakeven within a 5 year period.
- 10.6 WDPL is required under its Statement of Intent and management contract to operate in a manner that achieves commercial returns for the wharf and other Council assets which it manages.

10.7 The Bylaw provides Council with the ability to:

3.1.1 Set fees and charges

3.1.2 Determine how the wharf is used

Both of these can be addressed by WDPL without a Bylaw in place.

10.8 There is currently a tension between what is in the Jackson Bay Wharf Bylaw 2001 and what is set out in the Management Contract and Statement of Intent with WDPL. In particular the Bylaw does not comfortably fit a management role where the requirement is to operate the wharf and associated facilities on a commercial basis.

10.9 It is also clear that the Council is empowered to manage the wharf without the Bylaw pursuant to the general power in s 12 of the Local Government Act 2002. While the wharf must be managed wholly or principally for the benefit of the district in a way that is consistent with the LGA, as a strategic asset of Council, this can be done effectively in the absence of a Bylaw. Indeed, the mandate given to WDPL by way of a statement of intent is significantly more flexible than a Bylaw put in place under the LGA 1974.

10.10 There is also no bar to delegating the management responsibilities in respect of the wharf to WDPL, noting that this delegation will not relieve the Council from its duty to ensure that its obligations in respect of the management of the wharf under LGA and otherwise are complied with. In this respect, while Council has transferred the management of the wharf to WDPL, at the meeting on 28 November Council retained the right to approve any recommendations from WDPL regarding the setting of fees and charges for the wharf.

11.0 CURRENT SITUATION

11.1 At its meeting on 28 November 2013 Council resolved *“to use a Special Consultative Procedure to propose the revocation of the Jackson Bay Wharf Bylaw 2001 and that a Statement of Proposal be prepared.”*

11.2 A Statement of Proposal has been prepared and is attached as **Appendix 1**.

12.0 OPTIONS

12.1 Commence the special consultative procedure to revoke the Bylaw.

12.2 Retain the Bylaw as it is.

13.0 SIGNIFICANCE AND CONSULTATION

- 13.1 The revocation of a Bylaw is considered to be a significant action by virtue of the statutory requirement for consultation.
- 13.2 The special consultative procedure is specifically provided to ensure that consultation with the public occurs. Due to the process taking place over the Christmas period, six weeks has been allowed for submissions to be made, instead of the statutory requirement of one month.

14.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 14.1 There are no financial implications for either option.
- 14.2 Retaining the existing Bylaw is not necessary to manage and operate the Jackson Bay Wharf. Revoking it removes the requirement for Council to review the Bylaw every 5 years, and enables WDPL to manage the wharf commercially. WDPL will recommend the fees and charges to Council who will have the final approval through the Annual Plan
- 14.3 Using the special consultative procedure to revoke the Bylaw means the community are provided with an opportunity to have a say on the proposal.

15.0 PREFERRED OPTION AND REASONS

- 15.1 For the reasons outlined above, in particular, the fact that a Bylaw is not needed to manage Jackson Bay Wharf, the preferred option is the Statement of Proposal attached as **Appendix 1** be adopted and the special consultative procedure commence.

16.0 RECOMMENDATION

- C) **THAT** the Statement of Proposal including the Westland District Council Jackson Bay Wharf Bylaw 2001 be adopted and the special consultative procedure commence forthwith.

Appendix 1: The Statement of Proposal and Bylaw to be revoked.

Tanya Winter
Chief Executive



STATEMENT OF **PROPOSAL**

**WESTLAND DISTRICT COUNCIL
JACKSON BAY WHARF
BYLAW 2001**

REVOCATION 2013

5. **INTRODUCTION**

In accordance with Section 83 (1)(a)(i) and Section 156 (1)(c) of the Local Government Act 2002 (LGA), the Westland District Council (Council) gives notice through this Statement of Proposal of its intention to revoke the Westland District Council Jackson Bay Wharf Bylaw 2001.

This Statement of Proposal outlines the reasons for the proposal to revoke the Bylaw and provides a summary of the relevant considerations taken by Council.

6. **BACKGROUND**

Section 145 of the LGA gives a general bylaw-making power to territorial authorities for the following purposes:

- (a) Protecting the public from nuisance
- (b) Protecting, promoting, and maintaining public health and safety
- (c) Minimising the potential for offensive behaviour in public places

The Jackson Bay Wharf Bylaw was put in place by Council in 2001 under the authority of the Local Government Act 1974. At that time the Council did not have a general power to charge for the provision of amenities and services so a bylaw was needed. The Bylaw was put in place to control the use of the wharf, to protect the wharf from damage and to recover the cost of providing a service to shipping at Jackson Bay.

The Jackson Bay wharf is one of Westland's strategic assets. Ownership of the wharf was transferred from the Crown to Council in 1998. On transfer of the wharf, Council obtained a Coastal Permit from the West Coast Regional Council for "exclusive occupation...for the purpose of the continued use of the Jackson Bay Wharf."

On 1 July 2012 management of the Jackson Bay Wharf was transferred to Westland District Property Ltd (WDPL). Ownership of the asset was retained by Council. WDPL determined that legal protections should be put in place in respect of the use of the wharf. In particular WDPL considered it proper to ensure that the wharf was used in a safe manner and that the asset was protected against damage. A Licence Agreement to Occupy Wharf Space at Jackson Bay was prepared for signature by commercial users of the wharf. This Licence Agreement is the basis upon which the wharf is currently used. These Agreements are renewed annually.

WDPL is required under its Statement of Intent and management contract with Council to operate in a manner that achieves commercial returns for the wharf and other Council assets which it manages.

The current Bylaw (attached as Appendix 1) provides Council with the ability to:

1. Set fees and charges
2. Determine how the wharf is used

Both of these can be addressed by WDPL without a Bylaw in place.

There is currently a tension between what is in the Jackson Bay Wharf Bylaw 2001 and what is set out in the Management Contract and Statement of Intent with WDPL. In particular it is arguable that the Bylaw constrains the manner in which fees may be set and charged and does not comfortably fit a management role where the requirement placed on WDPL is to operate the wharf and associated facilities on a commercial basis.

It is also clear that the Council is empowered to provide amenities and services such as the wharf and to impose charges for them without the Bylaw pursuant to the general power in section 12 of the Local Government Act 2002. While the wharf must be managed wholly or principally for the benefit of the District in a way that is consistent with the LGA, as a strategic asset of Council, this can be done more effectively in the absence of a Bylaw. Indeed, the mandate given to WDPL by way of a statement of intent is significantly more flexible than a bylaw put in place under the LGA 1974.

There is also no bar to delegating the management responsibilities in respect of the wharf to WDPL, noting that this delegation will not relieve the Council from its duty to ensure that its obligations in respect of the management of the wharf under LGA and otherwise are complied with.

Accordingly, because the Licence Agreement now forms the legal agreement between WDPL and the commercial users there is no longer the need for a Bylaw. For the sake of clarity, it has therefore been decided to revoke the existing Bylaw.

The Westland District Council will set the fees and charges for the use of the Wharf and any related services.

7. LEGISLATIVE FRAMEWORK

7.1 Report on Section 155 of the Local Government Act 2002

Section 155 of the Local Government Act 2002 requires the Council, when considering a Bylaw, to determine:

- Whether a Bylaw is the most appropriate way of addressing the perceived problem;
- Whether a Bylaw is in the most appropriate form; and

- Whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

In this case the Bylaw is proposed to be revoked. It is argued that a Bylaw is not the most appropriate way of addressing the problem of the most effective way of managing the wharf.

The Bylaw is to be revoked and therefore the issue of whether it is in the most appropriate form does not arise.

There are no issues under the New Zealand Bill of Rights Act 1990, because revoking the Bylaw will have no effect on any rights or privileges of users or on any other person.

8. **REASONS FOR THE PROPOSED CHANGES**

The reason for revoking the Bylaw is because it is not required in order to manage the Jackson Bay Wharf. This can be appropriately done with the commercial users through a Licence Agreement to Occupy Wharf Space.

9. **AVAILABILITY AND DISTRIBUTION**

A copy of the proposal and the current Bylaw are available on the Council's website www.westland.govt.nz or from the Westland District Council Office, 36 Weld Street, Hokitika and at the Westland District Library, 20 Sewell Street, Hokitika.

10. **RIGHT TO MAKE SUBMISSIONS AND BE HEARD**

Any person or organisation has a right to be heard in regard to this proposal. The Council is using the Special Consultative Procedure set out in Section 83 of the Local Government Act 2002.

Anyone may make a submission about the proposal to revoke the Westland District Council Jackson Bay Wharf Bylaw 2001.

The period for making written submissions will open on Monday 23 December 2013 and will close at 5.00 pm on Friday 7 February 2014. Submissions must be sent to the Westland District Council, Private Bag 704, Hokitika 7842, or emailed to consult@westlanddc.govt.nz

Tanya Winter
Chief Executive

Appendix 1



WESTLAND DISTRICT COUNCIL JACKSON BAY WHARF BYLAW

A Bylaw to control the use of the wharf, to protect it from damage and to recover the cost of providing a service to shipping.

In pursuance of the powers vested in it by the Local Government Act 1974 and all other enabling powers the Westland District Council hereby makes this Bylaw.

Analysis

1. Short Title
2. Commencement
3. Interpretation
4. Fees and Charges
5. Use of Wharf
6. Traffic on Wharf
7. Miscellaneous
8. Offences
9. Penalties

1.0 Short Title

1.1 This Bylaw may be cited as the Jackson Bay Wharf Bylaw.

2.0 Commencement

2.1 This Bylaw shall come into force 14 days after its adoption.

3.0 Interpretation

3.1 In this Bylaw, unless the context otherwise requires:

“Council” means the Westland District Council and includes any person, authorised by the Council, to act on its behalf;

“Master” in relation to any vessel includes any person in charge of that vessel;

“Owner” in relation to a vessel, includes an agent and also includes a charterer.

“Vehicle” and “Heavy motor vehicle” have the same meanings as they respectively have in Section 2 (1) of the Land Transport Act 1998;

“Vessel” means every description of ship, boat or craft used in navigation whether or not it has any means or propulsion and regardless of that means; and includes a barge;

“Wharf” means the structure owned by the Council and operated by it for local shipping at Jackson Bay at latitude 43° 58' 31" and longitude 168° 36' 50"

“Registered length” or “length” in relation to any vessel means the length of that vessel measured from the foreside of the head of the stem to the afterside of the head of the stern post, or to the foreside of the head of the rudder stock if no stern post is provided;

4.0 Fees and Charges

4.1 The Council may from time to time by resolution fix fees and charges payable for all or any of following purposes:

- (a) To provide funds for the maintenance and renewal of the wharf and any associated works, and facilities and providing any associated services.
- (b) To defray the cost and expenses incurred by the Council in administering, policing and protecting the wharf and any associated works, facilities and services.

- 4.2 Any such fees and charges may be calculated according to the amount or nature of freight loaded or discharged at the wharf or of the vessel's tonnage, length or character or a combination of these factors.
- 4.3 The master of any vessel that berths at the wharf shall be liable for any berthage fees or charges fixed under this Bylaw. In the case of non-payment of the berthage fee the owner of the vessel shall be liable for such fees.
- 4.4 The fees and charges payable under this Bylaw shall be payable to the Westland District Council at Hokitika within 28 days of the fee or charge being incurred and shall be accompanied by a statutory declaration made in a form prescribed by Council.
- 4.5 Any fees or charges that are unpaid after 28 days shall incur an additional penalty for late payment. The penalty shall be 5 percent of the fee or charge outstanding at the close of each period of 28 days from the date of it being incurred.

5.0 Use of Wharf

- 5.1 The master of every vessel that uses the wharf shall ensure that the vessel remains alongside the wharf only for the time necessary to load or discharge goods, or to take on fuel, fresh water or stores or to undertake emergency repairs
- 5.2 Notwithstanding sub clause (1) of this Bylaw the Council may at any time instruct the master of any vessel to remove the vessel from the wharf.
- 5.3 The master of any vessel arriving at the wharf shall use sufficient fenders and mooring ropes to protect the wharf from damage.
- 5.4 Every person who wilfully or negligently destroys or damages the wharf shall be liable for the amount of that destruction or damage or any loss or expenses caused to or incurred by the Council in any Court of competent jurisdiction.

6.0 Traffic On Wharf

- 6.1 The Council in the interest of the safety of users of the wharf and to protect the wharf from damage may from time to time by resolution:
 - restrict the maximum speed of any vehicle using the wharf
 - limit the number of vehicles which may use the wharf at any one time,
 - restrict the use of heavy vehicles,
 - prohibit the parking, stopping or standing of vehicles on the wharf except for the purpose of loading supplies on to ships berthed at the wharf or to pick-up produce discharged from such ships.

- 6.2 Any such restrictions, limitations or prohibitions shall be displayed by notices or signs erected at the landward side of the wharf.

7.0 Miscellaneous

- 7.1 No person shall place or store property or deposit rubbish on the wharf except in a receptacle or receptacles provided for that purpose
- 7.2 The Council may erect such notice boards and signs as it deems necessary on the wharf.
- 7.3 All lawful instructions, restrictions or prohibitions contained on a notice board or signs erected under this Bylaw shall be complied with at all times.
- 7.4 No person shall without the consent of Council place any placard or notice upon the wharf.
- 7.5 No person shall interfere with, damage or deface any noticeboard erected by the Council.

8.0 Offences

- 8.1 Every person committing an offence against this Bylaw who without reasonable excuse:
- (a) Fails, refuses or neglects to comply in all respects with any lawful instructions or demands made pursuant to this Bylaw by the Council or any person acting under its authority.
 - (b) Fails to pay any fees, charges or penalties payable pursuant to this Bylaw by the date they become payable.
 - (c) Makes a false declaration under clause 4.4 of this Bylaw.
 - (d) Wilfully or negligently destroys, damages or otherwise interferes with the wharf or any part thereof or anything forming part of or connected with the wharf.
 - (e) Fails to comply with or does any act in contravention of any condition, duty or obligation imposed by this Bylaw.
 - (f) Fails to comply with or does any act in contravention of any prohibition, restriction or limitation laid down or imposed by this Bylaw.
 - (g) Molests or makes use of threatening language to any officer or person exercising any power or duty under this Bylaw and acting under the authority of the Council.

9.0 Penalties

- 9.1 Every person who commits an offence against this Bylaw shall be liable to a fine not exceeding \$500.

The foregoing Bylaw was duly made by the Westland District Council by a resolution passed at a meeting of the Council held on 15th March, 2001 and (meantime having been publicly notified) confirmed as a special order at a subsequent meeting of the Council held on 19th April, 2001.

The Common Seal)
of the Westland District Council)
was affixed in)
the presence of:)

Mayor

General Manager

This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.

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Report



DATE: 19 December 2013

TO: Mayor and Councillors

FROM: i-SITE Manager

CREDIT CARD LIMIT INCREASE

1.0 SUMMARY

- 1.1 The purpose of this report is to increase the limit of the i-SITE Manager's Council credit card from \$5,000 to \$10,000.
- 1.2 This issue arises from the \$5,000 limit being reached before automatic payment has been made (on the 20th of every month) and more flight bookings requested.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by section 10 of the Local Government Act 2002. That purpose is:
- (a) To enable democratic local decision-making and action, by and on behalf of, communities; and
 - (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- 1.4 Council seeks to meet this obligation and the achievement of the District Vision set out in the Long Term Plan 2012-22. The matters raised in this report relate to those elements of the vision identified in the following table.

Vision's Objectives	Achieved By
Having inspirational leadership	Efficient transacting of business assists in the effective operation of Council.

- 1.5 This report concludes by recommending that Council increase the i-SITE Manager's Council credit card limit from \$5,000 to \$10,000.

2.0 BACKGROUND

- 2.1 The purpose of the i-SITE Manager's Council credit card is for effective administration of all flights and accommodation bookings for Council employees, Councillors and the Mayor. Once the statement has been received, individual codes are entered and the statement is authorised and signed off by 'one up' or the Chief Executive. Accommodation is only booked on the credit card if the Hokitika i-SITE does not have an account with the accommodation provider.

- 2.2 There is limited use of the card for i-SITE business.

3.0 CURRENT SITUATION

- 3.1 No flight or accommodation bookings can be made unless an early payment is authorised because the credit limit has been reached.

4.0 OPTIONS

- 4.1 Leave limit at \$5,000.
- 4.2 Increase limit to \$10,000.

5.0 SIGNIFICANCE AND CONSULTATION

- 5.1 This matter is administrative and therefore of low significance.
- 5.2 No consultation is required.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 Leave limit at \$5,000 – if this limit is reached before month end, no flight bookings will be able to be made until the outstanding balance is paid and funds are available the month after.
- 6.2 Increase limit to \$10,000 – recognises the true volume of transactions that are being processed this way.
- 6.3 Credit cards are administratively efficient and provide clear audit trails of transactions. Despite their benefits the community perceives them to be a

sign of reckless spending. Council's controls this spending through the setting of budgets and monitoring of budgets.

7.0 PREFERRED OPTION AND REASONS

7.1 Raising the credit card limit is preferred as the most efficient way for Council to complete these necessary transactions.

8.0 RECOMMENDATIONS

- A) **THAT** the limit on the credit card is increased to \$10,000.
- B) **THAT** the Delegations Manual be updated to reflect this decision.

Lisa De Rooy
i-SITE Manager