



A G E N D A

Ordinary Council Meeting

Council Chambers

**Thursday 24 November 2016
commencing at 9.00 am**

His Worship the Mayor R.B. Smith
Deputy Mayors Cr H.M. Lash and Cr L.J. Martin
Crs D.L. Carruthers, R.W. Eatwell, D.M.J. Havill,
J.A. Neale, G.L. Olson, D.C. Routhan.



ORDINARY COUNCIL MEETING

AGENDA FOR AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, TO BE HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 24 NOVEMBER 2016 COMMENCING AT 9.00 AM

Tanya Winter
Chief Executive

18 November 2016

COUNCIL VISION

Westland District Council will facilitate the development of communities within its district through delivery of sound infrastructure, policy and regulation.

This will be achieved by:

- Involving the community and stakeholders.
- Delivering core services that meet community expectations and demonstrate value and quality.
- Proudly promoting, protecting and leveraging our historic, environmental, cultural and natural resource base to enhance lifestyle and opportunity for future generations.

Purpose:

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.

Health & Safety Snapshot

	Accidents	Incidents	Near Misses
November 2015	0	1	0
December 2015	0	0	0
January 2016	0	1	0
February 2016	0	0	0
March 2016	1	0	0
April 2016	0	1	0
May 2016	0	1	0
June 2016	0	1	0
July 2016	0	0	0
August 2016	1	0	0
September	0	1	0
October	0	0	0
to 18 November	0	0	0

1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:

1.1 Apologies & Leave of Absence

1.2 Interest Register

2. PUBLIC FORUM

The public forum section will commence at the start of the meeting.

3. CONFIRMATION OF MINUTES:

3.1 Inaugural Council Meeting – 25 October 2016.

Pages 8-10

3.2 Extraordinary Council Meeting – 31 October 2016.

Pages 11-18

4. GENERAL BUSINESS:

4.1 10.15 am - Presentations to Outgoing Councillors:

Andy Thompson and Jim Butzbach will be in attendance at the meeting at 10.15 am.

Morning tea at 10.30 am

4.2 12 noon - Presentation from Department of Conservation:

Mark Davies, Director, Operations – Western South Island Region, Department of Conservation will be in attendance at the meeting at 12 noon to present on “Where DOC fits with Council”.

5. AGENDA ITEMS FOR DECISION

5.1	Adoption of Standing Orders	Pages 19-102
5.2	Quarterly Performance Report – 1 July to 30 September 2016	Pages 103-170
5.3	Financial Performance October 2016	Pages 171-181
5.4	Franz Alpine Resort: Infrastructure Issues	Pages 182-192
5.5	Plan Change 7: Managing Fault Rupture Risk in Westland – Next Steps	Pages 193-243
5.6	Franz Josef Wastewater Treatment Plant	Pages 244-327
5.7	Carnegie Building – Detailed Structural Assessment	Pages 328-429
5.8	Council Controlled Organisations Director Appointment Policy Amendment	Pages 430-448
5.9	Council Controlled Organisations Structure	Pages 449-492
5.10	Code of Conduct	Pages 493-554
5.11	Confirmation of Portfolios and Appointments to Council Committee, Council Controlled Organisations and Outside Organisations	Pages 555-566
5.12	Committee Terms of Reference	Pages 567-572
5.13	Financial Delegations to the Chief Executive	Pages 573-579
5.14	Annual Report on Dog Control Policy and Practices	Pages 580-586
5.15	Elected Members Remuneration	Pages 587-603
5.16	Road Naming Ferguson Place, Franz Josef	Pages 604-609

6. AGENDA ITEMS FOR DISCUSSION:

6.1	Cron Street Parking)
6.2	Water Supply)

- 6.3 Freedom Camping) Franz Josef – Cr Lash
- 6.4 Rubbish Bins)
- 6.5 Cleaning of Public Toilets)
- 6.6 Development West Coast District Economic Stimulus Fund – Mayor
- RSPCA
 - Previous applications – process from here
- 6.7 Riding bikes on the footpath to Kaniere School for safety – Mayor
- 6.8 Timing of Works Update – Cr Havill
- 6.9 Whataroa Cemetery Funding Application Review – Cr Lash
- 6.10 Sealing Contracts – Review process before the next round – Mayor
- 6.11 Access to information of Council by Councillors – Mayor
- 6.12 Local Government Commission Relationship Agreement - Mayor
- 6.13 West Coast Councils Triennial Agreement - Mayor

Lunch at 12:30pm

7. ADMINISTRATIVE RESOLUTIONS:

Council is required to confirm its seal being affixed to the following documents:

7.1 Warrant of Appointment – Tjaart Joubert Bekker (Planner)

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002.
- An Officer under the Westland District Council Bylaws.
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991, including the power of entry pursuant to Sections 332 and 333 of the Resource Management Act 1991.

7.2 Warrant of Appointment – Fiona Marie Scadden (Senior Planner)

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002.

- An Officer under the Westland District Council Bylaws.
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991, including the power of entry pursuant to Sections 332 and 333 of the Resource Management Act 1991.

7.3 Warrant of Appointment - Pamela Louise Wilson (Engineer-Water Services)

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002.
- An Officer under the Westland District Council Bylaws.
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991, including the power of entry pursuant to Sections 332 and 333 of the Resource Management Act 1991.

7.4 Warrant of Appointment – Sarah Elizabeth Hawkins (Business Support Officer: District Assets)

To act in the Westland District as:

- An Officer pursuant to Section 174 of the Local Government Act 2002.
- An Officer under the Westland District Council Bylaws.
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991, including the power of entry pursuant to Sections 332 and 333 of the Resource Management Act 1991.

8. MATTERS TO BE CONSIDERED IN THE ‘PUBLIC EXCLUDED SECTION’

Resolutions to exclude the public: Section 48, Local Government Official Information and Meetings Act 1987.

Council is required to move that the public be excluded from the following parts of the proceedings of this meeting, namely:

8.1 Risk Register

The general subject of the matters to be considered while the public are excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of the resolution are as follows:

Item No.	Minutes/ Report of	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
8.1	Risk Register	Confidential Report	Good reasons to withhold exist under	Section 48(1(a) & (d)

			Section 7	
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Date of next Ordinary Council Meeting
15 December 2016
commencing at 9.00 am



INAUGURAL COUNCIL MINUTES

MINUTES OF THE INAUGURAL COUNCIL MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON TUESDAY 25 OCTOBER 2016 COMMENCING AT 1.00 PM

1 STATUTORY BUSINESS:

The Chief Executive chaired the welcome section of the meeting.

1.1 Members Present

His Worship the Mayor R.B. Smith (Chairperson for the remainder of the meeting, after the Declarations)

Deputy Mayors Cr H.M. Lash and Cr L.J. Martin

Crs D.L. Carruthers, R.W. Eatwell, D.M.J. Havill, J.A. Neale, G.L. Olson, D.C. Routhan.

Apologies:

Nil.

Staff in Attendance:

T.L. Winter, Chief Executive (Chairperson for the welcome part of the meeting); G.L.J. Borg, Group Manager: Corporate Services; J.D. Ebenhoh, Group Manager: Planning, Community and Environment; V. Goel, Group Manager: District Assets; D.M. Maitland, Executive Assistant.

1.2 Declaration by His Worship the Mayor

His Worship the Mayor completed his statutory declaration, witnessed by the Chief Executive.

1.3 Welcome from Mayor Smith

His Worship the Mayor welcomed Councillors to the meeting and congratulated them on their election and re-election in the instance of Cr Martin.

The Mayor extended a welcome to Maureen Pugh, the National Party List MP and also to his mother, Mayoress Jenny, family and friends.

The Mayor emphasised that this Council will be about celebrating success, the success of all of our young people, of them getting a job and staying on the West Coast, the success of their schooling and also the outstanding success that some will achieve.

The Mayor advised he is looking forward to working with Council staff so they can capture the vision for the future as they can be brilliant ambassadors promoting just why investors should head for Westland.

1.4 Declaration and Short Address by Councillors

All Councillors completed their statutory declaration, witnessed by His Worship the Mayor and provided a short address to the group present.

The Kapa Haka Group from Hokitika Primary School then gave a performance after the declarations.

The meeting adjourned for afternoon tea at 2.00 pm and reconvened at 2.46 pm.

1.5 Appointment of Deputy Mayor

His Worship the Mayor appointed two Deputy Mayors which are Cr Latham Martin being the highest polling candidate in the October 2016 Local Body Elections and Cr Helen Lash, as a Southern Ward Councillor from a geographic perspective.

1.6 Portfolio Listing for Elected Representatives

The proposed Portfolio Listing for Elected Representatives was discussed and Councillors were asked to advise the Mayor of any changes to the listing.

1.7 Council Meeting Schedule for the Remainder of 2016

Moved Cr Martin, seconded Cr Lash and **Resolved** that the Council Meeting Schedule for the remainder of the 2016 year be as follows:

Date	Meeting	Time
31 October	Extraordinary Council Meeting to adopt the 2015-2016 Annual Report	1.30 pm
24 November	Council Meeting	9.00 am
15 December	Council Meeting	9.00 am

It was noted that the intention is that the two Standing Committees of Council which are the Planning and Building Services Reform and the Finance, Audit and Risk Committee will meet on the same day as the Ordinary Council Meetings.

1.8 Legislative Advice to the Incoming Council

The Chief Executive highlighted a few matters in the report and asked all elected members to pay particular attention to those.

Moved Cr Carruthers, seconded Cr Routhan and **Resolved** that the report titled "Legislative Advice to the Incoming Council" be received.

MEETING CLOSED AT 3.04 PM

Confirmed by:

Bruce Smith
Mayor

Date

Tanya Winter
Chief Executive

Date

Date of Extraordinary Council Meeting
31 October 2016
Council Chambers

Council Minutes

MINUTES OF AN EXTRAORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON MONDAY 31 OCTOBER 2016 COMMENCING AT 1.33 PM

1 MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:

1.1 Members Present

His Worship the Mayor R.B. Smith

Deputy Mayors Cr H.M. Lash and Cr L.J. Martin

Crs R.W. Eatwell, D.M.J. Havill, J.A. Neale, G.L. Olson, D.C. Routhan.

Apologies:

Cr D.L. Carruthers.

Moved Cr Martin, seconded Cr Lash and **Resolved** that the apology from Cr Carruthers be received and accepted.

Staff in Attendance:

T.L. Winter, Chief Executive; G.L.J. Borg, Group Manager: Corporate Services; V. Goel, Group Manager: District Assets; J. Bainbridge, Transportation Officer; K. Jury, Corporate Planner; L.A. Crichton, Finance Manager; P. Wilson, Engineer: Water Services; D.M. Maitland, Executive Assistant.

1.2 Interest Register

His Worship the Mayor circulated the Interest Register.

2. **Public Forum**

Moved His Worship the Mayor, seconded Cr Havill and **Resolved** that in accordance with NZS 9202: 2003 Model Standing Orders for Meetings of Local Authorities and Community Boards, item 3.19.7 be suspended for this meeting and that there be no "Public Forum" Section.

3. **Members to speak in places and address the Chair**

Moved His Worship the Mayor, seconded Cr Havill and **Resolved** that in accordance with NZS 9202: 2003 Model Standing Orders for Meetings of Local Authorities and Community Boards, *Amended* Item 3.3.4, members may remain seated when speaking at Ordinary and Extraordinary Meetings and at Committee Meetings.

4. **Agenda Items for Decision:**

4.1 **Annual Report 2015-2016**

A copy of the final Annual Report for 2015-2016 was released including a memo from the Corporate Planner regarding detailed editorial amendments as a result of the Final Audit Review by Audit New Zealand.

His Worship the Mayor welcomed Bede Kearney, Director of Audit New Zealand to the meeting to speak to the new Council about the role of the auditor and his observations on Council's reporting process.

Mr Kearney advised that improvements have been made to Council's financial and service performance management processes which is reflected in the reporting and also in Audit New Zealand being able to provide an unmodified Audit Report to Council.

Mr Kearney acknowledged the good working relationship with Council management throughout the process.

The Chief Executive then spoke to this item.

Councillors then had the opportunity to have a question and answer session with the Audit Director.

Moved Cr Martin, seconded Cr Lash and **Resolved** that the revised Annual Report for 2015-2016 as tabled be adopted.

5. **AGENDA ITEMS FOR DISCUSSION**

The following items were then considered by Council and all Councillors were given the opportunity to contribute towards each item for discussion.

5.1 Carnegie Building

The Group Manager: District Assets spoke to this item and advised that a temporary Heritage Centre will be located at 47 Revell Street and will house a research centre that will be accessible to the public and a small museum shop, along with work space for staff for a 12 month period.

Action Item:

- a) **Council instructed the Chief Executive to circulate to Councillors a copy of the Detailed Seismic Assessment Report (Opus Report) and also the peer review document on the Carnegie Building, and to also obtain costings to bring the building up to 37% and 67% respectively, including funding options.**

5.2 Council Controlled Organisations Director Appointment Policy Amendment

Cr Havill declared an interest in this discussion.

His Worship the Mayor advised that the options are the status quo, amendment or replace and revoke the Director Appointment Policy completely.

Action Items:

- a) **Council provided direction to the Chief Executive to look at amending the existing Director Appointment Policy and bring it back to the 24 November 2016 Council Meeting.**
- b) **A copy of the existing resolution to be emailed to every Councillor, with feedback to be provided to the Chief Executive.**
- c) **A copy of each of the CCOs Constitutions to be emailed to the Councillors.**

5.3 Council Controlled Organisations (CCO) Structure

Council discussed the CCO Structure.

Action Item:

- a) **Council provided direction to the Chief Executive to bring out the original resolution regarding the CCO Structure and all the reports that formed the Councillors views at that time, with a view to the item being revisited.**

5.4 Delegations – Consultants

Councillors discussed the use of Consultants throughout the organisation.

Action Items:

- a) Councillors had indicated a preference to make a decision in relation to the use of Consultants.
- b) Council directed the Chief Executive to provide Councillors with a list of the Consultant spend throughout the organisation over the next month, and to bring a report back to the 24 November 2016 Council Meeting.

5.5 Franz Alpine Resort

The Group Manager: District Assets spoke to this item.

Action Item:

- a) Council directed the Chief Executive to bring back an information report providing an update on the situation, the legal position and the way forward, to the 24 November 2016 Council Meeting in the Public Excluded Section.

5.6 Franz Josef Fault Rupture Avoidance Zone (FRAZ)

Councillors discussed the FRAZ and the way forward.

Action Item:

- a) Council instructed the Chief Executive to bring back to the 24 November 2016 Council Meeting a report on the FRAZ to enable a decision to be made whether to proceed with Plan Change 7 or not.

5.7 Franz Josef River Protection

Councillors discussed river protection at Franz Josef.

Action Item:

- a) No instructions were issued to the Chief Executive in regard to this matter.
- b) Work will continue with the Franz Josef Community to get a clear direction, and then Council will advocate to the West Coast Regional for a result, reasonably quickly.

5.8 Franz Josef Wastewater Treatment Plant

The Group Manager: District Assets spoke to this item and advised that work is continuing on this item and consultants are looking at options. Councillors were of a view that more information needs to be provided.

Action Items:

- a) **Council directed the Chief Executive to provide the Mayor and Councillors with a copy of the business case.**
- b) **Councillors instructed the Chief Executive to stop the present expenditure with consultants on this project and requested a report to the 24 November 2016 Council Meeting on the two options for treatment.**

The meeting adjourned for morning tea at 3.18 pm and reconvened at 3.34 pm.

5.9 Hokitika Sewage Outfall

The Group Manager: District Assets spoke to this item and advised that the outfall pipe was built in 1998. He further advised that Opus Consultants have been engaged to work on the design for the sewage outfall.

Action Item:

- a) **Cr Havill and the Group Manager: District Assets to view the current situation at low tide, and make a decision once firm costings have been received.**

5.10 Hokitika Water Supply Intake

The Group Manager: District Assets spoke to this item and provided an update on the partnership with Westland Milk Products on the installation of a new water intake plus upgrading the water treatment plant, 100% paid for by a targeted rate on Westland Milk Products. Subsequently the required intake structure did not deliver the required flows and further work is required.

The Group Manager: Corporate Services advised that a reconciliation is being undertaken on how much of the loan funding has been repaid to date.

Action Item:

- a) Council were in support of the management direction to date and asked that they continue to keep Council updated with regard to this matter.

5.11 Legal Road Occupations – Beach Street

Crs Eatwell and Neale advised an interest in this discussion.

The Group Manager: Corporate Services spoke to this item and provided an update on work undertaken to date and advised that each occupation is being treated on a case by case basis with affected property owners.

Action Item:

- a) Council instructed the Chief Executive to continue on the existing path that is being undertaken, and asked that staff report back on how they get on with the individual property owners.

5.12 Oscar Bottom Memorial - Funding Request

Cr Martin spoke to this item and advised that the memorial is being unveiled on the 14 November 2016 at Stafford, however there is a shortfall of money towards the project as more cost has been incurred.

Councillors were in support of a small donation towards the project.

Action Item:

- a) That the Chief Executive make a \$1,000 contribution from the Statues and Monuments Repairs and Maintenance budget towards the Oscar Bottom Memorial Project.

5.13 Standing Orders

Councillors indicated a preference for NZS 9202: 2003 Model Standing Orders for Meetings of Local Authorities and Community Boards being amended at the first Ordinary Council Meeting on the 24 November 2016.

Action Items:

- a) The Chief Executive was instructed to bring a report back to the 24 November 2016 Council Meeting for adoption with the following amendments:
 - i) The Mayor's casting vote being removed.
 - ii) Removing the requirement for Councillors to stand when speaking at the Council Meeting be removed.
 - iii) The removal of the Public Forum Section of meetings.

5.14 Sunset Point

The Mayor and Councillors had visited Sunset Point to view the erosion that was happening in this area. Councillors were of the view that remedial work needs to be urgently undertaken and a discussion around what constitutes “emergency works” was held. The Chief Executive advised that there was no budget for any remedial work at Sunset Point.

Action Items:

- a) Council supported some action being taken as soon as possible, but in order to do that, detailed pricing needs to be obtained, a discussion needs to be held with the West Coast Regional Council regarding resource consent and funding, however they noted that the timeframes are very tight.**
- b) Council asked that rock be obtained and this item be progressed.**
- c) Council directed the Chief Executive to get Sunset Point fixed, obtain costings, and organise funding to ensure that Sunset Point is not allowed to be washed away.**

5.15 West Coast Wilderness Trail

The Chief Executive confirmed that further to her email David Inwood has been seconded to the role of Project Manager for the West Coast Wilderness Trail. The role will be responsible for the completion of the West Coast Wilderness Trail in accordance with the Project Completion Plan submitted to Ministry of Business, Innovation and Employment (MBIE). A full-time Transportation Manager has been appointed for 12 months to backfill David’s role .

Action Item:

- a) Council were in support of the management direction and asked that they continue to keep Council updated with regard to this matter.**

5.16 Whataroa Water Supply

Cr Lash spoke to this item and provided some background information on the Whataroa Water Supply, including funding, extensive boil water notices that had been issued and the associated illness to the community, and a farmer that had plumbed their stock troughs into the water supply system.

Action Items:

- a) **The Chief Executive to report back to a Council Meeting on the work happening on the Whataroa Water Supply.**
- b) **Cr Routhan advised that he will remedy the issue of the farmer plumbing into the water supply when he is next in Whataroa on the 2 November 2016.**

A discussion was held on the Upgrades to Whataroa and Kumara Water Treatment Plants:

The Group Manager: District Assets advised that these upgrades were being undertaken in order to meet the NZ Drinking Water Standards.

Action Items:

- a) **Council staff will be going out with a design and tender for both water treatment plants at the same time.**
- b) **Crs Havill, Carruthers and Lash have agreed to be observers on the process.**

5.17 Wildfoods Festival Steering Group

The Chief Executive spoke to this item regarding having Councillors as well as representatives from the community on the Wildfoods Festival Steering Group.

It was noted that the portfolio for the Hokitika Wildfoods Festival is with the Mayor.

Action Items:

- a) **Council directed the Chief Executive to provide a clearer Terms of Reference for the Steering Group.**
- b) **Cr Martin to be appointed to the Wildfoods Festival Steering Group.**

His Worship the Mayor congratulated all the Councillors for their attendance at the meeting and noted that by the end of the Triennium, this Council will be best Council that there has been for many years, and then thanked the staff for their input.

MEETING CLOSED AT 4.47 PM.

Confirmed by:

Bruce Smith
Mayor

Date

Date of Next Ordinary Council Meeting
24 November 2016
Council Chambers

Report



DATE: 24 November 2016

TO: Mayor and Councillors

FROM: Chief Executive

ADOPTION OF STANDING ORDERS

1.0 SUMMARY

- 1.1 The purpose of this report is to adopt a set of Standing Orders for the conduct of Council and Committee meetings.
- 1.2 This issue arises from the requirements of the Local Government Act 2002 ([Schedule 7, Part 1 Sec 16](#)).
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council adopt Standing Orders with amendments attached as **Appendix 1**.

2.0 BACKGROUND

- 2.1 Councillors have been provided with a copy of the NZ Model Standing Orders. Until 2016 these were produced by Standards NZ.
- 2.2 In 2016 Local Government NZ under its sub-brand EquiP undertook a review of the NZ Model Standing Orders. All local authorities were asked to provide feedback on what worked well and what was outdated or needed clarification. Westland District Council participated in this review and some of our suggestions have been incorporated into the new Standing Orders.
- 2.3 While the Model Standing Orders comply with the legislative requirements (and provides such references) it is recommended that Council amends these and adopts a set of standing orders specific to its requirements.

- 2.4 Attention is drawn to section 1 on page 10 of the standing orders which makes it clear that *“the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present). In addition the ‘Guide to Standing Orders’ provides additional advice for Chairpersons and staff on implementation of the standing orders and are not part of the standing orders.”*
- 2.5 The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present (e.g. 7/9).

3.0 CURRENT SITUATION

3.1 Proposed amendments:

At the Council meeting on 31 October 2016 direction was given to staff by Council on some amendments they would like to see made to standing orders. These are:

a) **Page 29 - Preparation of the agenda**

Clause 9.1 in model standing orders states the following in relation to preparation of the agenda:

It is the chief executive’s responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

Suggested amendment: The Mayor will set the agenda in consultation with the Chief Executive who will prepare it. The agenda is to include all known items listed with information attached on the items of business to be brought before the meeting, including the names of the relevant members.

b) **Pages 39-41 - Public Forum, Deputations and Petitions**

Clauses 14-16 in model standing orders cover three mechanisms by which the public can engage with Council at a meeting. While the direction at the meeting on 31 October focused on the Public Forum (clause 14), Council may also wish to review the other two clauses.

Clause 14 in model standing orders states:

14. Public Forums

Public forums are a defined period of time, usually at the start of a meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters to the attention of the local authority.

In the case of a committee, subcommittee, local or community board, any issue, idea or matter raised in a public forum must also fall within the terms of reference of that meeting.

14.14 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

14.15 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- *a speaker is repeating views presented by an earlier speaker at the same public forum;*
- *the speaker is criticising elected members and/or staff;*
- *the speaker is being repetitious, disrespectful or offensive;*
- *the speaker has previously spoken on the same issue;*
- *the matter is subject to legal proceedings;*
- *the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.*

14.16 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

The direction provided by elected members was that they wanted more control over the public forum, and that if members of the public wanted to speak they must let the Chief Executive know in advance. Clause 14.14 of model standing orders actually provides for that level of control. The other matter raised was about ensuring conduct in the public forum was professional. Clause 14.15 provides powers for the Chairperson to manage the conduct by the public at meetings. If this is the approach Council wants to take, there is no suggested amendment to this clause by staff.

Another option open to Council is to remove the provision for a public forum from Standing Orders altogether. Council need to decide what level of public input they want at meetings before deciding which option to take.

c) Page 43 - Chairperson has a casting vote

Clause 18.3 in model standing orders states: *The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote. cl. 24 (2) Schedule 7, LGA 2002.*

Suggested amendment: **The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote only.**

This also needs to be amended in Appendix 6, page 69.

4.0 OPTIONS

- 4.1** It is mandatory under the LGA 2002 that Council adopt a set of Standing Orders. These standing orders govern the conduct of all meetings, including the meetings of any subordinate bodies, such as committees and sub-committees.
- 4.2** The only options are in the amendments that Council can choose to make. Those amendments made known to staff prior to this report being drafted are outlined above. However there may be more that elected members which to make.

- 4.3 The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75% of the members present (e.g. 7/9).

5.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 5.1 There are no financial implications associated with this decision.
- 5.2 While the preparation of the Council agenda and the Mayor using the casting vote are largely administrative, the options around the public forum deserve some analysis.
- 5.3 Removing the provision for a public forum is entirely at the discretion of the Council, and may serve to bring order to a part of the Council meeting which is often unpredictable, and has sometimes descended into a tirade of abuse directed at both elected members and staff.
- 5.4 However, this decision should be balanced with the principles of democracy, and some members of the public may view this decision as anti-democratic, and an attempt to prevent people from engaging with the very people they voted for.
- 5.5 If Council wished to retain the public forum, there are provisions in standing orders (and Council could introduce more) to control that part of the meeting. These are outlined in 3.1(b) above.

6.0 SIGNIFICANCE AND ENGAGEMENT

- 6.1 The decision to adopt a set of Standings Orders is administrative and of low significance.
- 6.2 No consultation or engagement is required.

7.0 RECOMMENDATIONS

A) **THAT** Council amends Model Standing Orders as follows:

- a) P43. Chairperson has a casting vote be amended to: *"The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote only."*
- b) P29. Preparation of the agenda be amended to: *The Mayor will set the agenda in consultation with the Chief Executive who will prepare it. The*

agenda is to include all known items listed with information attached on the items of business to be brought before the meeting, including the names of the relevant members.

- c) That Council makes a decision on whether to retain or remove the provision for a public forum.

- B) **THAT** Council adopt the “Westland District Council Standing Orders” as being the NZ Model Standing Orders as amended by resolution A (above).

Tanya Winter
Chief Executive

Appendix 1: Model Standing Orders

Council Logo and Name

Standing Orders

Date standing orders adopted

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, subcommittees and subordinate decision-making bodies, and local and community boards. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, subcommittees and subordinate decision-making bodies, and local and community boards. They fulfil the requirements of the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 with regard to the conduct of meetings.

Please note standing orders do not apply to advisory bodies or workshops unless incorporated in their specific terms of reference.

It is mandatory that councils adopt standing order for the conduct of their meetings and the meetings of any subordinate bodies, such as committees and subcommittees (see cl. 27 Schedule 7 of the Local Government Act 2002).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the Chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

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1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters
- Part 2 deals with pre-meeting procedures
- Part 3 deals with meeting procedures.

Following Part 3 the Appendices provide templates and additional guidance for implementing provisions within the standing orders. Please note; the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present). In addition the 'Guide to Standing Orders' provides additional advice for Chairpersons and staff on implementation of the standing orders and are not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- conduct its business in an open, transparent and democratically accountable manner;
- give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- make itself aware of, and have regard to, the views of all of its communities;
- take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well;
- ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA; and
- ensure that decision-making procedures and practices meet the standards of natural justice.

These are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders combine statutory provisions with guidance on their application. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference.

In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that during a meeting any statutory references in the standing orders apply throughout the period of the meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information Act 1987
LAMIA	Local Authority Members' Interests Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or subcommittee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

Audio visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person presiding at a meeting – the presiding member.

Chief executive means the chief executive of a territorial authority or regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the local authority.

Clear working days means the number of working days (business hours) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority;
- (b) A standing committee or special committee appointed by that authority;
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002; and
- (d) Any subcommittee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s.49 of the LGA 2002.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the governing body of a local authority.

Deputation means a request from any person or group to make a presentation to the local authority which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Electronic link means both an audio and audio visual link.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a local authority who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Local authority means in the context of these standing orders a regional council or territorial authority, as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Mayor means the Mayor of a territorial authority elected under the Local Electoral Act 2001.

Meeting means any first, inaugural, ordinary, or extraordinary meeting of a local authority, subordinate decision-making bodies and any community or local board of the local authority convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Open voting means voting that is conducted openly and in a transparent manner and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Petition means a request to a local authority which contains at least 20 signatures.

Powhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Powhiri is generally used for formal occasions of the highest significance.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority;
- any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period set aside usually at the start of a meeting for the purpose of public input.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required to be present in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to sum up the debate and reply to those who have spoken against the motion. (The right can also apply to an amendment.)

Second means the member who seconds a motion.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, subcommittees, and any other bodies established by a local authority that have decision-making authority, but not local or community boards or joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Subcommittee means a subordinate decision-making body established by a council, or a committee of a council, local board or community board. See definition of “Committee”.

Working day means any day of the week other than:

- (a) Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign’s Birthday, and Labour Day and, if Waitangi Day or Anzac Day falls on a weekend, the following Monday.
- (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

Should a local authority wish to meet between the 25th of December and the 15th day of January in the following year any meeting must be notified as an extraordinary meeting unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or subcommittee and to which these standing orders do not apply.

Workshop, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority at which no decisions are made and to which these standing orders do not apply. Workshops may include non-elected members. See definition of “advisory group”. Workshops are also described as briefings.

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and subcommittees. Local boards and community boards must also adopt standing orders. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75 % of the members present. Similarly, in the case of a local and community board the adoption of standing orders and any amendments also requires a vote of not less than 75% of the members of the specific board.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and subcommittees, must obey these standing orders. Local boards and community boards which have adopted these standing orders must also comply with them.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the local authority, its committees, subcommittees and subordinate decision-making bodies. They will also apply to any local boards and community boards unless stated otherwise. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, subcommittee and subordinate body, and local and community board, may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend standing orders may also identify the specific standing orders to be suspended. In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

For quasi-judicial proceedings the local authority or a local or community board may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of a local authority, local board and community board must give to the chief executive a physical residential or business address within the district or region of the local authority and, if desired, an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The local authority must hold meetings for the good government of its city, district or region. The same requirement applies to local boards and community boards in respect of their communities. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002;
- (b) Part 7 of LGOIMA; and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than three hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting. Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 5.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include the following:

- (a) The making and attesting of the declarations required of the mayor (if any) and members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA; and
 - ii. Other laws affecting members, including the appropriate provisions of the Local Authorities (Members Interests) Act 1968; and sections 99, 105, and 105A of the Crimes Act 1961; and the Secret Commissions Act 1910; and the Financial Markets Conduct Act 2013;
- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings; and
- (e) The election of the deputy Mayor or deputy Chairperson in accordance with cl.17 Schedule7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always necessary as, if not amended, standing orders will remain in force after each triennial election.

Please note that the election of a deputy mayor is not required if the Mayor has already made the appointment under s. 41A (3)(a) of the LGA 2002 prior to the meeting. Nothing limits a territorial authority from removing a deputy Mayor from office in accordance with cl.18 of Schedule 7 LGA 2002.

5. Appointments and elections

5.1 Mayoral appointment of deputy Mayor, committee chairs and members

A Mayor may appoint the deputy Mayor, the Chairperson and the members of each committee of the territorial authority. The names of any appointments made by the Mayor must be tabled at the first meeting of the council after the appointments are made. The Mayor may also appoint him or her self.

s. 41A (3) LGA 2002.

5.2 Council Discharge of a Mayoral Appointment

Nothing, however, limits or prevents a territorial authority from discharging deputy Mayor, a Chairperson or a member of a committee appointed by the Mayor. Any decision by the territorial authority to discharge a deputy Mayor shall follow the procedure in Standing Order 5.5.

If the Mayor declines to appoint a deputy Mayor or committee Chairpersons in accordance with s.41A LGA 2002, the council (or a committee, if so directed by the council) must elect those positions in accordance with standing order 5.4.

cl. 31, Schedule 7 LGA 2002

5.3 Establishment of committees by the Mayor

The Mayor may establish committees of the territorial authority. Where a Mayor exercises this right a list of the committees and their terms of reference must be tabled at the next following meeting of the Council. Should the Mayor decline to establish committees under s. 41A then any decision to establish committees must follow the processes set out in these standing orders.

Nothing, however, limits or prevents a territorial authority from discharging or reconstituting, in accordance with cl. 30 of Schedule 7, LGA 2002, a committee established by the Mayor or appointing, more committees in addition to any established by the Mayor.

s. 41A (3) and (4) LGA 2002.

5.4 Elections of regional Chairpersons, deputy Mayors and deputy Chairpersons

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.5) when electing people to the following positions:

- the Chairperson and deputy Chairperson of a regional council;
- the deputy Mayor;
- the Chairperson and deputy Chairperson of a committee; and
- a representative of a local authority.

Please note, this provision does not apply in situations where a mayor has used their appointment powers under s.41A to appoint a deputy Mayor or committee chairs. See Appendix 7.

cl. 25 Schedule 7, LGA 2002.

5.5 Removal of a deputy Mayor

A deputy Mayor, whether appointed by the Mayor under standing order 5.1 or elected by the council, can only be removed in accordance with cl. 18, Schedule 7, of the LGA 2002. See Appendix 8.

cl. 18, Schedule 7, LGA 2002.

5.6 Voting system for chairs, deputy Mayors and committee chairs

When electing a regional council chair, a deputy Mayor or a committee chair the local authority must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) there is a first round of voting for all candidates;
- (b) if no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
- (c) if no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) there is only one round of voting; and
- (b) if two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, subcommittee, subordinate decision-making body, community board, local board, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) the power to make a rate;
- (b) the power to make a bylaw;
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan;
- (d) the power to adopt a long-term plan, annual plan, or annual report;
- (e) the power to appoint a chief executive;
- (f) the power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement;
- (g) *Repealed*;
- (h) the power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, subcommittee, subordinate decision-making body, local board, community board, member, or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, subcommittee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and subcommittee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision. The same requirement applies to a local board and community board in relation to any committees or subcommittees with delegated authority.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and sub committees subject to the direction of the local authority

A committee, subcommittee or other subordinate decision-making body is subject in all things to the control of the local authority, and must carry out all general and special directions of the local authority given to them.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

6.6 Duty to consider delegations to community boards

The council of a territorial authority must consider whether or not to delegate to a community board if the delegation would enable the community board to best achieve its role.

cl. 32(6) Schedule 7, LGA 2002.

7. Committees

7.1 Appointment of committees and subcommittees

A council may appoint the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and subcommittees

Unless expressly provided otherwise in legislation or regulation:

- (a) a local authority may discharge or reconstitute a committee or subcommittee, or other subordinate decision-making body; and
- (b) a committee may discharge or reconstitute a subcommittee.

A committee, subcommittee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and subcommittee members

A council may appoint or discharge any member of a committee and, if established by the council, a subcommittee. A committee may appoint or discharge any member of a subcommittee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002

7.4 Elected members on committees and subcommittees

The members of a committee or subcommittee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or subcommittee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or subcommittee.

At least one member of a committee must be an elected member of the council. In the case of a committee established by a local board or community board at least one member must be a member of that board. A staff member of the local authority, in the course of their employment, can be a member of a subcommittee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If a local authority resolves that a committee, subcommittee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, subcommittee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Membership of Mayor

The Mayor is a member of every committee of the local authority.

s. 41A (5), LGA 2002.

7.7 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority, committee, local board and community board is not invalidated if:

1. there is a vacancy in the membership of the local authority, committee, local or community board at the time of the decision; or
2. following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.8 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) the number of members each party may appoint; and
- (b) how the Chairperson and deputy Chairperson are to be appointed; and
- (c) the terms of reference of the committee; and
- (d) what responsibilities, if any, are to be delegated to the committee by each party; and
- (e) how the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.9 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.10 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

Please note; the processes described in this section (standing orders 8.1 – 8.13) apply as appropriate to local boards and community boards.

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification must be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) resolution of the council, or
- (b) a requisition in writing delivered to the chief executive which is signed by:
 - i. the Mayor or Chairperson, or
 - ii. no less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

Notice in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of the general nature of business to be considered must be given by the chief executive to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 Public notice - extraordinary meetings

Where an extraordinary meeting of a local authority was called and notice of that meeting was inconsistent with these standing orders the local authority must, as soon as practicable following the meeting, give public notice stating that:

- (a) the meeting has occurred;
- (b) the general nature of business transacted; and
- (c) the reasons why it was not correctly notified.

s. 46 (3) & (4), LGOIMA.

8.6 Process for calling an extraordinary meeting at an earlier time

If the nature of business requires a meeting to be held at an earlier time than is allowed by the notice requirements specified in standing order 8.4, a meeting may be called by the Mayor or Chairperson, or if the Mayor and Chairperson are not available, the chief executive.

cl. 22 (2) Schedule 7, LGA 2002.

8.7 Notification of extraordinary meetings held at an earlier time

Notice of the time, place and matters to be considered of a meeting called under Standing Order 8.6, must be given by the person calling the meeting or by another person on that person's behalf. Notice must be given to each member of the council and the chief executive by whatever means is reasonable in the circumstances and at least 24 hours before the time appointed for the meeting.

cl. 22 (4), Schedule 7 LGA 2002.

8.8 Chief executive may make other arrangements

The chief executive is to make any other arrangement for the notification of meetings, including extraordinary meetings, as the local authority may, from time to time, determine.

s. 46(5) LGOIMA.

8.9 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- that the meeting occurred without proper notification;
- the general nature of the business transacted; and
- the reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.10 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless -

- (a) the resolution was passed at a meeting or part of a meeting from which the public was excluded; or
- (b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.11 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.12 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care; and
- (b) the member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.13 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda

9.1 Preparation of the agenda

It is the chief executive's responsibility to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive should consult the Chairperson.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, subcommittee, subordinate decision-making body, local boards or community board and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 11.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 10.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting.

9.7 Public availability of the agenda

All information provided to members at a local authority, or local or community board, meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (a) must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and:
- (b) must be accompanied by either:
 - i. the associated reports; or
 - ii. a notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 8.4).

The chief executive may send the agenda, and other materials relating to the meeting or other council business, to members by electronic means.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda; and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA.

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA.

Meeting Procedures

Opening and closing

Local authorities, local boards and community boards may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

10. Quorum

10.1 Councils

The quorum for a meeting of the council is:

- (a) half of the members physically present, where the number of members (including vacancies) is even; and
- (b) a majority of the members physically present, where the number of members (including vacancies) is odd.

cl. 23 (3)(a) Schedule 7, LGA 2002.

10.2 Committees and subcommittees

A council sets the quorum for its committees and subcommittees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their subcommittees by resolution provided that it is not less than two members.

In the case of subcommittees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council, or if established by a local board or community board, the relevant board.

cl. 23 (3)(b) Schedule 7, LGA 2002.

10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

10.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

10.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

10.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the chief executive.

11. Public access and recording

11.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority, its committees, subcommittees, local boards and community boards, must be open to the public.

s.47 & 49(a), LGOIMA.

11.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

11.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

11.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

12. Attendance

12.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

12.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

12.3 Leave of absence

A council, local board or community board may grant a member leave of absence following an application from that member.

In addition a council, local board or community board may delegate the power to grant a leave of absence to the Chairperson in order to protect a member's privacy. The Chairperson will advise all members of the council, local board or community board whenever a member has been granted leave of absence under delegated authority. Meeting minutes will record that a member has leave of absence as an apology for that meeting.

12.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

12.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

12.6 Absent without leave

Where a member is absent from the council, local board or community board for four consecutive meetings without leave of absence (not including extraordinary meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

12.7 Right to attend by audio or audio visual link

Provided the conditions in these standing orders are met members of the local authority or its committees have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum

Members who attend meetings by electronic link will not be counted as present for the purposes of a quorum.

12.9 Member's status: voting

Where a meeting has a quorum, determined by the number physically present, the members attending by electronic link can vote on any matters raised at the meeting.

12.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audio visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality;
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other;

- ii. the member's attendance by audio or audio visual link does not reduce their accountability or accessibility of that person in relation to the meeting;
- iii. the requirements of Part 7 of LGOIMA are met; and
- iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

12.11 Conditions for attending by audio or audio visual link

The Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) where the member is at a place that makes their physical presence at the meeting impracticable or impossible;
- (b) where a member is unwell; and
- (c) where a member is unable to attend due to an emergency.

12.12 Request to attend by audio or audio visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio visual link. Should, due to illness or emergency, this is not possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the local authority or its committees.

12.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) use of the link is increasing, or may unreasonably increase, the length of the meeting;
- (b) the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members;
- (c) it is distracting to the members who are physically present at the meeting; and
- (d) the quality of the link is no longer suitable.

12.14 Giving or showing a document

A person attending a meeting by audio or audio visual link may give or show a document by:

- (a) transmitting it electronically;

- (b) using the audio visual link; or
- (c) any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

12.15 Link failure

Where an audio or audio visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

12.16 Confidentiality

A member who is attending a meeting by audio or audio visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

13. Chairperson's role in meetings

13.1 Council meetings

The Mayor or Chairperson of the council or local or community board must preside at meetings of the council or board unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Mayor/chair must act as Chairperson. If the deputy Mayor/chair is also absent the local authority members who are present must elect a member to be Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Mayor/Chairperson for that meeting. This provision also applies to committees and subcommittees.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

13.2 Committee meetings

The appointed Chairperson of a committee must preside at all committee meetings, unless they vacate the chair for a particular meeting or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson at that meeting who may exercise the meeting responsibilities, duties and powers of the Chairperson.

This standing order also applies to subcommittees and subordinate decision-making bodies.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

13.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

13.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

13.5 Chairperson standing

Whenever the Chairperson stands during a debate members are required to sit down and be silent so that they can hear the Chairperson without interruption.

13.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

13.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) raise a point of order, including a request to obtain a time extension for the previous speaker; and/or
- (b) move a motion to terminate or adjourn the debate; and/or
- (c) make a point of explanation; and/or
- (d) request the chair to permit the member a special request.

14. Public Forums

Public forums are a defined period of time, usually at the start of a meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters to the attention of the local authority.

In the case of a committee, subcommittee, local or community board, any issue, idea or matter raised in a public forum must also fall within the terms of reference of that meeting.

14.14 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting. Requests must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum

exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

14.15 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- a speaker is repeating views presented by an earlier speaker at the same public forum;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;
- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

14.16 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

14.17 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

15. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations are approved by the Chairperson or an official with delegated authority.

15.1 Time limits

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation's deputation.

15.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- a speaker is repeating views presented by an earlier speaker at the meeting;
- the speaker is criticising elected members and/or staff;
- the speaker is being repetitious, disrespectful or offensive;

- the speaker has previously spoken on the same issue;
- the matter is subject to legal proceedings;
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

15.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda, and once a motion has been moved and seconded.

16. Petitions

16.1 Form of petitions

Petitions may be presented to the local authority or any of its committees, local boards or community boards. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition be translated and reprinted, if necessary.

16.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and subcommittees, local boards or community boards, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

16.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) the petition;
- (b) the petitioners' statement; and
- (c) the number of signatures.

17. Exclusion of public

17.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2). The resolution must state:

- (a) the general subject of each matter to be excluded;
- (b) the reason for passing the resolution in relation to that matter; and
- (c) the grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

17.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

17.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

17.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) there are no grounds under LGOIMA for withholding the information;
- (b) the information is no longer confidential.

17.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.

18. Voting

18.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority (or local and community boards) must be decided at a meeting through a vote exercised by the majority of the members of that meeting voting.

cl. 24 (1), Schedule 7, LGA 2002.

18.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

18.3 Chairperson has a casting vote

The Mayor, Chairperson or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

18.4 Method of voting

The method of voting must be as follows:

- (a) the Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division;
- (b) the Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands; and
- (c) where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices or division, and the result displayed notified to the Chairperson who must declare the result.

18.5 Calling for a division

When a division is called, the chief executive must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

18.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

18.7 Members may abstain

Any member may abstain from voting.

19. Conduct

19.1 Calling to order

When the Chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

19.2 Disrespect

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the local authority's Code of Conduct at any meeting.

19.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments, and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

19.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

19.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

19.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

19.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

19.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority (or local or community board) could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

19.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

19.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

19.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

20. General rules of debate

20.1 Chairperson may exercise discretion

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak, is subject to the discretion of the Chairperson.

20.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – not more than 10 minutes;
- (b) movers of motions when exercising their right of reply – not more than 5 minutes;
- (c) other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

20.3 Questions to staff

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

20.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

20.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of a local authority or any local or community board except with permission of the Chairperson.

20.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of or opposition to a motion.

20.7 Secunder may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

20.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

20.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

20.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

20.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

20.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

However, the original mover may reserve their right of reply and speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried the mover of the motion has the right of reply before the motion or amendment is put to the vote.

20.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) after the mover has started their reply;
- (b) after the mover has indicated that they want to forego this right;
- (c) where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

20.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or local or community board, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

20.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

21. General procedures for speaking and moving motions

21.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and subcommittees, and any local or community boards.

Option A applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

21.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.4 Option C

- The mover and seconder of a motion can move or second an amendment
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

22. Motions and amendments

22.1 Proposing and seconding motions

All motions and amendments moved during a debate must be seconded (including notices of motion). The Chairperson may then state the motion and propose it for discussion.

Amendments and motions that are not seconded are not in order and are not entered in the minutes.

22.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

22.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

22.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

22.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. Any amendment which, if carried, would have the effect of defeating a previous motion that was carried is a direct negative and is therefore not allowed.

22.6 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be foreshadowed. However, members may notify the Chairperson that they intend to move further amendments and the nature of their content.

22.7 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

22.8 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

22.9 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

22.10 Withdrawal of motions and amendments

Once a motion or amendment which has been seconded has been put to the meeting by the Chairperson the mover cannot withdraw it without the consent of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

22.11 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) the mover has started their right of reply in relation to the motion; and
- (b) the Chairperson has started putting the motion.

23. Revocation or alteration of resolutions

23.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, subordinate body, local or community board. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter;
- (b) The meeting date when the resolution was passed;
- (c) The motion, if any, which the member proposes to replace it with; and

- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

23.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, subcommittee or subordinate decision-making body, or a local or community board, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a subordinate body or local board or community board.

cl. 32 (2)4 Schedule 7, LGA 2002.

23.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the scanned electronic signatures of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

23.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with. Exceptions apply where, in the opinion of the Chairperson:

- (a) the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked;
- (b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

23.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

23.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or subcommittee, local or community board, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

24. Procedural motions

24.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

24.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place);
- (b) that the motion under debate should now be put (a closure motion);
- (c) that the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting;
- (d) that the item of business being discussed should lie on the table and not be further discussed at this meeting;
- (e) that the item being discussed should be referred (or referred back) to the relevant committee or local or community board.

A member seeking to move a procedural motion must not interrupt another member who is already speaking.

24.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

24.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

24.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

24.6 Business referred to the council, committee or local or community board

Where an item of business is referred (or referred back) to a committee or a local or community board, the committee or board will consider the item at its next meeting unless the meeting resolves otherwise.

24.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

25. Points of order

25.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

25.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) disorder – bringing disorder to the attention of the Chairperson;
- (b) language – use of disrespectful, offensive or malicious language;
- (c) irrelevance – the topic being discussed is not the matter currently before the meeting;
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee;
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach;
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

25.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

25.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

25.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

26. Notices of motion

26.1 Notice of intended motion to be in writing

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the scanned electronic signature of the mover.]

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

26.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) is disrespectful or which contains offensive language or statements made with malice; or
- (b) is not related to the role or functions of the local authority or meeting concerned; or
- (c) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make; or
- (d) is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned; or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002; or
- (f) concerns a matter where decision-making authority has been delegated to a subordinate body or a local or community board.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

26.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

26.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

26.5 When notices of motion lapse

Notices of motion that are not put when called by the Chairperson must lapse.

26.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee of the local authority or a local or community board must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion, if not a member of that committee, must have the right to move that motion and have the right of reply, as if a committee member.

26.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion which, in the opinion of the Chairperson, may be accepted within the next 12 months, unless signed by not less than one third of all members, including vacancies.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

27. Minutes

27.1 Minutes to be evidence of proceedings

The local authority, its committees, subcommittees and any local and community boards must keep minutes of their proceedings. These minutes must be kept in hard copy, signed and included in the council's minute book and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to.

cl. 28 Schedule 7, LGA 2002.

27.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- (a) the date, time and venue of the meeting;
- (b) the names of the members present;
- (c) the Chairperson;
- (d) any apologies or leaves of absences;
- (e) the arrival and departure times of members;
- (f) any failure of a quorum;
- (g) a list of any external speakers and the topics they addressed;
- (h) a list of the items considered;
- (i) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders;
- (j) the names of all movers, and seconders;
- (k) any objections made to words used;
- (l) all divisions taken and, if taken, a record of each members' vote;
- (m) the names of any members requesting that votes or abstentions be recorded;
- (n) any declarations of financial or non-financial conflicts of interest;
- (o) the contempt, censure and removal of any members;
- (p) any resolutions to exclude members of the public;
- (q) the time at which the meeting concludes or adjourns;
- (r) the names of people permitted to stay in public excluded.

Please Note: hearings under the RMA, Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012 may have special requirements for minute taking.

27.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

27.4 Minutes of last meeting before election

The chief executive and the relevant Chairpersons must sign the minutes of the last meeting of the local authority and its local and community boards before the next election of members.

28. Minute books

28.1 Inspection

A hard copy of the local authority's minute books must be kept by the chief executive and be open for inspection by the public. This does not preclude the complementary use of electronic minutes in accordance with the Electronics Transactions Act.

s. 51 LGOIMA.

28.2 Inspection of public excluded matters

The chief executive must consider any request for the minutes of a meeting or part of a meeting from which the public was excluded as a request for official information in terms of the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971
- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

- A1** That good reason exists for excluding the public from the whole or any part of the proceedings of any meeting as the public disclosure of information would be likely:
- (a) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - (b) to endanger the safety of any person.
- A2** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:
- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
 - (b) Protect information where the making available of the information would:
 - i. disclose a trade secret; or
 - ii. be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or,
 - (c) In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to tikanga Māori i, or to avoid the disclosure of the location of waahi tapu; or
 - (d) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would:
 - i. be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - ii. be likely otherwise to damage the public interest; or
 - (e) Avoid prejudice to measures protecting the health or safety of members of the public; or
 - (f) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
 - (g) Maintain the effective conduct of public affairs through –the protection of such members, officers, employees, and persons from improper pressure or harassment; or
 - (h) Maintain legal professional privilege; or
 - (i) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities; or
 - (j) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or

- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Provided that where A2 of this Appendix applies the public may be excluded unless, in the circumstances of the particular case, the exclusion of the public is outweighed by other considerations which render it desirable, in the public interest, that the public not be excluded.

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a Council where
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - (b) Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.

Appendix 2: Sample resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

- *Name of report(s)*

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1	<i>Put in name of report</i>	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2		Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3		Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

4	<i>Hearings Committee</i>	<p>To enable the Committee to consider the application and submissions.</p> <p>OR</p> <p>To enable the Committee to consider the objection to fees and charges.</p> <p>OR</p> <p>To enable the Committee to.</p>	<p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council/Committee to deliberate in private on its decision or recommendation in any proceedings where :</p> <p>i) a right of appeal lies to any Court or tribunal against the final decision of the Council/Committee in those proceedings; or</p> <p>ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.</p> <p>Use (i) for the RMA hearings and (ii) for hearings under LGA such as objections to Development Contributions or hearings under the Dog Control Act s. 48(1)(d).</p>
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This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

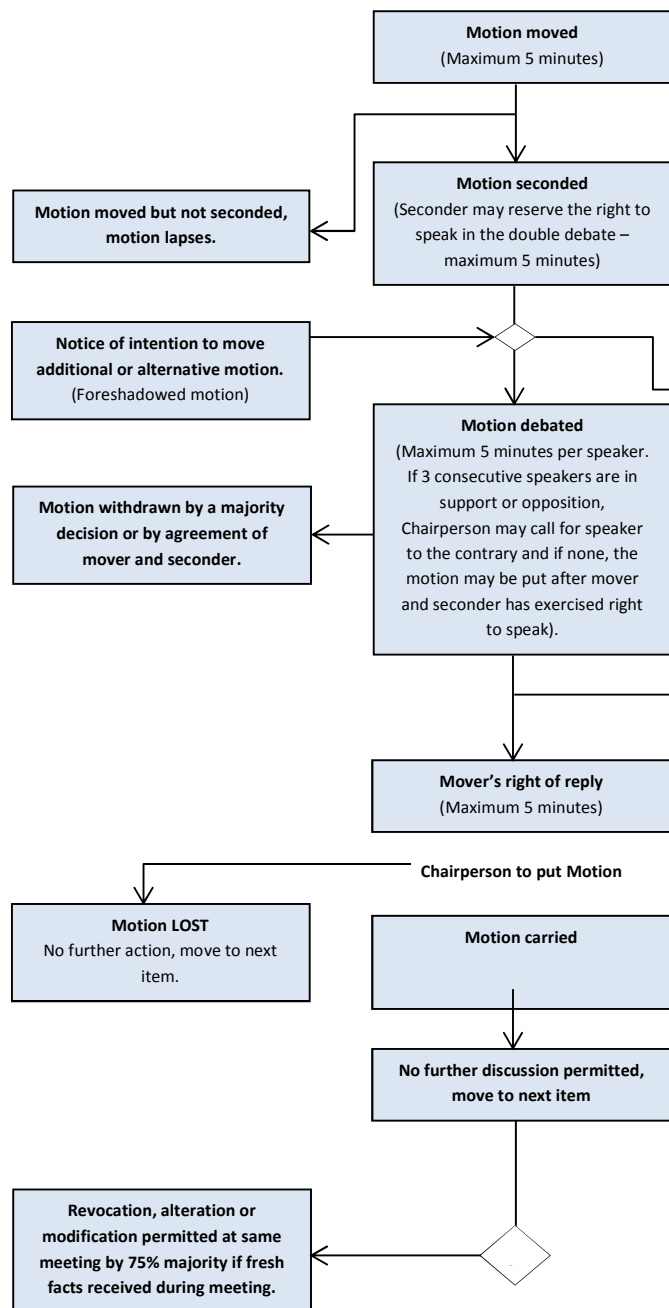
Item No	Interest
	Enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))
	Protect the privacy of natural persons, including that of deceased natural persons (Schedule 7(2)(a))
	Maintain legal professional privilege (Schedule 7(2)(g))
	Prevent the disclosure or use of official information for improper gain or improper advantage (Schedule 7(2)(j))

Item No	Interest
	Protect information where the making available of the information (i) would disclose a trade secret; or (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information (Schedule 7(2)(b))
	In the case only of an application for a resource consent, or water conservation order, or a requirement for a designation or heritage order, under the Resource Management Act 1991, to avoid serious offence to Tikanga Māori , or to avoid the disclosure of the location of waahi tapu (Schedule 7(2)(ba))
	Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or (ii) would be likely otherwise to damage the public interest (Schedule 7(2)(c))
	Avoid prejudice to measures protecting the health or safety of members of the public (Schedule 7(2)(d))
	Avoid prejudice to measures that prevent or mitigate material loss to members of the public (Schedule 7(2)(e))
	Maintain the effective conduct of public affairs through the protection of members or officers or employees of the Council, and persons to whom Section 2(5) of the Local Government Official Information and Meetings Act 1987 applies in the course of their duty, from improper pressure or harassment (Schedule 7(2)(f)(ii)).
	Enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))

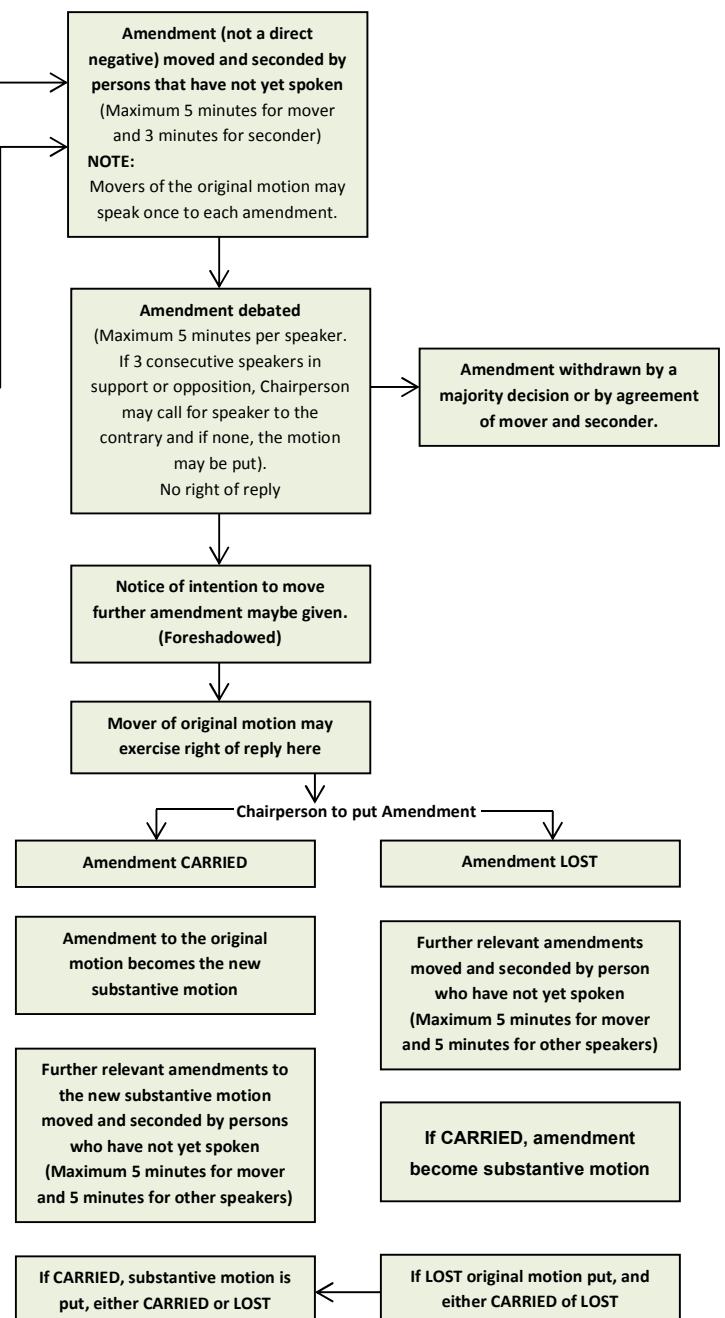
THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

Appendix 3: Motions and amendments (option A)

Motions without amendments



Motions with amendments



Appendix 4: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is seconder required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 5: Webcasting protocols

The provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public input time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 6: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts

The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice; or
- (b) Is not within the scope of the role or functions of the local authority; or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made; or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting;
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places

The Chairperson may permit members to leave their place while speaking.

Priority of speakers

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio or audio visual attendance

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other
 - ii. the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting
 - iii. the requirements of Part 7 of LGOIMA are met
 - iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio visual link then chairing duties will undertaken by the deputy chair or a member who is physically present

Appendix 7: Mayors' powers to appoint under s.41A

The role of a Mayor is:

- (a) to provide leadership to councillors and the people of the city or district.
- (b) to lead development of the council's plans (including the long-term and annual plans), policies and budgets for consideration by councillors.

The Mayor has authority to:

- (a) Appoint the deputy Mayor.
- (b) Establish Council committees, their terms of reference, appoint the Chairperson of each of those committees and the members.
- (c) Appoint themselves as the Chairperson of a committee.
- (d) Decline to exercise the powers under clause a) and b) above but may not delegate those powers to another person.

The Council retains the ability to:

- (a) Remove a deputy Mayor appointed by the Mayor.
- (b) Discharge or reconstitute a committee established by the Mayor.
- (c) Discharge a committee Chairperson who has been appointed by the Mayor.

The Mayor is a member of each committee of the Council.

Appendix 8: Process for removing a Chairperson and deputy Mayor from office

1. At a meeting that is in accordance with this clause, a territorial authority or regional council may remove its Chairperson, deputy Chairperson, or deputy Mayor from office.
2. If a Chairperson, deputy Chairperson, or deputy mayor is removed from office at that meeting, the territorial authority or regional council may elect a new Chairperson, deputy Chairperson, or deputy mayor at that meeting.
3. A meeting to remove a Chairperson, deputy Chairperson, or deputy Mayor may be called by:
 - (a) a resolution of the territorial authority or regional council; or
 - (b) a requisition in writing signed by the majority of the total membership of the territorial authority or regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) indicate whether or not, if the Chairperson, deputy Chairperson, or deputy Mayor is removed from office, a new Chairperson, deputy Chairperson, or deputy Mayor is to be elected at the meeting if a majority of the total membership of the territorial authority or regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a Chairperson, deputy Chairperson, or deputy Mayor carries if a majority of the total membership of the territorial authority or regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 9: Workshops

Definition of workshop

Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal meeting.

Application of standing orders to workshops

Standing orders do not apply to workshops and briefings. The Chairperson or workshop organisers will decide how the workshop, briefing or working party should be conducted.

Calling a workshop

Workshops, briefings and working parties may be called by:

- (a) a resolution of the local authority or its committees
- (b) the Mayor,
- (c) a committee Chairperson or
- (d) the chief executive.

Process for calling workshops

The chief executive will give at least 24 hours' notice of the time and place of the workshop and the matters to be discussed at it. Notice may be given by whatever means are reasonable in the circumstances. Any notice given must expressly:

- (a) state that the meeting is a workshop
- (b) advise the date, time and place
- (c) confirm that the meeting is primarily for the provision of information and discussion, and will not make any decisions or pass any resolutions.

Public notice of a workshop is not required and workshops can be either open to the public or public excluded.

Appendix 10: Sample order of business

Open section

- (a) Apologies
- (b) Declarations of interest
- (c) Confirmation of minutes
- (d) Leave of absence
- (e) Acknowledgements and tributes
- (f) Petitions
- (g) Public input
- (h) Local and/or community board input
- (i) Extraordinary business
- (j) Notices of motion
- (k) Reports of committees
- (l) Reports of local and/or community boards
- (m) Reports of the chief executive and staff
- (n) Mayor, deputy Mayor and elected members' reports (information)

Public excluded section

- (o) Reports of committees
- (p) Reports of the chief executive and staff
- (q) Mayor, deputy Mayor and elected members' reports (information)

Appendix 11: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- report of chief executive
- report of a Chairperson
- report of a committee
- report of a community and/or local board
- notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- report of chief executive
- report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting chair.

Report



DATE: 24 November 2016

TO: Mayor and Councillors

FROM: Corporate Planner

QUARTERLY PERFORMANCE REPORT TO 30 SEPTEMBER 2016

1. SUMMARY

- 1.1 The purpose of this report is to inform Council of its financial and service delivery performance for the three months ended 30 September 2016 (Q1).
- 1.2 This issue arises from a requirement for a local authority to demonstrate accountability and exercise financial prudence in delivering on its commitments to the community.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision which is set out in the Council's Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receives the Quarterly Performance Report to 30 September 2016, attached as **Appendix 1**.

2. BACKGROUND

- 2.1 In addition to a monthly financial report Council receives a more extensive quarterly report that is used as a progress check against the wider objectives contained in the Long Term Plan.

3. CURRENT SITUATION

- 3.1 The quarterly report examines Council's progress in delivering municipal services within its prescribed financial framework.
- 3.2 This is the first quarterly report for the 2016 financial year.
- 3.3 This quarterly report contains the following information:

3.3.1 Whole of Council Financial Summary.

3.3.2 Statements of Service and Financial Performance for each group and activity.

3.3.3 Projects and Carry Overs.

3.3.4 Treasury.

3.3.5 Reserve Funds.

4. OPTIONS

4.1 Receive the report.

5. SIGNIFICANCE AND CONSULTATION

5.1 This report is for information only.

5.2 The decision to receive the report is of low significance and requires neither consultation nor assessment of options.

6. RECOMMENDATION

A) **THAT** Council receives the Quarterly Performance Report to 30 September 2016 attached as **Appendix 1**

Karen Jury
Corporate Planner

Appendix 1: Quarterly Performance Report to 30 September 2016



QUARTERLY PERFORMANCE REPORT 1 1 JULY TO 30 SEPTEMBER 2016



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Whole of Council Financial Summary

WESTLAND DISTRICT COUNCIL	Year to September			Full year 2016-2017	
	Actual	Budget	Variance	FY Forecast	Budget
Operating revenue					
Rates (includes targeted rates and metered water)	3,736,619	3,680,269	56,350	14,776,039	14,721,081
User fees and charges	487,298	493,190	(5,892)	1,868,193	1,918,351
Grants and Subsidies	586,923	649,700	(62,777)	4,067,316	4,082,876
Other income	153,647	129,345	24,302	1,104,261	1,076,546
Overhead recoveries	1,265,424	1,687,933	(422,510)	6,419,103	6,751,733
Total revenue (A)	6,229,911	6,640,438	(410,527)	28,234,912	28,550,587
Operating expenditure					
Personnel costs	773,102	890,461	(117,360)	3,656,683	3,692,808
Administrative costs	176,334	190,855	(14,521)	609,073	583,305
Operating costs	2,233,856	2,287,308	(53,451)	10,085,226	9,801,863
Grants and donations	153,696	179,084	(25,388)	500,837	525,000
Overheads	1,265,741	1,699,016	(433,275)	6,416,883	6,796,057
Total operating expenditure (B)	4,602,729	5,246,724	(643,995)	21,268,701	21,399,033
Net operating cost of services - surplus/(deficit) (A - B)	1,627,182	1,393,714	233,468	6,966,211	7,151,554
Other expenditure					
Interest and finance costs	149,558	145,269	4,289	680,061	671,272
Depreciation	837,003	1,319,182	(482,179)	5,114,497	5,276,728
(Gain)/loss on investments	(5,091)	0	(5,091)	(5,091)	0
(Gain)Loss on swaps	62,439	(34,447)	96,886	(103,341)	(137,788)
(Gain)Loss on disposals	0	0	0	0	0
Total other expenditure (C)	1,043,909	1,430,004	(386,095)	5,686,127	5,810,211
Total expenditure (D = B + C)	5,646,638	6,676,727	(1,030,090)	26,954,828	27,209,244
Net cost of services - surplus/(deficit) (A - D)	583,273	(36,289)	619,562	1,280,084	1,341,343

Operating Revenue

Rates revenue:	Penalties higher than budgeted due to more effective and timely debt management.
Grants and Subsidies:	NZTA subsidy lower than budgeted at end of Quarter 1 due to budget phasing, this is confirmed by the lower operating costs.
Other Income:	A \$10k donation was received towards relocation of the Pioneer statue from The Lions Foundation, and timing differences on the revenue for Resource Consent recoveries.

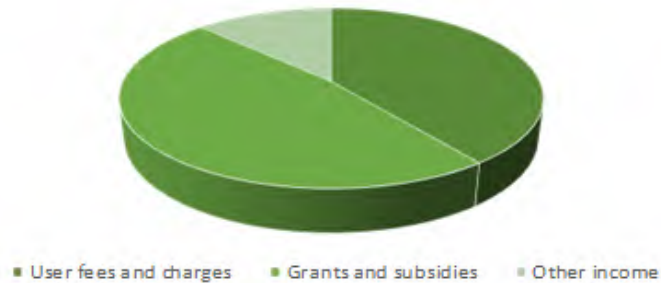
Operating expenditure

Personnel costs:	Positive variance due to budgeted unfilled vacancies.
Operating costs:	Positive variance mainly due to budget phasing.

Other expenditure

Gain/loss on investments/Swaps:	Loss on swaps due to economic factors in the market unknown during budget preparation.
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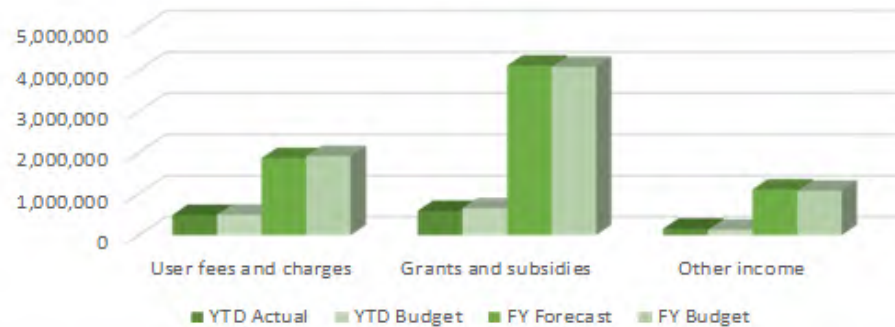
Operating revenue
Actual year to September



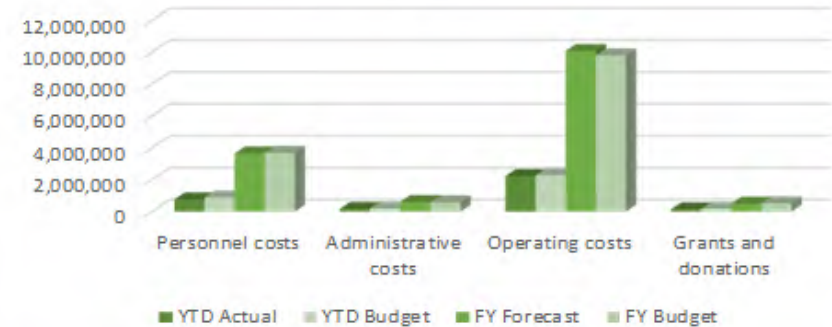
Operating expenditure
Actual year to September



Operating revenue



Operating expenditure



Column1	User fees & Charges	Grants & Subsidies	Other Income
Actual YTD	487,298	586,923	153,647
Budget YTD	493,190	649,700	129,345
Variance	(5,892)	(62,777)	24,302
Forecast FY	1,868,193	4,110,066	1,104,261
Budget FY	1,918,351	4,082,876	1,076,546

Column1	Personnel	Administration	Operating	Grants & subsidies
Actual YTD	773,102	176,334	2,233,856	153,696
Budget YTD	890,461	190,855	2,287,308	179,084
Variance	(117,360)	(14,521)	(53,451)	(25,388)
Forecast FY	3,656,683	609,073	10,085,226	500,837
Budget FY	3,692,808	583,305	9,801,863	525,000

Projects

Carry Over Schedule to 2016-17

GL	Requestor	Activity	Detail	Funded by	Approved \$	Actual \$	Forecast \$	Balance \$	Approved variance in 2016	Year	Notes
5200581	Julia Bradshaw	Museum	Retail Development	Depreciation	17,000	15,191	17,000	-	Capital	From 2015-16 Budget Year	This work could only be done during the shorter winter opening hours. It was started in May 2016 but is not yet complete. It will be completed by summer.
4302581	John Bainbridge	Township Development	Upgrade footpaths and driveways over next three years	Depreciation	5,000	-	5,000	-	Capital	From 2015-16 Budget Year	Statue project got underway in 2015-16. Looking to contract out the next phase of work in 2016-17. Budget required for this.
3418581	Tanya Winter	Township Development	Repairs and Maintenance to Hokitika Statues	Depreciation	5,000	-	5,000	-	Capital	From 2015-16 Budget Year	Request carryover of \$35,000 to continue to progressively upgrade air valves on lake line. Unable to complete during financial year due to a number of unknowns associated with amount of work required to replace these air valves.
4704581	Pam Wilson	Water Supply	Replace Water meters (on-going) - Hokitika	Depreciation	190,000	-	190,000	-	Capital	From 2015-16 Budget Year	Approx. \$10,000 spent on a very small proportion of water meter replacements in Hokitika during 2015/16. Works not fully scoped in 2015/16 year due to lack of clarity over where money is to be spent (Hokitika water meters or Franz water supply project). Carryover requested to allow works to be scoped fully and in the correct cost centre.
4711581	Pam Wilson	Water Supply	Replacement of Water Meters - Fox Glacier	Depreciation	5,712		5,712	-	Capital	From 2015-16 Budget Year	Funding not used for YE 2016
				Total depreciation funded carryovers	222,712	15,191	222,712	-			

Continued on next page

GL	Requestor	Activity	Detail	Funded by	Approved \$	Actual \$	Forecast \$	Balance \$	Approved variance in 2016	Year	Notes
5200116	Julia Bradshaw	Museum	Museum Donations - for Exhibitions	Donations	10,871	-	10,871	-	Operating adverse	From 2015-16 Budget Year	Not all of the donations for special museum projects have been spent yet.
				Total donations carryovers	10,871	-	10,871	-			
3905261	Derek Blight	Community Development	SPARC Travel Grant	External Grant	1,117	1,117	1,117	-	Operating adverse	From 2015-16 Budget Year	Grant allocated but not yet uplifted
3905145	Derek Blight	Community Development	Creative Communities Grant	External Grant	7,573	3,880	7,573	-	Operating adverse	From 2015-16 Budget Year	Several grants not yet uplifted
3191264	Derek Blight	Community Development	Taxi Chits	External Grant	600	600	600	-	Operating adverse	From 2015-16 Budget Year	Grant money not all used by 30 June 2016
				Total external grant funded carryovers	9,290	5,597	9,290	-			
5674581	Tanya Winter	WCWT	Completion of Trail	Subsidy	479,000	33,669	479,000	-			
					479,000	33,669	479,000				
4503581	Eddie Newman	Solid Waste	Landfills - Butlers Site Shed - Hazardous Wash down Facility	Loan Funding	15,000	-	15,000	-	Capital	From 2015-16 Budget Year	This facility is required as part of the contract and to avoid detrimental environmental impacts. This project will be undertaken in the 2016/2017 year.
4503581	Eddie Newman	Solid Waste	Intermediate Capping for Butlers	Loan Funding	50,000	-	50,000	-	Capital	From 2015-16 Budget Year	Due to the waste not being at the required height for the capping to be started this needs to be carried over into the 2016/2017 year.
3317581	Eddie Newman	Solid Waste	Landfill- Haast - Dig out new Cell	Loan Funding	10,000	-	10,000	-	Capital	From 2015-16 Budget Year	The waste did not reach the current cell capacity but will still require this money to undertake the work to enable the Landfill to operate under the resource consents that are currently in place for this facility

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GL	Requestor	Activity	Detail	Funded by	Approved \$	Actual \$	Forecast \$	Balance \$	Approved variance in 2016	Year	Notes
3317581	Eddie Newman	Solid Waste	Haast intermediate cap current cell	Loan Funding	10,000	-	10,000	-	Capital	From 2015-16 Budget Year	This work will still be required and is part of the ongoing cost of operating a Landfill as such the money needs to be carried over
3310405	Eddie Newman	Solid Waste	Franz Josef Landfill	Loan Funding	25,000	-	25,000	-	Capital	From 2014-15 Budget Year	Waiho River Management Group has interest in this project.
	John Bainbridge	Parks & Reserves	Cass Square - Turf Upgrades	Loan Funding	120,000		120,000	-	Capital		
				Total loan funded carryovers	230,000	-	230,000	-			
341858103	Tanya Winter	Parks & Reserves	Repairs and Maintenance to Hokitika Statues	Rates YE 2014	2,709	-	2,709	-	Capital	From 2013-14 Budget Year	Statue project got underway in 2015-16. Looking to contract out the next phase of work in 2016-17. Budget required for this.
341858103	Tanya Winter	Parks & Reserves	Repairs and Maintenance to Hokitika Statues	Rates YE 2015	5,000	-	5,000	-	Capital	From 2014-15 Budget Year	Statue project got underway in 2015-16. Looking to contract out the next phase of work in 2016-17. Budget required for this.
5200581	Julia Bradshaw	Museum	Research Development Centre	Rates YE 2016	22,000	-	22,000	-	Capital	From 2015-16 Budget Year	Unable to complete two capex projects in one year due to lack of capacity so it is requested that this is carried over to 2016-17. Note that the refit can only happen during the winter months.
				Total rates funded carryovers	29,709	-	29,709	-			
430758102	Jim Ebenhoh	Township Development	Franz Josef Urban Revitalisation plan	Recreation Contributions	100,000	-	100,000	-	Capital	From 2015-16 Budget Year	Com Assoc. wanted it held until decisions made
3409581	Simon Eyre	Waterfront carry forward	Hokitika Waterfront Development	Recreation Contributions	25,240	-	25,240	-	Capital	From 2015-16 Budget Year	Design work in progress

Continued on next page

GL	Requestor	Activity	Detail	Funded by	Approved \$	Actual \$	Forecast \$	Balance \$	Approved variance in 2016	Year	Notes
345158102	Tanya Winter	Franz Josef Cycle Trail	Franz Josef Cycle Trail	Recreation Contributions	48,000	15,885	48,000	-	Operating adverse	From 2013-14 Budget Year	Still need to finalise future spatial plan of Franz Josef Township based on work of Franz Josef / Waiau working party, including infrastructure and hazard issues, before this streetscape / urban design plan is implemented.
				Total recreation contribution carryovers	173,240	15,885	173,240	-			
4309250	Derek Blight	Township Development	Harihari Township Development fund	Reserves	8,971	5,000	8,971	-	Operating adverse	From 2013-14 Budget Year	WCWT Trust have just signed off the Trust Deed. Once its accepted by the Charities Office this money will be transferred to them
				Total reserves funded carryovers	8,971	5,000	8,971	-			
5674148	Tanya Winter	West Coast Wilderness Trail	Cycle Trail - Partner Programme Revenue	Stakeholder Contribution 2015-16	13,275	-	13,275	-	Operating adverse	From 2014-15 Budget Year	WCWT Trust have just signed off the Trust Deed. Once its accepted by the Charities Office this money will be transferred to them
				Total stakeholder contribution carryovers	13,275	-	13,275	-			
					1,177,068	75,342	1,177,068	-			

Further information about Council's projects on next page

As at 30/09/2016						Legend - Key	
		Forecast on Budget					
		Forecast over Budget					
						Project Delayed - Will not be completed by 30th June 2017	
						Project on-Track - Will be completed by 30th June 2017	
						Project Complete - 100% Progress	
Project / Activity	YTD exp	2016-17	Forecast	Budget Track	Progress / Track	Progress comments	
	\$0	\$0	\$0				
Corporate Services							
Corporate Services - Replacement	-	10,000	10,000				
Councillors tablets							
Council HQ - Roof over skylights	-	20,000	20,000				
Information Management - Shelving	-	10,000	10,000				
Information Management - DMS	-	200,000	200,000				
CE - Replace marketing assets	-	20,000	20,000				
Council website	-	35,000	35,000				
	0	295,000	295,000				
Library							
Kotui Library system	66,692	70,000	70,000				
Library - Audio/Visual Resource	191	4,000	4,000				
Library - Free Adult Books	3,650	13,000	13,000				
Library - Adult Non Fiction	4,064	17,500	17,500				
Library - Junior Publications	2,906	11,500	11,500				
Library - Large Print Books	977	6,000	6,000				
	78,479	122,000	122,000				
WATER SUPPLY							
Kumara - Water treatment plant	-	420,000	420,000				
Kumara - Water treatment plant - seismic valves	-	30,000	30,000				
Hokitika - Pumps Replacement	15,588	50,000	50,000				
Whataroa - Water treatment plant	-	220,000	220,000				
Whataroa - Seismic valves	-	20,000	20,000				
Total	15,588	740,000	740,000				
WASTEWATER							
Hokitika - Mains upgrade	11,146	150,000	150,000				
Franz Josef - New WWTP	28,040	200,000	200,000				
Fox Glacier - WWTP upgrade	-	100,000	100,000				
Haast - Mains upgrade	-	20,000	20,000				
Haast - De-sludge oxidation ponds	-	150,000	150,000				
Total	39,186	620,000	620,000				
STORMWATER							
Hokitika - Tancred, Bealey and Rolleston street upgrades	-	769,000	769,000				
CEMETERIES							
Cemetery - Hokitika upgrade & expansion	-	10,000	10,000				
Cemetery - Hokitika improvements	-	25,000	25,000				
Total	0	35,000	35,000				
Community Township Development							
New footpaths - Franz	-	25,000	25,000				
Footpath upgrades - Hokitika	-	27,000	27,000				
Footpath upgrades - Kumara	-	5,000	5,000				
Footpath upgrades - Franz	-	15,000	15,000				
Total	0	72,000	72,000				
Elderly Housing							
Elderly Housing - Roof repairs	24,116	40,000	40,000				

As at 30/09/2016				Legend - Key		
Forecast on Budget						Project Delayed - Will not be completed by 30th June 2017
Forecast over Budget						Project on-Track - Will be completed by 30th June 2017
						Project Complete - 100% Progress
Information Services						
IT equipment Renewals	-	30,000	30,000			
Land & Buildings						
Land & Buildings - carparking	-	15,000	15,000			
Parks & Reserves						
Reserves - Cass Square - Repairs to Statues	-	5,000	5,000			
Reserves - Cass Square - Grandstand	-	30,000	30,000			
Reserves - Cass Square - Playground equipment upgrade	-	25,000	25,000			
Reserves - Marks Road Reserve	-	10,000	10,000			
Reserves - Hokitika Waterfront Development	7,345	100,000	100,000			Design services
Reserves - Hokitika Heritage trail signs	-	3,500	3,500			
Total	7,345	173,500	173,500			
Transportation						
Unsealed Road Metalling	-	278,000	278,000			
Sealed Road Resurfacing	-	875,500	875,500			
Maintenance - Drainage Renewals	12,078	154,500	154,500			
Structures Component Replace	24,474	206,000	206,000			
Traffic Services Renewals	9,237	123,500	123,500			
Sealed Road Resurfacing	-	154,500	154,500			
Drainage Renewal	-	26,000	26,000			
Structures Component Replace	78,192	51,500	51,500			
Traffic services renewals	641	10,500	10,500			
Minor Improvements	-	184,500	184,500			
Minor Improvements	-	28,000	28,000			
Sealed Road Pavement Rehabilitation	-	300,000	300,000			
Associated Improvements	-	1,000,000	1,000,000			
Whitcome valley road widening, seal and extention	24,951	500,000	500,000			
Ross Hall car park seal	-	35,000	35,000			
	149,573	3,927,500	3,927,500			
Total	290,171	6,839,000	6,839,000			

Treasury Report

Summary

The purpose of this report is to provide an update on Council's Treasury Position as at 30 September 2016.

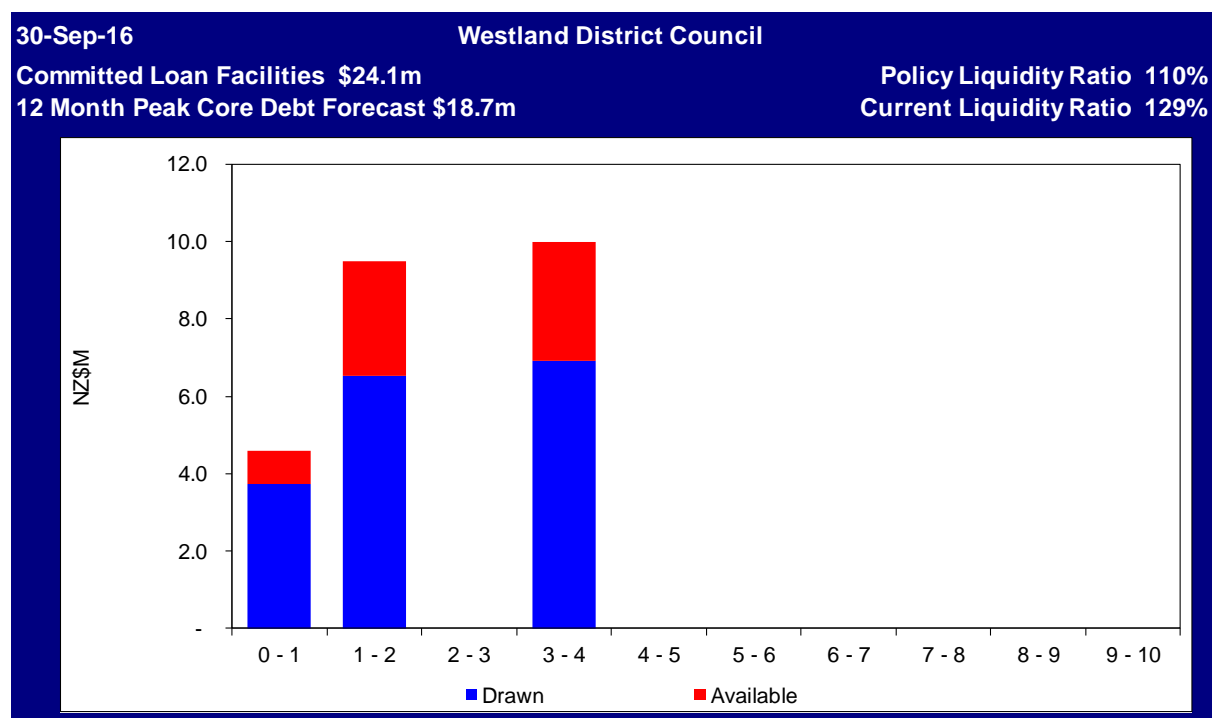
This report shows the Council's position for the following items:

- Loans
 - Other Borrowings (if any)
 - Swaps
- Internal borrowing
 - Cash Investments
 - Deposits
 - Bonds
 - Debtors

Council has contracted PWC as an independent treasury adviser.

Loans

This chart illustrates the Council's position in relation to the debt facility:



Council's policies require that we have liquidity cover of 110% of forecast debt. There are now three facilities in place, one with a borrowing limit of \$9.5m, a second has a borrowing limit of \$4.6m, and the third has a borrowing limit of \$10m, providing a total facility of \$24.1m. The forecast debt for the current year is \$18.7m with liquidity coverage at 129%.

As at 30 September, the Money Market Lending Statement shows:

MOCL facilities

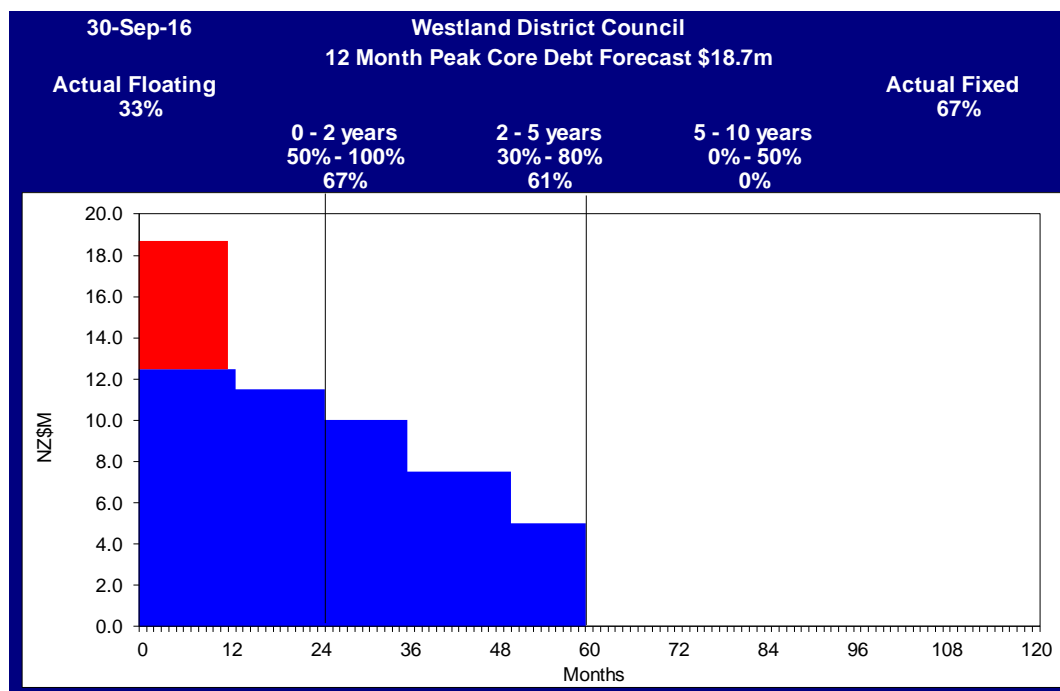
Amount	Rate	Maturity
\$6,543,353	2.15%	1/07/2018
\$3,750,000	2.23%	1/07/2017
\$6,057,000	2.23%	1/07/2020
\$850,000	2.15%	1/07/2020
\$17,200,353	Total	

This does not include the 0.9% to 1.0% margins charged by the bank

Swaps in place to protect against fluctuating interest rates are as follows:

Amount	Rate	Maturity
\$5,000,000	4.10%	1/10/2021
\$2,500,000	4.77%	17/09/2019
\$2,500,000	3.55%	17/11/2020
\$1,500,000	2.23%	17/09/2018
\$1,000,000	2.28%	18/09/2017
\$12,500,000	Total	

The following shows our current debt position and the amount of debt protected by interest rate swaps:



Some changes were made to further protect Council treasury from rising interest rates. A \$2m swap was extended by \$1.5m through to October 2018. A new swap was put in place for \$1.0m with an expiry October 2017. Council policy requires interest rate risk management within the ranges specified in the chart.

Internal Borrowing

Kaniere Sewerage \$153146.22

Cash Investments

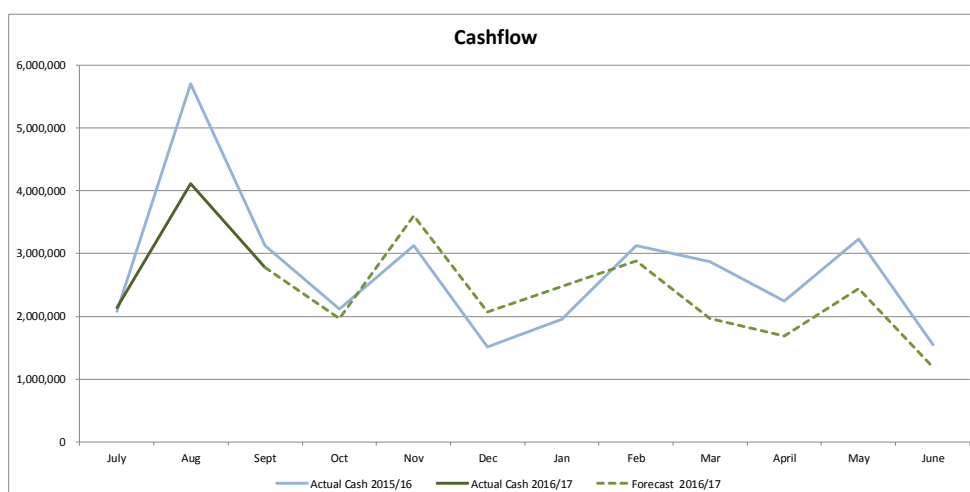
Cash Deposits as at 30 September 2016

Cashflow is managed on a weekly basis. The highest spend is expected over the next two quarters with many operational projects scheduled for the summer months.

The following analysis excludes bond monies.

Closing balance of WDC Operational Account: \$762,643

Savings account balance of: \$2,017,949



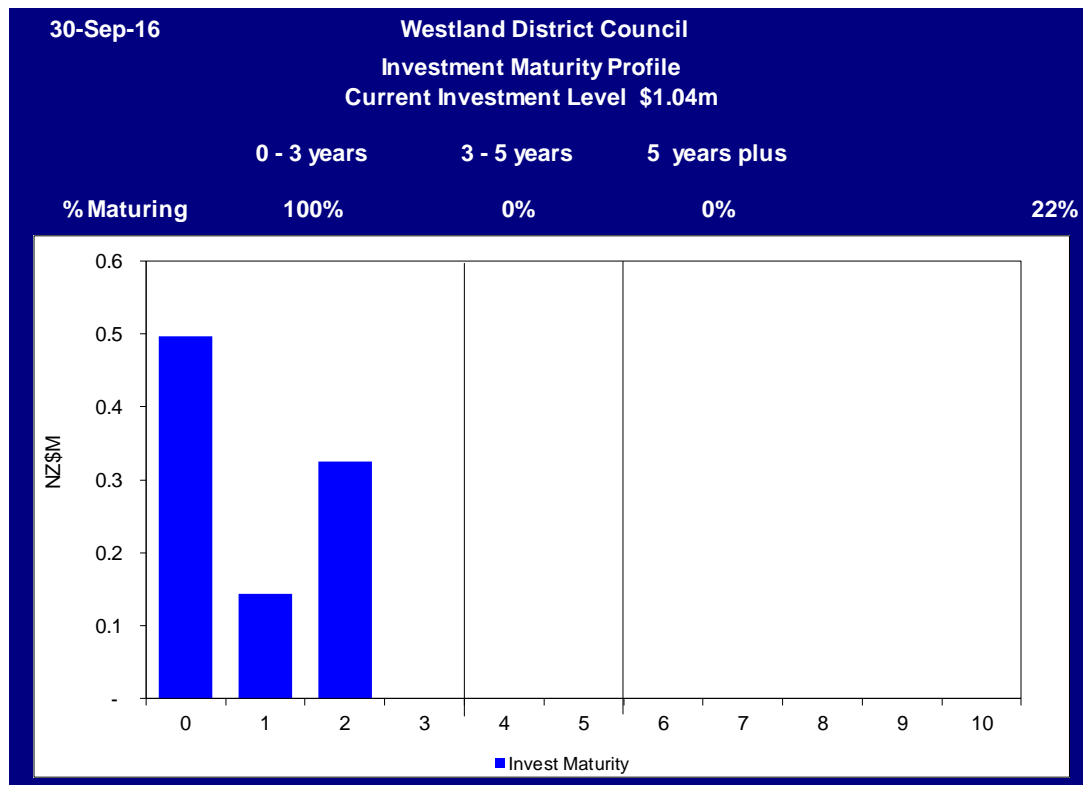
Bonds

WDC Westpac Bond Portfolio valued at \$1,035,751 as at 30 September 2016. This is made up of \$0.965m in bonds and \$0.071m in cash from matured bonds.

Westland District Council Investment Counterparty Credit Limits				
Minimum Credit Rating is A-1/A (A+ for corporates)				
Counterparty Credit Risk	Credit Rating	Policy Limits NZD\$m	Counterparty Exposure NZD\$m	Policy Compliance
ANZ	AA-	1.00	0.10	Y
ASB	AA-	1.00	0.00	Y
Auckland Council	AA	1.00	0.10	Y
Auckland Int Airport	A-	1.00	0.19	N
BNZ	AA-	1.00	0.22	Y
Rabobank	BBB-	1.00	0.25	N
Rabobank	A+	1.00	0.00	Y
Westpac	AA-	1.00	0.10	Y
TOTAL			0.97	

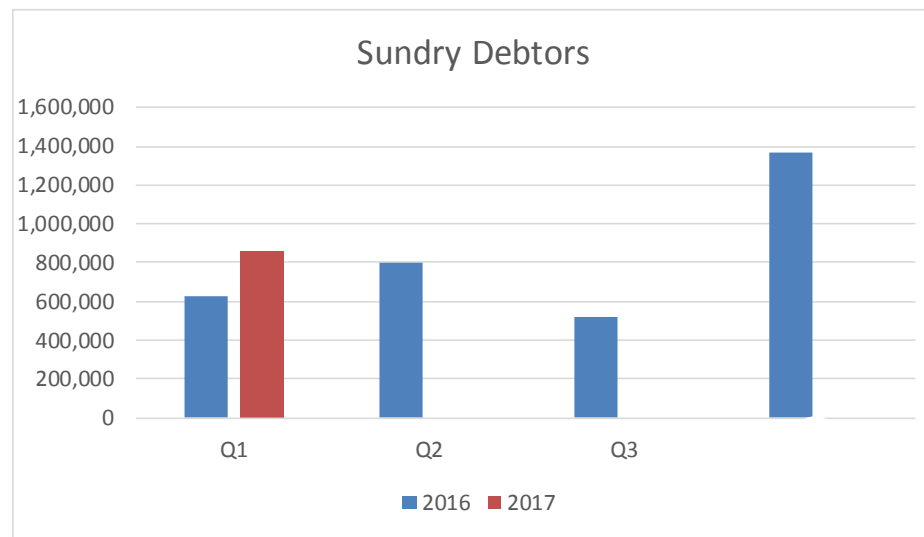
The policy requires that bond investments are with parties that have a credit rating of S&P A or better. Two bonds have rating below this limit. Council resolution decided to retain the bonds in the portfolio until maturity due to the high yields. The policy also has a limit of \$1m exposure per entity; all exposures are within this limit.

The following chart illustrates the maturity profile of the WDC investment portfolio:

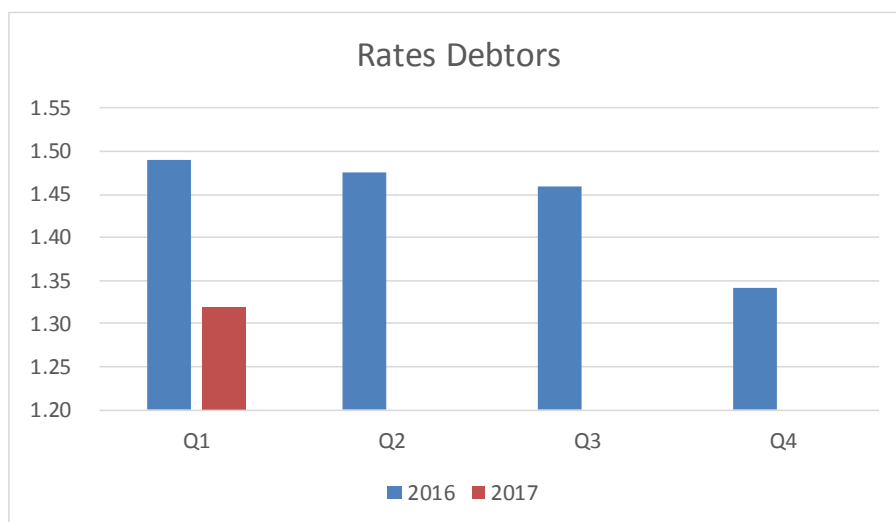


Debtors

Outstanding Sundry debtors as at 30 September 2016 total \$854,549. The increase for Q1 2017 from Q1 2016 is due to Ministry of business innovation and employment invoices (\$401k) for the West Coast Wilderness Trail final claim.



At 30 September 2016, rates debtors figure is \$1,324,167 which is 11.4% less than Q1 2016, and 1.6% less than at 30 June 2016.



Debt Collection

Prior to the end of the quarter, 1,200 penalty letters were sent out. A list of debts totalling \$5,495 was sent to credit recoveries during the quarter. Further notices are to be sent at the beginning of quarter 2.

Credit Recoveries performance as at 30 September for active debt:

Credit Recoveries Table

Active debt

Date Debt Sent	Original Debt	Collected	Recovery Rate
Pre-2013	315,683.00	90,142.00	29%
2013	88,693.00	19,461.00	22%
2014	226,710.00	77,631.00	34%
2015	169,817.00	39,904.00	23%
2016	108,908.00	21,876.00	20%

A new process has been put in place where reminders and referrals are being dealt with more quickly. It is expected that the recovery rate will rise when new debts are received.

Automated Debt Recovery system will make the collection of debts and timely handling of delinquent debts more efficient.

The relationship between Council and the debt recovery agency is being actively managed with regular meetings and direction from Finance.

Further debts will be handed over to debt recovery during Q2.

Summary

Reserves are divided into two categories:

Restricted Reserves: These reserves can only be used for the purpose as set out in either legislation or by the funder.

Council Created Reserves: These reserves exist solely at the discretion of Council, as a matter of good business practice.

Financial Management Principles for Reserve Funds

- There are no reserves that are required to be represented by specific cash funds. Council therefore takes a portfolio approach to treasury management.
- Reserves are funded by interest income from investments and available borrowing capacity.
- Reserve balances will grow by interest calculated at the weighted average 90 day bill rate, transferred quarterly into the reserve.
- During 2016/17 new depreciation reserves will grow quarterly. Interest will be earned on those reserves calculated based on the average 90 day bill rate. This will be funded from external interest revenue (or deficit reserves – internal borrowing) for 2016/17.
- Interest will be charged on any reserve in deficit at Council's weighted average cost of asset term debt.
- No funds shall be withdrawn from the Westpac Bonds or any reserve unless provided for in the Annual Plan or by Council resolution.

Restricted Reserve Funds

Reserve	Purpose of each reserve fund	Balance 1 July 2016	Transfers into fund	Transfers out of fund	Balance 30 September 2016
		\$000	\$000	\$000	\$000
Offstreet Parking	Collected from developments in town to pay for off-street parking. Imposed by RMA/District Plan	31	0	0	31
Reserve Development	Monies collected from developments. Imposed by RMA/District Plan	513	48	0	561
Museum Assistance Fund	Originally the Museum Bequest Fund (\$8,458) & Carnegie Furnishings (\$3,929)	20	0	0	20
Kumara Endowment Fund	Proceeds from sale of Endowment land. Our brief research has not identified the specific terms of the endowment.	482	3	0	485
Euphemia Brown Bequest	Interest earned on funds administered by Public Trust Offices for the estates of Euphemia & William E Brown.	23	0	0	23
Mayors Trust Funds	Contributions from James & Margaret Isdell Trust; Coulston Herbert Trust;	19	0	0	19
Three Mile Domain	To fund three mile domain costs.	196	1	0	197
Ross Endowment Land	Various endowment land parcels in Ross sold over time.	89	1	0	90
Big Brothers Big Sisters	Grant funding Received	(1)	0	0	(1)
Community Patrol	Grant funding Received	(0)	0	0	(0)
Graffiti	Grant funding Received	1	0	(0)	0
Taxi Chits	Grant funding Received	1	1	(0)	1
Hokitika War Memorial		24	0	0	24
Total Restricted Reserves		1,398	54	(1)	1,451

Council Created Reserve Funds

Reserve	Purpose of each reserve fund	Balance 1 July 2016	Transfers into fund	Transfers out of fund	Balance 30 September 2016
		\$000	\$000	\$000	\$000
2016					
Kumara Township Fund	Township funding for the purpose of community related projects	0	4	0	4
Harihari Township Fund	Township funding for the purpose of community related projects	10	4	(5)	9
Whataroa Township fund	Township funding for the purpose of community related projects	2	4	0	5
Ross Township Fund	Township funding for the purpose of community related projects	0	4	0	4
Haast Township Fund	Township funding for the purpose of community related projects	(3)	4	0	1
Franz Township Fund	Township funding for the purpose of community related projects	1	9	0	10
Fox Township Fund	Township funding for the purpose of community related projects	1	9	0	10
Kokatahi/Kowhitirangi Community Rate	Allowing the community to have funds for various community related projects	0	2	0	2
Foreshore Protection Fund	Foreshore Protection for groin replacement on the foreshore.	26	0	0	26
Glacier Country Promotions	Targeted rates collected from Glacier Country to provide funding for marketing projects.	(3)	17	0	14
The Preston Bush Trust	Mr Preston donated the reserve to Council. This fund was for the community to beautify the bush with tracks and interpretation boards.	9	1	(0)	10
Harihari Community Complex	The Harihari Pony Club land was sold and the funding was to go towards a new community complex. (Another \$100,000 is allocated from the Reserve Development Fund.)	126	1	0	126
Guy Menzies Day	Surplus from Guy Menzies Day Event.	1	0	0	1
Cycleway	Road Reserve sold to Westland Diaries allocated to fund towards construction of Wilderness Trail.	0	0	0	0
Cycle Partner Contributions	Contributions from commercial partners towards upkeep of the Wilderness Trail	43	14	(41)	16
Emergency Contingency Fund	Rates collected to support Westland in a Civil Defence emergency.	50	0	0	50
Transportation Asset Renewal	For funding the renewal of roads and bridges.	0	181	(9)	172
Water Renewal	For funding the renewal of water supplies networks	849	204	(16)	1,038
Waste Water Renewal	For funding the renewal of sewerage and sewage networks	815	90	0	905
Stormwater Renewal	For funding the renewal of stormwater systems	646	40	0	686
Solid Waste Renewal	For funding the renewal of Refuse transfer Stations and landfills.	0	0	0	0
Parks Renewal	For funding Parks, Reserves, Public Toilets, Ross Pool and Cemeteries Asset Renewal	57	23	0	80
Buildings Renewal	For renewal of all Council operational buildings.	257	36	0	292
Administration Renewal	For renewal of office equipment, furniture, technical equipment, vehicles and technology	146	41	(15)	172
Library Book Renewals	To replace library books	61	32	(78)	15
Total Council created reserves		3,095	718	(165)	3,648
Total Reserves		4,493	771	(165)	5,098

The following section of the Quarterly Report contains:

- A summary of revenue and expenditure in this reporting period by Activity Group
- Commentary about Councils activity within each Group
- A summary of revenue and expenditure for the individual Activity
- Councils non-financial performance for each activity, measured against a set of 'key performance measures' that are in the Long Term Plan 2015 -2015.

Note:

Where a LOS performance measure is “% of residents satisfied”, Council holds results from the last survey of residents which was carried out in March 2015. The next survey of residents will be undertaken in the first quarter 2018.

A full explanation of the 2015 Resident Survey results is contained in Councils Annual Report 2015/16 and the survey itself can be obtained from the Council.

Leadership Group

- Democracy
- Corporate Services
- Council Controlled Organisations

	LEADERSHIP ACTIVITY GROUP					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	8,539,045	8,821,785	1,761,160	2,094,665	(333,504)	(u)
Expenditure	8,295,091	8,050,897	1,767,148	2,096,956	(329,808)	f
Surplus/(Deficit)	243,955	770,888	(5,987)	(2,291)	(3,696)	(u)

Commentary

Democracy

In the 3-month reporting period, in addition to the 3 Ordinary Council meetings, 2 in Hokitika and 1 in Franz Josef, the Executive Committee held 2 formal meetings and 1 informal meeting to review the draft Annual Report 2015-16 and discuss with the Audit Director.

Medical students visited Council in August for an audience with the Mayor.

Corporate Services

Council staff met with representatives from Fox Glacier and Bruce Bay to discuss the distribution of the Fox Glacier Community Rate.

Council secured insurance renewals at substantially below budget and investigated an alternative to LAPP for underground assets.

A new appointment was made for an Information Support Officer, this role will focus on improving Councils GIS and providing an IT Help Desk support.

The upgrade of Council's website commenced in this reporting period.

Council Controlled Organisations

Westland Holdings Ltd updated its constitution and adopted a Code of Conduct. The Statements of Intent for 2016-18 were finalised in September.

Democracy

	Democracy					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	1,091,348	1,086,348	268,768	272,412	(3,644)	(u)
Expenditure	1,110,090	1,086,348	241,448	289,051	(47,603)	f
Surplus/(Deficit)	(18,742)	0	27,320	(16,639)	43,959	f

The favourable expenditure variance is mainly due to lower than expected overhead charges.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Responsible leadership	% of residents satisfied with Council's leadership	31%	65%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018
The community understands what Council does	% of residents who understand how Council makes decisions	69%	50%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018

Corporate Services

	Corporate Services					
	Forecast FYR	Budget FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	7,422,447	7,710,187	1,492,392	1,822,253	(329,861)	(u)
Expenditure	7,041,575	6,817,824	1,497,114	1,776,019	(278,905)	f
Surplus/(Deficit)	380,873	892,363	(4,722)	46,234	(50,955)	(u)

The unfavourable revenue is mainly due to lower than anticipated overhead recoveries. The favourable expenditure variance is due to timing differences in expenditure, budgeted vacancies not yet filled and the timing of the cost to be recharged to the Customer Service Centre.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Provide accountability about Council activities	Legally compliant financial plans and reports adopted	Annual Report 2013-14 adopted late	Annual Plans & Annual Report adopted on time	The Annual Plan 2016/17 was adopted on time. The Annual Report 2015/16 is on track to be adopted on time, at a special Council Meeting on 31 October 2016.	
A comprehensive Customer Service Centre	% of residents satisfied with the service they receive	Not measured	75%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018
Effective engagement of the community during public decision-making opportunities	% of residents that believe they have been consulted appropriately	New measure	60%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018

Council Controlled Organisations

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
CCOs comply with their Statements of Intent	All performance measures in the CCO Statement of Intent are met, as reported in half yearly and annual reports	84.5%	100%	No information to date	We will not receive this information until half year

Planning and Regulatory Group

- Inspections and Compliance
- Resource Management
- Animal Control
- Emergency Management & Rural Fire

	PLANNING, COMMUNITY & ENVIRONMENT ACTIVITY GROUP SUMMARY					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	1,948,314	1,945,626	561,865	559,905	1,959	f
Expenditure	1,936,743	1,950,489	432,645	451,018	(18,373)	f
Surplus/(Deficit)	11,571	(4,863)	129,220	108,887	20,333	f

Commentary

Inspections and Compliance

The average number of Building Consent applications was 21.5 per month, peaking in June with 31 building consents issued for the month.

Food and licence inspections - some premises (about 15%) will have 2 visits in the coming year. However, the whole regime of food inspections (now called audits) will change going forward. Some premises that will be part of national programmes for example will only have audits every 2nd or 3rd year instead of yearly. The remainder of food premises which are usually audited annually can have the frequency decreased to say every 18 months if they perform well at audit time. Alternatively that frequency can increase if they perform poorly at audit time and require a re-inspection. Also the time when premises are due to have an audit visit will depend on when they register a food control plan. At the moment all premises requiring a food control plan must have one in effect by March 2017.

Resource Management

The percentage of resource consents processed within statutory timeframes dropped during this quarter. Unexpected planner vacancies and resourcing issues impacted on the small team's ability to meet deadlines. This is expected to improve significantly in the remaining three quarters.

Animal Control

The animal control performance measure results are on par with other similar Councils and with the national average for dog control, though our measure includes stock control as well as dog control.

Emergency Management

The third generation of the West Coast Civil Defence Emergency Management Plan was adopted in September after much discussion and consultation. The Westland District Emergency Management Plan now needs to be reviewed and updated to align with the West Coast Plan. Westland District was fully involved in the national Exercise Tangaroa in August and September. This was based a large earthquake in the Kermadec Trench, north of New Zealand, generating tsunami waves that would impact on the entire new Zealand coastline. The scenario for Westland was for a 5 metre initial wave to make shore at around 1.30 pm, after over three hours warning of the need for evacuation. Lessons from the exercise will be incorporated into emergency response plans for coastal settlements, in particular Hokitika with the business area, visitor accommodation and much residential property within the potential tsunami inundation zone. A permanent 0.5 FTE emergency management officer has been appointed. This role is combined with a 0.5 FTE position at the West Coast Regional Council as Group Welfare Manager.

Inspections and Compliance

	Inspections & Compliance					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	876,082	875,393	207,595	218,848	(11,253)	(u)
Expenditure	877,727	876,931	218,633	215,864	2,769	(u)
Surplus/(Deficit)	(1,645)	(1,538)	(11,038)	2,984	(14,022)	(u)

The unfavourable revenue variance is due to timing differences on the budgeted food premises licences, the revenue is now expected in quarter 2 when the audits take place.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Timely processing of Building Consents	% of building consents processed within 20 working days as per the requirements of the Building Act	98%	100%	100% Performance achieved for first quarter	100% Performance achieved for first quarter
Provide appropriate advice to customers	% of users satisfied with the quality of the advice provided on building consent, environmental health and Liquor Licensing matters	Result for Building Consents: 92% user satisfaction Result for Environmental Health: 92% Result for Liquor Licensing: 70%	85%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Encourage compliance with health standards by undertaking inspections so that all food, liquor and other licensed premises comply with the relevant legislation	All licensed and registered premises are inspected at least annually	84.5% of food premises inspected.	100%	15% of the total of yearly food and licensed premises inspections have been completed in the first quarter.	<p>The reason why the progress figure is lower than the expected 25% is because some premises required a second inspection to align them with the new audit programme. In addition the Environmental Health Officer was on planned leave for 5 weeks during this period.</p> <p>This figure will be back on track in the December quarter.</p>

Resource Management

	Resource Management					
	Forecast FYR	Budget FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	681,123	681,123	209,419	168,781	40,639	f
Expenditure	662,042	681,513	125,997	146,143	(20,145)	f
Surplus/(Deficit)	19,081	(390)	83,422	22,638	60,784	f

The favourable revenue variance is due to timing differences between the actual and budgeted revenue, the favourable expenditure variance is due to budgeted planner vacancies not yet filled offset by higher expenditure related to the higher than anticipated revenue.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Resource consents processed in accordance with the Resource Management Act	% of resource consents processed within statutory timeframes	91%	100%	42%	Unexpected planner vacancies and resourcing issues impacted on the small team's ability to meet deadlines in this quarter.
Provide appropriate advice to customers	% of users satisfied with the quality of the advice provided on resource management matters	82%	85%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018

Animal Control

	Animal Control					
	Forecast FYR	Budget FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	188,764	186,764	94,264	121,691	(27,427)	(u)
Expenditure	183,961	186,976	47,147	46,744	403	f
Surplus/(Deficit)	4,803	(212)	47,117	74,947	(27,830)	(u)

The unfavourable revenue variance is due to the delay in dog registration fees. The remainder is expected to be received in quarter 2.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Keep the public safe from dogs and wandering stock	% of residents satisfied with the protection provided	72%	90%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018

Emergency Management

	Emergency Management					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	202,346	202,346	50,586	50,585	1	f
Expenditure	213,013	205,068	40,868	42,267	(1,399)	f
Surplus/(Deficit)	(10,668)	(2,722)	9,719	8,318	1,401	f

Civil Defence:

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Effective natural hazard readiness	Suitable emergency response training has occurred - Emergency Management personnel meet CIMs 4 and EOC standards - Volunteers are offered at least 2 training opportunities per annum - Number of trained volunteers increases by 10%	100%	100%	0%	Training is planned for later in the year after a large training effort last year.
Suitable response systems are in place	Community emergency response plans are in place for all Westland townships	80%	90 - 100%	Meeting held with Otira community to initiate Community Response Plan.	Council had a short term employee in the Emergency Management Officer role during the period. So there was limited capacity to advance Community Response Plans

Rural Fire:

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Appropriate emergency response to rural fires	WDC Rural Fire provides support to partner agencies as requested	100%	100%	100%	
Provide fire permit service	Fire permit requirements are publically advertised	100%	At beginning of fire season and prior to the at Christmas holiday break	On track	Adverts are regularly placed in the local newspapers, the Councils electronic newsletter and fire permit requirements are advertised on the radio.

Community Services Group

- Community Development and Assistance
- Community Halls
- Townships (the development fund & improvement projects)

	COMMUNITY SERVICES ACTIVITY GROUP SUMMARY					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	1,008,046	1,003,125	354,640	260,406	94,234	f
Expenditure	961,604	1,022,497	250,473	285,084	(34,611)	f
Surplus/(Deficit)	46,442	(19,372)	104,167	(24,678)	128,845	f

Commentary

Community Development and Assistance

In this quarter seven grants have been given out from the Sport NZ Rural Travel Fund.

Building has continued with the new Fox Glacier Community Centre and on the new Hokitika RSA.

The Community Development Officer has worked with a variety of community groups on providing assistance as needed. This includes phone conversations or meetings with applicants to the District Economic Stimulus Fund, discussions with most community associations applying for their Township Development Funding and various enquiries about MDI funding, Department of Internal Affairs funding and West Coast Community Trust funding.

Community Development and Assistance

	Community Development and Assistance					
	Forecast FYR	Budget FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	441,841	441,841	209,281	120,085	89,196	f
Expenditure	410,301	449,813	134,587	182,997	(48,410)	f
Surplus/(Deficit)	31,540	(7,973)	74,694	(62,912)	137,606	f

The favourable revenue and expenditure variances are due to timing differences between actual and budget.

Community Halls

	Community Halls					
	Forecast FYR	Budget FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	131,570	131,570	33,010	32,893	117	f
Expenditure	133,314	139,140	22,849	33,951	(11,102)	f
Surplus/(Deficit)	(1,743)	(7,570)	10,161	(1,058)	11,219	f

The favourable expenditure variance is mainly due to maintenance work not yet required to be carried out, maintenance costs are expected to meet budget by end of the financial year.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Community Halls	Provide safe and useful community halls	% of residents satisfied with the standard of their local hall	67%	80%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018

Community Township Development

	Township Development					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	434,635	429,714	112,349	107,429	4,921	f
Expenditure	417,989	433,544	93,037	68,136	24,901	(u)
Surplus/(Deficit)	16,646	(3,830)	19,313	39,293	(19,980)	(u)

The unfavourable expenditure variance is due to unbudgeted remedial works.

There are no non-performance financial measures for this activity.

Leisure Services & Facilities Group

- Cemeteries
- Elderly Housing
- Hokitika Museum
- Hokitika Wildfoods Festival
- i-SITE
- Land & Buildings
- Parks and Reserves
- Public Toilets
- Swimming Pools
- West Coast Wilderness Trail
- Westland District Library

	LEISURE & CULTURAL ACTIVITY GROUP SUMMARY					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	3,080,882	3,056,967	729,994	675,245	54,749	f
Expenditure	3,296,471	3,223,663	743,953	709,851	34,102	(u)
Surplus/(Deficit)	(215,588)	(166,696)	(13,959)	(34,606)	20,647	f

Commentary

Cemeteries

Planning of the Hokitika Cemetery new berms has been programmed for construction early in 2017. A stock-proof fence has been programmed for construction on the northern boundary (Seaview).

Museum

Hokitika Museum started the year strongly with good visitor numbers and income. The results of Detailed Seismic Assessment on the Carnegie Building which gave its seismic strength as 12 per cent of the current National Building Standard led to the closure of the Museum to visitors on 22 September 2016. Currently Council and Hokitika Museum staff are working through the ramifications of the report and considering the options available.

Hokitika Wildfood Festival

An Event Manager has been employed to deliver the 2017 Wildfoods Festival on Saturday 11th March (One Day a week May-October and Fulltime November to April), and work is beginning on employing an assistant from January to March (Fulltime). A community based steering committee is being re-established to support the Hokitika Wildfoods Festival staff, made up of a range of stakeholders and representation. The Festival continues its push to #BiggerBetterWilder after a period of stagnation and decline.

i-SITE

The i-SITE & Customer Service Centre welcomed a new permanent manager. A noticeable increase in tourists coming into the i-SITE. AA MVR customer traffic has increased since NZ POST MVR moved location and made staffing changes.

Land and buildings

As part of Council's work in developing an asset management plan for its building stock council has consultants completing detailed seismic assessments on key buildings that are "potentially earthquake prone". This detailed investigative information allows council to understand the structural standard of its building stock and plan any fixes or upgrades in the future

Parks and Reserves

Cass Square playing fields resurfacing has been programmed for October 2016 after being deferred from last year's schedule. The grounds will be out of commission for about 4 months to allow the grass to establish. There is imminent threat to Wadeson Island from the Hokitika River. This is a wait and watch situation before any further action is carried out.

Public toilets

Winter sees user numbers drop so everything slows up over the first quarter. Council has made use of the financial efficiencies in the AOG supply contract and has begun the process of using one supplier for toilet consumables throughout the whole district. Council cleaning contractors can now log in and order the necessary supplies from one single source. There will be a uniformity in the consumables throughout council controlled public facilities.

West Coast Wilderness Trail

Trail counts for the first quarter are exceeding previous year's numbers already and the annual performance target should be easily reached based on this initial winter period. There has been issues with the trail counters in the past and therefore the reliability of some data. This recording period has been relatively good with the exception of sabotage on one counter.

The trail counter data errors have been identified on other 'Great Rides' in New Zealand and is a matter that MBIE are working through to determine the best practical outcome. Westland is looking at trialling an alternative counter type in some locations to obtain better quality data.

A Project Completion Plan was submitted to MBIE in August identifying construction deliverables for 5 trail sections that are required to be completed before the trail can be registered as a 'Great Ride' by NZCT.

Westland District Library

On 8th July 2016 the new Library Management System KOTUI went live. This significant investment by Council highlights the commitment to continue to provide excellent library services for Westland residents. One of the many new features is 'BookMyne', a free library app which is available for all library customers to download onto smartphones or tablets, making their library experience even better.

The Winter 'Bingo' Reading Challenge attracted 58 children aged 5 – 18 years who successfully complete the Challenge. Each child received a book of their choice. Ross residents Jack and Charlie Marcotte launched their book 'Jack and Charlie: Boys of the Bush' by making bush shelters, blowing duck callers and enjoying some huhu grubs along with 30 of their friends. In August the New Zealand Book Awards for Children and Young Adults 2016 festival week celebrated the best of New Zealand literature for children. Six class visits from local Primary schools enjoyed craft activities and scavenger hunts relating to two finalist titles. A Roald Dahl 100 week-long celebration was held to mark 100 years since the birth of this world famous author.

The free weekly 'Stepping Up' computer classes continue to attract residents keen to join the digital world. The after-school Code Club for children wanting to learn about computer programming also continues to be very popular and is run in conjunction with Westland High School.

Cemeteries

	Cemeteries					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	157,121	156,757	38,620	39,189	(570)	(u)
Expenditure	154,786	158,182	45,624	38,795	6,828	(u)
Surplus/(Deficit)	2,335	(1,425)	(7,004)	394	(7,398)	(u)

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Cemeteries have sufficient capacity	Each cemetery has at least 12 months capacity ahead	Hokitika 100% Kumara 100% Ross 100%	Hokitika 100% Kumara 100% Ross 50%	On target On target On target	

Elderly Housing

	Elderly Housing					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
	-	-	-	-	-	
	63,415	69,915	10,979	17,479	(6,500)	f
Revenue						
Expenditure						
Surplus/(Deficit)	(63,415)	(69,915)	(10,979)	(17,479)	6,500	f

The favourable expenditure variance is due to lower than budgeted depreciation charges.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
A safe and efficient service	Occupancy is maximised	100%	100%	100%	
	% tenants satisfied with the service	100%	>95%	Not yet measured for this period	The last survey of tenants was carried out in July 2016, with 100% satisfaction

Hokitika Museum

	Museum					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	401,974	401,974	98,468	90,746	7,721	f
Expenditure	401,320	406,356	81,552	87,570	(6,019)	f
Surplus/(Deficit)	654	(4,382)	16,916	3,176	13,740	f

The favourable revenue variance is due to an unexpected donation and strong visitor numbers before the Museum closure. The favourable expenditure variance is due to timing differences.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
A quality museum experience	Visitor numbers are showing an upward trend	13,753	An increase of 5% each year	2,266	Figure is until Museum closure on 22/9/16
	% of residents satisfied with their museum experience	99%	85%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018

Hokitika Wildfoods Festival

	Hokitika Wildfoods Festival					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	364,699	364,699	19,643	21,800	(2,157)	(u)
Expenditure	362,452	365,723	13,748	20,207	(6,458)	f
Surplus/(Deficit)	2,246	(1,025)	5,895	1,593	4,302	f

The favourable expenditure variance is due to timing differences, most expenditure is budgeted around the festival period.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
A quality attendee experience	% of attendees satisfied (post event satisfaction survey)	90%	85%	N/A	
	Growth is experienced annually (to a limit of 10,000)	6,620 Festival 1,270 Afterparty	8,500	N/A	

i-SITE

	i-SITE					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	453,981	453,957	94,050	129,189	(35,139)	(u)
Expenditure	453,276	459,242	102,833	112,306	(9,473)	f
Surplus/(Deficit)	705	(5,285)	(8,783)	16,883	(25,666)	(u)

The unfavourable variance is due to timing differences of the Corporate Services recharge for the Customer Service Centre.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
A quality customer experience	i-SITE NZ and Qualmark standards are met	83%	80%	Qualmark standards met for 2016/17.	Qualmark is accessed yearly by a Qualmark representative visit.
Increase resident population knowledge about what the i-SITE has to offer locals	Bookings made by local population	i-SITE decrease of 5% AA NZ increase of 6%	Maintain or Increase	Financial increase 46% of booking sales. Number of bookings decrease 30%	Ibis reporting used to measure local sales.

Land and Buildings

	Land and Buildings					
	Forecast FYR	Budget FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	148,580	148,580	37,145	12,382	24,763	f
Expenditure	154,360	145,085	20,937	12,090	8,847	(u)
Surplus/(Deficit)	(5,781)	3,495	16,208	291	15,917	f

The favourable revenue variance is due to timing differences between actuals and budget.

There are no non-performance financial measures for this activity.

Parks and Reserves

	Parks and Reserves					
	Forecast FYR	Budget FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	348,091	338,091	131,331	84,523	46,809	f
Expenditure	344,163	345,161	85,879	85,497	382	(u)
Surplus/(Deficit)	3,928	(7,070)	45,453	(974)	46,427	f

The favourable revenue variance is due to higher than anticipated reserves contributions from developers and an unbudgeted donation.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Reserves are pleasant, enjoyable and safe places	% of residents satisfied with parks and reserves	87%	90%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018

Public Toilets

	Public Toilets					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	252,342	252,342	63,085	63,085	(0)	
Expenditure	251,225	253,849	42,346	64,930	(22,584)	f
Surplus/(Deficit)	1,117	(1,507)	20,739	(1,845)	22,584	f

The favourable revenue variance is due to the council grants for toilet cleaning not yet been requested.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Provide public toilets throughout the district	% of residents satisfied with the service	66%	100%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018
	Facilities are available for use during the day	100%	100%	100%	

Swimming Pools

	Swimming pools					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	270,657	270,657	67,664	67,664	0	
Expenditure	321,351	321,443	80,625	80,361	264	(u)
Surplus/(Deficit)	(50,694)	(50,785)	(12,960)	(12,696)	(264)	(u)

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
A quality swimming or exercise experience at the Hokitika Pool	% of residents satisfied	58%	85%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018
	Maintain Pool Safe Accreditation	100%	100%	The pool has Pool Safe certification	

West Coast Wilderness Trail

	West Coast Wilderness Trail					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	92,940	79,533	33,290	19,883	13,407	f
Expenditure	210,553	108,331	113,818	24,583	89,235	(u)
Surplus/(Deficit)	(117,613)	(28,798)	(80,528)	(4,700)	(75,828)	(u)

The favourable revenue variance is due to unbudgeted partner contributions, this is offset the expenditure variance. The unfavourable expenditure variance is also due to higher depreciation charges, depreciation is only funded on the structures on the cycle trail which amounts to approximately 17%.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
The cycle trail is well used	Numbers using the trail as measured by trail counters	8,753	10,000 per annum	On target to meet the performance measure	1408 on Water Race for this period i.e. 14% of annual target in 3 winter months.

Westland District Library

	Library					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	590,498	590,378	146,697	146,783	(86)	(u)
Expenditure	579,570	590,378	145,612	166,032	(20,420)	f
Surplus/(Deficit)	10,928	-	1,085	(19,249)	20,334	f

The favourable expenditure variance is mainly due to lower than anticipated computer support fees with the installation of the Kotui Library management system.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Provide quality library services in the District	% of residents satisfied	81%	95%	Not yet measured	The next Residents survey will be undertaken in the first quarter 2018. A survey of <i>library customers</i> was undertaken in November 2015 which indicated 95% customer satisfaction.
	% of residents who are library members	43%	42%	45%	

Transportation Group

	TRANSPORTATION					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	5,787,037	5,787,037	984,649	1,065,790	(81,141)	(u)
Expenditure	5,761,278	5,653,549	1,175,047	1,412,311	(237,264)	f
Surplus/(Deficit)	25,759	133,488	(190,398)	(346,521)	156,123	f

The favourable expenditure variance is due to timing differences, costs will be realised as the weather improves, this lower spend has affected the revenue in lower NZTA subsidies.

Commentary

There is ongoing commitment to the new One Network Road Classification process including attendance at quarterly Regional meetings. This new process requires business case approach to most of the transportation work activities and higher level of reporting with NZTA.

Westland has conducted and procured its first joint tender with Grey District Council with the 2016-2017 Reseal contracts. It is expected that in future the Buller District will also share this new approach to gain better buying power with contractors.

A new Roothing maintenance contract was advertised and awarded this year with Westroads Hokitika being the successful tenderer and commencing work on 1 July 2016.

Research has been undertaken to convert the Roothing maintenance contract data into electronic form and is likely to be implemented this financial year to help support the ONRC process and compliance with NZTA guidelines.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
The transportation network is safe for all users in Westland District	Road safety: The change from the previous financial year in the number of fatalities and serious injury crashes on the local road network, expressed as a number	No known fatalities to date.	Less than the previous year	The NZTA website states that there have been no fatalities within this reporting period.	
The surface condition of roads in Westland is of good quality	Road condition: The average quality of ride on a sealed local road network, measured by smooth travel exposure	NAARA index not measured recently so the trend shown for last year is the most recent.	>90%	NAARA index not measured recently so the trend shown for last year is the most recent.	Typically only get data refreshed about every 2 years, but investigating use of a phone app to log this data more frequently with assistance from other road users such as Westland Milk Products.
	Residents are satisfied with the standard and safety of Council's unsealed roads	70%	50% of residents are satisfied with Council's unsealed roads	No information to date	The next Residents survey will be undertaken in the first quarter 2018
The surface condition of roads in Westland is maintained to a high standard	Road maintenance: The percentage of the sealed local road network that is resurfaced	Target met	>7%	0	This is a summer activity and a joint Reseal contract with Grey District is scheduled to commence late November 2016.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Footpaths are maintained in good condition and are fit for purpose	Footpaths: The percentage of footpaths within a territorial authority district that fall within the level of service or service standard for the condition of footpaths that is set out in the territorial authority's relevant document (such as its annual plan, activity management plan, asset management plan, annual works program or long term plan)	Measure not yet determined. No known exceedances for deliverable standards.	90%	No known exceedances for deliverable standards.	Audit inspection required and data for some asset types may be transferred to AssetFinda
Response to service requests are dealt with promptly	Customer service requests: The percentage of customer service requests relating to roads and footpaths to which the territorial authority responds within the time frame specified in the long term plan.	No known timeline exceedances for response from NCS database.	100%	Ongoing	The service request system and process with the contractor is not currently aligned to adequately monitor this measure.

Water Supply Group

	WATER SUPPLY					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	4,092,892	4,092,291	1,020,553	1,023,073	(2,520)	(u)
Expenditure	3,052,912	3,205,596	561,412	768,499	(207,087)	f
Surplus/(Deficit)	1,039,980	886,695	459,142	254,574	204,567	f

The favourable expenditure variance is due to timing differences, the costs are expected to be realised later in the financial year.

Commentary

There were 48 water related service requests recorded between 1 July 2016 and 30 September 2016. 20 of the 48 water related service requests were associated with jobs identified by the public or by Council staff. The remaining service requests were associated with jobs identified in Arahura, Ross, Harihari, Whataroa, Franz Josef and Haast. The service requests received during this timeframe can be broken down into the following categories:

Category	No. of Service Requests (1 July – 30 September)
Leaks	19
Operational Matters	11
Other Fault (e.g. toby fault, missing toby lids etc.)	10
Water Quality or Service Complaint	2
Service Locate	2
New Water Connections	2
General Enquiry	1
Private Issues	1
TOTAL	48

The following service performance table includes a measure about response times for addressing the above service requests.

Council has tendered for the planned upgrades of both the Kumara and Whataroa Water Treatment Plants. The physical works are to be completed this financial year. Both upgrades will result in improvements to drinking water quality for both supplies and improve compliance with the Drinking-water Standards for New Zealand 2005 (Revised 2008).

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Council supplied potable water is safe to drink	<p>Safety of drinking water:</p> <p>The extent to which the local authority's drinking water supply complies with:</p> <p>(a) part 4 of the drinking-water standards (bacteria compliance criteria), and</p> <p>(b) part 5 of the drinking-water standards (protozoal compliance criteria).</p>	<p>a) 2 out of 9 supplies fully compliant with bacterial compliance criteria at both the water treatment plant and in the distribution zone</p> <p>b) 0 out of the 9 supplies compliant with protozoal compliance criteria.</p>	<p>Years 1-3</p> <p>These drinking water schemes will comply with parts (a) and (b) of the key performance measure: Hokitika, Ross, Harihari, Franz Josef, Haast</p> <p>Years 2-3</p> <p>These drinking water schemes will comply with parts (a) and (b) of the key performance measure: Kumara, Whataroa</p> <p>Years 2-3</p> <p>These drinking water schemes will comply with parts (a) and (b) of the performance measure: Fox, the Arahura scheme if it is continued as a Council service</p>	<p>A full explanation about the status of Councils water supplies is contained in the recent Annual Report.</p> <p>We are unable to report further on this measure until the completion of the Annual Drinking Water Survey for 2016-17. This is undertaken in July-August 2017 with confirmed results available later in 2017.</p>	
Requests for service are dealt with promptly	<p>Fault response times:</p> <p>Where the local authority attends a call-out in response to a fault or unplanned</p>		<p>(a) 100%</p> <p>(b) 100%</p> <p>(c) 100%</p> <p>(d) 100%</p>	No update.	Audit NZ highlighted to Council that we need to improve our use of the Customer Service System to record response

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
	<p>interruption to its networked reticulation system, the following median response times measured:</p> <p>(a) attendance for urgent call-outs: from the time that the local authority receives notification to the time that service personnel reach the site, and (2 hours)</p> <p>(b) resolution of urgent call-outs: from the time that the local authority receives notification to the time that service personnel confirm resolution of the fault or interruption. (12 hours)</p> <p>(c) attendance for non-urgent call-outs: from the time that the local authority receives notification to the time that service personnel reach the site, and (24 hours)</p> <p>(d) resolution of non-urgent call-outs: from the time that the local authority receives notification to the time that service</p>	<p>The response time for urgent callouts (under 2 hours): <i>Unable to report accurately</i></p> <p>The resolution of urgent callouts (under 12 hours): <i>Unable to report accurately</i></p> <p>The response time for non-urgent callouts (under 24 hours): <i>Unable to report accurately</i></p> <p>The resolution of urgent callouts (under 72 hours):</p>			<p>times. We are working with our contractor and through our internal processes to rectify this.</p>

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
	personnel confirm resolution of the fault or interruption. (72 hours)	<i>Unable to report accurately</i>			
Council supplied water is reliable	Maintenance of the reticulation network: The percentage of real water loss from the local authority's networked reticulation system (including a description of the methodology used to calculate this).	Will not be measured	Council does not intend to measure this as it will impose an unreasonable cost	Not measured	
	Demand management: The average consumption of drinking water per day per resident within the territorial authority district.	Not measured in 2015/16	The average water consumption per person per day is < 500l/day	Not measured	Not measured
Customers are generally satisfied with the Council supplied water	Customer satisfaction: The total number of complaints received by the local authority about any of the following: (a) drinking water clarity (a) drinking water taste (b) drinking water odour (c) drinking water pressure or flow (d) continuity of supply, and	(a) 2 (b) 1 (c) 1 (d) 5 (e) 5 (f) 0 Total number of complaints = 14	Type and number of complaints received (25 per 1000 connections)	Total number of service connections = 2682 a) 1 b) 0 c) 0 d) 0 e) 1 f) 0 Total number of complaints = 2	

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
	(e) the local authority's response to any of these issues Expressed per 1000 connections to the local authority's networked reticulation system.	Complaints per 1000 connections = 5		Complaints per 1000 connections = less than 1	

Wastewater Group

	WASTE WATER					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	1,023,909	1,018,308	243,567	250,511	(6,944)	(u)
Expenditure	1,011,444	1,053,339	166,747	257,388	(90,641)	f
Surplus/(Deficit)	12,465	(35,031)	76,819	(6,877)	83,697	f

The favourable variance is due to timing differences, work is in progress and the costs likely to be realised in quarter 2.

Commentary

There were 11 wastewater related service requests recorded between 1 July 2016 and 30 September 2016. 10 of the 11 wastewater related service requests were associated with jobs identified by the public or Council staff. One service request was an enquiry regarding Otira which has a private wastewater scheme that is not managed by Council. The service requests received during this timeframe can be broken down into the following categories:

Category	No. of Service Requests (1 July – 30 September)
Operational Matters	4
Service Locate	2
Private Issues	2
Complaint	2
New Sewer Connections	1
TOTAL	11

The following service performance table includes a measure about response times for addressing the above service requests.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Council wastewater systems are managed without risk to public health	System and adequacy: The number of dry weather sewerage overflows from the territorial authority's sewerage system, expressed per 1000 sewerage connections to that sewerage system.	Currently unable to measure service requests related specifically to dry weather overflows	Number: 10 per 1000	No update.	Currently unable to measure service requests related specifically to dry weather overflows
Council wastewater systems are safe and compliant	Discharge compliance: Compliance with the territorial authority's resource consents for discharge from its sewerage system measured by the number of: <ul style="list-style-type: none"> (a) abatement notices (b) infringement notices (c) enforcement orders, and (d) convictions, Received by the territorial authority in relation those resource consents.	<ul style="list-style-type: none"> (a) 0 (b) 0 (c) 3 (d) 0 	100%	<ul style="list-style-type: none"> (e) 0 (f) 0 (g) 1 (h) 0 	

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Customers are generally satisfied with the Council wastewater systems	<p>Fault response times:</p> <p>Where the territorial authority attends to sewerage overflows resulting from a blockage or other fault in the territorial authority's sewerage system, the following median response times measured:</p> <p>(a) attendance time: from the time that the territorial authority receives notification to the time that service personnel reach the site, and (2 hours)</p> <p>(b) resolution time: from the time that the territorial authority receives notification to the time that service personnel confirm resolution of the blockage or other fault. (4 hours)</p>	Unable to measure accurately using information in our existing service request system.	100%	No update.	We are working with our contractor and through our internal processes to begin reporting this measure over the coming months.
	<p>Customer satisfaction:</p> <p>The total number of complaints received by the territorial authority about any of the following:</p> <p>(a) sewage odour</p> <p>(b) sewerage system faults</p> <p>(c) sewerage system blockages, and</p> <p>(d) the territorial authority's response to issues with its sewerage system,</p> <p>Expressed per 1000 connections to the territorial authority's sewerage system.</p>	<p>(a) 11</p> <p>(b) Unable to measure at present.</p> <p>(c) 4</p> <p>(d) 0</p> <p>Key performance measure condition has been met:</p> <p>Complaints per 1000 connections = 8</p>	25 per 1000	<p>Total number of service connections = 2001</p> <p>a) 0</p> <p>b) Unable to measure at present.</p> <p>c) 1</p> <p>d) 1</p> <p>Total number of complaints = 2</p> <p>Complaints per 1000 connections = 1</p>	

Stormwater Group

	STORMWATER					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	465,717	465,717	116,429	116,429	(0)	
Expenditure	475,667	484,717	82,134	115,975	(33,840)	f
Surplus/(Deficit)	(9,950)	(19,001)	34,295	455	33,840	f

The favourable expenditure variance is due to lower than budgeted depreciation costs. These assets were revalued at the end of the 2015-16 financial year and expected lives and depreciation rates have been adjusted.

Commentary

There were 19 stormwater related service requests recorded between 1 July 2016 and 30 September 2016. 18 of the 19 stormwater related service requests were associated with jobs identified by the public or Council staff. One service request was associated with a job identified in Ross. The service requests received during this timeframe can be broken down into the following categories:

Category	No. of Service Requests (1 July – 30 September)
Complaint	11
Operational Matters	3
Private Issues	2
New Stormwater Connections	2
General Enquiry	1
TOTAL	19

The following service performance table includes a measure about response times for addressing the above service requests.

We are currently preparing to go out to tender for the works associated with the Hokitika stormwater upgrade. Upgrade works in the Bealey, Rolleston and Tancred Street catchments are due for completion this financial year.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Council Stormwater systems have the capacity to resist major storms and flooding events.	<p>System adequacy:</p> <p>(a) The number of flooding events that occur in a territorial authority district.</p> <p>(b) For each flooding event, the number of habitable floors affected. (Expressed per 1000 properties connected to the territorial authority's stormwater system.)</p>	<p>(a) 0</p> <p>(b) 0</p>	<p>(a) 2</p> <p>(b) 10 per 1000</p>	<p>(a) 0</p> <p>(b) 0</p>	
Requests for service are dealt with promptly	<p>Response times:</p> <p>The median response time to attend a flooding event, measured from the time that the territorial authority receives notification to the time that service personnel reach the site. (1 hour)</p>	<100%	100%	No flooding events during reporting period.	
	<p>Customer satisfaction:</p> <p>The number of complaints received by a territorial authority about the performance of its stormwater system, expressed per 1000 properties connected to the territorial authority's stormwater system.</p>	<p>Key performance measure condition has not been met:</p> <p>Total number of connections = 455</p> <p>Total number of complaints = 33</p> <p>Complaints per 1000 connections = 73</p>	10 per 1000	<p>Total number of complaints to 30 September 2016 = 11</p> <p>Complaints per 1000 connections = 24</p> <p>Key performance measure not met in Quarter 1.</p>	

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
Council stormwater systems protect the natural environment	<p>Discharge compliance:</p> <p>Compliance with the territorial authority's resource consents for discharge from its stormwater system, measured by the number of:</p> <p>(a) abatement notices (b) infringement notices (c) enforcement orders, and (d) convictions,</p> <p>Received by the territorial authority in relation those resource consents.</p>	<p>(a) 0 (b) 0 (c) 0 (d) 0</p>	100%	<p>(a) 0 (b) 0 (c) 0 (d) 0</p>	

Solid Waste Management Group

	SOLID WASTE					
	Forecast FYR \$	Budget FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	2,297,660	2,295,933	687,339	571,983	115,355	f
Expenditure	2,212,167	2,242,782	448,508	534,923	(86,415)	f
Surplus/(Deficit)	85,493	53,151	238,830	37,060	201,770	f

The favourable revenue variance is due to higher waste revenues due to more waste being taken to the landfills.

The favourable expenditure variance is mainly due to timing differences.

Commentary

A project is underway to install four new street litter bins for Seddon Street in Kumara. The installation will commence soon.

Butler's landfill is running well and the treatment field system working properly with vigorous growth apparent throughout the field. This requires regular clearance along the soakage lines to enable the sprinklers to work effectively. The constant monitoring of Butlers is being carried out as required for visual, machine and site sampling testing.

Haast landfill currently has the open cell nearly at full capacity and the project for the new cell and cover of the current cell is in progress.

The transfer stations are working properly but there have been some phone complaints about the opening hours and that Fox transfer station is not open on any weekend day.

Level of Service	Key Performance Measures	Last Year's performance (2015/16)	Annual Performance Target Years 1-3	Progress @ 30 September 2016	Explanation about any variances
A reliable refuse and recycling collection service is provided	% of residents that receive the service are satisfied	100%	100%	No information to date	The next Residents survey will be undertaken in the first quarter 2018
A reliable transfer station service	% of residents satisfied	95%	100%	No information to date	The next Residents survey will be undertaken in the first quarter 2018
Solid waste is managed appropriately	All necessary consents for solid waste activities and capital projects are applied for, held and monitored accordingly	Consents in place = 100% Monitoring of Butlers = 100% = Monitoring was not 100% for other sites	100%	All consents that are required at this time are in place and current. All monitoring is up to date for the landfills. Consents that are no longer required have been surrendered or have applications in place for the surrender of them.	
Education about waste minimisation is provided to the community	Number of visits to schools and community groups	3 different school groups have been taken to the transfer station and landfill. Handouts and informative narrative undertaken.	3 schools, 3 groups per annum	Four schools are involved with the Enviro schools programme. There is also involvement from members of the community in this waste minimization programme. The "Nappy Lady" waste reduction and minimisation seminar was supported by the Solid Waste department at REAP house and successfully run for members of the community.	

Report



DATE: 24 November 2016

TO: Mayor and Councillors

FROM: Finance Manager

FINANCIAL PERFORMANCE: OCTOBER 2016

1 SUMMARY

- 1.1 The purpose of this report is to provide an indication of Council's financial performance for one month to 31 October 2016.
- 1.2 This issue arises from a requirement for sound financial governance and stewardship with regards to the financial performance and sustainability of a local authority.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council receives the financial performance report to 31 October 2016, attached as **Appendix 1**.

2 BACKGROUND

- 2.1 Council receives monthly financial reporting so that it has current knowledge of its financial performance and position against targets and objectives adopted in the Long Term Plan 2015/25.

3 CURRENT SITUATION

- 3.1 Council now receives a monthly financial summary report in a consistent format.
- 3.2 The Financial Performance Report to 31 October 2016, is attached as **Appendix 1** and contains the following elements:

- 3.2.1 Segmental graphs for net cost of services, operating revenue and expenditure with the addition of the actual and forecast amounts.
- 3.2.2 Update on Rates Debtors.
- 3.2.3 Whole of Council Cost of Service Statement, including Full Year Forecast.
- 3.2.4 Variance analysis
- 3.2.5 Debt report including budget, forecast debt and actual debt.
- 3.2.6 Projects 2016-17
- 3.2.7 Carryover schedule
- 3.2.8 Balance Sheet

4 OPTIONS

- 4.1 Council can decide to receive or not receive the report.

5 SIGNIFICANCE AND CONSULTATION

- 5.1 This report is for information only and, while feedback is invited from Council in order for staff to continuously improve the quality of information provided, no assessment of significance or consultation and no options analysis is required.

6 RECOMMENDATION

- A) **THAT** Council receives the Financial Performance Report to 31 October 2016

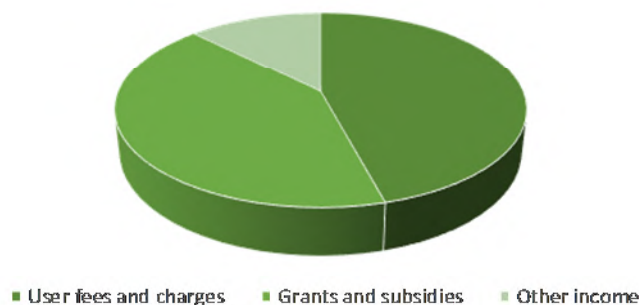
Lesley Crichton
Finance Manager

Appendix 1: Financial Performance October 2016

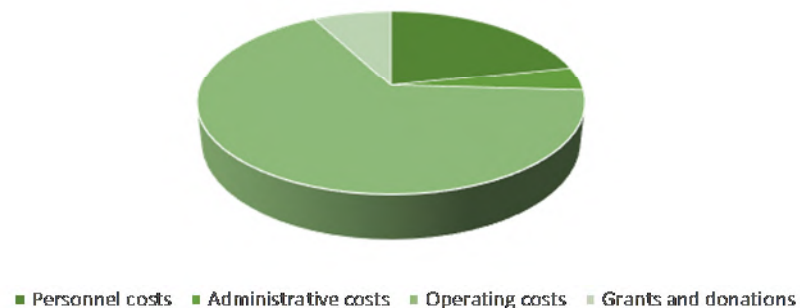


Financial Performance October 2016

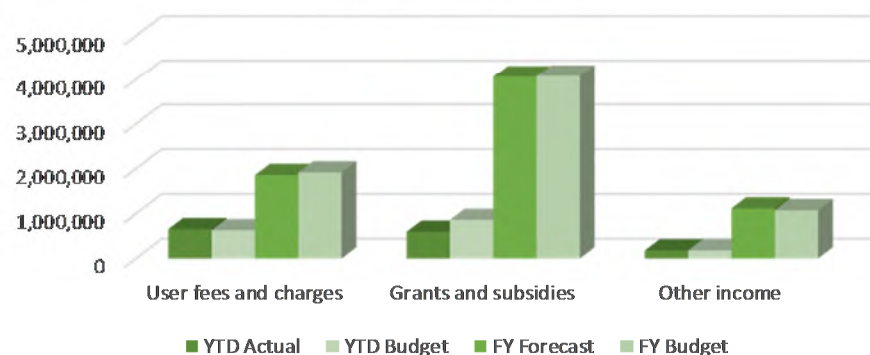
Operating revenue
Actual year to October



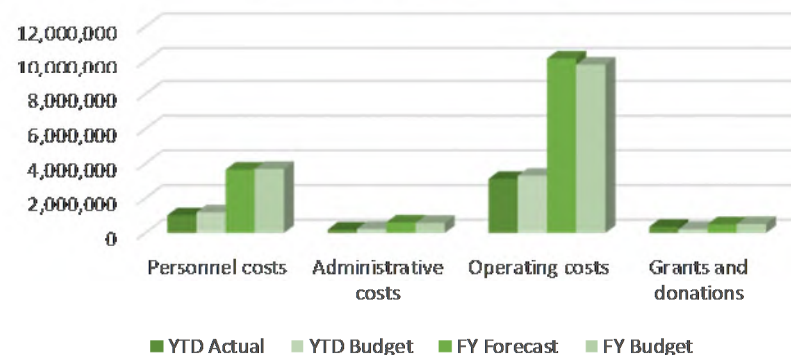
Operating expenditure
Actual year to October



Operating revenue



Operating expenditure



Column 1	User fees & Charges	Grants & Subsidies	Other Income
Actual YTD	655,152	596,360	179,539
Budget YTD	630,325	860,363	180,495
Variance	24,827	(264,003)	(956)
Forecast FY	1,859,289	4,066,226	1,118,701
Budget FY	1,918,351	4,082,876	1,076,546

Column 1	Personnel	Administration	Operating	Grants & subsidies
Actual YTD	1,016,988	199,530	3,117,433	365,613
Budget YTD	1,192,032	236,526	3,304,506	230,000
Variance	(175,044)	(36,996)	(187,073)	135,613
Forecast FY	3,656,727	609,460	10,158,347	504,463
Budget FY	3,692,808	583,305	9,801,863	525,000

Rates Debtors

Rates debtors at 30 September 2016		1,324,167
Rates installment	3,318,126	
Less payments received	-340,493	
paid in advance	-473,492	
Write off's	-16,678	
Penalties	-659	
Court costs awarded	7,751	
		2,494,555
Total rates debtors 31 October 2016		3,818,722
Arrears included above at October 2016	3,818,722	
Arrears at October 2015	3,811,457	
increase/(decrease) in arrears		7,265

Note: In the month with a rates installment all current is arrears

Since April 2016 awarded court costs are now being accounted for as part of outstanding rates debt.

Rates debtors:

- 68 Insufficient payment letters were sent out
- 56 Rates rebates were applied
- 551 second reminders were sent out

Rates debt - Aged at October 2016

Financial Year	Oct-16	Oct-15	Sep-16
Pre 2013	134,011	249,647	137,949
2013-14	89,080	224,097	92,989
2014-15	162,372	538,956	171,500
2015-16	442,642	2,798,757	491,497
Current	2,990,618		430,232
	3,818,722	3,811,457	1,324,167

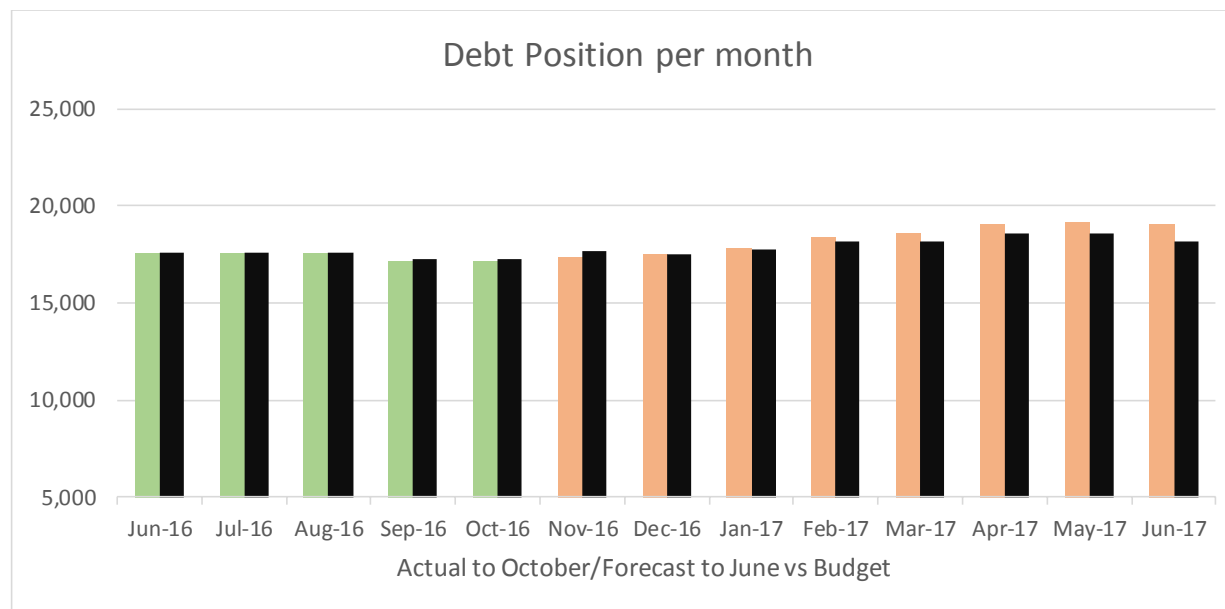
WESTLAND DISTRICT COUNCIL	Year to October			Full year 2016-2017	
	Actual	Budget	Variance	FY Forecast	Budget
Operating revenue					
Rates (includes targeted rates and metered water)	6,789,495	6,410,180	379,315	14,763,942	14,721,081
User fees and charges	655,152	630,325	24,827	1,859,289	1,918,351
Grants and Subsidies	596,360	860,363	(264,003)	4,066,226	4,082,876
Other income	179,539	180,495	(956)	1,118,701	1,076,546
Overhead recoveries	1,742,117	2,242,241	(500,123)	6,341,427	6,751,733
Total revenue (A)	9,962,662	10,323,604	(360,941)	28,149,586	28,550,587
Operating expenditure					
Personnel costs	1,016,988	1,192,032	(175,044)	3,656,727	3,692,808
Administrative costs	199,530	236,526	(36,996)	609,460	583,305
Operating costs	3,117,433	3,304,506	(187,073)	10,158,347	9,801,863
Grants and donations	365,613	230,000	135,613	504,463	525,000
Overheads	1,722,755	2,265,351	(542,596)	6,307,093	6,796,057
Total operating expenditure (B)	6,422,318	7,228,415	(806,096)	21,236,089	21,399,033
Net operating cost of services - surplus/(deficit) (A - B)	3,540,344	3,095,189	445,155	6,913,497	7,151,554
Other expenditure					
Interest and finance costs	214,545	203,714	10,831	686,603	671,272
Depreciation	1,210,756	1,759,242	(548,486)	5,059,120	5,276,728
(Gain)/loss on investments	(5,165)	0	(5,165)	(1,231)	0
(Gain)Loss on swaps	(72,914)	(45,929)	(26,984)	(91,859)	(137,788)
(Gain)Loss on disposals	1,967	0	1,967	0	0
Total other expenditure (C)	1,349,189	1,917,026	(567,837)	5,652,634	5,810,211
Total expenditure (D = B + C)	7,771,508	9,145,441	(1,373,933)	26,888,723	27,209,244
Net cost of services - surplus/(deficit) (A - D)	2,191,154	1,178,163	1,012,992	1,260,863	1,341,343

Variance Analysis

Operating Revenue	
Rates revenue	Metered water charges higher than budgeted.
User fees and charges	<p>\$14k unbudgeted WCWT Partner contributions for 2016-17.</p> <p>The below are expected to be timing differences. \$30k higher than anticipated cost recoveries for resource consents. \$13k liquor licence revenue.</p> <p>Offset by \$17k changes to the food fees by splitting registration, audit and monitoring fees. Registration fee will be charged in early 2017. \$16k lower revenue in dog registration as the registration process was delayed for new policy, expected to catch up in the next few months</p>
Grants and Subsidies	NZTA subsidy lower than budgeted at end of Quarter 1 due to budget phasing. This is reflected in lower operating costs of Transportation
Operating expenditure	
Personnel costs	Positive variance due to unfilled vacancies
Operating costs	<p>The positive variance is mainly due to timing differences for maintenance costs. Scheduled maintenance has taken place, however reactive maintenance will take place as the need arises.</p> <p>Unbudgeted spend for the cost of Hokitika Swimming pool assessment and costs of temporary Building control officer due to unfilled vacancy</p>
Grants and Donations	\$150k Kumara endowment reserve funding for memorial gardens. Offset by council grants for toilet cleaning not yet requested.
Other expenditure	
Depreciation	Assets were revalued at the end of the financial year and asset lives and depreciation rates were updated to reflect this new information

Forecast Debt Position per LTP 2016-17

Forecast as at	Jul-16	Oct-16
Opening Balance	17,600	17,600
Loan funded capex forecast	3,196	3,071
Forecast repayments 2016-17	-1,611	-1,611
Forecast balance June 2017	19,185	19,060



Debt Position per month													
	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17
Budget	17,600	17,600	17,600	17,250	17,300	17,699	17,526	17,753	18,181	18,175	18,567	18,596	18,213
Forecast at 1 July 2016	17,600	17,600	17,667	17,394	17,536	17,926	17,921	18,316	18,867	19,019	19,539	19,568	19,185
Actual + Forecast	17,600	17,600	17,600	17,200	17,200	17,379	17,487	17,882	18,433	18,584	19,105	19,134	19,060
Waste Management loan	2,554	2,554	2,554	2,513	2,472	2,489	2,446	2,446	2,476	2,464	2,464	2,464	2,468
Water Supply loan	2,369	2,369	2,369	2,328	2,287	2,357	2,385	2,455	2,525	2,553	2,623	2,623	2,581
Waste water loan	0	0	0	0	0	117	234	234	234	234	234	234	234
Holding Company loan	8,295	8,295	8,295	8,233	8,233	8,233	8,170	8,170	8,170	8,108	8,108	8,108	8,045
Stormwater loan	0	0	0	0	0	256	512	768	1,024	1,280	1,536	1,536	1,536
Other loan	56	56	56	55	54	111	179	248	443	639	834	863	890
Hokitika Water supply upgrade	4,326	4,326	4,326	4,071	3,816	3,816	3,561	3,561	3,561	3,306	3,306	3,306	3,306

As at 31/10/2016

As at 31/10/2016		Forecast on Budget		Legend - Key		
		Forecast over Budget		Project Delayed - Will not be completed by 30th June 2017		
				Project on-Track - Will be completed by 30th June 2017		
				Project Complete - 100% Progress		
Project / Activity	YTD exp	2016-17	Forecast	Budget Track	Progress / Track	Progress comments
	\$0	\$0	\$0			
Corporate Services						
Corporate Services - Replacement Councillors tablets	-	10,000	10,000			
Council HQ - Roof over skylights	-	20,000	20,000			
Information Management - Shelving	-	10,000	10,000			
Information Management - DMS	-	200,000	200,000			
CE - Replace marketing assets	-	20,000	20,000			
Council website	-	35,000	35,000			
	0	295,000	295,000			
Library						
Kotui Library system	66,692	70,000	70,000			
Library - Audio/Visual Resource	225	4,000	4,000			
Library - Free Adult Books	5,463	13,000	13,000			
Library - Adult Non Fiction	5,449	17,500	17,500			
Library - Junior Publications	3,950	11,500	11,500			
Library - Large Print Books	1,915	6,000	6,000			
	83,693	122,000	122,000			
WATER SUPPLY						
Kumara - Water treatment plant	-	420,000	420,000			
Kumara - Water treatment plant - seismic valves	-	30,000	30,000			
Hokitika - Pumps Replacement	15,588	50,000	50,000			
Whataroa - Water treatment plant	-	220,000	220,000			
Whataroa - Seismic valves	-	20,000	20,000			
Total	15,588	740,000	740,000			
WASTEWATER						
Hokitika - Mains upgrade	11,146	150,000	150,000			
Franz Josef - New WWTP	28,040	200,000	200,000			
Fox Glacier - WWTP upgrade	-	100,000	100,000			
Haast - Mains upgrage	-	20,000	20,000			
Haast - De-sludge oxidation ponds	-	150,000	150,000			
Total	39,186	620,000	620,000			
STORMWATER						
Hokitika - Tancred, Bealey and Rolleston street upgrades	1,181	769,000	769,000			Public notices
CEMETERIES						
Cemetery - Hokitika upgrade & expansion	-	10,000	10,000			
Cemetery - Hokitika improvements	-	25,000	25,000			
Total	0	35,000	35,000			
Community Township Development						
New footpaths - Franz	-	25,000	25,000			
Footpath upgrades - Hokitika	-	27,000	27,000			
Footpath upgrades - Kumara	-	5,000	5,000			
Footpath upgrades - Franz	-	15,000	15,000			
Total	0	72,000	72,000			
Elderly Housing						
Elderly Housing - Roof repairs	-	40,000	40,000			
Information Services						
IT equipment Renewals	-	30,000	30,000			
Land & Buildings						
Land & Buildings - carparking	-	15,000	15,000			
Parks & Reserves						
Reserves - Cass Square - Repairs to Statues	-	5,000	5,000			
Reserves - Cass Square - Grandstand	-	30,000	30,000			
Reserves - Cass Square - Playground equipment upgrade	-	25,000	25,000			
Reserves - Marks Road Reserve	-	10,000	10,000			
Reserves - Hokitika Waterfront Development	7,345	100,000	100,000			Design services
Reserves - Hokitika Heritage trail signs	-	3,500	3,500			
Total	7,345	173,500	173,500			
Transportation						
Unsealed Road Metalling	-	278,000	278,000			
Sealed Road Resurfacing	-	875,500	875,500			
Maintenance - Drainage Renewals	33,422	154,500	154,500			
Structures Component Replace	24,474	206,000	206,000			
Traffic Services Renewals	9,237	123,500	123,500			
Sealed Road Resurfacing	-	154,500	154,500			
Drainage Renewal	-	26,000	26,000			
Structures Component Replace	81,992	51,500	51,500			
Traffic services renewals	641	10,500	10,500			
Minor Improvements	-	184,500	184,500			
Minor Improvements	-	28,000	28,000			
Sealed Road Pavement Rehabilitation	-	300,000	300,000			
Associated Improvements	-	1,000,000	1,000,000			
Whitcome valley road widening, seal and extention	24,951	500,000	500,000			
Ross Hall car park seal	-	35,000	35,000			
	174,717	3,927,500	3,927,500			
Total	321,710	6,839,000	6,839,000			

Carry Over Schedule to 2016-17

Activity	Detail	Funded by	Approved \$	Actual \$	Forecast \$	Balance \$	Approved variance in 2016	Status	Year	Notes
Museum	Retail Development	Depreciation	17,000	15,191	17,000	-	Capital		From 2015-16 Budget Year	This work could only be done during the shorter winter opening hours. It was started in May 2016 but is not yet complete. It will be completed by summer.
Township Development	Upgrade footpaths and driveways over next three years	Depreciation	5,000	-	5,000	-	Capital		From 2015-16 Budget Year	Statue project got underway in 2015-16. Looking to contract out the next phase of work in 2016-17. Budget required for this.
Township Development	Repairs and Maintenance to Hokitika Statues	Depreciation	5,000	-	5,000	-	Capital		From 2015-16 Budget Year	Request carryover of \$35,000 to continue to progressively upgrade air valves on lake line. Unable to complete during financial year due to a number of unknowns associated with amount of work required to replace these air valves.
Water Supply	Replace Water meters (on-going) - Hokitika	Depreciation	190,000	-	190,000	-	Capital		From 2015-16 Budget Year	Approx. \$10,000 spent on a very small proportion of water meter replacements in Hokitika during 2015/16. Works not fully scoped in 2015/16 year due to lack of clarity over where money is to be spent (Hokitika water meters or Franz water supply project). Carryover requested to allow works to be scoped fully and in the correct cost centre.
Water Supply	Replacement of Water Meters - Fox G	Depreciation	5,712	-	5,712	-	Capital		From 2015-16 Budget Year	Funding not used for YE 2016
		Total depreciation funded carryovers	222,712	15,191	222,712	-				
Museum	Museum Donations - for Exhibitions	Donations	10,871	-	10,871	-	Operating adverse		From 2015-16 Budget Year	Not all of the donations for special museum projects have been spent yet.
		Total donations carryovers	10,871	-	10,871	-				
Community Development	SPARC Travel Grant	External Grant	1,117	1,117	1,117	-	Operating adverse		From 2015-16 Budget Year	Grant allocated but not yet uplifted
Community Development	Creative Communities Grant	External Grant	7,573	4,932	7,573	-	Operating adverse		From 2015-16 Budget Year	Several grants not yet uplifted
Community Development	Taxi Chits	External Grant	600	600	600	-	Operating adverse		From 2015-16 Budget Year	Grant money not all used by 30 June 2016
		Total external grant funded carryovers	9,290	6,649	9,290	-				
WCWT	Completion of Trail	Subsidy	479,000	35,501	479,000	-				
			479,000	35,501	479,000	-				
Solid Waste	Landfills - Butlers Site Shed - Hazardous Washdown Facility	Loan Funding	15,000	-	15,000	-	Capital		From 2015-16 Budget Year	This facility is required as part of the contract and to avoid detrimental environmental impacts. This project will be undertaken in the 2016/2017 year.
Solid Waste	Intermediate Capping for Butlers	Loan Funding	50,000	-	50,000	-	Capital		From 2015-16 Budget Year	Due to the waste not being at the required height for the capping to be started this needs to be carried over into the 2016/2017 year.
Solid Waste	Landfill- Haast - Digout new Cell	Loan Funding	10,000	-	10,000	-	Capital		From 2015-16 Budget Year	The waste did not reach the current cell capacity but will still require this money to undertake the work to enable the Landfill to operate under the resource consents that are currently in place for this facility
Solid Waste	Haast intermediate cap current cell	Loan Funding	10,000	-	10,000	-	Capital		From 2015-16 Budget Year	This work will still be required and is part of the ongoing cost of operating a Landfill as such the money needs to be carried over
Solid Waste	Franz Josef Landfill	Loan Funding	25,000	-	25,000	-	Capital		From 2014-15 Budget Year	Waiho River Management Group has interest in this project.
Parks & Reserves	Cass Square - Turf Upgrades	Loan Funding	120,000	42,088	120,000	-	Capital			
		Total loan funded carryovers	230,000	42,088	230,000	-				
Parks & Reserves	Repairs and Maintenance to Hokitika Statues	Rates YE 2014	2,709	-	2,709	-	Capital		From 2013-14 Budget Year	Statue project got underway in 2015-16. Looking to contract out the next phase of work in 2016-17. Budget required for this.
Parks & Reserves	Repairs and Maintenance to Hokitika Statues	Rates YE 2015	5,000	-	5,000	-	Capital		From 2014-15 Budget Year	Statue project got underway in 2015-16. Looking to contract out the next phase of work in 2016-17. Budget required for this.
Museum	Research Development Centre	Rates YE 2016	22,000	-	22,000	-	Capital		From 2015-16 Budget Year	Unable to complete two capex projects in one year due to lack of capacity so it is requested that this is carried over to 2016-17. Note that the refit can only happen during the winter months.
		Total rates funded carryovers	29,709	-	29,709	-				
Township Development	Franz Josef Urban Revitalisation plan	Recreation Contributions	100,000	-	100,000	-	Capital		From 2015-16 Budget Year	Com Assoc. wanted it held until decisions made
Waterfront carryforward	Hokitika Waterfront Development	Recreation Contributions	25,240	-	25,240	-	Capital		From 2015-16 Budget Year	Design work in progress
Franz Josef Cycle Trail	Franz Josef Cycle Trail	Recreation Contributions	48,000	15,885	48,000	-	Operating adverse		From 2013-14 Budget Year	Still need to finalise future spatial plan of Franz Josef Township based on work of Franz Josef / Waiau working party, including infrastructure and hazard issues, before this streetscape / urban design plan is implemented.
		Total recreation contribution carryovers	173,240	15,885	173,240	-				
Township Development	Hari Hari Township Development fund	Reserves	8,971	5,000	8,971	-	Operating adverse		From 2013-14 Budget Year	WCWT Trust have just signed off the Trust Deed. Once its accepted by the Charities Office this money will be transferred to them
		Total reserves funded carryovers	8,971	5,000	8,971	-				
West Coast Wilderness Trail	Cycle Trail - Partner Programme Revenue	Stakeholder Contribution 2015-16	13,275	-	13,275	-	Operating adverse		From 2014-15 Budget Year	WCWT Trust have just signed off the Trust Deed. Once its accepted by the Charities Office this money will be transferred to them
		Total stakeholder contribution carryovers	13,275	-	13,275	-				
			1,177,068	120,315	1,177,068	-				

Balance Sheet as at 31 October 2016	Council		
	Actual	Budget	Actual
	Oct-16 \$'000	Jun-17 \$'000	Jun-16 \$'000
Assets			
Current assets			
Cash and cash equivalents	2,106	4,113	1,875
Debtors and other receivables	5,745	2,754	3,764
Other financial assets	38	0	1,000
Inventory	0	0	0
Work in progress	0	0	0
Total current assets	7,888	6,867	6,639
Non-current assets			
Property, plant and equipment	432,306	419,290	433,498
Intangible assets	74	71	74
Derivative financial instruments	0	0	0
Council Controlled Organisations	8,695	8,695	8,695
Other Financial Assets	1,005	1,133	40
Investment property	0	0	0
Term inventory	0	0	0
Assets under construction	442	0	651
Total non-current assets	442,522	429,189	442,958
Total assets	450,410	436,056	449,596
Liabilities			
Current liabilities			
Creditors and other payables	1,287	2,331	2,112
Derivative financial instruments	0	0	0
Borrowings	3,750	3,750	0
Employee entitlements	240	296	240
Provisions	0	0	0
Tax payable	3	3	3
Other current liabilities	794	193	280
Total current liabilities	6,075	6,573	2,634
Non-current liabilities			
Derivative financial instruments	698	160	771
Borrowings	13,450	18,873	17,600
Employee entitlements	28	29	28
Provisions	1,251	1,644	1,251
Deferred Tax	30	30	30
Total non-current liabilities	15,457	20,736	19,680
Total liabilities	21,532	27,309	22,314
Net assets	428,878	408,747	427,282
Equity			
Retained earnings	154,171	155,011	153,182
Restricted reserves	5,098	6,152	4,491
Revaluation reserves	269,545	247,584	269,545
Other comprehensive revenue and expense reserve	64	0	64
Net assets	428,878	408,747	427,282

Report to Council



DATE: 24 November 2016

TO: Mayor and Councillors

FROM: Group Manager: Planning, Community & Environment; and Group Manager: District Assets

FRANZ ALPINE RESORT: INFRASTRUCTURE ISSUES

1 SUMMARY

- 1.1 The purpose of this report is to provide information on infrastructure issues at Franz Alpine Resort subdivision. The subdivision is privately owned and located 3km north of Franz Josef Township.
- 1.2 Westland District Council (Council) has undertaken some emergency works to minimise public health risk from the owners' failure to complete and maintain its sewerage system. The Council is now working with the West Coast Regional Council (WCRC) to ensure a permanent solution is put in place to manage this risk. No contributions have been agreed by the owners at this stage.
- 1.3 This issue arises as elected members requested an information report to familiarise themselves on the current situation.
- 1.4 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.5 This report concludes by recommending that Council receives this report.

2 BACKGROUND

- 2.1 In 2003 Callery Holdings Limited (Callery) applied for a private plan change to rezone rural land approximately 3 kilometres north of Franz Josef Township to a mixture of Residential and Tourist Zones. The plan change became operative on 14 February 2005.

- 2.2 Since 2002, approximately thirteen subdivision consents have been issued by the Council for this area, now known as Franz Alpine Resort. The subdivisions have created approximately 80 lots, with an estimated 16 houses currently in place. Most of this development has been in the residential zone, with tourist zone development stalled due in part to a planned heliport not proceeding.
- 2.3 A map of the development is shown in Appendix 1.
- 2.4 The District Plan change required all buildings to be connected to a fully reticulated sewage treatment and disposal system. As a result, all 12 of the consents following the plan change required connection to services, with the conditions generally worded as follows:

In accordance with Part 7.3.2 of the Westland District Plan, [x] allotments created shall be supplied with a fully reticulated and comprehensive sewerage treatment and disposal system designed by an appropriately qualified engineer and complying with Westland District Council engineering standards. An interim system will be acceptable subject to the system being designed by an appropriately qualified engineer and all necessary resource consents being in place.

As built plans of all new services constructed and installed either on road reserve or on the balance land shall be deposited with the Westland District Council prior to the grant of a Section 224 certificate.

- 2.5 All the subdivision consents, except a minor one applied for recently, have been signed-off as complete by the Council for the purposes of section 224 of the RMA. The Council did not inspect the private system itself as it was not proposed for the systems to be vested with Council. As is standard practice in such cases, the Council relied on as-built plans showing the location of water and wastewater services provided by the consent holder, as well as proof of necessary discharge consents from WCRC.
- 2.6 The Regional Council granted consent for a septic tank system in 2006, reissued the consent in 2009, and again in 2013. A discharge consent for an additional septic tank system was issued in March 2009 by WCRC. The applications for both of the septic tank systems note that the tanks are to be an interim solution until a comprehensive community system is built. The intent of the Councils was to enable the development to become populated to a suitable extent to allow the comprehensive system to operate efficiently.
- 2.7 One resource consent from the District Council had a bond of \$15,000 for "sewerage tank and installation", out of a total bond of \$487,000 held with

South Canterbury Finance from February 2009. Council, around July 2010, called in the bond in respect of some aspects that remained incomplete. This did not include the sewerage tank which had been installed, as the resource consent with WCRC had been granted and no issues had been raised. Monitoring of regional council consents is the responsibility of WCRC.

- 2.8 Most of the subdivision consents were granted to Callery, which was placed into liquidation from 30 June 2014 and in receivership from 31 July 2014. Some of the consents were personally held by an individual who was a director of Callery prior to its going into liquidation. The Council has been contacted by the receiver about various matters to do with the state of infrastructure at the site. The secured party is Hanily Capital Limited. The receiver is suggesting that Hanily Trading Ltd purchased some or all of the land that was owned by Callery, but not the infrastructure. Council's legal advisors do not believe that this can be accurate.
- 2.9 In February 2015, the Council first became aware that the private wastewater works were inadequate, when WCRC issued an abatement notice to Callery's receiver (attached as Appendix 2). The problems included the following:
- A pump is missing at the corner of Highlander Drive and Donovan Drive, so several properties on the north side Highlander Drive have been discharging untreated wastewater into a pit where the pump should be;
 - Several properties at Alymer Place and Donovan Drive were not connected to the wastewater system as the piping was 80m short of the wastewater system and were instead discharging to a manhole just west of the intersection of Donovan Drive and Pioneer Place. Raw sewage was seeping from the manhole.
- 2.10 The abatement notice required action by the receiver of Callery by 11 March 2015, but this did not occur, and WCRC took no further action at that time due in part to staff changes and the thought that the District Council could achieve faster results under the Health Act.
- 2.11 The Westland District Council explored its options under the Health Act but received legal advice that it could be time-consuming and challenging to achieve compliance through action against a company in receivership and liquidation. As a result, in the face of increasing public pressure to deal with the public health risk of raw sewage, the Council took steps in December 2015 and January 2016 to:
- Clean out the reticulation which had been blocked

- Lay the missing sewer lines so that sewage was going to a sewage treatment tank rather than seeping out of a manhole
 - Install a temporary holding tank at the corner of Highlander Drive and Donovan Drive where sewage had previously been discharging into an open pit
- 2.12 As part of this work, the Council discovered that the southern-most sewage treatment tank (on private land) had no disposal field as it should have had, so the tank was capped and now has to be emptied by the Council, along with the temporary tank at the corner of Highlander Drive and Donovan Drive.
- 2.13 Costs to the Council of the work for the year ending June 2016 were \$47,771.05 (GST excl.). These costs include investigations, installation of missing pipes, placement and resecuring of tanks, emptying of tanks, and any other unbudgeted associated works. These costs are direct work costs only and exclude any legal advice costs which are in addition to the above figures. The costs incurred for the period July 2016 – October 2016 have been \$15,327.49 (GST excl.), primarily for emptying tanks.
- 2.14 The Council entered into discussions with the receiver of Callery in late 2015 to see if a cost-sharing agreement could be reached with respect to the emergency works Council undertook as well as the further work necessary to bring the system into full compliance. This discussion was on hold in most of the first half of 2016 while the Council sought further legal advice.
- 2.15 The legal advice clarified a range of options including enforcement action against a number of parties under the Resource Management Act as well as negotiation with the owner of the private infrastructure system.
- 2.16 On the basis of this advice, Council staff have taken a two-pronged approach. Staff discussed with WCRC the possibility of the Regional Council re-invigorating its enforcement action, and this resulted in a letter from WCRC to Hanily Trading Ltd in August 2016 asking for a progress update. No response has yet been received, nor has a response been provided to e-mails from District Council staff. It is rumoured that ownership of the remaining unsold land (and presumably the underground infrastructure) has changed hands again but neither Council has been formally advised. As a result, neither enforcement action nor negotiation have advanced significantly in 2016.
- 2.17 The Council has required applicants for building consents to put in place acceptable interim solutions are put in place (e.g. individual septic tanks) until the private reticulated system is made compliant. The Council is also working

on a global resource consent to approve the lack of connection to reticulation and the use of septic tanks in the short term.

- 2.18 An arrangement had been in place for landowners to pay Callery Holdings a certain amount per year for use and maintenance of the private infrastructure system, but reportedly payments are no longer being made due to the inadequacy of the system being common knowledge.

3 CURRENT SITUATION

- 2.1 As stated above, neither enforcement nor negotiation efforts have progressed significantly in recent months, due to a lack of response from the Callery receivers, which may be a result of a change in ownership.
- 2.2 Occasional building consents are being issued which require septic tanks for the time being, but this is not ideal for an 80-lot small-lot subdivision such as this.
- 2.3 To date, residents and land owners have not been involved in negotiations or enforcement action (aside from Callery / Hanily as owners of the infrastructure and the large balance area of the subdivision). Residents have been informed that Council is working on the issues and they are aware of the work that Council has done to date. Several owners of vacant lots are waiting to build homes until the situation is resolved, but others have gone ahead and built with septic tanks, knowing that there will be an additional cost when the time comes to connect to a reticulated system.
- 2.4 The Council is continuing to empty the holding tank at the corner of Highlander Drive and Donovan Drive. A pump is still required to connect this part of the system to the reticulated system that goes to a disposal field north of Stony Creek. The large tank south of Stony Creek reportedly does not have a proper disposal field and therefore requires more work as well. There may be other problems and missing parts to the system that the Council is not aware of.
- 2.5 In short, there are ongoing costs for the Council, there are past costs to be recouped, and there are significant further costs required to bring the system up to the standard required by its WCRC resource consents.
- 2.6 In addition, there is uncertainty as to whether the development complies with the required drinking water standards, as no testing results have been provided. No information is held by Council on the private water infrastructure system.

3 OPTIONS

- 3.1 This report is for information purposes and no decision is sought, therefore the options for today's decision are to receive this report or to not receive the report.
- 3.2 The strategic direction going forward should consider the following issues and questions:
- Whether to pursue improvements and compensation for costs to date through enforcement action (alongside WCRC), negotiation (e.g. contribution from the infrastructure owner – cash or land in lieu of cash), or a combination thereof
 - Whether to bring residents / landowners at Franz Alpine Resort into the discussion, e.g. exploring a contribution to Council costs in lieu of the previous contributions to Callery
 - Whether the goal is a self-sufficient reticulated system for Franz Alpine Resort, or a connection to the Franz Josef sewerage scheme
 - What action to take with respect to any drinking water issues, with similar options as with the sewerage issues

4 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The decision today is simply to receive this report or not, so the decision is of low significance as per the Council's Significance and Engagement Policy. Overall the infrastructure issues are of at least moderate significance as they affect a sizable community in a significant way, and any future decisions by Council on this matter may have cost implications that could be of moderate or high significance.
- 5.2 To date the engagement by Council on this issue has been primarily with Hanily Trading Ltd as the receiver for Callery. Discussions have also been held with WCRC staff. Residents and land owners of the subdivision have been kept informed in an ad hoc way through Council staff answering their enquiries as they have come in. It may be timely to have a community meeting at Franz Alpine to discuss the situation and options with the affected community, even if discussions with the infrastructure provider continue alongside this.

5 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 5.1 A full assessment of all the strategic options is not provided in this report as this report is for information purposes only. A future report can explore potential options in more detail.
- 5.2 There are no obvious disadvantages to receiving this report, nor any apparent advantages to not receiving this report.

6 PREFERRED OPTION AND REASONS

- 6.1 The preferred option is for Council to receive this report.

7 RECOMMENDATION(S)

- A) **THAT** the Council receive this report.

Jim Ebenhoh
Group Manager: Planning, Community & Environment

Vivek Goel
Group Manager: District Assets

Appendix 1: Map of Franz Alpine Resort (showing location of houses, road names, etc)

Appendix 2: Abatement notice from WCRC, February 2015

Franz Alpine Resort

Created By: Jim Ebenhoh
Print Date: 9/08/2016
Print Time: 11:40 AM



Scale: 1:3849
Original Sheet Size A3

Projection: NZGD49 / New Zealand Map Grid
Bounds: 2282989.23742316, 5755720.90677221
2284036.24534664, 5757107.07193159

Sourced from LINZ data. Crown Copyright reserved. Not to be reproduced without permission of Westland DC.
The information shown on this plan may not be accurate and is indicative only.
The Westland District Council accepts no responsibility for incomplete or inaccurate information.

Legend: H = Houses
H(s) = Houses on Septic Tank



388 Main South Road, Paroa
PO Box 66, Greymouth
The West Coast, New Zealand,
Telephone (03) 768 0466
Toll Free 0508 800 118
Facsimile (03) 768 7133

ABATEMENT NOTICE

Section 324, Resource Management Act 1991

TO: John Scutter, as the receiver and manager of Callery Holdings Limited (In Liquidation and in Receivership)
Level 1, 17-19 Seaview Road,
RD2
Paraparaumu Beach

The West Coast Regional Council gives notice that you must undertake the following action:

1. To remove all hazardous waste in the form of human effluent from the reticulated system, sump and open drain and dispose of in a legal and sanitary manner (marked on attached aerial photo);
2. To install a pumping sump, rising main and all associated infrastructure to convey sewage from the open drain located at or about NZTM E1373562 N5194872 (marked on attached aerial photo) to the recirculated sewage system located at or about NZTM E1373568 N5194796 (marked on attached aerial photo); and
3. To extend and complete the reticulated system from the sump located at or about NZTM E1373370 N5194509 to the waste water treatment system located at or about NZTM E1373260 N5194507 (marked on attached aerial photo).

Undertake all remedial action to ensure compliance with Resource Consent RC13116.

The location to which this Abatement Notice applies:

At or about NZTM E1373562 N5194872 and At or about NZTM E1373370 N5194509 on Donovan Drive, Franz Alpine Resort, Franz Josef

You must comply with this Abatement Notice before the following date:

No later than 5 pm Wednesday 11th March 2015.

This Notice is issued under Section 322(1) (b) of the Resource Management Act 1991.

The reasons for this notice are:

1. Section 15(2A) of the Resource Management Act 1991 states that no person may discharge a contaminant into or onto land from a place or any other source in a manner that contravenes a Regional Rule unless the discharge is expressly allowed by a National Environmental Standard or other regulations or is expressly allowed by a resource consent or is an activity allowed by Section 20A.
2. You are operating a sewage service for residential properties at Franz Alpine Resort at Franz Josef.

3. The system is receiving human sewage from the following properties; 5 Highlander Drive, 29 Highlander Drive, Donovan Drive, 2 Pioneer Drive, 2 Alymer Place and 4 Alymer Place at Franz Alpine Resort (marked on attached aerial photo).
4. The system is not complete and not functioning correctly in that sewage is discharging to an open drain at NZTM E1373562 N5194872 (marked on attached aerial photo) and from a sump at NZTM E1373370 N5194509 (marked on attached aerial photo).
5. The location of the subdivision, the houses using the wastewater system, the open drain and sump are marked on the attached aerial photograph.
6. Human sewage has collected in the open drain shown on the attached aerial photograph and is still being discharged into it.
7. Human sewage is discharging from a manhole into the road side drain.
8. Information has been received from the former director of Callery Holdings Limited that the sewage pipes from the houses in the subdivision are not connected to the treatment system.
9. The discharges to the open drain and from the manhole are noxious, dangerous, offensive and objectionable and have the potential to have an adverse effect on human health, animals and the environment.
10. The discharges are not authorised by any National Environmental Standard or other regulations.
11. The discharges do not comply with any permitted activity rule in the West Coast Regional Council's Regional Land and Water Plan.
12. In particular, the discharges do not comply with Rule 79 which permits, on conditions, onsite discharges of sewage effluent because:
 - 12.1 The discharges are not from a treatment or disposal system.
 - 12.2 The discharges are not on the site where the effluent is collected and treated.
 - 12.3 The discharge from the sump is located within 20 metres of a drain.
 - 12.4 The discharges exceed the weekly maximum of 14,000L per week
 - 12.5 The discharges pose a risk to human health, is noxious, dangerous, offensive and objectionable to such an extent that it has or is likely to have an adverse effect on the environment.
13. The discharges are not authorised by resource consent RC13116 in that it permits the discharge of treated effluent to land, not raw sewage and the discharges do not comply with conditions 1, 3(a) and 3(d).
14. The actions listed above are necessary to avoid and remedy any actual or likely adverse effect on the environment caused by the sewage collection disposal system operated by you.

If you do not comply with this notice you may be prosecuted under section 338 of the Resource Management Act 1991 (unless you appeal and the notice is stayed as explained below).

You have the right to appeal to the Environment Court against the whole or any part of this Notice. If you wish to appeal, you must lodge a Notice of

Appeal in form 49 with the Environment Court within 15 working days of being served with this Notice.

An appeal does not automatically stay the Notice and so you must continue to comply with it unless you also apply for a stay from an Environment Judge under section 325(3A) of the Resource Management Act 1991 (see Form 50). To obtain a stay, you must lodge both an appeal and a stay with the Environment Court.

You also have the right to apply in writing to the West Coast Regional Council to change or cancel this Notice in accordance with Section 325A of the Resource Management Act 1991.

The West Coast Regional Council authorised the enforcement officer who issued this Notice. Its address is:

The West Coast Regional Council, 388 Main South Rd, P O Box 66, GREYMOUTH

The Enforcement Officer is acting under the following authorisation:

Warrant Number 062

A warrant of authority issued by the West Coast Regional Council, pursuant to section 38 of the Resource Management Act 1991, authorising the officer to carry out all or any of the functions and powers as an enforcement officer under the Resource Management Act 1991.

Signature of Enforcement Officer

Date: 19 February 2015

Report



DATE: 24 November 2016

TO: Mayor and Councillors

FROM: Group Manager: Planning, Community & Environment

PLAN CHANGE 7: MANAGING FAULT RUPTURE RISK IN WESTLAND – NEXT STEPS

1 SUMMARY

- 1.1 The purpose of this report is to allow Council to decide on the next steps regarding Council's Plan Change 7: Managing Fault Rupture in Westland. Plan Change 7 is an amendment to the Westland District Plan that creates two Fault Rupture Avoidance Zones (FRAZ) within Westland: a General Fault Rupture Avoidance Zone throughout the District, and the Franz Josef/Waiau Fault Rupture Avoidance Zone in the township of Franz Josef.
- 1.2 This issue arises from the fact that two appeals have been lodged with the Environment Court against the Council's (via an independent commissioner) decision to approve Plan Change 7, and a year's postponement of the proceedings was granted to all parties by the Environment Court in October last year. The Court has agreed a further extension to 1 February 2017 for a report-back, at which time the parties will need to have agreed to the resolution of appeals or to go ahead to an Environment Court hearing. Therefore, at this time, Council needs to decide whether it wishes to proceed to the Environment Court, attempt further mediation with the appellants before 1 February 2017, request another postponement from the Environment Court (which is very unlikely to be granted), or withdraw the Plan Change.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 This report concludes by recommending that Council does not withdraw the Plan Change, but if the parties see any potential merit in further mediation prior to the next Court reporting date then the Council participates in this before proceeding to a Court hearing. It is not recommended that Council

requests further postponement of the process from the Environment Court, given this is very unlikely to be granted and the rationale for seeking to make Plan Change 7 operative sooner rather than later is sound.

2 BACKGROUND

- 2.1 Plan Change 7 is an amendment to Council's District Plan that creates two Fault Rupture Avoidance Zones (FRAZ) within Westland: a General Fault Rupture Avoidance Zone (GFRAZ) throughout the District, and the Franz Josef/Waiau Fault Rupture Avoidance Zone (FJFRAZ) in the township of Franz Josef.
- 2.2 Within these zones, businesses and residences are permitted to remain and maintain their properties. In the GFRAZ non-residential buildings are permitted while residential buildings are a controlled activity (requiring resource consent and further assessment of the fault risk). In the FJFRAZ, where the fault is well-defined, new buildings, increase in building footprint or increase of activity within a building is non-complying (requiring resource consent and unlikely to be approved).
- 2.3 Plan Change 7 was approved for public notification by Council in 2012. It was publicly notified on 24 August 2012, and for further submissions on 19 April 2013. A total of 22 submissions and 9 further submissions were received.
- 2.4 Council approved an extension to the two-year timeframe to complete a plan change at their meeting in July 2014.
- 2.5 On 30 March 2015 Independent Commissioners Gary Rae and John Lumsden heard submissions on the plan change in Franz Josef. The decision was delegated to these Commissioners as per Council's Delegations Manual.
- 2.6 On 18 May 2015 the Commissioners' decision was released (attached as Appendix 2). It approved the plan change with amendments following submissions, to allow the construction of buildings of low building importance category, and to add additional clarity to the rural rules that were not proposed to be altered as part of the plan change.
- 2.7 Two appeals were lodged to the Environment Court in July 2015 (attached as Appendix 3 and Appendix 4). These appeals were joined by other parties, and the West Coast Regional Council joined Council as a party in defence of the Plan Change.

- 2.8 Formal mediation with the parties occurred in September 2015. The mediation did not result in an agreed outcome.
- 2.9 After the conclusion of mediation, the appellants requested that Council put Plan Change 7 on hold. On 29 October 2015, Council resolved to put Plan Change 7 on hold until the following was critiqued and resolved by Council:
- the Policy direction set in place by the Plan Change;
 - its position on hazard/risk management; and
 - its position in regard to hazard/risk management as compared with Central Government.
- 2.10 The Court granted an adjournment of one year to enable the Council to undertake these tasks.

3 CURRENT SITUATION

- 3.1 Since placing the proceedings on hold the Council has been actively considering the issues above, through internal and external discussions. A key part of this has been regular discussions with the community and regional and central government agencies through the “Franz Josef/Waiau Future Planning Working Party.” This group has met seven times since August 2015 and discussed the various hazards affecting Franz Josef, infrastructure and growth-related issues, and the potential future form of the township.
- 3.2 Key outcomes of the working party process to date include: a draft design for the future growth area on the northern edge of the township – which would provide direction as growth moves north from the FRAZ; an ‘all-hazards’ report by GNS commissioned by the Regional Council confirming that the southern end of the township is the most hazard-prone due to proximity to the Alpine Fault and the Waiho River; and discussion around other infrastructure and streetscape issues.
- 3.3 The work of this working party has informed discussions between Council (alongside the West Coast Regional Council) and Central Government, which has involved visits from Government Ministers and their officials. Council is hopeful that Central Government will assist in some way with hazard management and growth issues, and expects an announcement on this in the coming weeks.
- 3.4 In terms of the first two points mentioned in the October 2015 Council resolution above, Council has not yet made a definitive statement on the policy direction set in place by Plan Change 7, or on its position on risk / hazard management. Today’s report is an opportunity to do so with respect to Plan Change 7 in particular.
- 3.5 In terms of the third point in the October 2015 Council resolution above, it does not appear that Council’s position on risk / hazard management is any different from that of Central Government. Plan Change 7 is still consistent with central government guidance on avoiding development in likely areas of fault rupture.
- 3.6 Scientific findings continue to provide a strong basis for Plan Change 7. The probability of an Alpine Fault rupture is now estimated to be approximately 30% over the next 50 years, which is relatively high. An earthquake of magnitude 8 is likely, with horizontal movement of 7m and vertical movement of 2m predicted along the fault. The effects of such movement can be clearly seen in photos of the damage done by the recent earthquake in the Culverden

area. While strong shaking is expected throughout Westland as a result of an Alpine Fault rupture, buildings located directly over a rupturing fault have little chance of remaining intact, and as a result there is significant risk of injury or loss of life to people within those buildings.

- 3.7 Recent work by GNS completed recently for the West Coast Regional Council confirms the existence of the fault trace on which Plan Change 7 was based. It also identifies a new fault trace to the south, which could suggest that a further Plan Change may be prudent in the future to restrict building activity in the southernmost part of the township, between the existing FJFRAZ and the Waiho River. Rather than holding up Plan Change 7, these findings reinforce the need to put Plan Change 7 in place and potentially build on it later using the latest available data. If the underlying policy is put in the District Plan via Plan Change 7, additional or revised FRAZ areas can be proposed for public submissions and, if approved, inserted into the District Plan through a simple revision to the District Plan maps. This is standard practice for hazard planning, e.g. for coastal erosion or flooding hazards, where new information is constantly coming to light and hazard maps are frequently revised.
- 3.8 The Environment Court is awaiting Council's decision as to the future of Plan Change 7. They have ordered all parties to, by 1 February 2017, provide consent orders (if appeals are resolved or the plan change is withdrawn) or a joint memorandum outlining content and procedural matters for an Environment Court hearing to be arranged.

4 OPTIONS

- 4.1 Option One is that Council advises the Environment Court by 1 February 2017 that it wishes to proceed to an Environment Court hearing on Plan Change 7, assuming the appellants do not withdraw their appeals.
- 4.2 Option Two is a variation of Option One: that Council does not withdraw the Plan Change but agrees to try to mediate before 1 February 2017 if time permits and the parties see any potential merit in doing so; and if they do not, or the mediation is unsuccessful, then the Council advises the Environment Court by 1 February 2017 that it wishes to proceed to an Environment Court hearing.
- 4.3 Option Three is that Council requests a further postponement of the Environment Court proceedings to allow for more discussion with Central Government and other parties on overall hazard management and growth issues for Franz Josef township. This is unlikely to be successful given the proceedings have already been delayed for one year.

4.4 Option Four is that Council formally withdraws Plan Change 7.

5 SIGNIFICANCE AND ENGAGEMENT

5.1 This decision is considered to be of moderate significance as per the Council's Significance and Engagement Policy. It does not involve any of Council's strategic assets, and it does not have a direct impact on Council's levels of service, rates or debt. However it has significant impact on the Franz Josef community and a high level of public interest both locally and nationally.

5.2 Consultation and engagement has already been undertaken through the statutory processes of the Resource Management Act, including public notification, submissions and further submissions, a hearing, appeals, and mediation. Further mediation and an Environment Court hearing are possible. There has also been wider community discussion on related issues through the Franz Josef / Waiau Future Planning Working Party mentioned above, and this is likely to continue.

6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

6.1 Option One, to proceed to an Environment Court hearing, has the advantage of moving sooner rather than later to provide some certainty to the community as to whether Plan Change 7 will stay in place or not. Much of the community reportedly feels 'in limbo' and wants to see resolution one way or another. It is also reported that much of the community understands that the Alpine Fault will not go away even if Plan Change 7 is withdrawn, nor will public knowledge of the fault's existence. Land information memoranda (LIMs) are required to include this information even if building is permitted on the fault line. It should also be noted that the Council has been advised by senior central government officials that it cannot restrict building on the fault line under the Building Act; a District Plan change such as Plan Change 7 is the only opportunity for Council to do so.

6.2 The potential disadvantage of Option One, compared with Option Two, is that the Council and appellants would possibly incur more costs by going to an Environment Court hearing if agreement is possible via further mediation. On the other hand, mediation is not guaranteed to be successful so there is a risk with Option Two that there will be time and costs incurred for further mediation as well as for an eventual Environment Court hearing.

- 6.3 **Option Two is the preferred option.** It has the same advantages of Option One in terms of moving forward with the Plan Change, however it adds the advantage of giving mediation another chance to result in some agreement between the Council and the appellants. It is difficult to see at this stage what that agreement might be, since one set of appellants were seeking complete withdrawal of the plan change, but if the appellants are open to other mediated outcomes it would be a goodwill gesture from Council to attend and could potentially save time and cost in the Environment Court for all parties. The cost to Council of mediation is likely to be \$10,000 or less, while an Environment Court hearing could be two or even three times that.
- 6.4 Again, as stated above, the disadvantage of Option Two is that mediation is not guaranteed to be successful within the short timeframe between now and 1 February, so this option could end up being more costly than going straight to the Environment Court. To mitigate this risk, Council would go to mediation only if appellants made it clear that they were willing to discuss options other than complete withdrawal of Plan Change 7. Otherwise Council would advise that it wishes to proceed to an Environment Court hearing.
- 6.5 Option Three would have the advantage of potentially getting further time from the Environment Court to discuss hazard-related matters with central government and potentially get some assistance in this area for community planning and transition. There are numerous disadvantages, however, including the following points:

The Environment Court is very unlikely to grant a further postponement to the proceedings as it has already given the Council a full year to make progress in this area, and it has indicated in its most recent minute that it expects by 1 February 2017 all appeals to be resolved or a decision to proceed to a hearing;

Much of the community reportedly feels that it would be detrimental to continue to be 'in limbo' and would like to see the issue resolved sooner rather than later. Much progress has already been achieved with the Franz Josef / Waiau Future Planning Working Party as outlined above, and it can be argued that the community is ready to move on with Plan Change 7 and focus on other growth, development and infrastructure provision issues for the township. For example the Council still has \$100,000 in recreation contributions set aside to work with the community on finalising its Urban Revitalisation Plan.

It is far from guaranteed that central government will provide any financial assistance to relocate affected businesses and residences due to the precedent this would set for other hazard-prone areas of New Zealand.

- 6.6 Option Four is not advised. The Commissioners' decision makes it clear that Plan Change 7 represents sound planning practice. Withdrawing the plan change would lead to a waste of countless hours of effort by numerous parties to put in place a measure designed to save lives and protect property. It would also send a signal to central government that Council has put hazard management in the 'too hard basket' and would probably weaken the case for assistance since the current government wants to see Councils have 'skin in the game'. Council's actions in the past year with the Franz Josef / Waiau Future Planning Working Party and discussions with central government make it clear that Plan Change 7 is not going to be the only way in which Council engages with the community on hazard issues, so this should be of some reassurance to the community. The only advantage to this option would be that some appellants might be pleased with the outcome (assuming their positions have not changed in the past year), and no further time or money would be spent on it. The key disadvantage is that new and expanded buildings could put more lives and property at significant risk in the event of an Alpine Fault rupture.

7 PREFERRED OPTIONS AND REASONS

- 7.1 The preferred option is Option Two for the reasons outlined above. In brief, Plan Change 7 represents sound planning practice, is designed to save lives and protect property, and is supported by wider hazard management and future planning efforts by the Council and other agencies in partnership with the Franz Josef / Waiau community. Providing a chance for mediation on any desired outcomes short of complete withdrawal of the Plan Change would be a goodwill gesture by the Council and could potentially save costs of an Environment Court hearing.

8 RECOMMENDATIONS

- A) **THAT** Council does not withdraw Plan Change 7 – Managing Fault Rupture Risk in Westland;
- B) **THAT** Council agrees to try to mediate with appellants before 1 February 2017 if time permits and the parties see any potential merit in doing so; and if they do not, or the mediation is unsuccessful, then the Council advises the Environment Court by 1 February 2017 that it wishes to proceed to an Environment Court hearing.

Jim Ebenhoh

Group Manager: Planning, Community & Environment

Appendix 1: Franz Josef Fault Rupture Avoidance Zone

Appendix 2: Commissioners' decision on Plan Change 7

Appendix 3 and Appendix 4: Appeals to Plan Change 7



Commissioners' Decisions on

PLAN CHANGE 7

Managing Fault Rupture Risk in Westland



**Decisions of the Hearing Panel appointed by Westland District
Council pursuant to Section 34A of the Resource Management Act
1991**

5 May 2015

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SCHEDULE OF APPENDICES

- **APPENDIX 1:** Summary of decisions on submissions received
- **APPENDIX 2:** Amendments to Plan Change provisions
- **APPENDIX 3:** Minute Issued by Commissioners
- **APPENDIX 4:** Response from District Planner

Westland District Council Decision Report of the Hearing Commissioners

Proposal Description:

Proposed Change 7 to the Westland District Plan –
Managing Fault Rupture Risk in Westland

Commissioners:

Gary Rae (Independent Commissioner, Chair), John Lumsden (Independent Commissioner)

Date of Hearing:

30 March 2015

1.0 INTRODUCTION

Context

- 1.1 We were appointed by the Westland District Council (**“the Council”** or **“WDC”**) to hear submissions to, and to consider and make a recommendation on, Proposed Plan Change 7 (**“PC7”** or **“the Plan Change”**). PC7 seeks to introduce additional rules and definitions, and alterations to the planning maps of the Westland District Plan (**“WDP”** or **“the District Plan”**) in order to establish two fault rupture avoidance zones.
- 1.2 The Plan Change has an extensive background, which we will canvas in due course, and has been the subject of a Council “Section 32” report, consultation with affected land owners, and of course the public notification and hearing, culminating in this Decision.
- 1.3 Before discussing the details of the Plan Change and the submissions to it, there are some preliminary matters that we will address, beginning with our role as Commissioners.

Role of Commissioners

- 1.4 We were appointed by the Council (via the District Planner) and in terms of the delegation contained in the Westland District Council Delegations Manual (amended in February 2014). The relevant delegation is Clause 25 “Jurisdiction of the Resource Management Commissioners”. This empowers us, as qualified Hearings Commissioners to hear and make decisions on submission to this proposed Plan Change. We are required to report our decisions back to the next meeting of the Council.
- 1.5 Having familiarised ourselves with the proposed Plan Change and the background material, read all submissions and evidence, conducted the hearing and heard from the submitters and the appointed Council advisors, as well as having visited the locality on several separate occasions, we hereby record our decisions.

Preliminary Comments

- 1.6 In advance of setting out the more substantive background matters of relevance, we make some initial general comments. Principally, we wish to record our appreciation at the manner in which the hearing was conducted by all the parties taking part. In this respect, we would like to acknowledge the following:
- the constructive input provided by all submitters appearing before us; and
 - the assistance from Council Officers and Advisors within the s42A report, at the hearing, and in the response to our further information request.
- 1.7 It was clear at the outset that many of the submitters are personally affected by the known fault hazard present in the Franz Josef settlement. The fault line goes directly under properties owned by several of the submitters, and given the accurate mapping that has taken place, it is possible to see precisely which parts of properties and buildings are affected. In this circumstance, we were impressed with how the submitters were able to present themselves in a professional manner and were able and willing to answer questions and engage in discussion at the hearing in a rational, open and frank manner.
- 1.8 As will be discussed in later sections of this report, there may have been some misunderstanding amongst submitters about our role as Commissioners and the precise matters that we are required to consider and make decisions with respect to. However, the manner in which the hearing was conducted greatly assisted us in assessing and determining the issues we are required to consider.

2.0 BACKGROUND

Context

- 2.1 PC7 is a planning response to the hazard (in terms of rupture) posed in Westland District by the Alpine Fault. This section provides a contextual summary of the recent work that has led to the development of the Plan Change.
- 2.2 The Alpine Fault is New Zealand's most active fault and it traverses the entire length of the West Coast region, spanning all three districts. It is recognised on land from Milford Sound to the Nelson Lakes area. The Alpine Fault will generate large magnitude ($M_w > 8$) earthquakes in the future with the potential to rupture the Earth's surface, causing damage to built structures across or adjacent to the fault zone.
- 2.3 The Alpine Fault is classified as a Recurrence Interval Class I (RI < 2000 yr) fault along its entire length, and has an average recurrence time of c. 300-500 years. While the Alpine Fault has not ruptured during the modern period of New Zealand history (since the beginning of European colonisation in AD 1840), the consensus from paleoseismic studies of the fault points towards the last earthquake rupture having occurred around AD 1717.
- 2.4 In 2010, the Institute of Geological and Nuclear Science [GNS] predicted that the probability of an Alpine Fault earthquake event, with a fault rupture to the surface occurring, was 20% within the next 30 years. Along the fault rupture, it is

estimated that there will be approximately 8-9 metres of horizontal displacement on the west (Australian plate) side, and 1-2 metres of vertical uplift on the east (Pacific plate) side.

- 2.5 In March 2010, a report¹ was prepared for West Coast Regional Council [WCRC] by GNS scientists, Dr. Robert Langridge and William Ries. This mapped the location of the Alpine Fault within the West Coast Region and overlaid a suggested Fault Avoidance Zone utilising the guidelines set within the Ministry of Environment's (MfE) 2004 guidance "*Planning for Development of Land on or Close to Active Faults*". Precise data on the location of the Alpine Fault was not available and, thus, variable exclusion zones were proposed of between 100 and 340 metres in width depending on the risk.
- 2.6 The Franz Josef/Waiau township is directly located within the 190 metre Fault Rupture Avoidance Zone as identified in the GNS report. It was considered that further study was required to enable more precise identification and reduction of the proposed fault rupture avoidance zone. Accordingly, the WCRC supported by WDC obtained Envirolink funding to enable further research to be carried out. The additional work included GPS geo-referencing and airborne LiDAR to create a digital elevation model and, ultimately, Geographic Information System [GIS] maps, all meaning that the fault line was now "well-defined" under the MfE guidelines and the fault rupture avoidance zone within this area was consequently reduced.
- 2.7 This work was published in a second GNS report² in September 2011. Individual and merged Fault Avoidance Zones were developed for the town. Individual reverse fault traces have a Fault Avoidance Zone width of 130 m that comprises a ± 30 m Fault Location Uncertainty, which is doubled on the hanging wall side of the fault, due to the likely asymmetric nature of deformation. A ± 20 m Margin of Safety buffer is added to this 90 m wide zone.
- 2.8 Concurrent with the work undertaken by GNS, which resulted in the two underlying reports, the Council engaged in consultation with the affected communities and prepared a draft plan change. According to Ms Beaumont's Section 42A Staff Report, meetings were held with the Franz Josef Community Council and Franz Inc in February 2012 and April 2012, and there were presentations to the Planning and Development Committee of Council in October 2010 and the Strategy Committee of Council in November 2011, February 2012, May 2012, and August 2012.
- 2.9 Following that process, WDC considered it held sufficient detailed information on the areas considered to be most at risk of ground deformation during an earthquake event and it resolved to notify the proposed change to the District Plan.

¹ Langridge, R.; Ries, W. 2009. Mapping and fault rupture avoidance zonation for the Alpine Fault in the West Coast region, *GNS Science Consultancy Report* 2009/18 47p

² Langridge, R.M.; Beban, J.G. 2011. Planning for a safer Franz Josef-Waiau community, Westland District: considering rupture of the Alpine Fault, *GNS Science Consultancy Report* 2011/217 61p

The Plan Change

Introduction

- 2.10 PC7 provides a framework to avoid the intensification of land use activities in this area of known hazard. Two distinct zones are proposed, these being the “General Fault Rupture Avoidance Zone” (affecting the length of the Westland District), and the “Franz Josef/Waiau Fault Rupture Avoidance Zone” (affecting the settlement itself).

General Fault Rupture Avoidance Zone (GFRAZ)

- 2.11 The GFRAZ is a proposed new zone introduced through Rule 5.8.2.1. In recognition that in some areas the location of the fault is not well defined, landowners are given the opportunity to obtain further technical advice regarding the fault location on specific sites. New non-residential buildings are permitted, and buildings to be used for residential activity may be considered as a Controlled Activity, subject to, in both instances, a specialist engineering report identifying the area of predicted fault rupture to a greater level of accuracy, and confirming the building is outside that area and that it contains suitable buffers for uncertainty.
- 2.12 For situations where a report cannot make these findings, i.e. where the proposal is entirely within the area affected by the fault rupture area, the proposal will be considered as a Non-Complying activity. The Explanation section notes, such applications “*are unlikely to be approved*”.

Franz Josef/ Waiau Fault Rupture Avoidance Zone (FJFRAZ)

- 2.13 The new zone for the Franz Josef settlement reflects the fact that the fault is much more “well-defined”, as per the findings of the 2011 GNS report. Accordingly, developments, and increases or alterations to activities within this area, are “heavily restricted” under proposed Rule 5.9.2.1 in order to ensure the health and safety of residents and visitors.
- 2.14 The construction of new buildings, or extensions to existing buildings, or change or increase in an activity within a building, are all classed as a Non-Complying activity. Ancillary commercial and residential activities that do not require buildings are permitted. However any structure will be unlikely to be approved, as per the Explanation for the GFRAZ.
- 2.15 Subdivision of land that is partly within the FJFRAZ is a Discretionary activity, and subdivision of land entirely within that zone is a Non-Complying activity.

Other Provisions

- 2.16 The Plan Change proposes no change to the settled objectives and policies of the Westland District Plan.
- 2.17 The Planning maps are proposed to be amended to show the location of the FRAZ's.

Notification and submissions

- 2.18 The Plan Change was publicly notified on 24 August 2012. A total of 20 submissions were received: 13 on behalf of Franz Josef residents and businesses, 4 from statutory bodies, and 3 in relation to the General Fault Rupture Zone.
- 2.19 Two late submissions were received from M and K Williams and D Bristowe (these are discussed in the Procedural Matters part of this report).
- 2.20 The summary of submissions was notified on 19th April 2013. Four parties made further submissions in support of 9 original submissions.

3.0 THE HEARING

- 3.1 The hearing was held on Monday 30th March 2015 in the Scenic Circle Mueller Wing, Franz Josef. We heard from the following parties:

Council Advisors

- Rebecca Beaumont - District Planner
- Jim Ebenhoh - Group Manager, Planning, Community and Environment
- Dr Robert Langridge - scientist, GNS

Submitters in attendance

- Mr Kim Smith, Scenic Circle Hotels Ltd
- Mr Craig Rankin, Ms Helen Lash, Franz Josef Community Committee
- Mr Gavin Molloy, property owner
- Mr Mark Williams, property owner
- Mr Frank Hocken (on behalf of Andrew Hocken), Aspen Court Motel
- Mr Grant Bissett, The Helicopter Line
- Ms Dianne Ferguson, Alpine Glacier Motels Ltd
- Ms Cushla Jones and Mr Chris Roy, property owners

- 3.2 We started proceedings by asking Ms Beaumont to set out the background to the Plan Change, and to show us on maps the areas affected by the proposed FRAZ's.
- 3.3 We then heard from those submitters in attendance who had indicated they wished to be heard (as set out in the list of submitters above). We asked those submitters a number of questions for clarification and to test the opinions being raised, and where appropriate we asked the Council representatives for clarification and comment.
- 3.4 For completeness we note that we had, prior to the hearing, also read in full the notices of submissions from those submitters who were unable to, or chose not to, attend the hearing.
- 3.5 Following the submitters' presentations, we heard from Council advisors, Ms Beaumont (author of the Staff Report); Mr Ebenhoh (who answered questions

relating to Council functions and processes); and Dr Langridge (who answered technical questions on his GNS reports).

- 3.6 After hearing all the evidence, we advised the parties that we would adjourn the hearing, conduct a site visit to the Franz Josef settlement, and then consider whether we had sufficient information to make our deliberations.

Minute of Commissioners

- 3.7 On 7 April 2015, we issued a Minute (refer Appendix 3) to the parties to request that the following information be provided by the District Planner, Ms Beaumont:

- A copy of The Franz Josef Urban Revitalisation Plan, and a statement as to its current status and any programme Council may have to progress and further develop this plan;
- Advice on whether, under the Building Act, building consents would be issued for new buildings and/or extensions/renovations to existing buildings in the areas of Franz Josef affected by the known fault line, irrespective of proposed Plan Change 7; and
- Confirmation on whether the Council, as a rule, provides advice of the fault rupture risk on its LIM and/or PIM reports for properties affected by the known earthquake fault line through Franz Josef and/or the proposed zoning.

- 3.8 This information (refer Appendix 4) was sent to us on 10 April 2014, and we advised the District Planner that the hearing could now be closed.

Hearing Closure

- 3.9 The information was forwarded to the submitters on 13 April 2015, together with advice that the hearing was formally closed.

4.0 PROCEDURAL MATTERS

- 4.1 Before we turn to our evaluation of substantive issues, we wish to record our findings on one procedural matter that arose. This was the matter concerning the two late submissions by:

(a) M and K Williams on behalf of the Fern Grove Trust and Fern Grove Holdings Ltd - 3 days after the closure of submissions;

(b) D Bristowe on behalf of Taipo Farm - 1 day late.

- 4.2 Ms Beaumont's Staff Report recommended that the late submissions be accepted, as they did not raise additional topics to those received as part of other submissions.

- 4.3 In our view, in light of the lengthy planning and notification process, the fact these submissions were lodged between only one and three days late, and given that the matters raised had also been canvassed by other submitters, it was appropriate that these submissions are accepted as valid submissions.

5.0 EVALUATION OF ISSUES

Overview

- 5.1 We have grouped our discussion of the submissions (and the reasons for accepting, rejecting, or accepting them in part) by the *matters*^[3] to which they relate – rather than assessing each issue on a submitter by submitter basis.
- 5.2 We have also provided a submitter-by-submitter summary of decisions requested in Appendix 1, which includes our decisions on each matter raised by the submitters. Those specific decisions have been derived from our issues assessment below.
- 5.3 Our discussion is distilled into the following three main issues/topic areas:

Issue 1: Is PC7 the appropriate planning response?

Issue 2: Detailed provisions of the Plan Change

Issue 3: Other matters raised in submissions

Evaluation Preamble

- 5.4 As a precursor to our detailed evaluation of the key issues, we wish to signal a few key matters that have underpinned our discussion below, and which we have kept very much at the ‘front of mind’ throughout the hearing.

Statutory framework

- 5.5 Firstly, we note that the requirements of the Resource Management Act 1991 [**the Act**], which underpin our role, these being principally contained in Sections 74 and 75 of the Act. We provide a summary evaluation of these statutory considerations at the close of this report (at Section 6), and our discussion of issues is essentially a running commentary of our examination of the Plan Change within that statutory context. These considerations include whether or not the proposed Plan Change:

- has been designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act;
- gives effect to the Regional Policy Statement (**RPS**);
- is consistent with any regional plan;

^[3] Clause 10(2)(a) of Schedule 1, of the Act sets out that a plan change decision may address submissions by grouping them according to either the provisions of the plan to which they relate, *or* to the matters to which they relate.

- has had regard to any relevant management plans and strategies under other Acts;
 - rules implement the policies of the Westland District Plan;
 - methods (including each rule), having regard to their efficiency and effectiveness, are the most appropriate method for achieving the objectives of the district plan taking into account: a) the benefits and costs of the proposed policies and methods (including rules); and b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods; and
 - rules will result in any actual or potential effect of activities on the environment.
- 5.6 In considering these questions, our decisions are based on the notified Plan Change documentation, the submissions and further submissions received, the Council Staff Report, and the evidence of all parties appearing before us. It is not for us to introduce our own 'evidence,' and we have not done so – rather, our role has been to test the evidence and opinions of others, and to determine the most appropriate outcomes based on the views we consider best achieve sustainable management.

Section 32

- 5.7 We are aware that Parliament has recently amended the Act, including proposed changes to provisions that are relevant to our recommendation. However, we understand that the 2013 Amendment Act provisions do not apply in this case.
- 5.8 Ms Beaumont's Staff Report assessed PC7 against the previous Section 32 requirements, which continue to apply as PC7 was already notified and past the further submission period by the date that the amendment provisions took effect.

Issue 1: Is PC7 the appropriate planning response?

- 5.9 The fault rupture hazard risk in the Franz Josef settlement, and along the wider fault line, is now well established and was not at issue during the hearing. The overriding general issue for us to determine was whether the proposed Plan Change was the appropriate planning response to managing the risk.
- 5.10 The Staff Report, after having reviewed the Section 32 assessment (which contained an assessment of costs and benefits of various options) came to the conclusion that:

"Plan Change 7 is an appropriate method to manage fault rupture risk in the Westland District".

- 5.11 There was also support from submitters (e.g. **West Coast Regional Council, Community and Public Health**). Those submissions concluded that the restrictions on building in the area affected by the fault rupture hazard is a significant step towards ensuring public health in this area, and they agreed with the evidence-based methodology in PC7.

- 5.12 We consider that the Section 32 evaluation in PC7, and as summarised in the Staff Report, is robust and well-reasoned. It relies on the two technical reports from GNS, and follows the Ministry for the Environment's guidelines. We heard no evidence to challenge the credibility or methodologies used in those reports. In terms of the options, we concur with Ms Beaumont that it is not tenable to 'Do Nothing' (Option 1), as the current Westland District Plan's provisions are not adequate in this regard, and do not provide an appropriate means to discourage inappropriate development or to deal with applications for further development in the affected areas. In addition, the District Planner's response to our Minute confirmed that the provisions of the Building Act 2004 will not, by themselves, be able to prevent building activity in the area of risk.
- 5.13 The proposed Plan Change provides a specific set of provisions to manage development that can occur within the areas susceptible to fault rupture. Therefore in general terms, and subject to detailed analysis of the specific plan change provisions, we consider that the Plan Change is an appropriate response having regard to the Council's functions and responsibilities under the Act in terms of Sections 71 and 72, in particular.
- 5.14 We accept that the additional restrictions brought about by the Plan Change will impact on those people who own or occupy land within the proposed hazard zones. However, those businesses and activities can continue to operate, and upgrade and renovate their buildings under the Plan Change. We consider the Plan Change itself does not change the risk to those buildings and activities - that risk already exists. It would not be appropriate or responsible for the Council to ignore that risk and allow development to occur in those areas.
- 5.15 For those reasons we do not concur with submissions seeking to reject the Plan Change outright because of its economic and financial effects, or because the risk should be borne by landowners and managed through insurance (***South Westland Salmon, Colmat Motors, Helen Jones, Franz Josef Community Centre, D Bristowe, R and J Nicholl, and M and K Williams***).
- 5.16 Several submissions requested some other responses should instead be initiated. (***Anje Kremer, South Westland Salmon, Colmat Motors, Gavin Molloy, R and J Nicholl, M and K Williams, and Franz Josef Community Centre***) requested that the following actions be pursued:
- Relocation of the settlement outside of the fault risk area; and
 - Acquisition of affected properties or financial compensation to be paid to owners of affected properties.
- 5.17 In relation to the first point, there was much discussion at the hearing on the current and future town planning for the Franz Josef settlement. As a follow up we requested a copy of the relevant plan (the 'Franz Josef Urban Revitalisation Plan' or sometimes referred to as the 'Master Plan'). Whilst this is of interest to us, we are obliged in terms of the Statutory Framework to consider the particular Plan Change proposal that is in front of us, and cannot make any determinations on matters outside of that.
- 5.18 In relation to the second point, there was also discussion on previous central and local Government responses to the evacuation and relocation of residents

affected by flooding of the Waiho River south of the settlement. On the basis of that particular response to a significant hazard event, some submitters asked that consideration be given to similar evacuation and relocation procedures for properties most affected by the earthquake hazard in Franz Josef, with financial assistance from central and government authorities.

- 5.19 As we explained at the hearing, our role as Commissioners is to consider PC7 in light of the Statutory Framework outlined in an earlier section of this decision report. Regardless of our own thoughts on matters of relocation, or long term planning for Franz Josef settlement, we must test the Plan Change against those provisions, and cannot make determinations on matters outside of the scope of the proposed Plan Change itself.
- 5.20 In questioning the submitters at the hearing, it became apparent to us that the depth of feeling of those opposed to the Plan Change was generally not so much in relation to whether there should be restrictions placed on new development and investment in an area at risk of fault rupture. The concerns were more that the Council had not carried out proper consultation with the affected community, and had focused entirely on the Plan Change at the expense of investigating the issue on a wider front. As we understand the concerns, the Plan Change should have been promoted together with a range of measures to provide an all-embracing solution to the problem (such as the matters we highlighted above, including a Master Plan for the relocation of the settlement, and potential mechanisms for relocation).
- 5.21 For the reasons outlined above, we have no doubt that PC7 is an appropriate planning response to the known hazards in the Westland District. Whilst we have explained the limitations of our role as Commissioners, and the matters upon which we can deliberate, we certainly have some sympathy for those strongly held views amongst several of the submitters.
- 5.22 In our view PC7 should be seen as only one (first) step in the right direction. We consider it is incumbent upon the Council to pursue with some urgency the ongoing development of the Master Plan for this settlement, in consultation with the Franz Josef Community Committee and affected landowners. We requested advice from the Council following the hearing on that matter and the response was encouraging.
- 5.23 The District Planner has advised that Council's involvement with work on the Master Plan has been on hold whilst Plan Change 7 is being processed and that a revised version of the plan, consistent with the Plan Change, may need to focus more on issues of growth/relocation to the north of the settlement. The advice was that:
- "it has been suggested that the Council carry over \$100,000 set aside in the 2013/2014 Annual Plan for the implementation of the 'Franz Josef Urban Revitalisation Plan' into the following financial year following the resolution of Plan Change 7. It has been suggested that Council meets with Franz Inc and the Franz Josef Community Council at that point to discuss the future and implementation of the FJURP".*
- 5.24 As part of that on-going process, issues raised by submitters regarding possible financial assistance or compensation, in conjunction with central government agencies, may be able to also be investigated as appropriate.

DECISION [D1]	
D1.1	Those submissions in support of the Plan Change on the general grounds it is an appropriate planning response but with some wording changes for clarity are accepted in part . The Plan Change is amended as per Appendix 2.
D1.2	Those submissions seeking that the Plan Change be declined on the general grounds it is an inappropriate planning response, or that other responses outside of the scope of the Plan Change should be pursued in its place, are rejected .
<p>Note: <i>We recommend to Council that it actively pursue the strategic planning for the Franz Josef settlement, including matters of possible relocation and financial assistance, in consultation with the community, so PC7 can be clearly seen to be the first necessary step in a package of measures to manage the risk of fault rupture in the affected areas.</i></p>	

Issue 2: Detailed provisions of the Plan Change

Overview

- 5.25 Most of the discussion at the hearing focused on the wider issues addressed above. There were also several submissions on matters of the detail in the Plan Change, mainly the proposed rules. The submissions ranged from a direct challenge to the rules through to suggested amendments to the wording of rules to address specific areas of interest. These 'sub-issues' on the detailed provisions of the Plan Change are addressed below.

Sub - Issue 1: Rules too restrictive

- 5.26 **Scenic Circle Hotels** suggested that the proposed rules are unnecessary and are unduly restrictive. The submitter was of the view that new rules should be adopted to permit modern buildings and techniques that can withstand earthquakes without risk to life or unacceptable damage.
- 5.27 Mr Smith elaborated on this at the hearing. He said building owners, such as his company, are disadvantaged by prescriptive rules that do not provide flexibility when it comes to designing buildings and upgrading buildings to meet relevant building codes to withstand earthquakes. The Submissions by **Community Public Health, Franz Josef Community Committee** and **Cushla and Chris Roy**, on a similar vein, were also concerned that the rules will prevent strengthening of buildings to occur.
- 5.28 On questioning, Ms Beaumont advised that the renovation, upgrading and strengthening of buildings in the affected areas can take place without restriction under the provisions of the Plan Change (and we note the further information provided by Ms Beaumont post-hearing confirmed that building

consents would generally be issued for strengthening work). The key determinants are whether a building extension is proposed, or whether an increase in activity (i.e. intensification) is proposed, and in both of those scenarios a resource consent for a Non-Complying activity would be required.

- 5.29 In our view the proposed rules achieve the correct balance between discouraging intensification in a known hazard area whilst allowing renovation and strengthening works to take place so that existing businesses can continue to operate.

Sub - Issue 2: Other activities covered by rules

- 5.30 The submission of **West Coast Planning** (with a supporting further submission from **Westpower**) raised a concern that clarification is required so that existing rural-based activities in the Rural Zone will retain their status as Restricted Discretionary or Discretionary Activities. The submissions of **Community and Public Health** and **Andrew Hocken** were also concerned that infrastructure may not be provided for in the proposed zones, and **The Helicopter Line** requested that the term 'temporary building' should be defined.
- 5.31 The Staff Report states that the Plan Change does not alter the provision of infrastructure within this area. It also stated that there had been no intention to amend provisions relating to prospecting, mining and vegetation clearance as there is scope to address hazard risk, or they can be controlled through regional plans. As a result, additional rules have been added to the General Fault Rupture Zone to clarify this. The Staff Report noted that reference to 'temporary buildings' should be changed so it reads as 'temporary activities', but no change is required to the existing definition of 'temporary building'.
- 5.32 We accept these are the appropriate outcomes to provide clarity to the plan.

Sub - Issue 3: Deficiencies and inaccuracies of the Plan Change

- 5.33 The submission of **Franz Josef Community Committee** expressed concerns that the Plan Change has been promulgated under urgency, has material deficiencies, does not include discussion about acceptable risk, and it also questions the accuracy and adequacy of the width of the FRAZ. **Rob and Jan Nicholl's** submission is that the General Fault Hazard Zone does not have sufficient details, and local residents have greater knowledge of the location of the fault and rupture area. The submission of **Diane Ferguson** also raises the concern that the Plan Change does not utilise the correct risk-based approach suggested from the NES report.
- 5.34 The Staff Report confirms that the Plan Change has been informed by best practice regarding hazard planning in New Zealand, and this includes the use of risk-based planning. Utilising the risk-based matrix from the GNS reports⁴ results in a risk of 30, or 'Intolerable', and this corresponds to a Non-Complying Activity (or even a Prohibited Activity). It also states that the FRAZ has been created as narrow as possible (especially for the Franz Josef settlement) and has been developed with all available technical information and with appropriate margins of error relating to where the fault may rupture, and with a 20 metre buffer.

⁴ Langridge, R.M and Beban, J.G, 2011, Figure 21

- 5.35 We are satisfied from our reading of the GNS reports, and from the responses of Dr Langridge to technical questions we asked, that the science and methodology that has led to the creation of the fault rupture avoidance zones is consistent with accepted practice. We note also that the Ministry for Environment guidelines have been followed.
- 5.36 We note the dissatisfaction expressed by these and other submitters on the time taken in implementing the Plan Change, and the consultation process itself. It is noted that the Staff Report states that, whilst the proposed provisions of the Plan Change were implemented promptly, consultation did take place including public meetings and circulation of drafts of the Plan Change. Whilst these are not matters that we can place any weight on in our deliberations, our recommendations regarding on-going consultation and development of the Master Plan are recorded in an Advice Note to Decision D1 above.

Sub - Issue 4: Heritage buildings

- 5.37 **Heritage New Zealand's** submission requested a change in activity status to facilitate actively promoting maintenance and repair of heritage structures within the zone.
- 5.38 We concur with the Staff Report that heritage buildings themselves have no specific activity status and that the Plan Change encourages maintenance and repair of all heritage listed buildings in any event. There is no need for any amendment to the Plan Change in this regard.

Sub - Issue 5: Provisions for non-habitable and other buildings

- 5.39 **The Helicopter Line's** submission expressed the view that the Plan Change does not adequately provide for non-habitable buildings. It requested that non-habitable buildings should be provided for as Restricted Discretionary Activities in order to achieve a balance between avoiding and mitigating effects while also providing for the economic well-being of the owners. At the hearing Mr Bissett elaborated on the submission, including his concern that the Plan Change is too restrictive and puts owners in a difficult position.
- 5.40 We agree that some non-habitable buildings will have low consequence of failure. However, the proposed Plan Change clearly discourages larger scale investment and development in the affected areas, and we support that (as per our discussions decisions on Issue 1). For this reason it would be incongruous to provide for commercial buildings, even if they are non-habitable, as Restricted Discretionary Activities. We concur with the Staff Report on that matter. In the event that a developer can establish that, by location and specific design, a new building is able to mitigate the risk then that can be assessed as part of a resource consent for a Non-Complying Activity. It is appropriate that the bar is set very high, in this way, for assessing new commercial developments in this well-defined rupture hazard area.
- 5.41 The submission of **Federated Farmers** requested that buildings in 'Building Importance Category 1' should be permitted. The Staff Report recommends a change whereby buildings in 'Building Importance Category 1' will be permitted activities, and we accept that buildings such as small storage sheds, farm

buildings, and non-commercial buildings should be permitted activities, due to the minor consequence of failure in an earthquake rupture event .

DECISION [D2]

- D2.1 Those submissions seeking that the Plan Change be withdrawn on the basis the proposed rules are unnecessary and unduly restrictive are **rejected**.
- D2.2 Those submissions seeking clarity on other activities within the Rural Zone, and temporary activities, are **accepted in part** and those submissions seeking to continue to provide for infrastructure in the affected areas are **accepted**.
- D2.3 Those submissions seeking that the Plan Change be withdrawn on the basis that it has deficiencies, is inaccurate, and does not use the appropriate risk-based approach, are **rejected**.
- D2.4 The submission seeking a change to the activity status of heritage buildings is **rejected**.
- D2.5 The submission seeking new provisions for non-habitable buildings is **rejected**, and the submission seeking that buildings in 'Building Importance Category 1' should be permitted is **accepted**, with the Plan Change **amended** as per Appendix 2.

Issue 3: Other matters raised in submissions

- 5.42 Some other matters raised in submissions go beyond the scope of what we can deliberate on but for completeness are addressed in this Issue topic.
- 5.43 The submissions of **Robert Glennie, C Jones and C Roy, and Diane Ferguson** requested that all the hazards affecting Franz Josef/Waiau need to be addressed comprehensively. It was suggested that the Tatare River be rezoned as 'General Flood Hazard' and Prohibited Activities be introduced in the Severe Flood Hazard Zone.
- 5.44 The Staff Report, notes that an earthquake event will create significant hazard in addition to fault rupture, such as aggradation for the rivers in the area. The report states that District Council is continuing discussion at a regional level on how to address these hazards in addition to the fault rupture, and Council is embarking on a 'whole hazard' approach in this respect. We consider that this work needs to be done, but it is not within the scope of PC7, and we cannot consider this issue further.
- 5.45 The submission by **G Tripe and C Ashton** requests clarification on whether the 30-year timeframe discussed in the GNS report begins in 2011. We accept the advice of the Staff Report, which notes that this is just a technical expression of risk, and this may change over time, but has no real bearing on the detailed provisions of the Plan Change.
- 5.46 **Heritage New Zealand** requests that a database of contact details of all heritage building owners is established, and this can be provided to Civil Defence

Management to assist decisions to be made quickly on the damage status of buildings following an earthquake event. We accept this is a worthwhile course of action, and note from the Staff Report that this submission has been discussed with the WDC Civil Defence Officer for further action.

- 5.47 **R and J Nicholl** have requested that WDC provide further technical advice directly to landowners rather than leave it to developers to obtain this. The Staff Report noted that landowners intending to develop their properties in the affected areas may incur additional costs to obtain reports, but the Plan Change at least provides a method for owners who wish to utilise their land beyond the permitted activity allowances in the zone. The Council has supported the studies by GNS to date but it would be uneconomic for it to obtain individual reports for all properties in the affected areas.

DECISION [D3]

- D3.1 Those submissions seeking other matters outside of the scope of Plan Change 7 are **rejected**.

6.0 STATUTORY CONSIDERATIONS

- 6.1 In its *Long Bay* decision^[5], the Environment Court set out a summary framework for the matters to be evaluated in respect to a proposed Plan Change. For completeness, we recite that framework here and discuss the extent to which PC7 accords with the individual framework elements.

A district plan (change) should be designed to accord with, and assist the territorial authority to carry out its functions so as to achieve the purpose of the Act.

- 6.2 PC7 involves the establishment of new planning methods to manage development within areas recently identified in a definitive way as having a significant hazard risk. This will assist in achieving integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the Westland District (and in particular the area affected by fault rupture risk in the Franz Josef settlement).

- 6.3 Accordingly, we find that the Plan Change is generally designed to accord with and assist the Council to carry out its Section 31 functions.

When preparing its district plan (change) the territorial authority must give effect to any national policy statement (NPS) or New Zealand Coastal Policy Statement (NZCPS).

- 6.4 No NPS, nor the NZCPS, are relevant to the Plan Change.

^[5] Decision No. A078/2008, pp.29-31

When preparing its district plan (change) the territorial authority shall: a) have regard to any proposed regional policy statement; and b) give effect to any regional policy statement.

6.5 The West Coast RPS became operative on 10 March 2000, and is currently under review. The proposed West Coast RPS was notified on 16th March 2015 and so is very early in its process and cannot be afforded much weight in the assessment of PC7.

6.6 The Staff Report concludes that the introduction of the two proposed fault rupture avoidance zones will achieve the intent of Objective 11 from the operative RPS, and its associated policies, which is.

Objective 11

"The protection of human life and the avoidance or mitigation of damage to property and environmental values resulting from natural hazards".

6.7 We concur with that assessment.

In relation to regional plans: a) the district plan (change) must not be inconsistent with a regional plan for any matter specified in Section 30(1) [or a water conservation order]; and b) must have regard to any proposed regional plan on any matter of regional significance etc.

6.8 The Staff Report advises that the West Coast regional plans (i.e. for Land and Water; Coastal; and Discharge to Air) do not contain any specific provisions relating to earthquake risk. The Plan Change cannot therefore be inconsistent with any regional plan.

When preparing its district plan (change) the territorial authority must also: a) have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations, and to consistency with plans and proposed plans of adjacent territorial local authorities; b) take into account any relevant planning document recognised by an iwi authority; and c) not have regard to trade competition.

6.9 The only document we consider are relevant are:

- The Ministry for the Environment (2004) document entitled "*Planning for Development of Land on or Close to Active Faults. A guideline to assist resource management planners*".

6.10 PC7 was developed to be consistent with those guidelines.

- Australia New Zealand Standard 1170: Structural Design Applications

6.11 This document introduces Building Importance Categories, and these have been incorporated into PC7.

- West Coast Regional Civil Defence Plan.

6.12 PC7 is consistent with the Civil Defence Plan in that it identifies an area increased hazard risk and restricts development within that area.

The district plan (change) must be prepared in accordance with any regulation (there are none at present).

The formal requirement that a district plan (change) must also state its objectives, policies and rules (if any) and may state other matters.

- 6.13 This requirement is met in respect of PC7. The Plan Change includes new rules and other methods, and relies on the settled objectives and policies of the Westland District Plan.

Each proposed objective in a District Plan (change) is to be evaluated in terms of the extent to which it is the most appropriate way to achieve the purpose of the Act.

- 6.14 The Plan Change does not include any new objectives. The settled objectives of the operative District Plan have already been deemed to be the most appropriate way to achieve the purpose of the Act through prior First Schedule processes.

The policies are to implement the objectives, and the rules are to implement the policies.

- 6.15 We consider that the proposed rules (as amended in Appendix 3) implement the aim of the key objective (Objective 11) of the District Plan, and its associated policy, to provide rules for the avoidance and mitigation of natural hazards.

Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan taking into account: a) the benefits and costs of the proposed policies and methods (including rules); and b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

- 6.16 This requirement has underpinned our evaluation of issues in Section 5 above. In particular, we do not accept the 'Do Nothing' option is tenable, and that PC7 is the appropriate planning response to the identified hazard risk in this area. We have concluded that the most efficient and effective method to achieve the settled objectives and policies of the District Plan is through the adoption of PC7 with modifications as set out in Appendix 3.

In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment.

- 6.17 As per our conclusion in relation to the efficiency and effectiveness of the proposed methods, we have concluded that the proposed Plan Change as amended in Appendix 2 will appropriately manage any actual and potential adverse effects of activities on the environment, principally by restricting new intensified development within the hazard prone areas.

Finally, territorial authorities may be required to comply with other statutes.

- 6.18 The only other statute relevant in this case is the Building Act 2004. We have discussed this in our evaluation of issues in Section 5 of this Decision Report, and have referred to the additional information provided by the District Planner following the hearing, which outlines the requirements for building and re-building in the affected areas.

7.0 OVERALL CONCLUSION & DECISIONS

Overall Conclusion

7.1 In terms of the three main issues/topics we have evaluated in Section 5 of this decision report, and based on the assessment of the relevant statutory matters in Section 6 of the report, we conclude that :

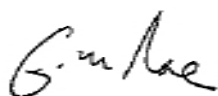
- Plan Change 7 is the most appropriate planning response to managing the risk posed by fault rupture in Westland District;
- The detailed provisions in the Plan Change are generally appropriate and, subject to the amendments in Appendix 3, will manage potential effects of the land uses and development anticipated by the new zone; and
- There are some other matters raised by submitters that are outside the scope of Plan Change 7 but are nevertheless worthy of investigation and follow up by the District Council as it progresses the Franz Josef Urban Revitalisation Plan, and other initiatives. Those initiatives may ultimately lead to the relocation of parts of the settlement and/or financial assistance for property owners most affected by the hazard.

Decision

7.2 Based on our consideration of all the material before us, including the Section 42A report, the GNS reports, submissions and further submissions, statements presented at the hearing, and following consideration of the requirements of Section 32 and other relevant statutory matters, our decision pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, is that:

- (a) the Plan Change is **accepted**, as amended in Appendix 2, and
- (b) all submissions on the Plan Change be accepted or rejected to the extent set out in the decision summary tables above (D1, D2 and D3) and as further detailed in Appendix 1.

DATED THIS 5th DAY OF MAY 2015



Gary Rae
Commissioner (Chair)

A handwritten signature in black ink, appearing to be 'John Lumsden', with a large loop and a trailing line.

John Lumsden
Commissioner

APPENDIX 1

Summary of decisions on submissions

Submission number	Submitter	Decision
0	West Coast Planning	Accept in part
1	Robert Glennie	Reject
2	Scenic Circle Hotels	Reject
3	West Coast Regional Council	Accept in part
4	Anje Kremer	Reject
5	South Westland Salmon	Reject
6	Helen Jones	Reject
7	Community Public Health	Accept in part
8	Colmat Motors Ltd	Reject
9	George Tripe and Clare Ashton	Reject
10	Franz Josef Community Committee	Reject
11	Heritage New Zealand (formerly NZHPT)	Accept in part
12	The Helicopter Line (a) Temporary Buildings (b) Restricted discretionary status for non-habitable buildings	(a) Accept in part (b) Reject
13	Cushla Jones and Chris Roy	Reject
14	Rob and Jan Nicholl	Reject
15	Gavin Molloy	Reject
16	Federated Farmers	Accept
17	Dene Bristowe	Reject
18	Diane Ferguson	Reject
19	Mark and Kelsey Williams	Reject
20	Andrew Hocken	Reject
F01	Robert Glennie	Accept in part
F02	Colmat Motors	Reject
F03	Colmat Motors	Reject
F04	Colmat Motors	Reject
F05	Colmat Motors	Reject
F06	Dene Bristowe	Accept
F07	Dene Bristowe	Reject
F08	Westpower Ltd	Accept in part
F09	Westpower Ltd	Accept

APPENDIX 2

Amendments to Plan Change provisions

The proposed changes to the Westland District Plan as a result of Proposed Plan Change 7 are set out below.

Where changes have been made as a result of decisions on submissions these are shown in blue.

Where words are underlined, but not in blue, this represents amended wording to the existing provisions of the District Plan brought about by the Proposed Plan Change and not changes as result of decisions on submissions. New sections and definitions to be inserted are not underlined.

- Add additional wording into Policy 4.14 Explanation, page 99

The Alpine Fault is located within Westland and there is significant risk posed by the next an Alpine Fault earthquake rupture which has a probability of occurrence calculated at 20% over the next 30 years (Langridge, RM; Beban, JG 2011).

- Amend Rule 5.6.2.2 B, (Page 153) Controlled Activities in the Rural Zone to include reference to the General Fault Rupture Avoidance Zone and the Franz Josef/ Waiau Fault Rupture Avoidance Zone. New wording is underlined.

“The establishment of new buildings for the purposes of any residential activities except in

- the Waiho River General Flood Hazard Area as shown on Planning Map 14A,
- the Franz Josef/Waiau Fault Rupture Avoidance Zone; or
- within the General Fault Rupture Avoidance Zone.

Applications may be considered without the need to obtain the written approval of affected persons or publicly notify the application. The matters over which control is reserved are:

- Add new Section 5.8 General Fault Rupture Avoidance Zone and Section 5.9 Franz Josef/Waiau Fault Rupture Avoidance Zone (detailed on following pages).

5.8 General Fault Rupture Avoidance Zone

5.8.1 Description

The General Fault Rupture Avoidance Zone is an area of between 20 and 200 metres wide located on either side of the Alpine Fault as it runs through the length of Westland District. This zone is the area that is predicted to be seriously affected by fault rupture during an earthquake on the Alpine Fault.

The zone has been created and mapped by the Institute of Geological and Nuclear Sciences (GNS) utilising data from a number of sources. The width of this zone depends firstly on the type of fault at any given point and therefore its performance during an earthquake event, and secondly, variations in the accuracy of data available at any particular location.

GNS predict the probability of the next an Alpine Fault earthquake event occurring, with fault rupture to the surface, ~~occurring~~ is 20% within the next 30 years. Along the fault rupture it is estimated that there will be approximately 8-9 metres of horizontal displacement (to the north) on the west (Australian plate) side, and 1-2 metres vertical uplift on the east (Pacific Plate) side. As land deformation will be greater on the vertical lift or "hanging wall" side of the fault rupture, the Fault Rupture Avoidance Zone is wider on the east (Pacific Plate) side.

In order to manage the risk to human life and reduce effects on the long term recovery of the Westland District from an Alpine Fault earthquake event, it is necessary to restrict the types of activities that can occur within areas susceptible to fault rupture. However, in recognition of the fact that in some areas the location of the fault is not well defined, landowners are given the opportunity to obtain further technical advice regarding the fault's location on specific sites. If the further report identifies a narrower area of predicted fault rupture, then this may be approved through consent. Subdivision, commercial activities, and dwellings are discouraged in the General Fault Rupture Zone due to the increased hazard risk and the lack of available mitigation measures. Buildings with low consequence of failure remain permitted activities. There is similarly no alteration to general activities within the rural zone.

5.8.2 Zones

5.8.2.1 General Fault Rupture Avoidance Zone

A. Permitted Activities

- Any agricultural or forestry activity, subject to:
 - (1) Compliance with the standards for permitted activities in the Rural Policy Unit Rules 5.6.2.2 and set out in Table 5.7;
 - (2) Compliance with the general rules in Part 8;
 - (3) Any buildings that meet the definition of Building Importance Category I.
 - (4) Any buildings that are not considered Building Importance Category I and are not used for residential purposes, subject to:
 - (a) The provision of a report to Council from a suitably qualified person in geology or geotechnical engineering with specialisation in earthquake risk assessment that :
 - i. Records the survey and mapping of the site to identify and indicate as accurately as possible the location of the surface position of the plane of any active fault.
 - ii. Establishes the area that is likely to be subject to fault rupture and includes any buffers for uncertainty and establishes that the proposed building is located entirely outside of this area.
 - (a) Compliance with all other rules in Part 5.6.2.2A, 5.7 and Part 8 of the Plan.
- Prospecting activities as defined by the Crown Minerals Act 1991 and all reconnaissance exploration activities up to and including drilling, scout trenching and geophysical surveys, subject to compliance with all rules in Part 5.6.2.2A, 5.7 and Part 8 of the Plan.

B. Controlled Activities

- The establishment of new buildings for the purposes of any residential activities that are accompanied by:
 - (a) A report from a suitably qualified person in geology or geotechnical engineering with specialisation in earthquake risk assessment that :
 - i. records the survey and mapping of the site to identify and indicate as accurately as possible the location of the surface position of the plane of any active fault.
 - ii. Establishes the area that is likely to be subject to fault rupture and includes any buffers for uncertainty and

establishes that the proposed building is located entirely outside of this area.

Applications may be considered without the need to obtain the written approval of affected persons or publicly notify the application. The matters over which control is reserved are:

- financial contributions relating to the provision of potable water and roading
 - location of access points
 - method of effluent disposal
 - distance from existing activities which may have nuisance effects
 - visual and aesthetic values
- Advanced exploration activities (i.e. matters subject to reconnaissance exploration, but still able to be carried out under an exploration permit) including geophysical surveys using explosives and machine scout trenching, subject to compliance with the standards for controlled activities (Table 5.7), general rules in Part 8. Control matters are listed within rule 5.6.2.2B

C. Discretionary Activities

- Forestry above an altitude of 1000m.
 - The clearance of more than 2000m² of indigenous vegetation per 5 years per site:
 - (a) Where the contiguous land is managed for conservation purposes, or;
 - (b) From an area of indigenous vegetation in excess of 5 hectares.
 - (c) From a natural wetland
- This rule does not include:
- (a) Exotic plantation forest area
 - (b) The clearance of regrowth vegetation to maintain existing tracks and stock crossings
 - (c) The incidental clearance of indigenous vegetation to control gorse, broom or other exotic plant pests.

D. Restricted Discretionary Activities

- Mining. The matters over which discretion is restricted is set out in rule 5.6.2.2D.

E. Non complying activity

Any new building, building extension or alteration of an activity to increase the scale of effects of an activity within a building located within the Fault Rupture Avoidance zone.

Explanation

Through restricting the use of land subject to fault rupture, Council is managing natural hazard risk and providing for the health and safety of the residents and visitors to Westland.

Farming activities may occur without consent, and prospecting, vegetation clearance and mining activities receive no additional restriction. However, any buildings over building category 1, including farm sheds require consent. In addition to the risk to occupants of these buildings during rupture, these buildings can be significant investments in the infrastructure of a farm and will have significant economic effects if destroyed by fault rupture. This in turn will adversely affect Westland's recovery from an Alpine Fault Earthquake.

Council acknowledges that the detail and accuracy of the underlying information that formed the Fault Avoidance Zone was varied, so in situations where the fault is not well defined, a further report can be presented that provides additional detail into the location of the fault on the specific site, and the risk of fault rupture. This will allow the margins of error to be reduced and may allow the development to proceed without consent.

Development of new buildings within the General Fault Rupture Avoidance Zone that are not established through further study to be outside of fault rupture and are not considered of low risk are non-complying and are unlikely to be approved.

5.9 Franz Josef / Waiau Fault Rupture Avoidance Zone

5.9.1 Description

The Alpine Fault passes through the township of Franz Josef/Waiau and subsequently the town is subject to significant risk from fault rupture. A detailed study has been undertaken to map the location of the Alpine Fault through Franz Josef/Waiau and the surrounding area utilising LiDAR imagery and RTK GPS mapping. Within this area, the fault is considered "well defined" in this location and it is unlikely that further study would reduce the area of land identified as subject to fault rupture risk any further than that set out in the 2011 GNS report. New developments and increases or alterations to activities within this area are heavily restricted in order to ensure the health and safety of residents and visitors.

5.9.2 Zones

5.9.2.1 Franz Josef / Waiau Fault Rupture Avoidance Zone

A. Permitted Activities

Any commercial or residential activity, subject to:

- (1) No buildings other than temporary activities buildings or buildings of Building Importance Category 1 are permitted in association with these activities;
- (2) Compliance with the standards for permitted activities in the Tourist Policy Unit or Franz Alpine Resort;

- (3) Compliance with the general rules in Part 8;

B Non complying activities

The construction of any new building not permitted under Section 5.11.2.1A(1) above or Section 6 of this Plan, or extension of any existing building, or change or increase in an activity within a building on site within the Franz Josef Waiau Fault Rupture Avoidance Zone.

Explanation

Existing use rights under Section 10 of the Resource Management Act are not impinged by the above rules.

The location of the fault line within Franz Josef/ Waiau is well defined and therefore there is no opportunity for additional information to be provided in order to reduce the margin of error of the predicted rupture risk area.

Ancillary commercial and residential activities that do not require buildings are permitted, along with structures with a minor consequence of failure such as small storage sheds and non-commercial or residential buildings will be permitted. This allows activities such as carparking, storage, recreation areas, art installations and gardens to occur without consent. ~~however any~~ Buildings that do not meet this classification will be unlikely to be approved due to the risk to human safety and to reduce the risk of social, economic and environmental effects caused by a fault rupture event .

- Make the following alterations and additions to the subdivision section (Part 7.3 of the Plan, from page 182). New wording is underlined.

7.3.3 Discretionary Activities

Any subdivision which complies with the rules for discretionary activities in Table 7.1. All subdivision in the Waiho River General Flood Hazard Area as defined on Planning Map 14A. Any subdivision that is partially located within the Franz Josef/Waiiau Fault Rupture Avoidance Zone or the General Fault Rupture Avoidance Zone.

7.3.4 Non-complying Activities

Any subdivision which is not a permitted, controlled or discretionary activity. All subdivision in the Waiho River Severe Flood Hazard Zone as defined on Planning Map 14A. Any Subdivision of land that is entirely located within either the Franz Josef/Waiiau Fault Rupture Avoidance Zone or the General Fault Rupture Avoidance Zone.

7.6 Assessment of Discretionary Subdivision

- When a proposed subdivision includes land partially within the Franz Josef/Waiiau Fault Rupture Avoidance

Zone, or the General Fault Rupture Avoidance Zone, whether a report has been provided from a suitably qualified person in geology or geotechnical engineering with experience in earthquake assessment to demonstrate that any buildings are located outside of the relevant fault rupture avoidance zone, whether access can be achieved, if ground topography will cause additional adverse effects during fault rupture and whether any mechanisms have been volunteered to prevent development within the Fault Rupture Avoidance Zone.

- Insert the following definitions into Part 9: Definitions section of the Plan.

Franz Josef/Waiau Fault Rupture Avoidance Zone: means the area encompassing the active fault system within Franz Josef/ Waiau and suggested to be subject to elevated risk of a fault rupture hazard. This section of the Alpine Fault has been accurately determined utilising LIDAR and GPS mapping. Shown on the planning maps as Franz Josef/ Waiau Fault Rupture Avoidance Zone

General Fault Rupture Avoidance Zone: means the area encompassing the active fault systems in the District and suggested to be subject to elevated risk of a fault rupture hazard. Shown on the planning maps as General Fault Rupture Avoidance Zone

Building Importance Category I: means structures presenting a low degree of hazard to life and property. These include:

- Structures with a total floor area less than 30m².
 - Farm Buildings
 - Isolated Structures
 - Towers in rural situations
 - Fences
 - Walls
 - In-ground swimming pools.
- Replace the existing planning maps with new maps (shown on following pages) into Part 10 Appendices indicating the General Fault Rupture Avoidance Zone within the Westland District, and the Franz Josef/ Waiau Fault Rupture Avoidance Zone within Franz Josef/Waiau and the surrounding area.

To the Registrar
Environment Court
Christchurch

IN THE MATTER	of the Resource Management Act 1991 (the "Act")
AND	
IN THE MATTER	of clause 14 Schedule 1 of the Act
AND	
IN THE MATTER	of a decision on Plan Change 7 to the Westland District Council District Plan
BETWEEN	The Trustees of the CMR Jones Trust (being CUSHLA MILDRED ROSE JONES, CHRISTOPHER CHARLES ROY and LANDLEY TRUSTEES LIMITED)
AND	DIANNE FERGUSON
	Appellants
AND	WESTLAND DISTRICT COUNCIL
	Respondent

- 1) **The Trustees of the CMR Jones Trust** (being **CUSHLA MILDRED ROSE JONES, CHRISTOPHER CHARLES ROY and LANDLEY TRUSTEES LIMITED**) and **DIANNE FERGUSON** ("the appellants) appeal against a decision of Westland District Council on the following Plan Change to the Westland District Council District Plan namely Plan Change 7.
- 2) The appellants made submissions on the Plan Change.
- 3) The appellants are not trade competitors for the purposes of section 308D of the Resource Management Act 1991.
- 4) The appellants received notice of the decision on the 18th May 2015.
- 5) The decision was made by the Westland District Council.
- 6) The decision that the appellants is appealing is:

That part of the decision set out at D1.2, D2.1, D2.5 and 7.2

7) The reasons for the appeal are as follows:

- a) The appellant's land is located within the Franz Josef/Waiau Faults Rupture Advance Zone ("FJWFRZ").

- b) The contents of the explanation provision to the new rule 5.8.2.1c states that:

"... Development of new buildings within the General Fault Rupture Avoidance Zone that are not established through further study to be outside of fault rupture risk are non complying and unlikely to be approved."

and

5.9.3 Explanation to the rules related to the Franz Josef/Waiau Fault Rupture Avoidance Zone ("FJWFRA2") which states in part:

"...the location of the fault line within Franz Josef/Waiau is well defined and therefore there is no opportunity for additional information to be provided in order to reduce the margin of error of the predicted rupture risk area..."[emphasis mine]

"...this allows activities such as car parking and gardens to occur without consent, however, any structures will be unlikely to be approved due to risk to human safety".

- c) The Plan Change will significantly affect the ability of landowners to change the nature of activities undertaken in buildings on their land or to expand the current commercial operations undertaken on the land or increase the size or number of buildings on the land.
- d) Given the above explanations to the rules, in reality it is highly unlikely non complying resource consents will be able to be obtained to enable development and activities otherwise contemplated on such land. To that end one questions why the Plan Change did not promote such activities proposed to be prohibited activities rather than non complying activities.
- e) The submitter does not believe such proposed rules are the appropriate planning response to managing the risks referred to in the Plan Change.
- f) The submitter suggests that the proposed provisions will in conjunction with other statutory provisions, effectively render their interest in the land incapable of reasonable use and in the absence of any other measures proposed by the Westland District Council, places an unfair and unreasonable burden on the submitter and other land owners whose properties are located with the FJWFRAZ.
- g) The decision on the submissions ignores the impact of the proposed rules on affected land owners who also have a responsibility to comply with other statutory provisions and regulations and which in combination with the proposed rules will inevitably prohibit any current use of the land let alone further development of the same.
- h) The findings in paragraph 5.14 of the decision are unrealistic and probably wrong given other statutory responsibilities affected land owners face.
- i) For the reasons noted above, the findings in paragraph 5.20 to 5.22 (both inclusive) are wrong in that in terms of sustainability management (as that term is defined in section 5 of the Resource Management Act 1991), the Plan Change should not have proceeded in isolation to other planning as there is no guarantee such will occur or

other opportunities for development will be provided. The advice note to decision D1 in effect recognises that other measures are necessary but in itself has no legal status.

- j) In the interest of sound resource management planning such other measures should have been promoted as part of or simultaneously with Plan Change 7.
 - k) The proposed rules are unnecessary and unduly restrictive and should be amended or the Plan Change rejected.
 - l) The costs of the proposed rules and associated provisions contained within the Plan Change outweigh the benefits and are not the most efficient and effective method especially when considered in isolation in achieving the settled objectives and policies of the District Plan, nor are they in themselves the most appropriate planning response to managing the risk associated with fault rupture in the Westland District and especially in the commercial centre of Franz Joseph.
 - m) The decision to reject the submitter's submission is not in accord with sound resource management planning principles nor will it result in wise use and management of physical resources.
- 8) We seek the following relief:
- a) That the Plan Change be rejected and withdrawn; or
 - b) The Plan Change be amended to allow for reasonable use of the appellant's land and buildings.
- 9) We attach the following documents to this notice:
- a) a copy of my submission;
 - b) a copy of Plan Change 7 as notified;
 - c) a copy of the relevant decision;
 - d) a list of names and addresses of persons to be served with a copy of this notice.

 Signature of appellants
 (or person authorised to sign
 on behalf of the appellants)

Date: 26 June 2015

Address for service of appellants:

At the offices of

GTODD LAW

3rd Floor, 36 Shotover Street

Queenstown 9300

Telephone: 03 441 2743

Fax: 03 441 2976

email: graeme@gtoddlaw.com

Contact person: Graeme Morris Todd

Submission Party:	Address:
West Cost Planning Ltd	6 Dowling Road, Greymouth, 7805
Robert Glennie	30A Aorangi Road, Bryndwr, Christchurch 8053
Scenic Circle Hotels Limited (Meares Williams Solicitors)	PO Box 660, Christchurch 8140
West Coast Regional Council	PO Box 66, Greymouth 7840
Anje Kremer	PO Box 40, Franz Josef 7856
South Western Salmon	Lake Paringa Post Centre, South Westland 7834
Helen Jones	hj2day@yahoo.co.uk
Community and Public Health - West Coast	3 Tarapuhi Street, Greymouth, 7805
Colmart Motors Ltd	Glacier Motors Ltd, SH 6, Franz Josef, Westland
George Tripe and Clare Ashton	Laurus Nobilis Ltd, PO Box 291, Hokitika, 7842
Franz Josef Community Committee	PO Box 86, Franz Josef, 7856
New Zealand Historic Places Trust	PO Box 4403, Christchurch, 8140
The Helicopter Line	Southern Planning Group, PO Box 1081, Queenstown, 9348
Cushla Jones and Chris Roy	CMR Jones Trust, CMR Jones Ltd & Fe, PO Box 65, Franz Josef, 7856
Rob and Jan Nicholl	1922 Kumara Junction Highway, RD 2, Hokitika, 7882
Gavin Molloy	PO Box 88, Franz Josef, 7856
West Coast Province of Federated Farmers of New Zealand	PO Box 1992, Christchurch, 8140
Dene Bristowe	Private Bag 623, Greymouth, 7805
Dianne Ferguson	Alpine Glacier Motel Ltd, PO Box 248, Hokitika, 7842

Note to appellant

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

**How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

To the Registrar
Environment Court
Christchurch

IN THE MATTER	of the Resource Management Act 1991 (the "Act")
AND	
IN THE MATTER	of clause 14 Schedule 1 of the Act
AND	
IN THE MATTER	of a decision on Plan Change 7 to the Westland District Council
BETWEEN	THE HELICOPTER LINE
	Appellant
AND	WESTLAND DISTRICT COUNCIL
	Respondent

- 1) **THE HELICOPTER LINE** appeals against a decision of Westland District Council on the following Plan Change to the Westland District Council District Plan namely Plan Change 7.
- 2) **THE HELICOPTER LINE** made a submission on the Plan Change.
- 3) **THE HELICOPTER LINE** is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
- 4) **THE HELICOPTER LINE** received notice of the decision on the 18th May 2015.
- 5) The decision was made by the Westland District Council.
- 6) The decision that **THE HELICOPTER LINE** is appealing is:

That part of the decision set out at D1.2, D2.1, D2.5 and 7.2
- 7) The reasons for the appeal are as follows:
 - a) The appellant's land is located within the Franz Josef/Waiau Faults Rupture Advance Zone ("FJWFRZ").
 - b) The contents of the explanation provision to the new rule 5.8.2.1c states that:

“... Development of new buildings within the General Fault Rupture Avoidance Zone that are not established through further study to be outside of fault rupture risk are non complying and unlikely to be approved.”

and

5.9.3 Explanation to the rules related to the Franz Josef/Waiau Fault Rupture Avoidance Zone (“FJWFRA2”) which states in part:

“...the location of the fault line within Franz Josef/Waiau is well defined and therefore there is no opportunity for additional information to be provided in order to reduce the margin of error of the predicted rupture risk area...” [emphasis mine]

“...this allows activities such as car parking and gardens to occur without consent, however, any structures will be unlikely to be approved due to risk to human safety”.

- c) The Plan Change will significantly affect the ability of landowners to change the nature of activities undertaken in buildings on their land or to expand the current commercial operations undertaken on the land or increase the size or number of buildings on the land.
- d) Given the above explanations to the rules, in reality it is highly unlikely non complying resource consents will be able to be obtained to enable development and activities otherwise contemplated on such land. To that end one questions why the Plan Change did not promote such activities proposed to be prohibited activities rather than non complying activities.
- e) The submitter does not believe such proposed rules are the appropriate planning response to managing the risks referred to in the Plan Change.
- f) The submitter suggests that the proposed provisions will in conjunction with other statutory provisions, effectively render their interest in the land incapable of reasonable use and in the absence of any other measures proposed by the Westland District Council, places an unfair and unreasonable burden on the submitter and other land owners whose properties are located with the FJWFRAZ.
- g) The decision on the submissions ignores the impact of the proposed rules on affected land owners who also have a responsibility to comply with other statutory provisions and regulations and which in combination with the proposed rules will inevitably prohibit any current use of the land let alone further development of the same.
- h) The findings in paragraph 5.14 of the decision are unrealistic and probably wrong given other statutory responsibilities affected land owners face.
- i) For the reasons noted above, the findings in paragraph 5.20 to 5.22 (both inclusive) are wrong in that in terms of sustainability management (as that term is defined in section 5 of the Resource Management Act 1991), the Plan Change should not have proceeded in isolation to other planning as there is no guarantee such will occur or other opportunities for development will be provided. The advice note to decision D1 in effect recognises that other measures are necessary but in itself has no legal status.
- j) In the interest of sound resource management planning such other measures should have been promoted as part of or simultaneously with Plan Change 7.
- k) The proposed rules are unnecessary and unduly restrictive and should be amended or the Plan Change rejected.


- l) The decision rejects the submitter's proposed changes as contained in its submission that the Plan Change provision be amended to allow for non habitable commercial buildings as a Restricted Discretionary activity. The reason for rejection noted in paragraph 5.4 of the decision when read in conjunction with other parts of the decision means it unlikely that consent for such buildings could ever be obtained if the activity status of the same remains as non complying.
- m) The costs of the proposed rules and associated provisions contained within the Plan Change outweigh the benefits and are not the most efficient and effective method especially when considered in isolation in achieving the settled objectives and policies of the District Plan, nor are they in themselves the most appropriate planning response to managing the risk associated with fault rupture in the Westland District and especially in the commercial centre of Franz Josef.
- n) The decision to reject the submitter's submission is not in accord with sound resource management planning principles nor will it result in wise use and management of physical resources.

8) I seek the following relief:

- a) That the Plan Change be amended to include the rules sought in Appendix 1 of the submitter's submissions on Plan Change 7 and in particular, that provision be made for non habitable buildings to be classified as a restrictive discretionary activity.

9) I attach the following documents to this notice:

- a) a copy of my submission;
- b) a copy of Plan Change 7 as notified;
- c) a copy of the relevant decision;
- d) a list of names and addresses of persons to be served with a copy of this notice.



Signature of appellant
(or person authorised to sign
on behalf of appellant)

Date: 26 June 2015

Address for service of appellant:

At the offices of

GTODD LAW

3rd Floor, 36 Shotover Street

Queenstown 9300

Telephone: 03 441 2743

Fax: 03 441 2976

email: graeme@gtoddlaw.com

Contact person: Graeme Morris Todd

Submission Party:	Address:
West Cost Planning Ltd	6 Dowling Road, Greymouth, 7805
Robert Glennie	30A Aorangi Road, Bryndwr, Christchurch 8053
Scenic Circle Hotels Limited (Meares Williams Solicitors)	PO Box 660, Christchurch 8140
West Coast Regional Council	PO Box 66, Greymouth 7840
Anje Kremer	PO Box 40, Franz Josef 7856
South Western Salmon	Lake Paringa Post Centre, South Westland 7834
Helen Jones	hi2day@yahoo.co.uk
Community and Public Health - West Coast	3 Tarapuhi Street, Greymouth, 7805
Colmart Motors Ltd	Glacier Motors Ltd, SH 6, Franz Josef, Westland
George Tripe and Clare Ashton	Laurus Nobilis Ltd, PO Box 291, Hokitika, 7842
Franz Josef Community Committee	PO Box 86, Franz Josef, 7856
New Zealand Historic Places Trust	PO Box 4403, Christchurch, 8140
The Helicopter Line	Southern Planning Group, PO Box 1081, Queenstown, 9348
Cushla Jones and Chris Roy	CMR Jones Trust, CMR Jones Ltd & Fe, PO Box 65, Franz Josef, 7856
Rob and Jan Nicholl	1922 Kumara Junction Highway, RD 2, Hokitika, 7882
Gavin Molloy	PO Box 88, Franz Josef, 7856
West Coast Province of Federated Farmers of New Zealand	PO Box 1992, Christchurch, 8140
Dene Bristowe	Private Bag 623, Greymouth, 7805
Dianne Ferguson	Alpine Glacier Motel Ltd, PO Box 248, Hokitika, 7842

Note to appellant

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

**How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Report



DATE: 24 November 2016

TO: Mayor and Councillors

FROM: Group Manager: District Assets

FRANZ JOSEF WASTEWATER TREATMENT PLANT

1 SUMMARY

- 1.1 The purpose of this report is to seek Council decision on the preferred mode of wastewater treatment for Franz Josef Township.
- 1.2 This issue arises as a result of continued non-compliance at the current WWTP site at Franz Josef and WDC's obligations under the RMA conditions/consent. The current agreement with West Coast Regional Council (WCRC) requires to prepare and submit a comparative options report to address Order 3b of the Environment Court Order number ENV-2015-CHC-066, and ENV-2015-CHC-067 dated 14 October 2016. Elected members also instructed staff to bring along this option report to November Council meeting. Copies of the agreement are enclosed in Appendix 2 and 2a of the report.
- 1.3 Council seeks to meet its obligations under the Local Government Act 2002 and the achievement of the District Vision adopted by Council as part of the Long Term Plan 2015-25. These are stated on Page 2 of this agenda.
- 1.4 OPUS consultants who are the lead advisors to the project have undertaken the analysis and the detailed report is included in Appendix 1 of this report.
- 1.5 The scope of this report includes the comparisons of a number of different possibilities for siting WWTP's to serve the town of Franz Josef. The options considered are oxidation ponds on expansive sites outside the town area and small, intensive plant on a section of land within the Franz Josef town area. The analyses have been undertaken using a Multi Criteria Analysis (MCA) which includes a number of factors other than just the financial.

- 1.6 The following personnel will be present at the Council meeting to advise Council:
- 1.6.1 John Crawford – Technical Principal – Wastewater - OPUS
 - 1.6.2 Mark Healy – OPUS
 - 1.6.3 Michael Meehan – Chief Executive – WCRC
 - 1.6.4 Gerard McCormack – Consents and Compliance Manager - WCRC
 - 1.6.5 Representatives of Makaawhio / Iwi
- 1.7 This report concludes by recommending that Council approves a high rate wastewater treatment plant to be built and installed in the Franz Josef Township, and instructs the Chief Executive to bring a further detailed report on funding options for the proposed treatment plant by March 2017 for consideration by elected members.

2 BACKGROUND

- 2.1 Westland District Council (Council) owns and operates four wastewater schemes in the Westland District. All schemes are primary treatment by way of oxidation ponds.
- 2.2 The current WWTP in Franz Josef consists of two oxidation ponds situated next to the Waiho River banks.
- 2.3 The treatment plant is consented from the West Coast Regional Council (WCRC) to discharge treated effluent to Waiho River bed.
- 2.4 The plant was built circa 1970's and was designed to accommodate a population of approximately 600 people. No allowances were made for seasonal tourist demand for the town.
- 2.5 The plant has a history of non-compliance and has been the subject of nuisance complaints from local residents and tourist business operators due to its failing discharge quality and most of the times visibly non-appealing coloured effluent being discharged in the river.
- 2.6 Council has from time to time received abatement notices which escalated to infringement notice with fines, and most recently in 2015 Council was served with Environment Court enforcement action notices for continued non-compliance.
- 2.7 The ponds are also under constant threat from the Waiho River and have suffered substantive damage in the March 2016 flood events. The Waiho River

breached its banks and the oxidation ponds were inundated resulting in near 80% damage to the earthworks and the treatment process.

- 2.8 Council staff in the past have undertaken capital works to try and meet the compliance standards set out in the resource consents from WCRC, but Council has failed to achieve fully compliant status.

3 CURRENT SITUATION

- 3.1 Council, as part of its community consultation for the 2016/17 Annual Plan, included funding mechanisms for the proposed new WWTP at Franz Josef as a consultation item.
- 3.2 Based on the submissions received, the Council as part of its decisions noted that the Franz Josef Waste Water Treatment Plant Project as proposed in the 2016-2017 Draft Annual Plan will not proceed in its current form, however the project is still live, and Council will further consult with the community on funding options. The Council also decided that further preliminary work on the plant, including the civil design, can progress in 2016/17 with a budget of \$200,000 funded from debt.
- 3.3 Further consultation was undertaken on funding mechanisms using the Special Consultative Procedure in accordance with Section 83 of the Local Government Act 2002.
- 3.4 Based on the previous submissions the Council resolved as follows:
- 3.4.1 That the Council has received and taken account of the submissions to the funding proposal;
 - 3.4.2 The Council confirms that a version of a “user pays” system should be explored further as the preferred funding mechanism for the new Franz Josef wastewater facility; and
 - 3.4.3 The Council instructs the Chief Executive to identify a range of supplementary funding methods that could be used to support the user pays mechanism.
- 3.5 Generic feedback received from the community suggested that there is an opinion that oxidation ponds are a cheaper form of treatment and can possibly be constructed for a fraction of the cost against the proposed mechanical treatment plant. There were concerns for the location of the proposed mechanical plant and its associated operating costs. Submissions also requested that Council hold any decision pending the upcoming local government elections and let the in-coming Council review and make an informed decision.

3.6 Based on the above feedback Council agreed to consider a community led proposal for oxidation ponds. As part of the process Council staff offered the community representative to work in consultation with Council technical advisors to ensure a common resolution. This offer was declined. The deadlines for the submitting the proposals were agreed. Despite continuous assurances, at the time of writing the report no information has been presented by the community representative. Request to identify the technical advisors engaged by the community representation has also been declined.

3.7 Copies of the reports previously presented to Council can be accessed on the Council website.

Link: <https://www.westlanddc.govt.nz/franz-josef-waste-water-treatment-plant>

3.7.1 Consultation Document for Annual Plan 2016/17

3.7.2 Statement of Proposal for consultation – Funding Mechanism for new wastewater Treatment Plant at Franz Josef including supplementary information and the copies of the submissions

3.7.3 SKM Options Report 2009

3.7.4 OPUS feasibility report - 2014

3.8 WDC negotiated an interim agreement with WCRC to hold the proceedings under the Environment Court order. A copy is included in Appendix 2.

3.9 OPUS consultants have finalised a comparative report which is included in Appendix 1 of this report.

3.10 For the benefit of readers, the report provides information on wastewater treatment in New Zealand, including the design basis and minimum requirements for a WWTP for Franz Josef, and has taken into consideration the seismic risks and the threats presented by the Waiho River.

3.11 It is important to note that for a fair comparison, estimates have been identified to include contingencies and P&G's ¹as a separate line items. These will vary from design to design and possible quotes. For a mechanical plant, the civil designs have not been undertaken and as such the unknowns have been accounted for to provide a reasonable comparison with oxidation ponds process.

¹ Contract Preliminary and General Costs (P&G)

- 3.12 Opinion on Waiho river issues has been sought from industry experts who are independent of the current Franz Josef Wastewater project team. Their comments have been included as appendices to OPUS report.

4 SUMMARY OF THE COMPARITIVE ANALYSIS

4.1 The potential sites identified for a possible treatment scheme in Franz Josef

Figure 3 in the OPUS report presents the possible sites identified for a new wastewater treatment plant.

Site #	Description	Option considered
1	Current Site – Next to Waiho River	Oxidation Ponds
2	Mueller / Scenic Circle facility next to Waiho River	Oxidation Ponds
3	Top of Cron Street	Oxidations Ponds
4	North side of Waiho Delta	Oxidations Ponds
5	Hayfields site	Oxidation Ponds
6	East of SH 6, North of Tatare River	Oxidation Ponds
7	Makaawhio Land – East of SH 6	Oxidation Ponds
8	Douglas Drive – Proposed Site for Compact plant	High Rate Wastewater Treatment Plant
9	Top of Cron Street	High Rate Wastewater Treatment Plant

The above sites have been assessed against a number of factors which are detailed in section 4 of the OPUS options report.

Section 5 of the option report details the advantages, disadvantages and key risks of each option.

4.2 The financial comparisons and Multi-Criteria Analysis

Based on the minimum design requirements, each site has been assessed for the suitability and the possible treatment options which can be installed there. The sites have then been assessed using a Multi-Criteria- Analysis (MCA) with the various criteria and independent weightings.

Criteria	Description / Key Aspects of Criteria	Weighting (1 to 10)
Operational complexity and risk		

Criteria	Description / Key Aspects of Criteria	Weighting (1 to 10)
Operational complexity and risk	Complexity of plant operation, particularly using remote resources.	4
	Ready availability of spares and maintenance expertise locally to address operational issues.	
Effluent Quality	Ability to consistently meet consent conditions	7
Future Proofing	Ability to expand the option in the future to address any potential expansion / growth and or increased effluent standards	6
OPEX	Ongoing operational costs	6
Project Delivery:		
Capital Cost	Capital cost for establishment of the option	7
Land Availability	% treatment area available out of required area x 10	7
Constructability	Likely foundation works requirements	0
	Ability to construct offline / disruption to Waikeria operations, WWTP operations, community etc.	
Timeliness	Ability to implement option by end 2017.	4
Natural Hazard Risk:		
Flooding	Susceptibility to natural flood hazard from Waiho or Tatare River and ability to protect against	10
Seismic Event	Susceptibility to severe damage due a rupture of the alpine fault and ability to design against.	10
Ability to Consent:		

Criteria	Description / Key Aspects of Criteria	Weighting (1 to 10)
Cultural considerations	Acceptability (or otherwise) of the solution to cultural aspirations for discharge of wastewater to the receiving environment	8
Receiving environment impacts	Potential acceptability of the option (relative to others) in terms of technical environmental considerations, such as ecology of the receiving environment.	7
	Consideration of other environmental impacts, such as recreational value of receiving environment, and acceptance of impact of activity on such aspects	
Odour and nuisance emissions	Ability for the option to control and manage nuisance emissions that need to be addressed through the consenting process	0
Community Acceptance	Ability to achieve stakeholder approval for construction	7
	Community acceptance of the proposed scheme, based on likely community perceptions	
	Total possible score:	830

4.3 The typical line items considered for the design of oxidations ponds works are:

Item	Description	Unit	Quantity		
			Min	ML	Max
	Preliminary & General				
	P&G Civil Works Only			1	
	Design, Contract Management				
2.1	Preliminary and Detailed Design for Civil Works Package include survey and geotech	LS		1	
	Property				
	Land Purchase				
3.4	Land designation and outline	LS		1	

3.5	Contaminated Land Desktop Investigation	LS		1	
3.6	Archaeological survey	LS		1	
	Resource Consent				
3.7	Discharge and land use consents	LS		1	
	Civil Off Site				
	Influent Mains				
4.1	Supply and install DN280PE100 PN10 influent pressure main from State HWY 6 to WWTP via trench installation. Includes air and scour valves	m	150	200	250
4.2	Supply and install influent pump station. Includes 1800mm diameter PE PS, duty/standby 7.5KW NP3153 434 61L/s pumps + odour control	LS		1	
	Effluent Mains				
4.16	Construction of pipeline over flood wall	LS		1	
	Civil On Site				
	Enabling Works				
5.1	Earthworks pond 1 (Cut to waste depth 0.5m, depth of pond from crest 3.0m, Top width 3.0 m, batter slope X:1 2.5m, Embankment height above cleared ground 2.5 m, cut depth 0.5m, embankment cross-sxn area 23.125 m)	m2		30,000	
5.2	Earthworks pond 2 (assume the same as Pond 1)	m3		30,000	
5.3	Extend River Protection works Stopbanks	LS		1	
5.4	Pond 1 liner	m2	36,990	36,990	37,000
5.5	Pond 2 liner	m2	37,110	37,110	37,400
5.6	Geotextile Pond 1	m2	36,990	36,990	37,000
5.7	Geotextile Pond 2	m3	37,110	37,110	37,400
5.8	Supply and Install Underline drainage including 0.55 m trenching(for both ponds)	m	7,200	7,300	7,500
5.9	Drainage manhole	LS	4	4	6
5.10	Supply and install Fine gravel for 100 mm thick under each pond (for both ponds)	m3		7,415	
5.11	Supply and install 7 wire electrified fencing	m	1,415	1,500	1,550
5.12	Security Gate	ea		1	
5.13	Site Reinstatement	LS		1	
5.14	Survey Set out	LS		1	
	Civil Works				
4.15	Supply and install effluent main from plant to discharge structure DN300mm PVC	m	150	200	300
5.18	Inlet works slab	LS		1	
	Process Costs				

6.1	Inlet screen	LS		1	
6.2	Inlet flow meter	LS		1	
6.3	Septage receiving	LS		1	
6.4	Discharge flow meter	LS		1	
6.5	Aerators 5.5 kW each with soft starter and installation	LS	2	2	3
6.6	Ph meter, T meter DO meter	m3		1	
6.7	Tertiary treatment + UV (provisional)	LS		1	
	Electrical				
7.1	Non-Process Telemetry and Scada	LS		1	
7.2	Transformer concrete slab	LS		1	
7.3	Transformer (300A supply)	LS		1	
7.4	Standby Generator (300 - 500A)	LS		1	
7.5	Site wiring	LS		1	
7.6	Power supply to WWTP (320 kva power)	LS		1	

4.4 The MCA analysis results summary is as per the table below:

			Site 1	Site 3A	Site 3B	Site 4	Site 6	Site 7	Site 8
CAPEX excluding P&G and contingency			\$7.2M	\$5.6M	\$7.3M	\$5.3M	\$5.7M	\$5.6M	\$6.8M
Criteria	Description / Key Aspects of Criteria	Weighting (1 to 10)	Oxidation Ponds Combines Sites Existing & Scenic C	Oxidation Ponds Top of Cron St	Compact Plant Top of Cron St	Oxidation Ponds Waiho Delta	Oxidation Ponds. North of Tatare, South of SH5	Oxidation Ponds. Makaawhio	Compact Plant Douglas Drive
	Total score:	830	435	386	494	474	382	400	614

5 OPTIONS

- 5.1 OPTION 1: Do Nothing
- 5.2 OPTION 2: Council resolves oxidation ponds as the preferred form of wastewater treatment for Franz Josef
- 5.3 OPTION 3: Council resolves a high rate mechanical wastewater treatment plant as the preferred form of wastewater treatment for Franz Josef

Options 2 and 3 will require further detailed analysis for funding options. It is recommended that a funding options report be presented to Council by March 2017.

6 SIGNIFICANCE AND ENGAGEMENT

- 6.1 In accordance with Council policy on significance the subject matter for a new WWTP in Franz Josef is considered to be of high significance for the following reasons:

Area of significance	Applies (yes or no?)
Does it involve a Council Strategic Asset?	Yes
Impacts Service levels/ rates, and or Debt?	Yes
Degree of impact on community/individual/groups?	Deemed high impact depending on the options and based on the previous consultation processes
Cultural impact?	Yes
High Degree of public interest?	Evident – Based on past submissions received.
Reversible Decision?	Yes(for funding only)

- 6.2 The funding mechanism was consulted on during the consultation process for the 2016/17 Annual Plan. The community interest on the matter was evident and the issue on the funding of the project was further consulted with the community under a special consultative procedure in accordance with Section 83 of the Local Government Act 2002.

7 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

Detailed assessments including a Multi Criteria Analysis has been undertaken as part of the options report. This is highlighted in Section 4 and Section 5 of the OPUS report

in Appendix 1. Based on these findings and analysis Council has the following options:

7.1 Option 1: Do Nothing

This is **NOT RECOMMENDED**.

This option means that the current non-compliant oxidation ponds are left as is on the current site. The Council will be in breach of its obligations identified as per the current discharge consents and will likely face prosecution under the Resource Management Act.

7.2 Option 2: Council resolves oxidation ponds as the acceptable form of treatment for Franz Josef.

This is **NOT RECOMMENDED**.

The option to continue with oxidation ponds at any location is a very risk heavy option. The current site itself is a comparative capital costs as against a high rate mechanical plant.

7.3 Option 3: Council resolves a high rate mechanical treatment plant as the acceptable form of treatment for Franz Josef.

This is the **RECOMMENDED** Option.

The option presents a low risk to seismic failure and also provides an opportunity to future proof the scheme against varying wastewater flows and possible expansions. A high rate wastewater treatment plant has a high degree of producing compliant effluent.

The financial costs are comparative for all the options considered. The renewal ability is far better than a high footprint, open to environment oxidation pond treatment system.

8 PREFERRED OPTIONS AND REASONS

8.1 Option 3 is the preferred option.

This option presents the least risk to Council and its investment. It also presents the highest level of protection from the variable flooding and aggradation behaviour of Waiho River and provides a high level of flexibility for managing future flows, load and discharge quality requirements.

9 RECOMMENDATIONS

- A) **THAT** Council approves a high rate wastewater treatment plant to be built and installed in Franz Josef and funded by debt as provided for in the 2015-25 Long Term Plan, at a total capital cost of \$6.1 million, excluding contingencies.
- B) **THAT** Council instructs the Chief Executive to bring a further detailed report on funding options for the proposed treatment plant by March 2017 for consideration by elected members with a view that the plant would be constructed in the 2017-18 year.

Vivek Goel

Group Manager: District Assets

Appendix 1: OPUS Comparative Analysis report

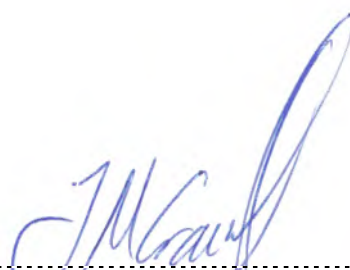
Appendix 2: Copies of the court agreements – WDC and WCRC



Franz Josef WWTP Technical Memorandum #7 Comparative Options Report

Franz Josef WWTP Technical Memorandum #7 Comparative Options Report

Prepared By



.....
Jolanta Liutkute – Environmental Engineer

Mark D Smith – Civil Engineer

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Technical Principal - Wastewater

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Date: 17 November 2016
Reference:
Status: Issue 2a

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1 Introduction

The Franz Josef WWTP has been non-compliant with resource consents for a number years.

Westland District Council (WDC) has asked Opus International Consultants (Opus) to prepare a comparative options report to address Order 3b of the Environment Court Order number ENV-2015-CHC-066, and ENV-2015-CHC-067 dated 14 October 2016.

This report briefly presents comparisons of a number of different possibilities for siting WWTPs to serve the town of Franz Josef. The options considered are oxidation ponds on expansive sites outside the town area and small, intensive plant on a section of land within the town area.

2 Background

2.1 Waiho River

The Waiho River bed is aggrading and migrating towards the Franz Josef wastewater treatment plant (WWTP) oxidation ponds. As well as a very large gravel outwash volume from the upper catchment, there is a terminal moraine (the Waiho Loop) which severely constricts the river valley and forces flow the river to skirt around its south western end. As a result of ongoing aggradation the Waiho River fan has reached the point where it is readily able to flow across land to the north that it has not occupied in geologically recent time (if at all). The river took this course partially in 2010 and joined the Tātare River immediately upstream of the northern end of the terminal Moraine.

The resulting flow patterns can be seen in the aerial image, Photo 1 below. The true right bed of the river is no more than 2m below bank level (and WWTP level) and the true left bed level is now approximately 4m higher than the true right at cross section 19 adjacent the treatment plant. This is tending to force the flow northward. As a result, the Franz Josef Airfield has been permanently destroyed and the current flood flows, such as that at Easter have now moved through the Scenic Circle Hotel and the WWTP.



Photo 1: 2012 Image of the Waiho reach from Scenic Circle to the Waiho Loop

The following figure shows the aggradation that has occurred at the treatment plant site (right hand side) since 1983. i.e approximately 4m.

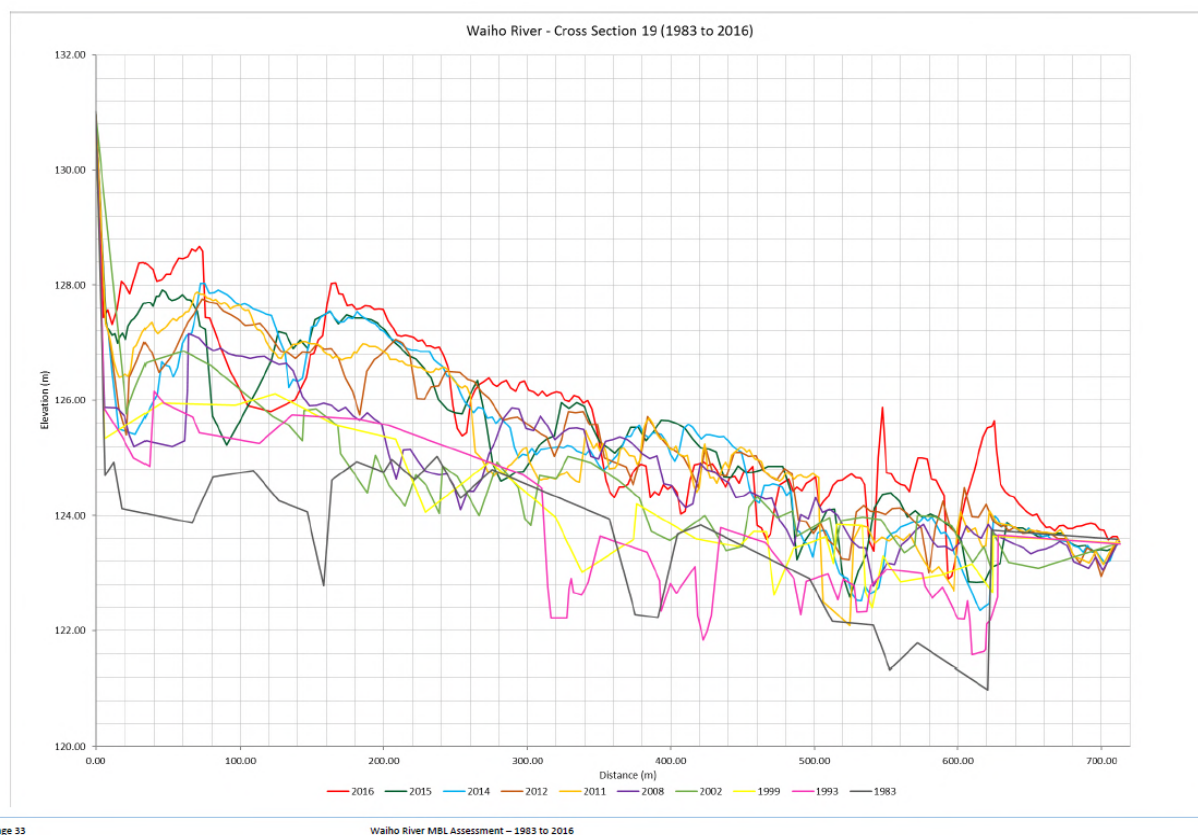


Figure 1: Waiho River Cross Section 19 (adjacent WWTP) from 1983 to 2016¹

Current flood protection works are only sufficient to protect the state highway.

In January 2012, Hall, WCRC reported² the following: *“Present aggradational trends on the river in the reach extending downstream from the SH 6 bridge through to the Waiho Loop is such that in the absence of human intervention an avulsion of the Waiho River into the Tatare River resulting from overflows in times of flood across the true right natural river bank at and below the oxidation ponds is imminent. It is noted that overflows of this kind occurred during the December 2010 flood on the Waiho River and initiated headward erosion along the overflow corridor commencing from the true left bank of the Tatare River. This erosion did not progress any great distance back towards the Waiho River during that event but it is expected that further erosion will occur in subsequent floods that spill water down this overflow corridor.”*

In June 2014, Opus prepared a report³ that considered the risks to the WWTP, associated with the Waiho River. That report predicted that, within 5 years of that date, the aggrading behaviour of the Waiho River would result in the WWTP being inundated by the River. On

¹ 2016, Gardner, Land River Sea, Waiho River MBL Assessment 1983 – 2016 for Westland Regional Council

² 2012 Hall, WCRC Waiho River Future Management

³ 2014 Webby, Opus, Franz Josef Wastewater Treatment Planning

that basis, WDC, in December 2015 commenced the process of procuring a new WWTP on a new site that would not be susceptible to the encroachment of the river.

In July 2016, Professor Tim Davies (UC) reported⁴ the following: *“Further aggradation of the Waiho will increase the present flood spill eastwards into the Tatare River upstream of the Waiho Loop. This may lead to diversion of substantial water and sediment flows into the Tatare during floods, and since the Tatare river bed is 10-15 m lower⁵ than the Waiho bed at this location, nick-point recession may occur in the Waiho. While this will probably lead to degradation in the presently aggrading reach this will be uncontrollable, potentially putting riverside assets (including the SH 6 Bridge) at risk. In addition, further microscale model work (Davies et al., 2013) suggests that this degradation is likely to be short-term and will be followed by aggradation of both the Tatare and Waiho river beds to the current level within a decade or so as the Waiho fills in this low spot”*. Prof. Davies reports that the Waiho is transporting a near constant 800,000m³ of sediment annually out of its catchment (This is equivalent to the near constant 5mm per year tectonic uplift over the entire 160km² catchment area).

Matthew Gardener Land River Sea Consultants, who has undertaken much recent observation and hydro-dynamic modelling of the Waiho River stresses⁶ *“... that bed levels adjacent to the oxidation ponds are very likely to continue to rise, and based on the recent behaviour the alignment of the river has a strong potential to align itself so that a main channel is directed at the oxidation pond bank putting it under considerable pressure. Also based on current bed and bank levels, the bank is very likely to overtop in a major flood event which will likely cause bank failure. The bed level adjacent to the Mueller Hotel **increased by approximately 2 metres between the 2015 and 2016 surveys**, and it appeared most of this bed level rise occurred within a number of months. I would strongly caution against rebuilding in this location – it would seem to be very short sighted!”*.

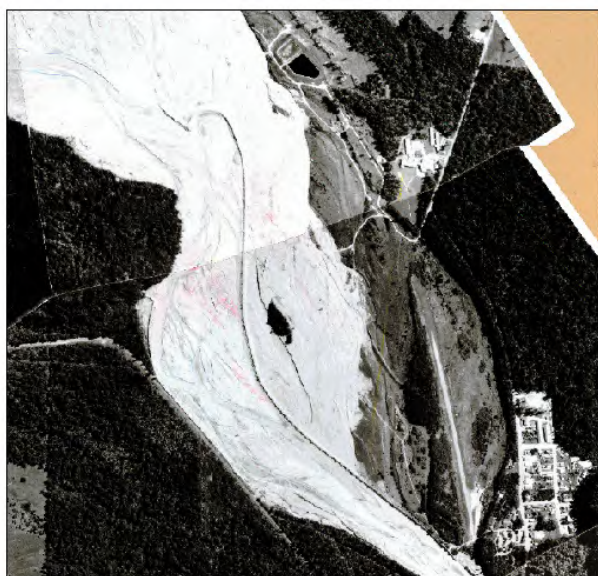


Photo 2: 1982 Airfield, Ponds, Stop Bank and Hook Groyne in 1982⁷

⁴ 2016, Davies, Behaviour of the Waiho river: A geomorphological perspective.

⁵ Actually 13m lower based on 2016 LiDAR survey information.

⁶ 2016 Gardener, Pers comms, Crawford - Opus

⁷ 2016, Gardner, Land River Sea, Waiho River MBL Assessment 1983 – 2016 for West Coast Regional Council



Figure 2: Flow paths of the March 2016 Flood.

All of this suggests that the Waiho will continue to aggrade at a comparatively rapid rate and that it will continue to modify the alluvial fan between the Waiho and Tatare rivers and present a significant ongoing risk to property and infrastructure located on the fan.

What is of note is the considerable body of work which has been published since at least the early 1990s and very recently in 2016 regarding the ongoing behaviour of the Waiho River and the associated risks relating to infrastructure development on the Waiho River fan.

2.2 Wastewater Treatment in New Zealand

- a. Prior to the 1970's in New Zealand most municipal and industrial wastewater was discharged untreated, treated in individual septic tanks or treated in communal septic tanks (or Imhoff tanks) before discharge to waterways.
- b. The first modern, compact, high rate, secondary wastewater treatment plant to be used in New Zealand was built at the Waikeria Prison in Waikato in approximately 1967. It is very much the same as many of the high rate treatment plants being constructed around the world today. This was to serve a total population of 3,000 persons. There were some small trickling filter installations prior to that.
- c. During the 1970's and 1980's there was a major drive to sewer as many urban settlements in New Zealand as possible. A cost effective solution was sought which would do a reasonable job of removing major pollutants (BOD, Solids and heavy metals) from the wastewaters. This was to derive both public health and environmental benefits. Some 200 oxidation pond systems were built the length and breadth of New Zealand. Many of these were partially funded by central Government grants or subsidies. These pond systems were generally targeting approximately 80% removal of

- biochemical oxygen demand (BOD₅) and Total suspended solids (TSS) or an effluent quality of approximately 40:40 BOD₅:TSS.
- d. Almost all of the ponds were designed based on a standardised (by Government, through the Ministry of Works and Development) loading rate of 84kg BOD₅/ha/day for the primary pond. As a single person produces approximately 80g of BOD₅ per day, this equates to primary pond sizing of 1,050 persons per ha for the primary pond. The 84kg/ha/day was toward the lower (more conservative) end of acceptable loading rates for New Zealand but was adopted as a standard that would cater for most (non-alpine) climatic conditions in New Zealand.
 - e. From 1990 onward, the discharge consent processes associated with the Resource Management Act, increasing populations and increasing public demand for improved environmental performance have led to improvements being required to most wastewater treatment facilities around New Zealand. These improvements range from the construction of completely new, high rate plants, to hybrid installations to simple inlet/outlet and hydraulic improvements to pond systems.
 - f. In recent years, with the very rapid increase in tourist interest in New Zealand and the current implementation of the 2014 National Policy Statement for Freshwater Management, a number of communities around the country have taken the step of moving away from more basic pond based treatment to advanced systems that produce a significantly cleaner product and present a significantly cleaner image to visitors. Some examples include Coromandel Peninsula resort communities, Turangi, Queenstown/Arrowtown, Wanaka and Curio Bay in the Catlins.

2.3 Existing Franz Josef WWTP

The current WWTP is a two pond system of 1.0 ha (0.57 + 0.43ha) of typical 1970's Ministry of Works and Development configuration, design to their, then, 84kg BOD₅ /ha/day loading guideline for the primary pond and 1,800 persons per ha for the secondary pond. It was constructed in 1977/78 and the design population at the time was approximately 600.

The WWTP is constructed west of Franz Josef township right on the true right bank of the Waiho River.

The WWTP has, in recent years, regularly contravened (since about 2010) the conditions of the West Coast Regional Council (WCRC) discharge consent amendment RCo0387[V1]. Following the issue of abatement notices by WCRC, an Environment Court Order (ENV-2015-CHC-066, and ENV-2015-CHC-067) has been issued requiring the WDC to comply with the consent conditions. WDC estimate that the existing peak population equivalent is approximately 5,000 persons based on water consumption and other tourism related statistics.

In March 2016, the Waiho River flooded and inundated the existing pond based WWTP. Pond one was filled with river silt. Pond 2 was entirely breached in one corner and the contents emptied into the river. The Pond Two breach has been reinstated. The Pond One silt has not been removed. Wastewater flow has been reinstated to the ponds and a rudimentary form of primary treatment is being applied.

In March 2016 the oxidation pond system was overtopped and inundated by a comparatively small flood of the Waiho River. Refer photo 2. Significant damage resulted.



Photo 3: March 2016 Inundation of Franz Josef Oxidation Ponds

2.4 Seismicity

Franz Josef Township is located directly on the Alpine Fault F2K.

GNS has provided an overview⁸ of the estimated seismic hazard at Franz Josef concentrating on the nearby Alpine Fault as a scenario. The most likely and most severe earthquake scenario in the NSHM in proximity to Franz Josef is rupture of the AlpineF2K source in a $M_w = 8.1$ earthquake. MMI 9 shaking is likely for the Alpine Fault rupture event which has an estimated conditional probability of 27% in the next 50 years. Shaking intensities in the MMI 7-8 range as aftershocks or from other local sources will be more frequent. Horizontal displacements of 7 – 9 m are to be expected. Vertical displacements of 1 – 2m are to be expected. Liquefaction and lateral spread of the near surface soils are to be expected.

2.5 Reasons for upgrade

There are currently two key reasons for the upgrade to the inlet works:

- The Waiho River bed is aggrading and has migrated through and inundated the existing WWTP. There are therefore significant risks of further outflanking and or inundation of the treatment plant by the river as it spreads toward the north.
- The ponds are overloaded and are periodically discharging non-compliant effluent into the Waiho River. The West Coast Regional Council have issued abatement notices to the Council.

However, looking to the future, it is unlikely that future consent conditions will be as generous as those currently held, or that they will in fact permit a pond system on the Waiho delta, and if planning upgrading or rebuild works, it would be prudent to make as much provision as possible for accommodating future needs.

⁸ Langridge et al, GNS, July 2016, Natural Hazard Assessment for the Township of Franz Josef, Westland District

3 Basis of Design

3.1 Flows and Loading

As there is no existing flow metering or waste characterisation of sewage entering the Franz Josef WW pond system, design flows and loads have been estimated. Flows have been estimated based on typical per capita contributions to wastewater flow in New Zealand. While potable water consumption is an indication of contributing population, it does not all go to the sewer system and potable water use does not account for inflow and infiltration that enters the sewer system.

Table 1: Design Flows for New/Upgraded WWTP (excluding septage)

Parameter	Unit	Flows
Average Dry Weather Flow, ADWF (Off- peak)	m ³ /day	363
Peak Dry Weather Flow, PDWF (Peak 3 months, summer period)	m ³ /day	1,325
Peak Wet Weather Flow, PWWF (day)	m ³ /day	2,500
Peak Wet Weather Flow, PWWF	m ³ /hr	220
Peak Instantaneous Flow, PIF	l/s	61
Peak Instantaneous Flow plus 25% * capacity, PIF	l/s	76

* This is a factor of safety applied to key hydraulic structures and pipelines

It should be noted that the ADWF (off-peak) is the estimated flow to the WWTP in the winter of 2015. The flows for the summer period have been based on future flow estimates to the WWTP.

The following table represents design loads applied to development of the compact, high rate treatment plant proposal. Because there is no characterisation available, it is based on the wastewater characteristics measured at Queenstown over a period of five years.

Table 2: Design Loads (excluding septage)⁹

Parameter (kg/day)	Proposed Loadings			
	Average Winter	95% Winter	Average Summer	95% Summer
cBOD ₅	88	105	322	384
Dissolved cBOD ₅	25	36	92	130
Total COD	240	301	876	1,098
Dissolved COD	57	74	208	269
Flocc and Filtered COD	40	55	146	201
Ammoniacal nitrogen	13	13	47	49
TN	18	20	67	72
DRP	2	2	6	7
TP	3	4	10	13
TSS	115	145	418	530
Fats, Oils & Grease	40	78	146	286

⁹ Opus, February 2016, Franz Josef WWTP – Request for Proposals

A high level comparison can be made on a per capita basis, since each person produces approximately 80 grams of BOD₅ per day. So, if the peak population is 5,000 PE, at 80g/hd/d, this gives a peak period daily load of 400kg BOD₅/day which is very close to the 95th percentile estimated in the table above.

3.2 Target Effluent Quality

The proposed effluent quality for the new/upgraded WWTP is as shown in Table 3. This standard was developed at the outset of the procurement process for the new treatment plant. It is the basis on which design and build Proposals were received for the new treatment plant. These criteria are based on the existing Franz Josef WWTP consent limits and the results from an ecological assessment in 2014. They are likely an intermediate step toward the conditions that could be set in the next full consent renewal process and the proposals were required to be readily upgradable to produce a higher standard of effluent. Meeting these requirements will provide a reasonable level of medium term future proofing of the facility.

Table 3: Proposed Effluent Quality¹⁰

Parameter (mean)	Unit	Proposed Consent	
		Upper 95%ile	Median Limits
Carbonaceous Biochemical Oxygen Demand (cBOD ₅)	mg/L	50	20
Suspended Solids	mg/L	50	20
Ammonia Nitrogen	mg/L	25	10
Faecal Coliforms	cfu/100mL	5,000	500
Discharge Volume	m ³ /day	2500	1,325

3.3 Odour

In general, in New Zealand, discharge consent conditions require that a wastewater treatment plant produces no offensive or objectionable odour beyond its boundary. Other consents require that there is no detectable odour at the boundary. The former condition is reasonably readily achieved by most small, compact, high rate WWTPs by the inclusion of covers on odour generating parts of the plant and purpose built odour destruction facilities through which extracted air is passed to destroy the odorous chemical compounds. The latter condition is difficult for any WWTP to comply with, but some manage it.

Because systems are so expansive and there are generally few particularly odorous areas (apart from the screen), it is generally considered that it is not practical to cover these for the purpose of management of odour incidents (they are very unlikely to be continuous). For this reason, when planning new pond systems, it is a generally accepted principal that 300m of buffer distance is allowed between the nearest edge of the pond and existing, designated or planned residential areas and existing dwellings or commercial areas.

3.4 Inlet Works

Regardless of the type of treatment plant, an up-front reception facility will be required.

¹⁰ Opus, February 2016, Franz Josef WWTP – Request for Proposals

This will include:

- Flow metering. Creates instantaneous control ability and long term records of instantaneous, hourly, daily and seasonal flow statistics for plant operation, management and planning purposes.
- Screening to a nominal screen orifice size of 3 to 6mm. Removes smelly, difficult to manage detritus from the wastewater stream.
- Grit removal (for small high rate plants only, not ponds). Prevents excessive sand build up in tanks
- Septage receival system. Measures septage loads, removes stones, routes all septage through a screening facility where it will be mixed with liquid sewage.

3.5 Effluent

Quality: Target effluent quality is to be as stated in section 3.2.

Quantity: All effluent should be flow metered to provide a measure of the effluent quantity condition and the effects of rainfall, evaporation and leakage. For small, high rate systems, the influent and effluent flow meters will record very much the same results. For pond systems, there can be large discrepancies between effluent flows and influent flows.

Disinfection: Small, high rate treatment plants, because of the very formal clarification process, are very readily able to be disinfected (to the standards indicated in table 3.2) using UV light irradiation. Very expansive oxidation pond based systems, where the water is exposed to many days of UV irradiation from the sun, naturally do a better job of disinfection than a non-disinfected high rate system. However achieving a median effluent faecal coliform standard of 500 cfu/100ml is beyond most oxidation pond systems and some form of enhancement is required. This can be provided by a clarification process and a UV dose. In some locations, particularly those with very high sunshine hours this standard can be achieved (just) by adding further maturation ponds, subdivided with earth embankments, making continually smaller cells in an attempt to disrupt the algal growth cycles. Proliferating algal cells block the penetration of UV light into the water regardless of whether natural or mechanically derived UV light is being used.

BOD₅ and Suspended solids: These two standards are readily achieved in compact high rate treatment plants using standard mixed liquor or fixed growth reactors and various different forms of mechanical clarification. Pond systems typically can achieve average performance of 40mg/l for TSS and cBOD₅. Most pond systems could achieve the BOD standard, if it was based on filtered BOD₅, i.e. the BOD₅ associated with the biological algal cells is filtered out. However, while it is occasionally seen, that interpretation is not the norm and does not apply at Franz Josef. For these standards to be achieved in a pond system, some form of enhanced treatment will generally be required. For example, Activflo ballasted clarification such as that used at Gore, Warkworth and Feilding.

Ammonia: Conventional Ponds are typically bad at oxidising ammonia to low levels, although some do manage it where temperature is consistently warm and hydraulic retention time is long. While there is not currently a requirement for significantly reduced ammonia in the final effluent discharge to the Waiho, it is an acute toxicant in the riverine system and contributor of nitrogen as a eutrofying nutrient and such a condition could well be imposed at the next consent renewal, given the increasing pressure to maintain pristine waters in pristine condition.

Considering the much smaller size, it is expected that any discharge to the Tatare River would be required to be fully nitrified from day one.

Total Nitrogen: As above, there is currently no requirement for a low total nitrogen discharge to the Waiho but nitrogen reduction will likely be a requirement of subsequent consent renewals and would almost certainly be a requirement of a new discharge to the Tatare River. If they are able to nitrify, oxidation pond systems tend to be quite good at simultaneously denitrifying as there is normally (but not always e.g Leeston) a large anoxic volume fraction near the bottom of the water column. In compact, high rate plants, the denitrification must occur rapidly and so a specifically configured anoxic zone is required, and there must be an adequate source of readily biodegradable carbon substrate available to allow the process to proceed rapidly.

Discharge Location: The wastewater effluent discharge will need to be either to the Waiho River in the south (as per the existing arrangement) or to the Tatare River in the north.

It is likely that discharges to the Waiho will be able to retain an amended form of the existing consent.

Discharges to the Tatare will require new discharge consents. No consultation has been undertaken with likely affected parties. The river is very much smaller (in discharge flow rate) than the Waiho and it would be expected that consent conditions would be significantly stricter than the existing Waiho River discharge consent. At this time, a very high degree of risk and cost contingency would need to be applied to any pond system being conceptualised for discharge to the Tatare (because of lesser ability to meet high effluent standards). This might allow for an appeal to the environment court and or a high degree of tertiary 'polishing' and or disposal via a rapid infiltration system to ground. For example, an Actiflo process followed by UV disinfection would cost of the order of \$1M plus associated P&G (contract preliminary and general costs) fees and Council costs.

A pumped transfer across to the Waiho River and the associated costs.

As discussed above, discharges to the Waiho River will also need to allow for some disinfection which includes some form of clarification plus UV light irradiation.

3.6 Seismicity

The treatment plant is to be designed to an Importance Level 3 standard (IL3), with regard to seismic resilience.

Foundation zones will need to be improved to prevent liquefaction. In the case of the compact plants, this is an area of the order of 50m x 25m. In the case of the oxidation ponds, this is the area under the embankments which is approximately 18m wide by 2000m long. Thus, the compact plant is more easily protected.

Depending upon the return period chosen, the design event will likely be of a magnitude of at least $M_M=8.1$.

Dr Alexei Murashev, an expert in seismic engineering, who has had no other knowledge of or involvement with this project has provided opinion¹¹ that a small, compact site is likely to

¹¹ Murashev / Crawford email 13/11/2016

be more easily prepared and controlled seismically than a large expansive site and that a pond option is likely to experience heavy damage during a design event and be expensive to repair.

That is, significant wide scale deformations could occur with the pond systems that take a long time and considerable expense to repair. For example, ground rupture beneath the ponds, widespread embankment settlement and stop bank failure. i.e where the solution is not nearly as simple as providing a small amount of embankment top up and where embankment breaching may have resulted due to overtopping following settlement of part of an embankment.

3.7 Physical Design – Compact, High Rate Plant

Detailed requirements for the design and construction of this plant are included in the formal Request for Proposals.

The proposed plant is situated on a concrete slab on improved foundation material. The proposed tanks are stainless steel. Inlet screening, grit removal and septage receiving are included as is an influent lift station and an influent balancing tank.

A sealed access road is provided for from Douglas Drive. 2.0m high security fencing is provided for around the property.

The plant unit processes include screening, septage receipt, grit removal, flow balancing, secondary moving bed bioreactor, clarifiers, tertiary filtration, UV disinfection and sludge dewatering.

A formal odour scrubbing facility is provided for and a minimum of 10m of existing bush buffer is provided for between the site ring road and the boundary.

3.8 Physical Design – Oxidation Ponds

For the purpose of making cost estimates for various options for locating alternative oxidation pond systems, a number of assumptions have been made. There are no particular consents or conditions in place dictating this design at present. Therefore, the pond design has been assumed to follow contemporary New Zealand oxidation pond designs.

The process and mechanical requirements are discussed above.

Pond configuration:

- Unsealed access road and stock fencing.
- Inlet screening, flow metering and septage receipt
- Water Depth: 1.5m. Freeboard 1.0m.
- Embankments 2H:1V internally, 3H:1V externally
- Liner system A: 1.5mm HDPE membrane over non-woven geotextile over 100mm fine single graded gravel (gas/water migration layer), over 110mm diameter herringbone novaflo drains which double as gas relief, ground and leakage water drainage, **OR**
- Liner system B: 300mm compacted clay with concrete wave band.
- Embankment material: Insitu alluvial gravel soils, where possible used on a balanced cut to fill basis except in areas where significant build up is required to stay above projected medium term (15 years) river bed aggradation.

- Supplementary aeration at the rate of $1.2\text{kg O}_2 / \text{kg BOD}_5$ above that provided for by the 84kg/ha/day natural aspiration
- Effluent flow metering.
- Tertiary clarification and UV disinfection largely aimed at facilitating disinfection, but also reducing suspended solids and phosphorus. Examples of contemporary oxidation pond sites using such 'add-ons' are Gore, Marton, Woodville and Pahiatua. In some situations it is possible to get 'just enough' disinfection with a UV system alone or by creating multiple additional maturation cells to control hydraulic residence time very rigorously.

4 Options Assessment

The following sub-sections 4.1 to 4.9 provide an assessment of 8 combinations of alternative treatment plants and sites in the vicinity of Franz Josef Township. Six sites are assessed for construction of oxidation ponds. Two sites are assessed for construction of compact, high rate WWTPs.

Section 5 makes a comparison of those options.

4.1 Site 1 Oxidation Pond – Existing WWTP site

Table 4: Site 1 site inspection information

Item	Title	Description	Comments
1	Land ownership / status	Council owned land.	Surrounded by Council land. Waiho riverbed adjacent is DOC (Conservation Land – “Stewardship” status).
2	Available area (<>10ha)	1.86ha current pond site. 10ha additional area available and owned by Council.	Approximately 4ha of already cleared grass & scrub land adjacent to existing ponds. Council owns adjacent land parcels of 10.5ha and 3.4ha. See site 2.
3	Distance to Franz township	2.2 km	Centre of Franz (The Landing) to existing WWTP via SH6 and access road.
4	Distance to closest wastewater connection.	0 km	Existing connection.
5	Distance to Waiho or Tātare River (for discharge).	50m	Existing discharge to riverbed (currently buried). Discharge to Waiho River.
6	Distance to closest HV powerline.	630m	
7	Distance to nearest dwelling.	380m	Nearest dwelling – allowed for houses on currently subdivided land east of SH6.
8	Road access and cost estimate.	Existing road access.	Access road would be along enlarged river stopbank.

Item	Title	Description	Comments
9	Terrain / slope	Alluvial river fan.	Low gradient, old river channel with grass, scrub and forest cover. A sloping wedge of approximately 1m (LiDAR) will need to be built out after clearing before any level platform is raised for construction of ponds at a reasonable level.
10	Site soils	River gravels, silt/sand, glacial till.	
11	Construction issues	No major issues.	Risk of flood damage to stopbank and inundation by flood water. Ready supply of gravel on site. Ability, or not, to construct the necessary high stop banks and embankments in a manner that will survive the design seismic event.
12	Site layout constraints	Bounded by Waiho River to the West. Low lying. Old flood channels throughout the area.	Area used by walkers, recreational motorbikes and possibly hotel guests? Note: Mueller Hotel is now closed due to flood damage.
13	Size of WWTP	Pond 1 is 0.57ha and Pond 2 is 0.43ha	Current ponds are inadequate for design loading. New, larger ponds would be required.
14	River protection	This site will require additional river protection works. Cost TBD.	The Waiho has aggraded at an average of 0.2m/year over the past 30 years ¹² or so and continues to rise. Some areas of the bed adjacent the right bank have recently risen at a much accelerated rate of approximately 2m in one year (see 2.1 above).
15	Consent status	Utilize existing discharge consent.	Amended conditions likely. WCRC cannot guarantee a pond system would be consentable at next renewal.
16	Processes Required	ILW (Inlet works – see 3.4 above), 2 stage Ponds + clarification + UV	Not future proofed for ammonia reduction or nitrogen removal

¹² 2016 WCRC Waiho River – Long Term Management Strategy, October 2016.



Site entrance from stopbank



Stopbank between Waiho River and existing WWTP's.



Flood damage – Easter 2016



Sediment deposit from Easter 2016 flood

4.2 Site 2 Oxidation Pond – Mueller / Scenic Circle Facility

Table 5: Site 2 Site inspection information

Item	Title	Description	Comments
1	Land ownership / status	Council owned land	Small parcel of land in northern corner – ownership unknown.
2	Available area (<>10ha)	Up to 10 ha	Council owned land. Mostly covered in forest. Approx 2 ha of open ground adjacent to un-named road.
3	Distance to Franz township	2.6 km	400m further than existing ponds.
4	Distance to closest wastewater connection.	1.3 km	Following SH6 then along no-name road.
5	Distance to Waiho or Tatare River (for discharge).	560m to Waiho 1250m to Tatare	New discharge to Waiho River.
6	Distance to closest HV powerline.	560m	Nearest HV line is alongside SH6.
7	Distance to nearest dwelling.	200m	The site is entirely within the 300m of the Holiday Park.
8	Road access and cost estimate.	\$0	Road access to site already.
9	Terrain / slope	Flat	Very flat site. Flood channels present in bush beside open ground.
10	Site soils	Swampy silt/sand over river gravel	Approx 1.8m deep of swampy sludge & silt over gravels.
11	Construction issues	Excavation of swampy ground. Poor drainage, Perched water table.	Area close to main flood path and has been flooded recently. Would require flood protection works.
12	Site layout constraints	Native forest removal would be required to achieve required size and distance from dwellings (Holiday Park)	High risk as close to / in flood path. Close to dwellings (Holiday Park).
13	Size of WWTP	N/A	Not sized –considered unsuitable to due to proximity to Holiday Park and flood risk.

Item	Title	Description	Comments
14	River protection	This site will require additional river protection works.	The Waiho has aggraded at an average of 0.2m/year over the past 30 years ¹³ or so and continues to rise. Some areas of the bed adjacent the right bank have recently risen at a much accelerated rate of approximately 2m in one year (see 2.1 above).
15	Consent status	Utilize existing discharge consent.	Amended conditions likely. WCRC cannot guarantee a pond system would be consentable at next renewal.
16	Processes Required	ILW (Inlet works – see 3.4 above), 2 stage Ponds + clarification + UV	Not future proofed for ammonia reduction or nitrogen removal

¹³ 2016 WCRC Waiho River – Long Term Management Strategy, October 2016.



Un-named road – looking east



Site 2.



Un-named road – looking west



Site 2 – swampy ground

4.3 Site 3 Oxidation Pond – Top of Cron St

Table 6: Site 3 inspection information

Item	Title	Description	Comments
1	Land ownership / status	Private land.	Owners have indicated he would be agreeable to siting of ponds on this land.
2	Available area (<>10ha)	>13 ha on this title	All land is potentially utilizable however pond sites are constrained by 300m buffer from dwellings.
3	Distance to Franz township	1.77 km	Distance is measured to “downtown” Franz.
4	Distance to closest wastewater connection.	690 m	Distance is measured from centre of ponds to closest wastewater connection in Cron St.
5	Distance to Waiho or Tatare River (for discharge).	200m to Tatare	Waiho discharge is not considered practical due to the long distance and likely pumping required.
6	Distance to closest HV powerline.	Powerlines on site	Powerlines pass through the site
7	Distance to nearest dwelling.	320 m	Ponds have been sited to be outside the 300m buffer.
8	Road access and cost estimate.	Minimum 350 m of new road required.	Road could be constructed along the alignment of the powerline corridor however this would likely require burial of the powerline or moving the poles. The corridor is very narrow (6-7m) legal width and may require boundary adjustment, land purchase or easement to attain enough width. Alternative access from SH6 would require 1.4km of road and an easement.
9	Terrain / slope	Flat to gentle, ~ 1-2 degree slope	Tatare River fan. Old river channels and flood paths.
10	Site soils	Alluvial gravels, up to boulder size. Mixed silt/sand/gravel. Refer photos.	Site is a gravel fan where Tatare River exits the Southern Alps.
11	Construction issues	Area is dissected with multiple old flood channels on a gravel fan. No evidence of recent flooding.	Risk of flooding from Tatare River. Protection works likely required. River appears relatively stable, however it is a large

Item	Title	Description	Comments
			steep catchment with potential for substantial water/gravel/debris flows in the event of a slip in the headwaters.
12	Site layout constraints	Size and shape of ponds are constrained predominantly by buffer distance from dwellings and Tatare River. Reasonably flat ground dissected by old river/flood channels.	May be less constrained if site crossed into adjoining property.
13	Size of ponds	2 ponds at 2.5ha & 1.4ha.	Earthworks in order of 30,000m ³ .
14	River protection	This site may require river protection works up to 469m of stopbank.	Cost approximately \$140,000.
15	Consent status	New consent required to discharge to Tatare River.	Has not been tested with affected parties or WCRC. Would likely receive some form of objection, when an existing consent exists for Waiho.
16	Processes Required	ILW (Inlet works – see 3.4 above), 2 stage Ponds + clarification + UV. Gaining consent may require a land disposal system	Not future proofed for ammonia reduction or nitrogen removal



Powerline corridor and possible road access corridor



Tatare River – upstream of site. Potential flood risk.



Site reasonably clear – good gravel soils



Site reasonably clear – shallow swampy depressions over gravels.

4.4 Site 4 Oxidation Pond – North side Waiho Delta

Table 7: Site 4 inspection information

Item	Title	Description	Comments
1	Land ownership / status	Private land.	Owners have indicated he would be agreeable to selling part of the land for siting the ponds.
2	Available area (<>10ha)	5 – 8ha subject to sub-division	All land is potentially utilizable. A QEII covenant exists on a wetland adjacent to the proposed site. Further details still to be determined.
3	Distance to Franz township	2.1 km	Measured from downtown Franz via road to site.
4	Distance to closest wastewater connection.	1.2 km	Current line at SH6 turn-off, to un-named road then short distance to proposed ponds.
5	Distance to Waiho or Tatare River (for discharge).	680m to Tatare 820 from Waiho	Not a great deal of difference in distance so probably discharge to the Waiho to make use of the existing consent.
6	Distance to closest HV powerline.	550m to nearest powerlines	Powerlines adjacent to SH6 at Farm entrance.
7	Distance to nearest dwelling.	320 m	Ponds sited to be just outside 300m buffer.
8	Road access and cost estimate.	104 m of new road allowed for from the end of un-named road.	Road would be constructed from no-name road. Owner has indicated he does not want a road past his house and down his farm access race.
9	Terrain / slope	Flat to gentle, ~ 1-2 degree slope	Flat
10	Site soils	Rounded alluvial gravels, up to 20cm boulder size. The area of interest is variable with a perched watertable and swampy patches. Likely to be silt lenses in places 1 – 2 m deep.	Site is furthest out on the fan and may have more fines/silt present in soil. Nearby exposed gravels are close to surface.

Item	Title	Description	Comments
11	Construction issues	Multiple old flood channels pass to the west of the site – where an access road would pass. Wet swampy ground would need to be investigated further.	There is no evidence of recent flooding and the east of the site drops off a 10m high terrace down to the Tatara River.
12	Site layout constraints	Size and shape of ponds are not particularly limited by terrain. Reasonably flat ground.	According to O a QEII covenant is in place on land to the north west of the site.
13	Size of WWTP	2 ponds consisting of 2.9ha and 1.1ha.	Earthworks in order of 31,000 m ³ .
14	River protection	This site may require river protection works up to 500m of reinforced pond embankment.	Additional cost to reinforce pond embankments would be in the order of \$50,000.
15	Consent status	Utilize existing consent.	Amended conditions likely. WCRC cannot guarantee a pond system would be consentable at next renewal.
16	Processes Required	ILW (Inlet works – see 3.4 above), 2 stage Ponds + clarification + UV.	Not future proofed for ammonia reduction or nitrogen removal



Tatare North site – in farm paddocks



Swampy ground in middle of site



Typical gravels on this terrace and expected on site.



Cutting down towards Tatare – potential discharge route.

4.5 Site 5 Oxidation Pond - Hayfields

The owner of this property was not interested in having ponds located on their farm. In order to be 300m from a dwelling the ponds would need to be in the middle of the farm and would make it difficult for the farm.

The site is also the furthest from Franz Township.

4.6 Site 6 Oxidation Pond – East of SH 6, North of Tatare River

Another potential site was identified as a backup. It may have merit as it is flat, well drained farmland with alluvial gravel base. However it is located on the north side of the Tatare River and therefore would require piping and pumping of wastewater across the river.

Advantages of this site are the ability to service the new sub-division, powerlines on site and access to SH6.

Table 8: Site 6 site inspection information.

Item	Title	Description	Comments
1	Land ownership / status	Unknown.	
2	Available area (<>10ha)	5.0 ha	Constrained by proximity to new subdivision, Tatare River and dwellings, Motel west of SH6.
3	Distance to Franz township	2.5km	Along SH6 and over bridge
4	Distance to closest connection to wastewater trunk main	1.7km	Point where SH6 meets the waiho River.
5	Distance to Waiho or Tatare River (for discharge).	150m	Would need new consent for discharge to Tatare River.
6	Distance to closest HV powerline.	11kV lines through site.	Lines run alongside proposed ponds.
7	Distance to nearest dwelling or subdivided Lot.	Nil	Immediately adjacent existing subdivision and purchase of some lots would be required to create an odour buffer.

Item	Title	Description	Comments
8	Road access and cost estimate.	216m of new access road required from SH6.	Cost for access road estimated at \$66,000 (does not include shoulder works for a new entrance off SH6).
9	Terrain / slope	Flat	
10	Site soils	Alluvial gravels	Tatare River fn. Pasture over gravel.
11	Construction issues	Flood protection works required. Access from highway. Adjacent to new subdivision.	Relatively straightforward site.
12	Site layout constraints	Only 5 ha available between buffers and Tatare River.	Would require purchase of sections on already subdivided land to maintain 300m buffer. Adding significant cost.
13	Size of WWTP	2 ponds totalling 3.1ha	Significant supplementary aeration will be required.
14	River protection	605m	New stop banking to protect against Tatare flooding.
15	Consent status	New consent required to much smaller Tatare Rv.	Has not been tested with affected parties or WCRC. Would likely receive some form of objection, when an existing consent exists for Waiho.
16	Processes Required	ILW (Inlet works – see 3.4 above), 2 stage Ponds + clarification + UV. Gaining consent may require a land disposal system	Not future proofed for ammonia reduction or nitrogen removal



Tatare south of SH6 site – in farm paddocks



Stopbank protection at rear of property



Powerlines on site.



4.7 Site 7: Oxidation Pond – Makaawhio Land – East of SH6

Table 9: Site 7 Site Inspection Information

Item	Title	Description	Comments
1	Land ownership / status	Makaawhio land	
2	Available area (<>10ha)	Up to 9ha available with 6.3 ha allowed for.	The proposed ponds are sited to minimise exposure to flood risk – however with the proposed stopbank additional pond area would be achievable.
3	Distance to Franz township	2.2km	Via SH6.
4	Distance to closest connection to wastewater trunk main	1.35km	Via SH6
5	Distance to Waiho or Tatare River (for discharge).	Waiho: 1.35km to connect to existing effluent line. Tatare: 180m.	Discharge to Tatare would require new resource consent.
6	Distance to closest HV powerline.	220m	11kV lines are adjacent site.
7	Distance to nearest dwelling or subdivided Lot.	Nil	Immediately adjacent existing subdivision and purchase of some lots would be required to create an odour buffer.
8	Road access and cost estimate.	332m of new access road. Estimated cost \$100,000.	
9	Terrain / slope	Undulating	
10	Site soils	Alluvial gravels	
11	Construction issues		
12	Site layout constraints	Only 3.9 ha available between buffers and Tatare River.	
13	Size of WWTP	3.9ha	Significant supplementary aeration will be required.

Item	Title	Description	Comments
14	River protection	746m	New stopbank protection.
15	Consent status	New consent required to discharge to Tatare River.	Has not been tested with affected parties or WCRC. Would likely receive some form of objection, when an existing consent exists for Waiho.
16	Processes Required	ILW (Inlet works – see 3.4 above), 2 stage Ponds + clarification + UV. Gaining consent may require a land disposal system	Not future proofed for ammonia reduction or nitrogen removal

4.8 Site 8: Douglas Drive Compact High Rate Plant

Table 10: Site 8, Douglas Drive site details

Item	Title	Description	Comments
1	Land ownership / status	Private ownership – council would need to purchase land	General agreement has been reached with the land owner to sell this land to council
2	Available area (<>10ha)	15ha	Entire parcel of land. May be able to subdivide and sell surplus or purchase a subdivided portion only.
3	Distance to Franz township	800m	Distance from “downtown” Franz via road.
4	Distance to closest wastewater trunk sewer	150m	
5	Distance to Waiho River (for discharge).	300m	Distance from proposed site to 50m into riverbed. May need to hook into existing sewer to get discharge further downstream for gravity discharge.
6	Distance to closest HV powerline.	250m	Proposed site to nearest HV power pole.
7	Distance to nearest dwelling.	30m to caravan park.	Plant types lends itself to collection and on-site destruction of odorous compounds.

Item	Title	Description	Comments
8	Road access and cost estimate.	20m (\$15,000)	Allows for stripping, gravel access track, turn-around/parking and concrete entrance across kerb & channel.
9	Terrain / slope	Gentle	Flat area currently covered in bush.
10	Site soils	Humus topsoil on alluvial river gravel.	
11	Construction issues	Central site needs tree clearance	Tiny area compared to clearance for pond system.
12	Site layout constraints	Few. Keep it central to maintain tree buffer to surrounding properties.	
13	Size of WWTP	45m x 20m = 900m ²	Earthworks in order of 4000m ³ .
14	River protection	Nil	

4.9 Compact, High Rate Plant – Top of Cron St

Table 11: Site 3, Compact plant site details

Item	Title	Description	Comments
1	Land ownership / status	Private land.	Owner has indicated they would be agreeable to siting of ponds on this land.
2	Available area (<>10ha)	>13 ha on this title	All land is potentially utilizable.
3	Distance to Franz township	1.2 km	
4	Distance to closest wastewater connection.	400 m	
5	Distance to Waiho River (for discharge).	220m to Tatara	Waiho discharge is not practical from this location as the pumping main would need to be constructed at too great a depth.
6	Distance to closest HV powerline.	Powerlines on site	Powerlines pass through the site.

Item	Title	Description	Comments
7	Distance to nearest dwelling.	160m	Plant types lends itself to collection and on-site destruction of odorous compounds.
8	Road access and cost estimate.	Minimum 180 m of new road required. \$70,000 cost estimate for access road (excluding any land purchase, consents, surveying etc)	Road could be constructed along the alignment of the powerline corridor however this would require burial of the powerline or moving the poles. The corridor is narrow (6-7m) legal width and may require boundary adjustment, land purchase or easement to attain enough width. Alternative access from SH6 would require 1.4km of road across Makaawhio land.
9	Terrain / slope	Flat to gentle, ~ 1-2 degree slope	Presence of flood channels requiring protection works.
10	Site soils	Alluvial gravels, up to boulder size. Mixed silt/sand/gravel.	
11	Construction issues	Area is dissected with multiple old flood channels on a gravel fan. No evidence of recent flooding.	Residual risk of flooding from Tatare River. Protection works likely required. River appears relatively stable.
12	Site layout constraints	Size and shape of compact plant is not particularly limited by terrain. Reasonably flat ground.	Good site, near power, near road access, limited flood risk with minimal protection works. Screened from
13	Size of WWTP	45m x 20m = 900m ²	Earthworks in order of 4000 m ³ .
14	River protection	This site may require river protection works up to 200m of stopbank.	Cost estimate at \$50,000

All sites are on river gravels and relatively flat land (maximum slope 1°).

4.10 Locality Plan

Figure 3 below depicts the location and constraints associated with each oxidation pond option. 300m odour buffer zones have been shown around existing dwellings and subdivided and designated sites that will potentially be built on for residential or commercial purposes (some future potential dwellings have been added to help facilitate generation of the odour buffer boundaries. Lot boundaries are shown as are roads

and rivers. At site 6, several existing subdivided lots would have to be acquired to provide any form of odour buffering. The QEII covenanted lot restricting site 4 is not shown.

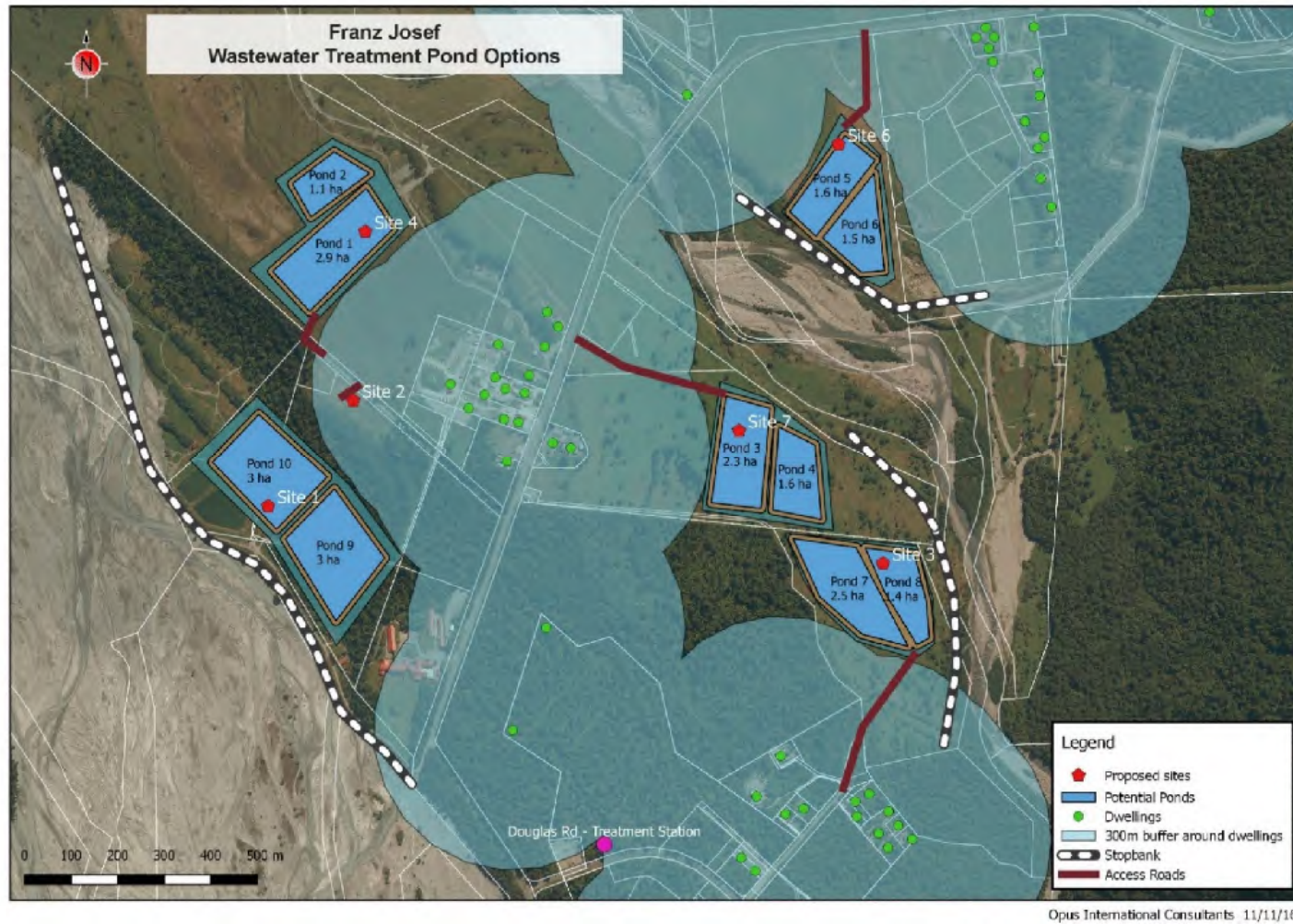


Figure 3: Potential oxidation pond locations and buffer zones

5 Site Assessment

5.1 Advantages, Disadvantages, Key Risks

Based on assessed plant loading, site inspections, knowledge of the local riverine situation and a review of contemporary natural hazards literature, Table 11 below provides an assessment of the advantages and disadvantages of each site and the related treatment option.

Table 12: Advantages and Disadvantages

Location	Advantages	Disadvantages	Failure / construction Risk	Recommendation
Site 1 Incorporates Site 1 Existing WWTP And Site 2 – Behind Scenic Circle Hotel	<ul style="list-style-type: none"> Land owned by Westland District Council. No land purchase required. Existing discharge to riverbed (currently buried) Existing discharge consent Ready supply of gravel on site. Adjacent existing trunk sewer pipe Site reasonably level Has good road access off the unnamed road. 	<ul style="list-style-type: none"> Extreme risk of flood damage to stopbank and inundation by flood water. At the current rate of river aggradation, the ponds would need to be built at least 3m higher than they are currently (and possibly as much as 6m)¹⁴ to be in the same relative position in 15 years, OR equivalent river protection works need to be put in place. Insufficient land outside 300m odour buffer and inside boundary constraints so supplementary aeration system required. 630m to High voltage power source At the Scenic Circle end, approx. 1.8m of swampy sludge & silt which will require additional earthworks to clear for construction of ponds, roads and embankments. Most of the area is covered in bush requiring vegetation clearance and likely consent issues. Existing trunk gravity sewer is only 150mm dia. Currently undersized and 	<ul style="list-style-type: none"> Extreme 	Not recommended

¹⁴ Healey 2016, Pers comms (appended)

Location	Advantages	Disadvantages	Failure / construction Risk	Recommendation
		<p>needs replaced now or in near future. Implication is 1200m of 300mm dia. Gravity sewer to new ponds.</p> <ul style="list-style-type: none"> Long term accumulation of large sludge volume 		
Site 3 – Top of Cron St	<ul style="list-style-type: none"> Owner has indicated he would be agreeable to siting of ponds on this land. The site is close to the township Greater than 300m to nearest <u>existing</u> resident. Bush covered hill <u>may</u> reduce the needed 300m buffer zone. 10ha of land is potentially utilizable. Powerlines pass through the site. Flat to gentle, ~ 1-2 degree slope. Closest connection to waste water line of all sites. 	<ul style="list-style-type: none"> Waiho discharge not practical from this location unless pumped across. Therefore a new consent, to discharge into the Tatare is likely to be required. Insufficient land outside 300m odour buffer (to subdividable land) and inside boundary constraints so supplementary aeration system required. Pumping required to deliver flow to the site. Road could be constructed along the alignment of the powerline corridor however this would require burial of the powerline or moving the poles. The corridor is narrow (6-7m) legal width and may require boundary adjustment, land purchase or easement to attain enough width. Alternative access from SH6 would require 1.4km of road. Residual risk of flooding from Tatare River. Protection works likely required. River appears relatively stable. Long term accumulation of large sludge volume 	<ul style="list-style-type: none"> High 	Possible site
Site 4	<ul style="list-style-type: none"> Owner has indicated he would be agreeable to selling part of the land for siting the ponds. 	<ul style="list-style-type: none"> Road could be constructed from no-name road. Owner has indicated he does not want a road past his house and down his farm access race. 	<ul style="list-style-type: none"> Moderate 	Possible site

Location	Advantages	Disadvantages	Failure / construction Risk	Recommendation
	<ul style="list-style-type: none"> Most land is potentially utilizable. Powerlines adjacent to SH6 at Farm entrance. Approximated 550m to nearest powerlines Distance measured to site marker on map is 400m. There is no evidence of recent flooding and the east of the site drops off a 10m high terrace down to the Tatare River. 1.9km to an appropriate connection to the trunk sewer. This will need to be pumped. Access road could be formed off unnamed road. 	<ul style="list-style-type: none"> According to owner a QEII covenant is in place on land to the north-west of the site. A portion of the land is swampy and would require further earthworks for development. Insufficient land for full sized ponds inside boundary constraints and outside 300m odour buffer so a supplementary aeration system will be required. Likely future exposure to break outs of the Waiho across the alluvial fan toward the Tatare River. Will require a pumped discharge back to the Waiho River. Long term accumulation of large sludge volume 		
Site 5 – North of Tatare Rv.		<ul style="list-style-type: none"> The owner of this property was not interested in having ponds located on their farm. In order to be 300m from a dwelling the ponds would need to be in the middle of the farm and would make it impractical to continue farming the site. The site is also the furthest from Franz Township. 	<ul style="list-style-type: none"> N/A 	Not recommended
Site 6 – Tatare South of SH6	<ul style="list-style-type: none"> Advantages of this site are the ability to service the new sub-division, Powerlines on site and access to SH6. It may have merit as it is flat, well drained farmland with alluvial gravel base. There is existing road access to the site that would need to be extended. 	<ul style="list-style-type: none"> However it is located on the north side of the Tatare River and therefore would require long distance piping of wastewater across the river. River protection is needed. Situated on the edge of new subdivision so there is potential for reverse sensitivity issues to arise and closer sections are 	<ul style="list-style-type: none"> High 	Possible site

Location	Advantages	Disadvantages	Failure / construction Risk	Recommendation
		<p>developed. To establish a 300m buffer, several of the vacant sections would also need to be purchased by Council.</p> <ul style="list-style-type: none"> • Even with purchasing sections, insufficient land outside 300m odour buffer and inside boundary constraints so supplementary aeration system required. • Very high cost of purchasing subdivided lots for buffer zoning. • Long term accumulation of large sludge volume 		
Site 7 - Makaawhio	<ul style="list-style-type: none"> • Distance to nearest trunk wastewater connection point approx. 1.5 km to achieve 300m buffer zone. • 17ha of land outside the buffer zone that could be developed. However some of this is too close to the Tatare River • Power crosses through the property. • Access is available off the SH. 	<ul style="list-style-type: none"> • Residual risk of flooding from Tatare River. Protection works likely required. River appears relatively stable. • Disadvantages as per other pond sites 	<ul style="list-style-type: none"> • High 	Possible site
Site 8 – Douglas Drive Compact Plant	<ul style="list-style-type: none"> • Distance to nearest trunk waste water line 150m • Outside flood zone & protected by SH stop banking. • Small footprint, compact plant • Odour is easily managed with on-site odour control • Good access to power. • Access is available off Douglas Drive. • 200m to Waiho River 	<ul style="list-style-type: none"> • Land will need to be purchased • Close to Alpine fault. Although well outside of the recognized 130m wide Fault Avoidance Zone¹⁵ (FAZ), but is still only approximately 620 m off the fault line itself. • Energy intensive. • Noise generated (but readily mitigated) • Low hydraulic buffering capacity 	<ul style="list-style-type: none"> • Low 	Recommended

¹⁵ Langridge et al, GNS 2016.

Location	Advantages	Disadvantages	Failure / construction Risk	Recommendation
	<ul style="list-style-type: none"> • Shorter and less expensive sewer system • Almost fully modular. A 25% capacity reduction can be made at a saving of \$350,000. This can be replaced at any time in future. • Easily expandable • Can be 'tuned' for different loads • Ability to easily continue discharging into the Waiho River • Capable of being configured for very high levels of treatment which improves overall environmental performance. • And hence more readily 'consentable'. • This is also important in the context of the relationship between environmental performance of the District and its direct link to the Franz Josef and Westland economies. • Preferred concept by WCRC 	<ul style="list-style-type: none"> • Less resilience to toxic shock from industrial trade waste • Produce excess biomass that must be dewatered and disposed of on an on-going basis. 		
Site 9 (Site 3) – Top of Cron St – Compact Plant	<ul style="list-style-type: none"> • Distance to nearest trunk wastewater connection point 1.1km. Will require pumping • Owner has indicated he would be agreeable to siting of ponds on this land. • The site is close to the township • 10ha of land is potentially utilizable. • Powerlines pass through the site. • Flat to gentle, ~ 1-2 degree slope. • Small footprint, compact plant 	<ul style="list-style-type: none"> • Waiho discharge not practical from this location. • Close to Alpine fault • Road could be constructed along the alignment of the powerline corridor however this would require burial of the powerline or moving the poles. The corridor is narrow (6-7m) legal width and may require boundary adjustment, land purchase or easement to attain enough 	<ul style="list-style-type: none"> • Moderate - High 	Possible site

Location	Advantages	Disadvantages	Failure / construction Risk	Recommendation
	<ul style="list-style-type: none"> • Odour is easily managed with on-site odour control • Good access to power. • Access is available off Cron St 220m to Tatare River • Almost fully modular. A 25% capacity reduction can be made at a saving of \$350,000. This can be replaced at any time in future. • Easily expandable • Can be 'tuned' for different loads • Ability to easily continue discharging into the Waiho River • Capable of being configured for very high levels of treatment which improves overall environmental performance. • And hence more readily 'consentable'. • This is also important in the context of the relationship between environmental performance of the District and its direct link to the Franz Josef and Westland economies. • Preferred concept by WCRC 	<p>width. Alternative access from SH6 would require 1.4km of road.</p> <ul style="list-style-type: none"> • Residual risk of flooding from Tatare River. Protection works likely required. River appears relatively stable. Alternatively the site can be elevated providing a higher foundation on which to construct the WWTP. • Energy intensive • Noise generated (but readily mitigated) • Low hydraulic buffering capacity • Less resilience to toxic shock from industrial trade waste • Produce excess biomass that must be dewatered and disposed of on an on-going basis. 		

5.2 Cost Summary

Rough order cost estimates have been prepared for each of the seven treatment plant siting and configuration options considered. Costs have been assessed based on the constraints identified in section 4 and upon the basis of design requirements described in section 3, particularly sections 3.7 and 3.8.

Flood Protection: Sites 1, 3 and 6 include significant costs for the formation of additional flood protection works that will be required. Figure 3 above shows the extent of additional stop banking provided for. At site 4, most of the flood protection work allowance is built into the earthworks Cost.

Liners: Regarding the liners described in section 3.8, the former, plastic liner system has been included in the price make up. Suitable quality clay is not known to be available in South Westland (Ross may be the closest source at 95km distant) and the cost to acquire, haul to site, place, compact and apply a concrete wave band is highly likely to be more than that of the plastic liner system. There has been a community query regarding the possibility of lining the ponds using a mix of lime with the in-situ material. That has been considered. For lime stabilization to be effective, the fill material needs to have a high proportion of fines (clay) as the lime reacts chemically with the clay particles. We are essentially dealing with alluvial gravels in Franz Josef. These gravels have low fines content as they have been washed by the river. Lime stabilisation won't work because the fines/clay content is far too low.

Consents: The three oxidation pond options considered at Sites 3, 6 and 7 each include \$0.5M allowances for obtaining new discharge consents for discharge of treated wastewater into the smaller Tatare River. This assumes that there will be considerable resistance to such applications and appeals to the Environment court. From experience with numerous previous consents, the \$0.5M sum is not, by any means, a worst case scenario. On advice from WCRC (refer appended email), allowances have been made for obtaining new consents for all options because a) The proposed future volumes are significantly higher than present, b) the plants are essentially entirely new and c) are configured differently to the existing. The lowest cost has been assigned to the Site 8 option because it represents a highly treated tertiary effluent discharging to the larger Waiho River and is therefore likely to receive the least opposition of any application.

Tertiary Treatment: Each of the oxidation pond option costs includes a provision of \$0.83m (+ Contract P&Gs + contingency) to provide some form of tertiary clarification followed by UV disinfection. Again, this is not a worst case. An 'Actiflo' ballasted clarification unit itself can readily cost more than \$1m (the Gore unit complete with all civil works cost \$2m in 2008 – but for 9,000 m³/day capacity c.f 2,500m³/day). Direct filtration can be used for 'polishing' an activated sludge effluent prior to UV disinfection. However, the algae rich effluent from an oxidation pond is notoriously difficult to filter and clarification using a flocculant (and sometimes a ballasting sand) is normally required to prepare the effluent for disinfection. In some cases, where only a very minor amount of additional disinfection is required, the additional intervention is not required.

High Voltage Electrical Supply: Electrical costs are approximated only, based on information received for the 2014 report. The grid operator, Westpower has not yet been provided the likely costs for each of the options considered here.

P&G: Each estimate includes a sum to cover Contractors 'Preliminary and General' costs. These include: Various insurances (Works, Public Liability, Vehicle, Professional Indemnity), Performance Bond, costs of financing the purchase of long lead items, cost of financing the contract retentions, FOREX cover, establishment on site (site office, communications, toilets and water, survey), workers consumables, workers transport and accommodation, clean-up and disestablishment, Contract Manager. P&G also covers the Contractor's off site overheads, being a proportion

of the cost of running the Contractor's business generally (Office, office staff, promotions, bidding costs, business costs etc) which, by definition, must be spread across each contract that the contractor wins.

Contingency: For the compact plant options, a contingency of 10% has been applied to the tendered mechanical plant and 30% contingency has been applied to the, as yet, undersigned civil works. For the oxidation pond options, without the benefit of any formal geotechnical investigations, survey, specific flood mapping or design, a 30% contingency has been applied to the cost estimates developed. Arguably a 50% contingency would be more appropriate at this stage considering the situation of the sites and the very basic conceptual assessments carried out to date.

Table 13: Capital cost estimate summary

	Site 1	Site 3A	Site 3B	Site 4	Site 6	Site 7	Site 8
	Oxidation Ponds Combines Sites Existing & Scenic C	Oxidation Ponds Top of Cron St	Compact Plant Top of Cron St	Oxidation Ponds Waiho Delta	Oxidation Ponds. North of Tatare, South of SH5	Oxidation Ponds. Mataawhio	Compact Plant Douglas Drive
Civil & Electrical Works	\$5,600,000	\$3,400,000	\$2,100,000	\$3,400,000	\$3,100,000	\$3,400,000	\$1,700,000
Process Cost	\$1,100,000	\$1,100,000	\$4,500,000	\$1,100,000	\$1,200,000	\$1,100,000	\$4,500,000
Land, Fees, Consents and Investigations	\$500,000	\$1,100,000	\$700,000	\$800,000	\$1,400,000	\$1,100,000	\$600,000
Total Direct	\$7,200,000	\$5,600,000	\$7,300,000	\$5,300,000	\$5,700,000	\$5,600,000	\$6,800,000
Preliminary & General	\$700,000	\$400,000	\$300,000	\$500,000	\$400,000	\$400,000	\$300,000
Contingency allowance	\$2,200,000	\$1,700,000	\$1,800,000	\$1,600,000	\$1,700,000	\$1,700,000	\$1,600,000
Project Total	\$10,100,000	\$7,700,000	\$9,400,000	\$7,400,000	\$7,800,000	\$7,700,000	\$8,700,000

5.3 Options Scoring Matrix

To assist in drawing together the information that has been gathered and developed in making this comparison of various sites and plant options, a multi-criteria scoring matrix has been developed with all sites scored against the selection criteria that are considered to be most important in choosing the option to proceed with. A relative weighting (10 maximum) has been applied to each criteria. Because of the likely consequences of a complete failure of a plant, physical resilience to the severe natural hazards that exist in the immediate vicinity have been given the highest weighting. i.e a plant that still exists and works or can be repaired after an event is more important than the ability for a new plant to be built by a certain date. This is a very common form of assessment process used to assist in selection of preferred wastewater treatment and disposal options.

Table 14: Multi-Criteria scoring matrix

CAPEX estimate excluding P&G and contingency			Site 1	Site 3A	Site 3B	Site 4	Site 6	Site 7	Site 8
			\$7.2m	\$5.6m	\$7.3m	\$5.3m	\$5.7m	\$5.6m	\$6.8m
Criteria	Description / Key Aspects of Criteria	Weighting (1 to 10)	Oxidation Ponds Combines Sites Existing & Scenic C	Oxidation Ponds Top of Cron St	Compact Plant Top of Cron St	Oxidation Ponds Waiho Delta	Oxidation Ponds. North of Tatare, South of SH5	Oxidation Ponds. Mataawhio	Compact Plant Douglas Drive
Operational complexity and risk									
Operational complexity and risk	Complexity of plant operation, particularly using remote resources.	4	9	9	5	9	9	9	5
	Ready availability of spares and maintenance expertise locally to address operational issues.								
Effluent Quality	Ability to consistently meet consent conditions	7	5	5	9	5	5	5	9
Future Proofing	Ability to expand the option in the future to address any potential expansion / growth and or increased effluent standards	6	3	3	8	3	2	3	8
OPEX	Ongoing operational costs	6	7	7	5	7	7	7	5
Project Delivery:									

CAPEX estimate excluding P&G and contingency			Site 1	Site 3A	Site 3B	Site 4	Site 6	Site 7	Site 8
			\$7.2m	\$5.6m	\$7.3m	\$5.3m	\$5.7m	\$5.6m	\$6.8m
Criteria	Description / Key Aspects of Criteria	Weighting (1 to 10)	Oxidation Ponds Combines Sites Existing & Scenic C	Oxidation Ponds Top of Cron St	Compact Plant Top of Cron St	Oxidation Ponds Waiho Delta	Oxidation Ponds. North of Tatare, South of SH5	Oxidation Ponds. Mataawhio	Compact Plant Douglas Drive
Capital Cost	Capital cost for establishment of the option	7	2.8	4.4	2.7	4.7	4.3	4.4	3.2
Land Availability	% treatment area available out of required area x 10	7	7.9	5.1	10	5.3	4.1	5.1	10
Constructability	Likely foundation works requirements	0	Assume all can be constructed and foundation issues are picked up in the CAPEX.						
	Ability to construct offline / disruption to Waikeria operations, WWTP operations, community etc.								
Timeliness	Ability to implement option by end 2017.	4	4	4	8	4	4	4	8
Natural Hazard Risk:									
Flooding	Susceptibility to natural flood hazard from Waiho or Tatare River and ability to protect against	10	1	5	5	4	6	5	10
Seismic Event	Susceptibility to severe damage due a rupture of the alpine fault and ability to design against.	10	2	2	6	2	2	2	6
Ability to Consent:									
Cultural considerations	Acceptability (or otherwise) of the solution to cultural aspirations for discharge of wastewater to the receiving environment	8	8	4	4	8	4	4	8
	Potential acceptability of the option (relative to others) in terms of	7	9	2	5	9	2	2	9

CAPEX estimate excluding P&G and contingency			Site 1	Site 3A	Site 3B	Site 4	Site 6	Site 7	Site 8
			\$7.2m	\$5.6m	\$7.3m	\$5.3m	\$5.7m	\$5.6m	\$6.8m
Criteria	Description / Key Aspects of Criteria	Weighting (1 to 10)	Oxidation Ponds Combines Sites Existing & Scenic C	Oxidation Ponds Top of Cron St	Compact Plant Top of Cron St	Oxidation Ponds Waiho Delta	Oxidation Ponds. North of Tatare, South of SH5	Oxidation Ponds. Mataawhio	Compact Plant Douglas Drive
Receiving environment impacts	technical environmental considerations, such as ecology of the receiving environment.								
	Consideration of other environmental impacts, such as recreational value of receiving environment, and acceptance of impact of activity on such aspects								
Odour and nuisance emissions	Ability for the option to control and manage nuisance emissions that need to be addressed through the consenting process	0	Assume all equal. Odour buffers for oxidation ponds and scrubbers for compact plants.						
Community Acceptance	Ability to achieve stakeholder approval for construction	7	8	8	5	10	8	10	6
	Community acceptance of the proposed scheme, based on likely community perceptions								
	Total score:	830	435	386	494	474	382	400	614

This multi-criteria (largely associated with project risk) approach to options assessment has drawn together the majority of the information collected about each of the options and utilizes a single methodology to assist in identifying what is likely to be the option that provides the best overall outcome for the community. On this basis, the preferred option would be site 8, a compact, high rate plant located right away from the known flood zones.

6 Recommendations

Our strong recommendation to Westland District Council is that replacement of the current Franz Josef WWTP is most appropriately achieved by the construction of a very compact, high rate, mechanised biological plant sited out of the flood hazard zone and very close to the residential / commercial zoned area of the town. This recommendation is based on considerations of land availability, likely construction constraints, capital cost, natural hazards risk and environmental performance.

Such an option is likely to provide the highest level of protection from the variable flooding and aggradation behaviour of the Waiho River and provide a high level of flexibility for managing future flow, load and discharge quality requirements.

Specific design will be required to minimise damage caused by a design seismic event in the nearby Alpine Fault. This requirement is unavoidable at Franz Josef. However, the compact plant is likely to perform better under design seismic conditions than more expansive pond systems.

7 References

- 2012, Campbell, B. A. Microscale modelling experiment to investigate the effects of an avulsion of the Waiho River into the Tatare River, South Westland, New Zealand. Honours dissertation submitted for the requirements of GEOG 420 (UC).
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- 2014, Webby, G., Dyer, P., Crawford, J.M. Franz Josef Wastewater Treatment Planning. Opus International Consultants Ltd technical report for Westland District Council.
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- 2016, Gardner, M., Land Sea River Consulting ‘WAIHO’ 2D Hydraulic modelling report produced for WCRC.
- 2016, Davies, T. Behaviour of the Waiho River: A geomorphological perspective.
- 2016, WCRC, Waiho River Long Term Strategy – Minutes of 27-28 July 2016 WCRC hosted workshop.
- 2016 Langridge, R.M., Buxton, R., Howarth, J.D., Ries, W.F. Natural Hazard Assessment for the Township of Franz Josef, Westland District. GNS Science Consultancy Report 2016/33.
- 2016 Murashev, A. Pers comms J Crawford 13/11/2016 appended.
- 2016 Healey, M. Pers comms J Crawford 13/11/2016 appended.
- 2016 Gardener, M. Pers comms J Crawford 15/11/2016 appended
- 2016 McCormack, G, WCRC. Pers Comms Vivek Goel 16/11/2016 appended

8 Appendices

Personal communication emails:

Murashev, Healey, Gardner / Crawford

McCormack (WCRC) / Goel



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John Crawford

From: Matthew Gardner <Matthew@landriversea.com>
Sent: Tuesday, 15 November 2016 8:54 a.m.
To: John Crawford
Subject: RE: franz Josef WWTP Comparative Report
Attachments: Waiho River Flood Overflow Path_v2.jpg

<https://www.dropbox.com/s/nre49tau683h7yf/Drone%20Images%20For%20OPUS.zip?dl=0>

Hi Lewis – above is a link to the drone images that will hopefully be relevant. Please let me know when you have downloaded them so I can delete them from my dropbox.

I have also produced an image showing approximate overflow paths in the March event (the black and white image is some drone footage of the river bed the day before the event – it was captured at sun rise so the quality is low). This was a fairly small event so the flooding on the delta was not significant.

It should be stressed that that bed levels adjacent to the oxidation ponds are very likely to continue to rise, and based on the recent behaviour the alignment of the river has a strong potential to align itself so that a main channel is directed at the oxidation pond bank putting it under considerable pressure. Also based on current bed and bank levels, the bank is very likely to overtop in a major flood event which will likely cause bank failure. The bed level adjacent to the Mueller hotel increased by approximately 2 metres between the 2015 and 2016 surveys, and it appeared most of this bed level rise occurred within a number of months. I would strongly caution against rebuilding in this location – it would seem to be very short sighted! I know you are on the same page, but just wanted to put that in writing.

Kind regards,

Matthew Gardner
MIPENZ CPEng

Director
Land River Sea Consulting Ltd
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From: John Crawford [mailto:john.crawford@opus.co.nz]
Sent: Monday, 14 November 2016 2:45 PM
To: Matthew Gardner <Matthew@landriversea.com>
Subject: franz Josef WWTP Comparative Report

Hi Matthew

My contact details are below.

John Crawford

From: Mark Healey
Sent: Monday, 14 November 2016 9:33 a.m.
To: John Crawford <john.crawford@opus.co.nz>
Cc: Mark Smith <Mark.D.Smith@opus.co.nz>; Christopher Bergin <christopher.bergin@opus.co.nz>
Subject: RE: Franz Josef WW Comparative Report.

Hi John

Sorry for the delay in reply – have had plenty on.

I'm happy to assist at the council meeting. I think David Inwood was keen for me to talk there as well – he was going to mention that to Tanya Winter (CEO). I do have a prior commitment and potential conflict of interest with my work for NZTA though. I would need to get official sign-off on my attendance at the council meeting, likely on the basis that I talked about general river processes etc and not anything to do with NZTA river works or strategies in the Waiho.

As well as the 0.2m per year average aggradation trend I believe that the river has a short-term correction to make on the north (ponds) side of the fan of about 1m. This is apparent from LiDAR contours of the fan surface profile. I.e. the river bed will likely come up 1m relatively quickly, on top of a 0.2m per year average rate. I also note that stopbanks immediately upstream are about 2m higher than the current ponds stopbank (or access road as they like to call it). You could say that the bank needs to be $1 + 3 + 2 = 6\text{m}$ higher than present in 15yrs.

A breakout to the Tatare is almost certain. The river is continuing to aggrade and there is nothing stopping this from happening. This may bring temporary or longer-term relief from aggradation. However, it may also bring wholesale destruction from dramatic down cutting and undermining of the pond protection works and the pond itself. Really depends on where the river decides to cut its channel. I strongly suggest that engineering works to try to control this steeper and more aggressive river situation would be fraught with difficulty and extremely expensive. The likely reality is that we would be at the mercy of the river.

The only real solution available is to release the river to the south again (i.e. take away the stopbanks) to let it traverse the rest of its natural fan and hopefully be more successful in transporting excess sediment loads.

Other risks that the ponds would be exposed to include earthquake induced land sliding and/or dam break dam and/or glacier burst flooding and associated aggradation. Add climate change as well. All bad news...

Regards



Mark Healey

Business Group Manager - West Coast
Partner
ME(Nat Res)(Dist), MIPENZ, CPEng [171989]

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John Crawford

From: Alexei Murashev
Sent: Sunday, 13 November 2016 8:21 p.m.
To: John Crawford; Pathmanathan Brabhaharan
Cc: Christopher Bergin; Vivek Goel
Subject: RE: Franz Josef WWTP - Seismic Risk

Hi John

My thoughts are similar to yours. In my view, it is easier to control a small area (Option 1) in terms of satisfying design requirements. Yes, we can have some lateral movement and possibly differential settlement. It also may be that foundation soils are liquefiable and prone to lateral spreading. However, the plant loads distributed over the RC raft should be low (assuming the raft is thick), so we should be able to satisfy bearing capacity requirements even with no ground improvement. If loads are high, ground improvement can be carried out to mitigate soil's potential for liquefaction and lateral spreading.

Design of the plant structures founded on RC raft would need to consider high seismic loads and the need to relevel structures after the design seismic event (unless ground improvement is carried out).

If properly designed, I would expect "Moderate but reasonably repairable damage in Mm=8.1 event" for Option 1.

In terms of flood, everything will depend on levels. I understand that Option 1 site is on high ground level above the Q100 flood level and behind formal flood protection works. So, I guess the risk of flood damage for Option 1 is low. Additional flood protection measures can be put in place if required.

Option 2 will be likely to experience heavy damage and will be costly to repair.

One more risk to consider is the risk to pipelines, what can be done to reduce the risk and minimise time to repair.

We can have a more detailed chat on Monday.

Regards

Alexei



Dr Alexei Murashev

Technical Principal
Work Group Manager – Geotechnical Engineering & Risk
Opus Partner

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From: John Crawford

Sent: Sunday, 13 November 2016 3:25 p.m.

To: Alexei Murashev <alexei.murashev@opus.co.nz>; Pathmanathan Brabhaharan <brabha@opus.co.nz>

Cc: Christopher Bergin <christopher.bergin@opus.co.nz>; Vivek Goel <vivek@westlanddc.govt.nz>

Subject: Franz Josef WWTP - Seismic Risk

Hi Alexei

Hi Brahba

I would like your very brief opinions on the following please. I am doing a multi-criteria assessment of the scenarios discussed below and, in scoring the Natural Hazard resilience of the various options, I would like some expert opinion that is independent of the project team.

At Franz Josef in South Westland, we are considering two options for replacement of the Franz Josef WWTP, which is currently an oxidation pond system that has been largely destroyed by a moderate flood of the Waiho River below the SH6 road bridge in March 2016. The river has been aggrading at an average of 0.2m/year over the last 30 odd years and this appears to be accelerating.

You will be familiar with the Alpine F2K fault passing right through the built up area of Franz Josef Township. There is a 130m wide fault avoidance zone (FAZ) straddling the actual fault. According to GNS, the expected quake magnitude for the next event is $M_w=8.1$. Shaking intensity is estimated at MMI 9. Return period is estimated at 300 years and this is currently at the later end of the cycle. The conditional probability for this event occurring within the next 50 years is 27%. Anticipated vertical displacements are 1 – 2 m. Anticipated horizontal displacements are 7 - 9m. In addition, the Waiho Delta has been identified as being prone to liquefaction and lateral spread. The WW facility is regarded as IL3 priority.

There are two concepts for replacement of the WWTP.

- 1 One concept is a very small, compact high rate treatment plant on a concrete plant slab. Total footprint is less than 50m x 25m. The site is on high ground level above the Q_{100} flood level and behind formal flood protection works. It is however only about 620m from the alpine fault. All flow must be pumped into this plant. This plant is basically a series of stainless steel tanks bolted down to a RC plant slab on ground. The slab can be cast in separate pieces if necessary, with pumps and flexible pipes joining neighbouring sections. The site is in bush and this will have to be cleared, levelled and reworked as necessary to provide appropriate foundations.
- 2 The second concept is to construct more oxidation ponds, down on the Waiho Delta where there is space and odour buffer provisions can be satisfied. There are 5 potential sites, with total pond area ranging from about 5 to 10ha. Therefore about 1.5 to 2km of pond embankments, 3m high to be built. Some sites will require pumped feed. Some can be fed by gravity. Significant flood protection works will be required in some areas. These 5 sites range from about 700m to 1800m from their closest embankment to the alpine fault

The following are the scoring criteria (out of 10) I have adopted so far for Natural Hazards but am happy to take advice.

Natural Hazard Risk		1
Flooding	Susceptibility to natural flood hazard from Waiho or Tātare River and ability to protect against	Site inundated in event less than Q_{10}
Seismic Event	Susceptibility to severe damage due a rupture of the alpine fault and ability to design against.	Major damage or destroyed in $M_m=8.1$ event

Are you able to provide opinion (spending no more than 1 hour each) as to relative scoring you would assign, fully accepting that you have had no opportunity to undertake formal analysis (scores can be any number between 1 and 10).

From limited understanding, my expectation is that it will be relatively straight forward to undertake small area foundation improvements in the alluvial gravels as we have done for WWTP facilities at both Shotover Delta and Awatoto Napier and that the likelihood of major level differential levels resulting over any given 50m piece of territory is less than that over the 650 – 700m length that might result along a twin pond oxidation pond system which would result in major readjustment of embankment levels and possibly the need to reinstate breaches occurring as a result of level change induced over topping.

Please call ASAP if you would like me to clarify anything.

Job number 6WWES3.42 Task 66GG.

Thanks very much
Regards

John Crawford



John M Crawford

Technical Principal - Wastewater

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John Crawford

To: John Crawford
Subject: FW: Franz Josef WWTP - Request for comments
Importance: High

From: Gerard McCormack [<mailto:gerardm@wcrc.govt.nz>]
Sent: Wednesday, 16 November 2016 3:15 PM
To: Vivek Goel <vivek@westlanddc.govt.nz>
Cc: Michael Meehan <mm@wcrc.govt.nz>; Tanya Winter <tanya.winter@westlanddc.govt.nz>
Subject: RE: Franz Josef WWTP - Request for comments

Vivek,

Thank you for your email as you will see I have sought to respond to each question in term below.

1. Do you believe under the current consent conditions – any expansion or creation of new oxidation ponds at the current site will require a new consent or the works can be done within the existing consent?
- A community led proposal (which we haven't received to date) is most likely for un-lined ponds and no consideration to a mechanical aeration or any disinfection provisions. So we cannot comment on the proposed effluent quality. This is based on the initial submission from Mr Gavin Molloy.

From the information you have sent it appears the intention is to build two significantly larger treatment ponds rather than upgrading the existing ones, which I assume would be decommissioned. Therefore as you are not modifying the existing ponds but instead proposing a brand new treatment scheme, fresh resource consents would be required. In addition consent would be required for the stop banks that would also be required as part of the scheme.

2. If the works (expansion of oxidation ponds) can be carried without a consent or under the current consent – would you still need an AEE? We have requested similar comments from iwi. Will there be any consultation requirements?

See response to question 1.

3. The recent WWTP discharge consent renewal for Hokitika WWTP was lodged and granted an extension of only 10 years. There are strict instructions to investigate improvements within this timeframe. The 10 year consent was lodged after informal discussions with WCRC on the basis that a longer term of 30 years, in practice will be difficult to be considered. Will it be fair to consider a similar assumption for Franz Josef – should Council consider oxidation ponds as a preferred form of treatment.

The Hokitika application was for the renewal of an existing consent and is therefore not comparable with the new schemes you are proposing for Franz. In determining the length of any new consent would need to demonstrate that it is capable of meeting both current and expected capacity needs, as well as being compliant with discharge limits.

4. Can you comment otherwise – with respect to oxidation ponds in general? In the draft report there is a statement - *"However, looking to the future, it is unlikely that future consent conditions will be as generous as those currently held, or that they will in fact even permit a pond based system on the Waiho delta, and if planning upgrading or rebuild works, it would be prudent to make as much provision as possible for accommodating future needs."*

We are simply looking to achieve a system that deals with effluent which complies with our requirements and does not have an adverse impact on the environment. However we feel that a high rate waste water treatment plant

would be a more appropriate long term solution than a pond system, particularly given the close proximity of the river.

5. Do you have any comments on the proposed locations? I have attached an aerial map with locations under investigations. The elected members have a view about building a stop bank around the ponds and then consider the site be future safe. Any comments? Obviously, any stop banking / flood protection works would have to consider the rate aggradation of the river and the required life of the project.

We would need significantly more information before we could form a view on the suitability of other locations. Obviously consents would be required for the stop banks and there is no guarantees that long term they would be sufficient to keep the river out.

If I can be of any further assistance at this stage then please do not hesitate to contact me.

Kind regards,



Gerard McCormack

Consents and Compliance Manager

Tel. 03 768 0466 ext 236 |

Mob. 021 190 7741

E: gerardm@wcrc.govt.nz

PO Box 66, Greymouth 7840

388 Main South Road

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From: Vivek Goel [<mailto:vivek@westlanddc.govt.nz>]

Sent: Monday, 14 November 2016 11:44 AM

To: Michael Meehan; Gerard McCormack

Cc: Tanya Winter; Pamela Wilson

Subject: Franz Josef WWTP - Request for comments

Importance: High

Hello Mike and Gerard

Thanks for sharing the information on Waiho river studies last week. This is very helpful. As you are aware that we are in the process of finalising another detailed report which will include comparatives on oxidation ponds and a high rate mechanical treatment plant. We need WCRC comments.

Over the past year we have had a number of discussions on this matter. However ambiguous statements have been provided by various members of the community claiming that WCRC has indicated their support or easy consentability for extension of the current oxidation ponds at the current or new site. I appreciate that WCRC, under the RMA provisions, will only act on the information provided or the consent sought. However, in the interest of our working relationship, our ratepayers and in the interest of the environmental sustainability, it is important that WCRC make some clear comments, which we would like to include as part of our report.

We would also request your presence on 24th November 2016, at our Council meeting when the reports for Franz Wastewater Treatment options will be considered. Mike, as CE may I please request your comments to below questions:

1. Do you believe under the current consent conditions – any expansion or creation of new oxidation ponds at the current site will require a new consent or the works can be done within the existing consent?

- A community led proposal (which we haven't received to date) is most likely for un-lined ponds and no consideration to a mechanical aeration or any disinfection provisions. So we cannot comment on the proposed effluent quality. This is based on the initial submission from Mr Gavin Molloy.

2. If the works (expansion of oxidation ponds) can be carried without a consent or under the current consent – would you still need an AEE? We have requested similar comments from iwi. Will there be any consultation requirements?

3. The recent WWTP discharge consent renewal for Hokitika WWTP was lodged and granted an extension of only 10 years. There are strict instructions to investigate improvements within this timeframe. The 10 year consent was lodged after informal discussions with WCRC on the basis that a longer term of 30 years, in practice will be difficult to be considered. Will it be fair to consider a similar assumption for Franz Josef – should Council consider oxidation ponds as a preferred form of treatment.

4. Can you comment otherwise – with respect to oxidation ponds in general? In the draft report there is a statement - *"However, looking to the future, it is unlikely that future consent conditions will be as generous as those currently held, or that they will in fact even permit a pond based system on the Waiho delta, and if planning upgrading or rebuild works, it would be prudent to make as much provision as possible for accommodating future needs."*

5. Do you have any comments on the proposed locations? I have attached an aerial map with locations under investigations. The elected members have a view about building a stop bank around the ponds and then consider the site be future safe. Any comments? Obviously, any stop banking / flood protection works would have to consider the rate aggradation of the river and the required life of the project.

I will appreciate your comments as soon as possible. I realise that your comments can be on a without-prejudice basis, but a firm statement will be very helpful.

Regards

Vivek Goel

Group Manager: District Assets
Westland District Council

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"Westland – The Last Best Place"

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BEFORE THE ENVIRONMENT COURT

**ENV-2015-CHC-066
ENV-2015-CHC-067**

IN THE MATTER of the Resource
Management Act 1991
(the Act)

AND

IN THE MATTER of applications under
sections 314 - 320 of
the Act

BETWEEN **WEST COAST
REGIONAL COUNCIL**

Applicant

AND **WESTLAND DISTRICT
COUNCIL**

Respondent

JOINT MEMORANDUM OF COUNSEL ATTACHING CONSENT ORDERS

Dated: 14 October 2016



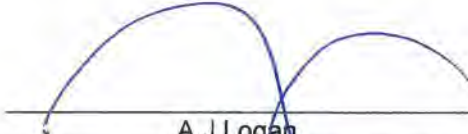
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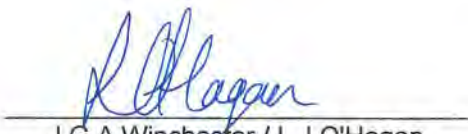
MAY IT PLEASE THE COURT

1. This memorandum is filed in response to the Minute of the Court dated 11 October 2016. At paragraph [4] of that Minute, the Court directed the Westland District Council to file an application for orders to be made by consent by Friday 14 October 2016.
2. Draft consent orders are attached as **Attachment A** to this memorandum.
3. Counsel consider that the orders sought are within the Court's jurisdiction.

DATED at Wellington this 14th day of October 2016



A J Logan
Counsel for the West Coast Regional
Council



J G A Winchester / L J O'Hagan
Counsel for the Westland District
Council

Attachment A

BEFORE THE ENVIRONMENT COURT

ENV-2015-CHC-066
ENV-2015-CHC-067

IN THE MATTER

of the Resource
Management Act 1991
(the Act)

AND

IN THE MATTER

of applications under
sections 314 - 320 of
the Act

BETWEEN

**WEST COAST
REGIONAL COUNCIL**

Applicant

AND

**WESTLAND DISTRICT
COUNCIL**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge
Act IN CHAMBERS at

sitting alone under section 279 of the

CONSENT ORDER

Introduction

1. The Court has read and considered the joint reporting memorandum (**Joint Memorandum**) of the parties dated 7 October 2016.

2. The Court is making this order under section 279(1)(b) of the Act, such an order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) all parties to the proceeding have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

Order

3. Therefore the Court orders, by consent, that Westland District Council:

- (a) undertake interim works on the existing Franz Josef Wastewater Treatment Plant as set out in paragraphs [6](a) to (c) of the Joint Memorandum by 30 November 2016. Namely, the Westland District Council must:
 - (i) if so advised by the West Coast Regional Council, apply to the Regional Council for any consents required for the de-silting and de-sludging process, including a short-term consent to store the silt / sludge adjacent to the ponds to enable it to dry;
 - (ii) divert the inflow from Pond 1 directly to Pond 2;
 - (iii) pump the small amount of liquid in Pond 1 across to Pond 2;
 - (iv) scrape off and take to a landfill any recently deposited organic materials and detritus from the surface of Pond 1;
 - (v) dig out Pond 1 and remove as much as practicable of the deposited silt and any oxidation pond sludge mixed with the silt;

- (vi) temporarily store the silt / sludge adjacent to the ponds to enable it to dry and, once sufficiently dry, remove all silt / sludge to a landfill;
 - (vii) if necessary, form a channel to direct the drainage from the silt / sludge back into the ponds;
 - (viii) after as much of the silt / sludge as possible is cleared from Pond 1, return the raw sewerage feed to Pond 1, including seeding the Pond 1 contents with the contents of Pond 2 to ensure that there is a viable algal biomass in Pond 1 to minimise the potential for a start-up odour event; and
 - (ix) investigate the inclusion of a rudimentary screening basket at the inlet to Pond 1
 - (b) prepare a comparative report recommending the best feasible option for the type and location of a wastewater treatment plant to replace the existing Franz Josef Wastewater Treatment Plant by 15 November 2016, on the basis that any treatment process must be capable of accommodating the minimum design flows set out in **Attachment A** of this order;
 - (c) report in writing to the West Coast Regional Council by 31 December 2016 on its decision regarding a new Franz Josef Wastewater Treatment Plant and include in the report a project plan for the new plant; and
 - (d) have a new wastewater treatment plant commissioned for Franz Josef and fully operational by 30 April 2018.
4. Leave is reserved for the parties to apply to change or cancel these orders in accordance with section 321 of the Act.

5. These orders are binding on the Respondent's successors to the same extent as they are binding on the Respondent.
6. There is no order for costs.

DATED at this day of 2016

Environment Judge

ATTACHMENT A – MINIMUM DESIGN FLOWS

Table 2-4: Design Flows¹ for new WWTP (excluding septage)

Parameter	Unit	Flows
Average Dry Weather Flow, ADWF (Off-peak)	m ³ /day	363
Peak Dry Weather Flow, PDWF (Peak 3 months, summer period)	m ³ /day	1,325
Peak Wet Weather Flow, PWWF (day)	m ³ /day	2,500
Peak Wet Weather Flow, PWWF (hourly)	m ³ /hr	220
Peak Instantaneous Flow, PIF	l/s	61
Peak Instantaneous Flow plus 25% capacity, PIF	l/s	76

BEFORE THE ENVIRONMENT COURT

**ENV-2015-CHC-066
ENV-2015-CHC-067**

IN THE MATTER of the Resource
Management Act 1991
(the Act)

AND

IN THE MATTER of applications under
sections 314 - 320 of
the Act

BETWEEN **WEST COAST
REGIONAL COUNCIL**

Applicant

AND **WESTLAND DISTRICT
COUNCIL**

Respondent

JOINT REPORTING MEMORANDUM

7 October 2016

 **Simpson Grierson**
Barristers & Solicitors

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MAY IT PLEASE THE COURT

1. This memorandum is filed on behalf of the West Coast Regional Council (**the Applicant**) and the Westland District Council (**the Respondent**).
2. The parties filed a joint status report with the Environment Court on 7 July 2016, setting out the steps undertaken in relation to the Franz Josef and Haast Waste Water Treatment Plants up to that date, and informing the Court of their proposed next steps.
3. On 28 July 2016, the Court directed that the enforcement proceedings be placed on hold until Friday 7 October 2016, and that a further and final reporting memorandum be filed by the parties on the same date that will either:
 - (a) withdraw the enforcement order applications;
 - (b) amend the enforcement order applications and set out a proposed timetable for evidence exchange; or
 - (c) file an application for orders to be made by consent.

Haast Wastewater Treatment Plant

4. A separate joint memorandum filed on 7 October 2016, notifies the Court that the Applicant has withdrawn its application in relation to the Haast Wastewater Treatment Plant and there is no issue as to costs.

Franz Josef Wastewater Treatment Plant

5. In relation to the Franz Josef Wastewater Treatment Plant, following the filing of the joint status report on 7 July 2016, the Respondent undertook a formal consultation on the funding mechanism in the months of August/September 2016. At its monthly meeting on 29 September 2016, the Respondent Council resolved as follows:
 - (a) the Council has received and taken account of the submissions to the funding proposal;

- (b) the Council confirms that a version of a “user pays” system should be explored further as the preferred funding mechanism for the new Franz Josef wastewater facility; and
- (c) the Council instructs the Chief Executive to identify a range of supplementary funding methods that could be used to support the user pays mechanism.

Proposed interim works

6. In a meeting on 3 October 2016, the Applicant and the Respondent discussed interim works on the Franz Josef Wastewater Treatment Plants. The following interim works and methodology has been agreed between the Applicant and the Respondent:

- (a) In the months of October and November the Respondent will dig out Pond 1 at the existing Franz Josef Wastewater Treatment Plant to remove as much as practicable of the deposited silt and any oxidation pond sludge mixed with the silt. An accurate estimate of the total cost of this remedial work is not available at this stage, but expenditure will be capped at the value of \$50,000. The Applicant is to advise the Respondent of any consent requirements for the de-silting process.
- (b) Prior to commencing, the Respondent will divert the inflow from Pond 1 directly to Pond 2 and pump across the small amount of liquid in Pond 1 across to Pond 2. Prior to bulk excavation, recently deposited organic materials and detritus will be scraped off from the surface and be landfilled.
- (c) The silt will most likely need to be stored adjacent to the ponds to let it dry. There is also a possibility that a channel will be needed to direct the drainage from the silt back into the ponds. This would likely require building up a dumping platform to a level higher than the ponds to allow gravity flow as there is no power supply to provide for a drainage pump. The Respondent may have to seek a temporary consent/forgiveness from the Applicant in order to store the silt/sludge on-site.

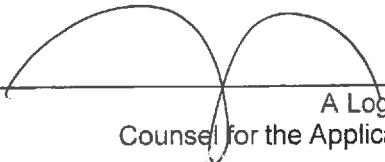
- (d) After clearing as much as practical of Pond 1, the raw sewage feed will be returned to Pond 1, including seeding the Pond 1 contents with the contents of Pond 2 to ensure that there is a viable algal biomass in Pond 1 to minimise the potential for a start-up odour event. The Respondent will investigate the inclusion of a rudimentary screening basket at the inlet to Pond 1.


Next steps

- 7. The Respondent will commission Opus to draft a comparative report recommending the best feasible option for the type and location of a treatment plant to replace the existing treatment plant by 15 November 2016. It is intended that the report will take a risk based approach to assessing the current site with oxidation ponds against a high-rate wastewater treatment plant at a different location in Franz Josef.
- 8. The comparative report will be presented to the Council at the November Council meeting for a decision on the form of treatment. A decision is to be made on a new plant by 31 December 2016, and a new plant is to be operational by 31 April 2018.
- 9. By December 2016, once a decision is made on the type and location of treatment plant to replace the existing, it is anticipated that the Respondent will be in a position to decide whether it will:
 - (a) initiate a process to decommission the existing Franz Josef Wastewater Treatment Plant (12 month period while the Respondent builds another in case of mechanical option); or
 - (b) if the Council decides upon a risk heavy option then, to form another project plan.
- 10. The parties have also agreed on a design flows for a new wastewater treatment plant. These are attached at **Appendix A** to this memorandum.

11. The parties request that the Court make consent orders to this effect. The parties ~~will~~ undertake to file draft consent orders for the Court's consideration by Friday 14 October 2016.

DATED this 7th day of October 2016


A Logan
Counsel for the Applicant


J G A Winchester / L J O'Hagan
Counsel for the Respondent

APPENDIX A

Table 2-4: Design Flows¹ for new WWTP (excluding septage)

Parameter	Unit	Flows
Average Dry Weather Flow, ADWF (Off-peak)	m ³ /day	363
Peak Dry Weather Flow, PDWF (Peak 3 months, summer period)	m ³ /day	1,325
Peak Wet Weather Flow, PWWF (day)	m ³ /day	2,500
Peak Wet Weather Flow, PWWF (hourly)	m ³ /hr	220
Peak Instantaneous Flow, PIF	l/s	61
Peak Instantaneous Flow plus 25% capacity, PIF	l/s	76