



# A G E N D A

## Council Meeting

**Heartland  
World Heritage Hotel  
Haast**

**Thursday  
25 February 2016  
commencing at 9.00 am**

His Worship the Mayor, M.T. Havill (**Chairperson**)  
Cr. J.H. Butzbach, Cr. P.M. Cox, Cr. M.S. Dawson,  
Cr. D.G. Hope, Cr. L.J. Martin, Cr. M.D. Montagu,  
Cr A. P. Thompson, Cr. C.A. van Beek



## COUNCIL MEETING

**NOTICE IS HEREBY GIVEN THAT AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL WILL BE HELD IN THE HEARTLAND WORLD HERITAGE HOTEL, HAAST ON THURSDAY 25 FEBRUARY 2016 COMMENCING AT 9.00 AM**

*Tanya Winter*  
*Chief Executive*

*19 February 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

**1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER:**

**1.1 Apologies**

Cr D.G. Hope

**1.2 Interest Register**

**2. CONFIRMATION OF MINUTES**

**2.1 Confirmation of Minutes of Meetings of Council**

**2.1.1 Ordinary Council Minutes – 28 January 2016**

*(Pages 4-11)*

**3. PUBLIC FORUM**

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

**4. BUSINESS**

**4.1 Mayor's Report**

**4.2 Update from Councillors**

**4.3 Quarterly Report to 31 December 2015**

*(Pages 12-79)*

**4.4 Review of Smokefree Environments Policy Report**

*(Pages 80-87)*

**4.5 Resource Legislation Reform Bill 2015 Report**

*(Pages 88-111)*

**Date of Next Ordinary Council Meeting  
24 March 2016  
Council Chambers**

## MINUTES OF AN ORDINARY MEETING OF THE WESTLAND DISTRICT COUNCIL, HELD IN THE COUNCIL CHAMBERS, 36 WELD STREET, HOKITIKA ON THURSDAY 28 JANUARY 2016 COMMENCING AT 9.01 AM

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### 1. MEMBERS PRESENT, APOLOGIES AND INTEREST REGISTER

His Worship the Mayor, M.T. Havill (**Chairperson**)

Deputy Mayor P.M. Cox

Cr. M.S. Dawson, Cr. L.J. Martin, Cr M.D. Montagu, Cr A.P. Thompson,

Cr. C.A. van Beek.

#### 1.1 Apologies

Cr D.G. Hope and Cr. J.H. Butzbach.

Moved Cr Thompson, seconded Deputy Mayor Cox and **Resolved** that the apologies from Cr D.G. Hope and Cr J.H. Butzbach be received and accepted, and leave of absence be granted.

The meeting then observed a moments silence for the passing of Cr Mark Dawson's father and also Bill O'Reilly from Kokatahi. Mr O'Reilly was a Cr on the Unitary Council, Westland County Council and also on the Westland Catchment Board.

His Worship the Mayor welcomed Rachel Reid, Business Support Officer – Executive Office to the Council Meeting and said he looks forward to working with Rachel in the future.

#### Staff in Attendance

T.L. Winter, Chief Executive; G.J. Borg, Group Manager: Corporate Services; V. Goel, Group Manager: District Assets; D.M. Maitland, Executive Assistant; Rachel Reid, Business Support Officer – Executive Office (part of the meeting); Rebecca Beaumont, District Planner (part of the meeting); Dave Inwood, Operations Manager (part of the meeting).

## **1.2 Interest Register**

The Interest Register was circulated and no amendments were noted.

## **2. CONFIRMATION OF MINUTES**

### **2.1 Confirmation of Minutes of Meetings of Council**

#### **2.1.1 Ordinary Council Minutes – 17 December 2015**

Moved Cr Dawson, seconded Cr Martin and **Resolved** that the Minutes of the Ordinary Meeting of Council, held on the 17 December 2015 be confirmed as a true and correct record of the meeting, subject to the following amendments:

Page 10 – Cr Montagu

- Asked that the fence that was demolished around the pumping station be reinstated.

Page 11 – Cr van Beek

- Old Christchurch Road.

Matters Arising – Cr Dawson enquired as to the pedestrian crossing outside St Mary's School.

The Group Manager – District Assets advised that speed calming devices will be installed and the poles will be repainted, weather dependent.

## **3. PUBLIC FORUM**

The following member of the public attended the Public Forum Section of the meeting:

Mike Keenan attended the meeting as an observer for any Pioneer Statue items.

## **4. BUSINESS**

### **4.1 Mayor's Report**

Mayor Havill noted the financial performance of the Council and the reporting that is flowing through, with good results.

He commented that two years ago reporting was not occurring, and there weren't proper systems in place; there have been improvements in that area and Councillors can be reassured that this Council is an excellent custodian of the District and its resources.

In relation to the Pioneer Statue, Mayor Havill noted that comments he has made have been genuine. Further, he stated that the reasons to move the statue were good and he believes the Councillors and Ms Grant have acted with the best intentions. However, moving the statue does not sit comfortably with him now, and perhaps the decision on the day was not the right one. Heritage items should be vested with the Museum, who are far better qualified and recognise the heritage around the statues. By delegating this, the Council can move on to more pressing matters.

Hokitika Market - there will be a meeting between the business community and the market representatives regarding establishing a permanent home for the market. It has the potential to grow into an iconic venture which can only be positive for the town. Both parties need to meet and come to an agreement about the venue.

A meeting is scheduled with Karen Malthus and Mel Aitken from the NZ Police, who are working alongside Derek Blight and Charlie McBeath, to meet with the people of Ross. It was noted that the community constable decision on Ross has been deferred. Mayor Havill does not agree with the comments that communities losing their police are the communities with the crime that are the lowest. However, there is a risk of losing established relationships with the community when resources are removed.

On 27 January Mayor Havill hosted a meeting with Air New Zealand, and noted that a revised schedule can be expected from Air New Zealand.

### **4.2 Update from Councillors**

**i) Deputy Mayor Cox**

- Concerned with the recent Police Report. Losing the Youth and Community Constables will hurt, these are the people that communities need.
- Pioneer Statue will be safer and will be in a more appropriate position.
- She currently has a big workload – as she is working with people in South Westland while Cr Hope is away. Also working through issues at Ōkārito and Bruce Bay
- Whataroa Community – DWC funding is needed to help with progress in that community.
- Freedom camping in South Westland – the communities are not happy with freedom camping and this matter needs to be revisited.
- Beachfront development – appears to be a shambles at Sunset Point. People have suggested that shelters are needed in this area.
- Noted the bumper tourist season and commented that there has been very positive feedback about the cycle trail.
- Kaniere Road – speed limit. Some residents want to see it back to 70km and there are suggestions that Council should revisit this issue.

**ii) Cr Martin**

- Wildfoods Festival –ongoing meetings - specifically regarding downtown markets and Saturday night entertainment.
- Youth Development Strategy – three meetings held this month. Staff here are working with WestReap.
- The Tambo is a health and safety concern with people clambering over the rocks and reinstallation of the pathway has not progressed.
- Beachfront Development Plan – the numbers visiting this area are having a huge impact. The WCR Council will not be advancing any more rock protection.
- Cass Square - Turf 1 needs a complete upgrade. The inability to host sports at Cass Square is displacing our community, with some sports groups wanting to relocate to Greymouth. There is correspondence from Kiwi Rugby Football Club that needs to be addressed.
- Pioneer Statue – decision should remain as is.

- Reports on the state of the statues show that these significant monuments have been neglected and it is up to us to do something about them.

**iii) Cr Thompson**

- Lake Kanieri. There are no speed signs on or near the lake which results in a lot of near misses. Signs need to go up, before a tragedy occurs.
- Police Report – there are serious traffic issues and losing our community constables is not going to solve that problem.
- Pioneer Statue – wasn't involved in the original decision. Council has made a decision – suggests Council remains resolute on the decision. Whatever we do, will divide the community.

**iv) Cr Montagu**

- Notes that most of the festive season was spoilt by Council gouging.
- Commented on the ongoing Rates issues.

**v) Cr van Beek**

- Cycle Trail – still areas that need fixing.
- Police Report is a concern. Consulted with Derek Blight and working in with the Mayor on this issue.

*Mayor Havill advised that on 3 February 2016, Superintendent Karen Malthus will be in the Council Chambers, and invited Councillors to attend the meeting.*

- Kumara Residents Trust meeting is scheduled for tonight.
- Sunset Point – agrees that it is very popular spot, as the numbers of people going there are over 100.

Moved Cr Dawson, seconded Cr Martin and **Resolved** that the verbal reports from the Mayor and Councillors be received.

#### **4.3 Financial Performance: November 2015**

*The Group Manager: Corporate Services spoke to this report and had circulated an amended copy of Page 23 of the Project Progress Report.*

*Mr Borg advised that from 1 February 2016, a new purchase order system will be operational for staff.*

Moved Cr Montagu, seconded Cr van Beek and **Resolved** that Council receives the Financial Performance Report to 30 November 2015

#### **4.4 Revocation of Resolution to Sell Land at Jackson Bay**

Moved Cr Montagu, seconded Cr Martin and **Resolved** that:

- A) Council rescind its decision of 23 July 2015 to sell the land at Jackson Bay:
- |              |                                      |
|--------------|--------------------------------------|
| 25810-33602A | 1118sqm (leased to Talleys Group)    |
| 25810-33602B | 4263sqm (vacant section)             |
| 25810-33614  | 689sqm (leased to Fiordland Lobster) |
- B) Council over time engage with the local community for potential development of the site as a cultural/historical attraction, with interpretation panels to entertain and inform visitors to Jackson Bay.

#### **4.5 Transfer of Reserve to West Coast Wilderness Trail Trust**

*The Chief Executive spoke to this report.*

Moved Cr Martin, seconded Cr Montagu and **Resolved** that Council transfers the total sum in the West Coast Wilderness Trail reserve, being \$42,198.60 (as at 31 December 2015) to the West Coast Wilderness Trail Trust.

### **5. ADMINISTRATIVE RESOLUTIONS**

*The Chief Executive spoke to this item.*

Moved Cr Martin, seconded Cr Montagu and **Resolved** that Council confirm its seal being affixed to the following documents:

#### **5.1 Warrant of Appointment: Simon Percy**

- An Officer pursuant to Section 174 of the Local Government Act 2002;  
AND
- An Authorised Officer pursuant to Section 222 of the Building Act 2004;  
AND
- An Enforcement Officer pursuant to Section 371 B of the Building Act

2004; AND

- An Officer pursuant to section 11 of the Fencing of Swimming Pools Act 1987; AND
- An Officer under the Westland District Council Bylaws; AND
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991.

## **5.2 Warrant of Appointment: Paddy Kymbrekos**

- An Officer pursuant to Section 174 of the Local Government Act 2002; AND
- An Authorised Officer pursuant to Section 222 of the Building Act 2004; AND
- An Enforcement Officer pursuant to Section 371 B of the Building Act 2004; AND
- An Officer pursuant to section 11 of the Fencing of Swimming Pools Act 1987; AND
- An Officer under the Westland District Council Bylaws; AND
- An Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991.

## **6. MATTERS TO BE CONSIDERED IN THE 'PUBLIC EXCLUDED SECTION'**

Moved Cr Deputy Mayor Cox, seconded Cr Dawson and **Resolved** that that Council exclude the public in accordance with Section 48, Local Government Official Information and Meetings Act 1987 at 10.01 am.

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

### **6.1 Confidential Minutes**

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 this 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
6.1	Minutes	Confidential Minutes	Good reasons to withhold exist under Section 7	Section 48(1)(a)

This resolution is made in reliance on Section 48(1)(a) and 48(2)(a)(i) and (ii) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

No.	Item	Section
6.1	Protection of privacy of natural persons/organisations.	Section 7(2)(a)

Moved Cr Dawson, seconded Cr Martin and **Resolved** that the business conducted in the “Public Excluded Section” be confirmed and accordingly the meeting went back to the open part of the meeting at 10.02 am

**MEETING CLOSED AT 10.02 AM**

Confirmed by:

\_\_\_\_\_  
Mike Havill  
Mayor

\_\_\_\_\_  
Date

Date of Next Ordinary Council Meeting  
25 February 2016  
Haast

# Report



**DATE:** 25 February 2016

**TO:** Mayor and Councillors

**FROM:** Group Manager: Corporate Services

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## QUARTERLY PERFORMANCE REPORT TO 31 DECEMBER 2015

### 1. SUMMARY

- 1.1 The purpose of this report is to inform Council of its financial and service delivery performance for the six months ended 31 December 2015 (Q2).
- 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 adopted by the Council in September 2014, which will be set out in the next 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 31 December 2015, 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 quarterly report measures performance against the Long Term Plan 2015-25.

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 ENGAGEMENT

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 31 December 2015 attached as **Appendix 1**

**Gary Borg**  
**Group Manager: Corporate Services**

**Appendix 1:** Quarterly Performance Report to 31 December 2015



## QUARTERLY PERFORMANCE REPORT TO 31 DECEMBER 2015



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## Whole of Council Financial Summary

WESTLAND DISTRICT COUNCIL	Year to December			Full year 2015-2016	
	Actual	Budget	Variance	Budget	FY Forecast
<b>Operating revenue</b>					
Rates (includes targeted rates and metered water)	7,131,126	7,083,934	47,192	14,033,643	14,105,865
User fees and charges	1,095,296	919,152	176,145	1,988,303	2,125,268
Grants and Subsidies	1,621,271	1,594,563	26,709	3,171,625	3,995,767
Other income	218,552	171,465	47,087	910,430	900,901
Overhead recoveries	2,536,548	3,159,337	(622,789)	6,318,673	5,695,884
<b>Total revenue (A)</b>	<b>12,602,793</b>	<b>12,928,450</b>	<b>(325,657)</b>	<b>26,422,674</b>	<b>26,823,685</b>
<b>Operating expenditure</b>					
Personnel costs	1,418,987	1,768,203	(349,216)	3,536,405	3,485,227
Administrative costs	285,377	334,772	(49,395)	549,224	527,131
Operating costs	4,694,342	4,593,707	100,636	9,498,013	10,045,194
Grants and donations	344,854	367,549	(22,696)	518,500	518,500
Overheads	2,540,921	3,160,377	(619,456)	6,318,673	5,695,884
<b>Total operating expenditure (B)</b>	<b>9,284,481</b>	<b>10,224,607</b>	<b>(940,127)</b>	<b>20,420,815</b>	<b>20,271,935</b>
<b>Net operating cost of services - surplus/(deficit) (A - B)</b>	<b>3,318,313</b>	<b>2,703,843</b>	<b>614,470</b>	<b>6,001,859</b>	<b>6,551,750</b>
<b>Other expenditure</b>					
Interest and finance costs	410,968	441,237	(30,268)	882,473	882,473
Depreciation	3,139,264	2,734,039	405,225	5,468,077	5,168,077
(Gain)/loss on investments	(464)	0	(464)	0	(464)
(Gain)Loss on swaps	22,778	0	22,778	0	26,000
(Gain)Loss on disposals	(2,515)	0	(2,515)	0	(2,515)
<b>Total other expenditure (C)</b>	<b>3,570,031</b>	<b>3,175,275</b>	<b>394,755</b>	<b>6,350,550</b>	<b>6,073,571</b>
<b>Total expenditure (D = B + C)</b>	<b>12,854,511</b>	<b>13,399,882</b>	<b>(545,371)</b>	<b>26,771,366</b>	<b>26,345,506</b>
<b>Net cost of services - surplus/(deficit) (A - D)</b>	<b>(251,718)</b>	<b>(471,432)</b>	<b>219,714</b>	<b>(348,691)</b>	<b>478,179</b>

## Revenue

### User Fees and Charges:

- Inspection and compliance fees are \$100k above budget and expected to remain so during the year. This compensates for higher than budget expenditure in that area.
- Hokitika refuse site fees is based on tonnage and is at present \$50k higher than budget.
- Unbudgeted Bach licences \$11k.

#### Grants and Subsidies:

- \$209k subsidy received in the current FY(2015/16) for the Haast Water upgrade completed in 2014/15.
- \$600k MDI and lottery funding for the Hari Hari Community facility.
- NZTA grant behind budget but expected to catch-up in the next quarter.

#### Expenditure

##### Operating costs:

- Hokitika water upgrade project replacement membranes \$385k
- Maintenance costs are lower than budget, however these are expected to increase in the next quarter and meet budget by the financial year end.

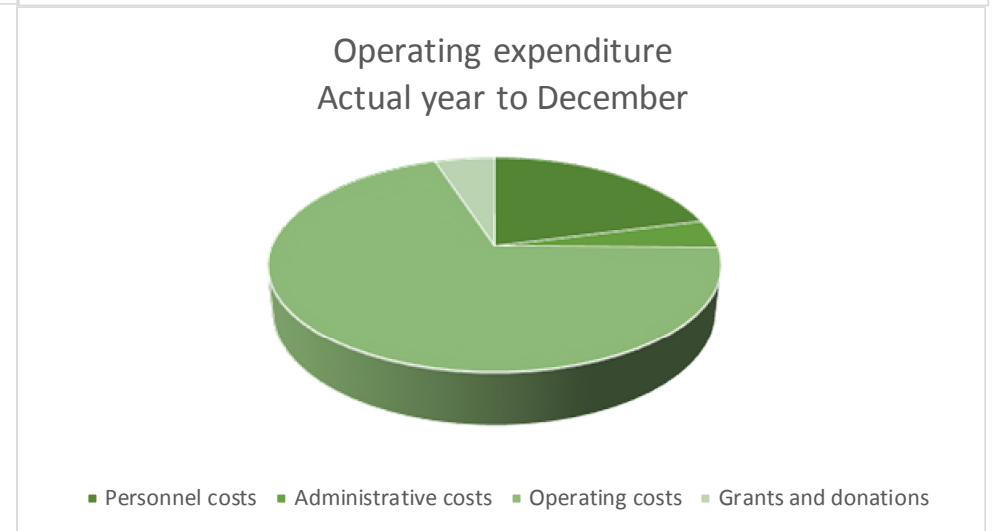
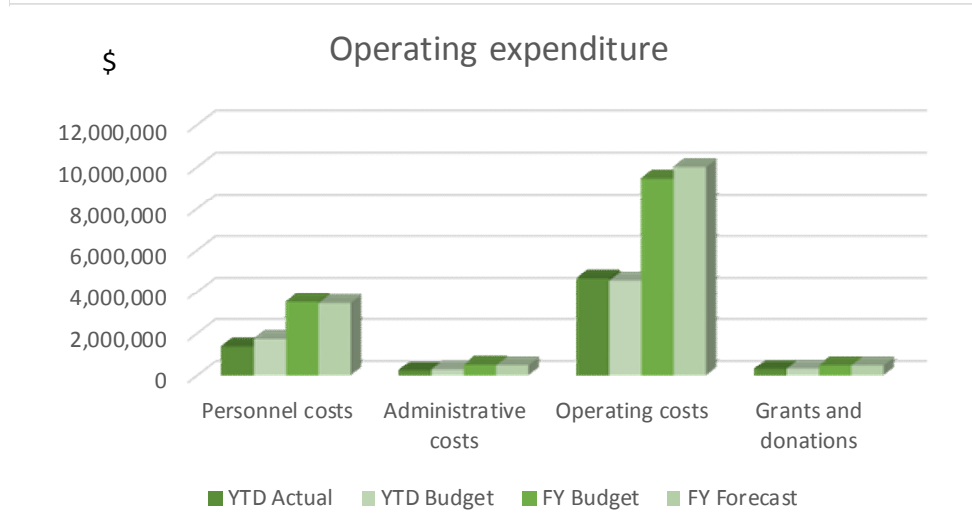
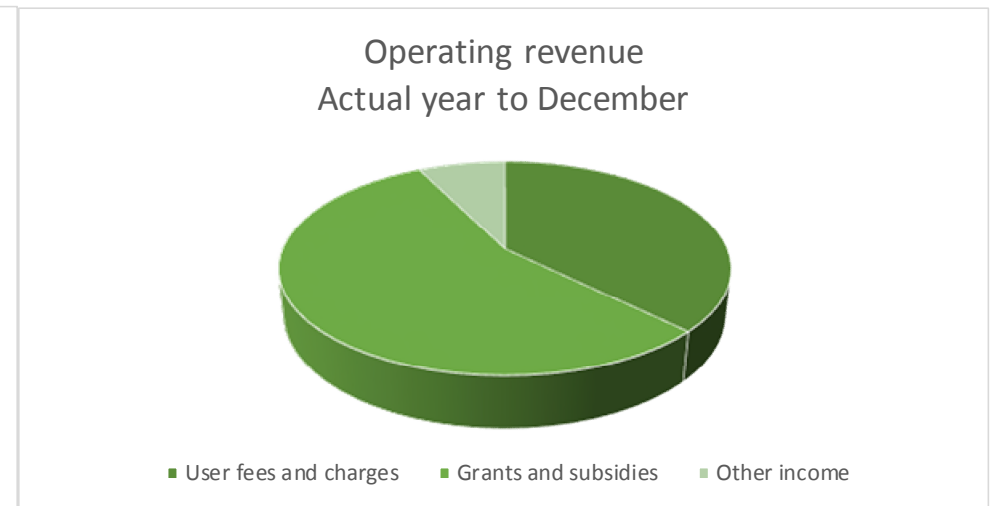
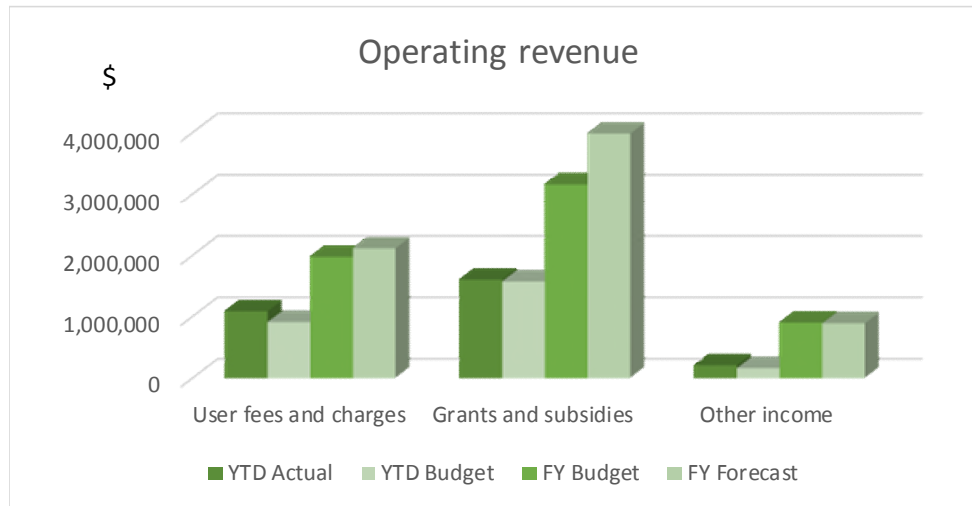
##### Other expenditure:

##### Swaps:

- Swap values have increased over the last quarter, although the forecast is for swaps to maintain a small loss by the end of financial year end, this will be incorporated in the forthcoming review of Council's treasury strategy.

##### Depreciation:

- Due to revaluations at 30 June 2015 some asset lives have been extended. We will continue to update the asset register during the year which may revise depreciation further.



## Leisure and Cultural Assets Group

Library	Swimming Pools
Museum	Public Toilets
i-SITE	West Coast Wilderness Trail
Land and Buildings	Elderly Housing
Parks and Reserves	Cemeteries
Events	

	LEISURE & CULTURAL ACTIVITIES SUMMARY					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	2,803,534	3,511,346	2,023,835	1,248,517	775,318	f
Expenditure	2,878,561	3,235,385	1,533,625	1,329,671	203,954	(u)
Surplus/(Deficit)	(75,027)	275,961	490,210	(81,154)	571,363	f

### Commentary

The roof of the Library building is currently being repaired. In combination with the development occurring on the adjoining RSA site, it has been a little difficult for customers to easily access the Library.

The library welcomed a new staff member, who will assist for three hours on Saturday. Opening hours for Saturday have been extended to 4.00pm. An additional community library was established at Bruce Bay following a request from the residents of the settlement. Westland District now has a total of nine community libraries serving its residents. The 'Stepping Up' weekly computer classes held in the library continue to attract members of the community keen to join the digital world. It is anticipated that these classes will continue in 2016.

The Hokitika swimming pool re-opened for the season on Monday 6th July after a short maintenance shutdown during which time we took the opportunity to lay a new floor surface in both of the changing areas. The season has gone well so far with revenue ahead of budget and strong numbers of locals using the water.

A community based steering committee has been established to support the Hokitika Wild foods Festival staff, made up of a range of stakeholders and representation. A Festival Co-ordinator has been employed to deliver the 2016 Wild foods Festival on Saturday 12th March, and work is underway to employ an assistant.

The Hokitika to Ross section of the West Coast Wilderness Trail was officially opened in October 2015.

## Library

	Library					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	553,878	554,822	279,927	276,939	2,987	f
Expenditure	553,878	527,637	245,335	284,689	(39,354)	f
Surplus/(Deficit)	-	27,185	34,592	(7,750)	42,342	f

## Commentary

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Westland District Library</b>	Provide quality library services in the District	% of residents satisfied	95%	95%	97%	A survey of library customers was undertaken in November 2015.
		% of residents who are library members	40%	42%	45%	The total figure reduces each year in January when inactive borrowers (those who have not used card for 2 years) are removed.

The favourable expenditure variance is mainly due to depreciation. As we continue to update the fixed asset register this may revise depreciation further.

## Museum

	Museum					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	385,190	408,447	215,356	192,595	22,761	f
Expenditure	371,979	373,790	136,302	185,990	(49,688)	f
Surplus/(Deficit)	13,211	34,657	79,054	6,605	72,449	f

## Commentary

Favourable revenue variance due to carried over donations from Financial year 2014-15. Favourable expenditure variance is due to the Museum vacancy that has yet to be filled.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Hokitika Museum</b>	A quality museum experience	Visitor numbers are showing an upward trend	13,753	An increase of 5% each year	Increase of 18.1%	
		% of residents satisfied with their museum experience	New measure	85%	Resident survey not undertaken yet	

## Swimming Pools

	Swimming pools					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	256,846	261,980	133,557	128,423	5,134	f
Expenditure	276,928	301,895	163,431	138,464	24,967	(u)
Surplus/(Deficit)	(20,082)	(39,916)	(29,874)	(10,041)	(19,833)	(u)

## Commentary

The unfavourable expenditure variance is due to budget phasing.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Swimming Pools</b>	A quality swimming or exercise experience at the Hokitika Pool	% of residents satisfied	New measure	85%	Resident survey not undertaken yet	
		Maintain Pool Safe Accreditation	100%	100%	The pool is 100% compliant with PoolSafe. Our certificate was issued in April 2015 and is valid for 12 months.	

## i-SITE

	i-SITE					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	336,332	319,523	167,357	184,166	(16,808)	(u)
Expenditure	347,890	381,760	209,709	175,715	33,993	(u)
Surplus/(Deficit)	(11,559)	(62,237)	(42,351)	8,451	(50,802)	(u)

## Commentary

Unfavourable revenue due to lower commission as customers make more online bookings. The unfavourable expenditure variance is due to the new CSC. This will be adjusted by a re charge to corporate services later in the financial year.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>i-SITE</b>	A quality customer experience	i-SITE NZ and Qualmark standards are met	80%	80%	83%	Assessment due Quarter 4 2016. AA NZ Mystery Shopper was conducted in November 2015
	Increase resident population knowledge about what the i-SITE has to offer locals	Bookings made by local population	Increase of 5%	Maintain or Increase	i-SITE decrease of 11% AA NZ increase of 12%	

## Wildfoods Festival

	Events					
	Budget FYR	Forecast FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	374,057	301,195	13,223	17,779	(4,556)	(u)
Expenditure	376,147	318,409	42,702	81,443	(38,741)	f
Surplus/(Deficit)	(2,089)	(17,215)	(29,479)	(63,665)	34,186	f

## Commentary

Favourable expenditure variance due to timing, most cost and revenues will be at the time of the Wildfoods Festival.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Hokitika Wildfoods Festival</b>	A quality attendee experience	% of attendees satisfied (post event satisfaction survey)	New measure	85%	N/A	
		Growth is experienced annually (to a limit of 10,000)	8,200	8,500	N/A	

## Parks and Reserves

	Parks and Reserves					
	Budget FYR	Forecast FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	247,742	367,324	243,818	123,871	119,947	f
Expenditure	258,810	343,584	263,940	129,405	134,535	(u)
Surplus/(Deficit)	(11,067)	23,740	(20,122)	(5,534)	(14,588)	(u)

## Commentary

Favourable revenue variance wholly attributable to reserves contributions from developers. The unfavourable expenditure variance is a result of the release of insurance funds for the Hari Hari squash courts and timing differences on maintenance activity.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Parks and Reserves</b>	Reserves are pleasant, enjoyable and safe places	% of residents satisfied with parks and reserves	90%	90%	Resident survey not undertaken yet	

## Cemeteries

	Cemeteries					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	186,878	189,831	95,012	93,439	1,573	f
Expenditure	159,233	146,573	69,597	79,616	(10,019)	f
Surplus/(Deficit)	27,645	43,258	25,415	13,823	11,592	f

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Cemeteries</b>	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%	Hokitika 100% Kumara 100% Ross 100%	There has been little demand on the Ross cemetery during the last 6 months

## Elderly Housing

	Elderly Housing					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	-	18,162	18,162	-	18,162	f
Expenditure	43,760	58,912	29,456	21,880	7,576	(u)
Surplus/(Deficit)	(43,760)	(40,750)	(11,294)	(21,880)	10,586	f

## Commentary

Favourable revenue due to insurance premium recoveries.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
Elderly Housing	A safe and efficient service	Occupancy is maximised	100% Occupancy	100%	100%	
		% tenants satisfied with the service	>95% Satisfaction	>95%	100%	

## Land and Buildings

	Land and Buildings					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	140,854	754,970	683,210	70,427	612,783	f
Expenditure	141,651	136,546	41,835	70,825	(28,991)	f
Surplus/(Deficit)	(797)	618,424	641,375	(399)	641,774	f

## Commentary

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

Favourable revenue variance is due to MDI and Lottery funding for the Harihari Community facility. The favourable expenditure variance is due to budget phasing for maintenance that is expected to pick up in Q3.

## Public Toilets

	Public Toilets					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	243,599	243,599	121,799	121,799	-	f
Expenditure	247,870	243,239	71,097	111,435	(40,338)	f
Surplus/(Deficit)	(4,271)	360	50,702	10,364	40,338	f

## Commentary

Favourable expenditure variance due to timing differences on caretaking, cleaning and maintenance expenditure.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
Public Toilets	Provide public toilets throughout the district	% of residents satisfied with the service	Not measured	100%	Resident survey not undertaken yet	
		Facilities are available for use during the day	100%	100%	100%	Maintenance has been undertaken without compromising service.

## West Coast Wilderness Trail

	West Coast Wilderness Trail					
	Budget FYR	Forecast FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	78,159	91,494	52,414	39,079	13,335	f
Expenditure	100,415	403,039	260,222	50,207	210,015	(u)
Surplus/(Deficit)	(22,256)	(311,546)	(207,808)	(11,128)	(196,680)	(u)

### Commentary

Favourable revenue variance wholly attributable to partner contributions. This fund will be transferred to the newly formed West Coast Wilderness Trail Trust. The expenditure variance is due mainly to the depreciation expense being higher than budgeted. Depreciation is only funded on the structures on the cycle trail which amounts to approximately 17%. Project review to confirm and realise the remaining available funding will be completed in February 2016.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 30 September 2015	Explanation about any variances
<b>West Coast Wilderness Trail</b>	The cycle trail is well used	Numbers using the trail as measured by trail counters	Not measured	10,000 per annum	Currently the usership is just over 8,000 and it is hoped that the target of 10,000 will be reached over the summer season.	Statistics yet to be released.

## Community Services Group

Community Development and Assistance

Community Halls

Townships (the development fund & improvement projects)

	COMMUNITY SERVICES ACTIVITIES SUMMARY					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	955,068	976,977	654,901	639,056	15,845	f
Expenditure	1,003,591	1,059,410	575,853	628,301	(52,448)	f
Surplus/(Deficit)	(48,523)	(82,434)	79,048	10,754	68,293	f

## Community Development

	Community Development and Assistance					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	423,329	425,368	375,552	373,186	2,365	f
Expenditure	429,805	432,203	259,427	275,408	(15,981)	f
Surplus/(Deficit)	(6,475)	(6,835)	116,125	97,778	18,347	f

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

## Community Halls

	Community Halls					
	Budget FYR	Forecast FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	131,626	143,236	71,033	65,813	5,220	f
Expenditure	137,090	153,054	63,151	68,545	(5,394)	f
Surplus/(Deficit)	(5,464)	(9,818)	7,882	(2,732)	10,614	f

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
Community Halls	Provide safe and useful community halls	% of residents satisfied with the standard of their local hall	Not measured	80%	Resident survey not undertaken yet	

## Community Township Development

	Township Development					
	Budget FYR	Forecast FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	400,112	408,372	208,316	200,056	8,260	f
Expenditure	436,696	474,153	253,275	284,348	(31,073)	f
Surplus/(Deficit)	(36,584)	(65,781)	(44,959)	(84,292)	39,333	f

### Commentary

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

Favourable expenditure variance due to timing differences on the maintenance spend.

## Planning and Regulatory Group

Inspections and Compliance

Resource Management

Animal Control

Emergency Management & Rural Fire

	PLANNING & REGULATORY ACTIVITIES SUMMARY					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	1,781,345	1,850,066	1,024,096	930,422	93,674	f
Expenditure	1,805,918	1,871,002	797,790	895,459	(97,669)	f
Surplus/(Deficit)	(24,573)	(20,936)	226,306	34,964	191,343	f

### Commentary

IANZ has reaccredited the Westland Building Control Authority (BCA) for another two-year period. This is the longest period that IANZ offers any BCA. To achieve this, Council had to demonstrate compliance with relevant legislation and our own BCA Manual. We proved most of this during the IANZ visit in July, but we also had three corrective actions required which we successfully cleared in November. These included updating our information on the website, reviewing resourcing levels (which has led to the creation of a new position in the team), and meeting statutory timeframes for August, September and October.

In October Council announced it will put Plan Change 7 (Fault Rupture Avoidance Zone) on hold in order to give the Franz Josef community and Council more time to understand the full implications of this Plan Change to the community of Franz Josef.

Council now has a verbal agreement with the local LandSAR group at Hokitika for its emergency management functions, following a number of discussions. The Regional Group Plan is currently being reworked and following that the Local Westland Plan will be reworked. EOC team vests have been provided to the Franz Josef team and a further set will be provided to the Fox Glacier team once new gear arrives. 5 High Viz vests have been issued to volunteer teams in seven locations for their field staff, helmets will be the next purchase. Council's Civil Defence Co-ordinator highlights progress with Kumara going from no plan or volunteer group, to having a sound nucleus of a team.

## Inspections and Compliance

	Inspections & Compliance					
	Budget FYR	Forecast FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	790,900	881,275	517,007	395,450	121,557	f
Expenditure	814,440	916,115	419,662	407,220	12,442	(u)
Surplus/(Deficit)	(23,540)	(34,840)	97,345	(11,770)	109,115	f

### Commentary

Favourable revenue variance due to more building activity than expected.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Inspections and Compliance</b>	Timely processing of Building Consents	% of building consents processed within 20 working days as per the requirements of the Building Act	99%	100%	98%	

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
	Provide appropriate advice to customers	% of users satisfied with the quality of the advice provided on building consent, environmental health and Liquor Licensing matters	New measure	85%	No complaints received about the quality of advice given to date. User survey not completed yet.	
	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	New measure	100%	88% of food premises have been inspected.	

## Resource Management

	Resource Management					
	Budget FYR	Forecast FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	652,882	667,700	322,311	326,441	(4,130)	(u)
Expenditure	653,884	630,487	233,519	326,942	(93,423)	f
Surplus/(Deficit)	(1,002)	37,213	88,792	(501)	89,293	f

## Commentary

Favourable expenditure variance due to lower than anticipated recoverable expenditure and unfilled vacancy

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Resource Management</b>	Resource consents processed in accordance with the Resource Management Act	% of resource consents processed within statutory timeframes	82%	100%	88%	6 consents were issued out of timeframes in this quarter.
	Provide appropriate advice to customers	% of users satisfied with the quality of the advice provided on resource management matters	New measure	85%	A user survey has not yet been undertaken.	

## Animal Control

	Animal Control					
	Budget FYR	Forecast FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
	179,894	179,894	137,028	131,947	5,081	f
Revenue						
Expenditure	180,309	174,405	86,574	90,155	(3,581)	f
Surplus/(Deficit)	(415)	5,489	50,454	41,792	8,662	f

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Animal Control</b>	Keep the public safe from dogs and wandering stock	% of residents satisfied with the protection provided	New measure (Dog control 35%)	90%	Resident survey not undertaken yet	

## Emergency Management

	Emergency Management					
	Budget FYR	Forecast FYR	Actual YTD	Budget YTD	Variance	f/(u)
	\$	\$	\$	\$	\$	
Revenue	157,669	121,197	47,750	76,584	(28,834)	(u)
Expenditure	157,285	149,995	58,035	71,142	(13,107)	f
Surplus/(Deficit)	384	(28,798)	(10,285)	5,442	(15,727)	(u)

## Commentary

Unfavourable expenditure variance \$13k for unbudgeted rural fire stakeholder contribution. The unfavourable revenue variance is due to unrecovered June 15 flooding.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Emergency Management</b>	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	Staff training achieved  Low volunteer turn-out to training	100%	The Civil Defence Officer position is currently vacant.	

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
		annum - Number of trained volunteers increases by 10%				
	Suitable response systems are in place	Community emergency response plans are in place for all Westland townships	70% (Plans are in place for Hokitika, Ross, Harihari, Whataroa, Franz Josef and Fox)	90 - 100%	Response plans are in place for Ross, Harihari, Whataroa, Franz Josef and Fox Glacier. Response and flooding plans are being developed for Hokitika. Plans have also been developed and in addition to the targets outlined a CD core group established in Kumara, work is ongoing to establish the same for the Haast area.	
<b>Rural Fire</b>	Appropriate emergency response to rural fires	WDC Rural Fire provides support to partner agencies as requested	100%	100%	100%	Fire Crews were sent to Blenheim during the December fires. Training was undertaken in December.
	Provide fire permit service	Fire permit requirements are publically advertised	Not done	At beginning of fire season and prior to the at Christmas holiday break	The Principal Rural Fire Officer regularly places adverts in the local newspapers.	Council began radio advertising about the need for fire permits outside of this reporting period. The first adverts started in November.

Transportation Group

Water Supply Group

Waste Water Group

Stormwater Group

Solid Waste Management Group

## Transportation Group

	TRANSPORTATION					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	4,809,476	4,809,476	1,519,267	2,404,738	(885,472)	(u)
Expenditure	5,818,439	5,706,268	2,842,490	2,909,220	(66,729)	f
Surplus/(Deficit)	(1,008,963)	(896,792)	(1,323,224)	(504,482)	(818,742)	(u)

### Commentary

The unfavourable revenue variance is due to timing of the NZTA funding, this is expected to pick up during the third quarter.

Favourable expenditure variance due to timing differences, these costs are expected to meet budget throughout the year.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Transportation</b>	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	19	Less than the previous year	No known fatalities to date.	Council does not typically receive data from NZ Police or other Agencies on serious injury.
	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	96%	>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.
		Residents are satisfied with the standard and safety of Council's unsealed roads	New measure	50% of residents are satisfied with Council's unsealed roads	Resident survey not undertaken yet.	
	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	8%	>7%	Contract awarded for 2015/16 reseal programme.  Physical works scheduled to commence late November.	This is a summer activity.  The total m <sup>2</sup> area completed will be reported March 2016.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
	Footpaths are maintained in good condition and are fit for purpose	<p>Footpaths:</p> <p>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)</p>	New measure	90%	<p>Measure not yet determined.</p> <p>No known exceedances for deliverable standards.</p>	Audit inspection required and data to be transferred to AssetFinda
	Response to service requests are dealt with promptly	<p>Customer service requests:</p> <p>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.</p>	New measure	100%	No known timeline exceedances for response from NCS database.	

## Water Supply Group

	WATER SUPPLY					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	3,857,955	4,074,353	2,273,028	2,040,632	232,395	f
Expenditure	3,164,034	3,305,988	1,638,469	1,582,017	56,452	(u)
Surplus/(Deficit)	693,921	768,364	634,559	458,616	175,943	f

### Commentary

The favourable revenue variance is due to receiving a subsidy for the Haast Water upgrade project \$209k that related to the year ended 30 June 2015. The unfavourable expenditure variance is due to \$385 costs for failure of membranes offset by lower operating costs which are expected to match budget during the year offset by timing differences on the maintenance expenditure.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Water Supply</b>	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>New measure –</p> <p><i>Note: There are 9 drinking water supplies throughout the district. As at 1 July 2015 the following water supply schemes have been upgraded to meet parts (a) and (b) of the key performance measure: Hokitika, Ross, Harihari and Franz Josef. A budget for a feasibility study about Council's role in continuing to provide the Arahura scheme is included in Year 1. After that a decision will be made about Council's role in the future provision of the Arahura scheme.</i></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) 8 out of 9 supplies compliant with bacterial compliance criteria.</p> <p>(b) 1 out of the 9 supplies fully comply with protozoal compliance</p>	<p>(a) Hokitika non-compliant in bacterial compliance due to sample not being taken on correct day, which means that there where a maximum of 12 days in between samples and not 11 as per DWS. While compliance is achieved with bacterial criteria overall compliance is not achieved due to customers not being notified twice yearly of the plumbosolvency risk as per DWS.</p> <p>(b) The other 3 supplies that are currently capable of meeting full</p>

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
						compliance have failed due to FAC readings being below the DWS and a sample being missed. Haast WTP will not comply within this reporting year due to the timeframe it was commissioned. It will be reported on fully in the 16-17 year.
	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 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</p>	New measure –To be measured from reticulation failure record sheets	<p>(a) 100%</p> <p>(b) 100%</p> <p>(c) 100%</p> <p>(d) 100%</p>	<p>(a) Haast water reservoir low level</p> <p>(b) No urgent call outs reported for this reporting period</p> <p>(c) 20 requests for service in this reporting period. 17 have been attended on time. 85%</p> <p>(d) 20 requests for service in the reporting period. 17 have been attended</p>	(c & d) Due to a technical issue with signing off service requests some have not been signed off and are classed as

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
		<p>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 personnel confirm resolution of the fault or interruption. (72 hours)</p>			on time. 85%	overdue. This has now been sorted and will be in place for the next reporting period.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
	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).	Not measured	Council does not intend to measure this as it will impose an unreasonable cost	Will not be measured	
		Demand management: The average consumption of drinking water per day per resident within the territorial authority district.	New Measure	The average water consumption per person per day is < 500l/day	Not measured this quarter	Inaccuracy with meters recording outflow from reservoirs requires to be addressed before this measure can be accurately reported on
	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	New measure	Type and number of complaints received (25 per 1000 connections)	Total number of service connections = 2682  (a) 0 (b) 0 (c) 0 (d) 2 per 2682 = 0.007 (e) 0 (f) Both low pressure	

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
		(d) continuity of supply, and (e) the local authority's response to any of these issues Expressed per 1000 connections to the local authority's networked reticulation system.			complaints were dealt with at the time	

## Wastewater Group

	WASTE WATER					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	1,005,115	1,010,008	511,808	505,233	6,575	f
Expenditure	1,035,660	1,041,353	546,666	517,830	28,837	(u)
Surplus/(Deficit)	(30,545)	(31,346)	(34,859)	(12,597)	(22,261)	(u)

### Commentary

Favourable expenditure variance is mainly due to depreciation, we will continue to update the asset register during the year which may revise depreciation further.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Wastewater</b>	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.	Measured by reticulation failure record sheets	Number: 10 per 1000	Total number service connections = 2001  No dry weather overflows reported for this reporting period	
	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"> <li>(a) abatement notices</li> <li>(b) infringement notices</li> <li>(c) enforcement orders, and</li> <li>(d) convictions,</li> </ul> received by the territorial authority in relation those resource consents.	New measure - Type and number of notices from WCRC	100%	(a) 0 (b) 0 (c) 3 (d) 0	(In August 2015 the WCRC issued WDC with an enforcement court order for the Franz Josef, Fox Glacier and Haast WWTP's for continuation of breach of consent conditions. A resolution was agreed between both parties for future action to resolve these issues).  No further notices issued in this reporting period.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
	Customer 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>	New measure – Measured by reticulation failure record sheet	100%	<p>(a) 100%</p> <p>(b) 100%</p>	No reports of overflows resulting from blockage or other reported in this reporting period
		<p>Customer satisfaction:</p> <p>The total number of complaints received by the territorial authority about any of the following:</p>	<p>New measure -</p> <p>Type and number of service requests received</p>	25 per 1000		

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
		(a) sewage odour (b) sewerage system faults (c) sewerage system blockages, and (d) the territorial authority's response to issues with its sewerage system, Expressed per 1000 connections to the territorial authority's sewerage system.			(a) 1 (b) 0 (c) 3  (d) 100%	(a) Hokitika WWTP

	STORMWATER					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	530,345	530,345	265,173	265,173	-	
Expenditure	596,518	754,178	467,634	298,259	169,376	(u)
Surplus/(Deficit)	(66,172)	(223,833)	(202,462)	(33,086)	(169,376)	(u)

## Commentary

- Unfavourable expenditure variance is mainly due to depreciation, we will continue to update the asset register during the year which may revise depreciation further.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
Stormwater	Council Stormwater systems have the capacity to resist major storms and flooding events.	System adequacy: (a) The number of flooding events that occur in a territorial authority district. (b) For each flooding event, the number of habitable floors affected. (Expressed per 1000 properties connected to the territorial authority's stormwater system.)	New measure – Measured by insurance claims to Council	(a) 2  (b) 10 per 1000	(a) 0  (b) 0	Council is not aware of any stormwater claims
	Requests for service are dealt with promptly	Response times: 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)	New measure - measured by service request	100%	Response time Bealey Street <1hr	Any other flooding has been confined to the road way.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
		<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>	New measure - measured by service request	10 per 1000	5 per 1000	<p>Total number of stormwater connections = 455</p> <p>Total number of complaints/request for this reporting period = 11</p>
	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, Received by the territorial authority in relation those resource consents.</p>	New measure measured by type and number of notices received from WCRC	100%	<p>100%</p> <p>(a) 0 (b) 0 (c) 0 (d) 0</p>	No notices received or reported.

## Solid Waste Management Group

	SOLID WASTE					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	2,369,056	2,371,901	720,502	694,766	25,737	f
Expenditure	2,316,192	2,274,734	829,189	1,174,846	(345,657)	f
Surplus/(Deficit)	52,865	97,167	(108,686)	(480,080)	371,394	f

### Commentary

Favourable expenditure variance due to timing differences of maintenance and collection costs which are expected to meet budget over the year.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Solid Waste</b>	A reliable refuse and recycling collection service is provided	% of residents that receive the service are satisfied	100%	100%	Resident survey not undertaken yet.	
	A reliable transfer station service	% of residents satisfied	95%	100%	Resident survey not undertaken yet.	
	Solid waste is managed appropriately	All necessary consents for solid waste activities and capital projects are applied for, held and monitored accordingly	100%	100%	100%	
	Education about waste minimisation is provided to the community	Number of visits to schools and community groups	1 School per annum	3 schools, 3 groups per annum	Nil	Enviro-schools commencing this in February 2016.

## Leadership Group

Democracy

Corporate Services

	LEADERSHIP					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	7,645,872	7,056,411	3,202,522	3,798,314	(595,792)	(u)
Expenditure	7,562,730	7,077,752	4,646,224	4,891,216	(244,991)	f
Surplus/(Deficit)	83,143	(21,342)	(1,443,703)	(1,092,902)	(350,801)	(u)

## Commentary

Council is currently working with the community to identify suitable projects for the “District Economic Development Fund” of \$1 million that it will receive from Development West Coast.

The IT network has been improved in the last 3 months; the servers are backed up nightly and then copied to a separate network storage device with incremental backups being copied to a Cloud server located in Auckland. We previously had an issue with the Hokitika Library server and this has been addressed by these changes.

## Democracy

	Democracy					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	968,678	968,981	485,132	484,339	793	f
Expenditure	968,678	902,000	410,716	493,756	(83,040)	f
Surplus/(Deficit)	-	66,981	74,416	(9,417)	83,833	f

## Commentary

Favourable expenditure variance mainly due to lower overhead charges and some timing differences in administration expenditure.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Democracy</b>	Responsible leadership	% of residents satisfied with Council's leadership	New measure	65%	Resident survey not undertaken yet	
	The community understands what Council does	% of residents who understand how Council makes decisions	New measure	50%	Resident survey not undertaken yet	

## Corporate Services

	Corporate Services					
	Budget FYR \$	Forecast FYR \$	Actual YTD \$	Budget YTD \$	Variance \$	f/(u)
Revenue	6,627,949	6,038,184	2,717,390	3,313,975	(596,585)	(u)
Expenditure	6,514,375	6,157,342	4,226,303	4,357,621	(131,318)	f
Surplus/(Deficit)	113,574	(119,158)	(1,508,914)	(1,043,646)	(465,267)	(u)

### Commentary

Unfavourable revenue variance due to timing differences, the favourable expenditure variance will partially offset the Customer Service Centre costs within the unfavourable expenditure variance included in i-SITE. An internal recharge mechanism will be determined as part of a future review of overhead allocations.

Activity	Level of Service	Key Performance Measures	Last Year's performance (2014/15)	Annual Performance Target Years 1-3	Progress @ 31 December 2015	Explanation about any variances
<b>Corporate Services</b>	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 Report 2014/15 was adopted on time (2 November 2015)	
	A comprehensive Customer Service Centre	% of residents satisfied with the service they receive	Not measured	75%	Resident survey not undertaken yet	
	Effective engagement of the community during public decision-making opportunities	% of residents that believe they have been consulted appropriately	New measure	60%	Resident survey not undertaken yet	

# Projects

As at 31/12/2015

						Legend - Key
		Forecast on Budget				Project Delayed - Will not be completed by 30th June 2016
		Forecast over Budget				Project on-Track - Will be completed by 30th June 2016
						Project Complete - 100% Progress
Project / Activity	YTD exp	2015-16	Forecast	Budget Track	Progress / Track	Progress comments
	\$0	\$0	\$0			
<b>Museum</b>						
Research Development Centre	-	22,000	22,000			Project will not start in this financial year.
Retail Development	-	30,000	30,000			not yet begun, but still expected to be on-track for completion by 30 June 2016
<b>Total</b>	-	52,000	52,000			
<b>Corporate Services</b>						
Shelving for Council records and archives	11,517	10,000	11,517			Complete
<b>WATER SUPPLY</b>						
Mains Upgrade (on-going)	46,236	100,000	100,000			Hokitika. WIP
Replace Water meters (on-going)	0	200,000	200,000			Works in scope - Schedules to commence in March 2016
Mains Upgrade (on-going)	0	80,000	80,000			Ross. Scheduled Woolhouse Rd.
Permanent Generator in Harihari	0	30,000	30,000			Generators have arrived.
Water supply service assurance	49,811	100,000	100,000			Franz Josef - Works in Progress.
Replacement of Water Meters	0	50,000	50,000			Fox Glacier meters procured. Now planning on installation.
<b>Total</b>	96,047	560,000	560,000			
<b>WASTEWATER</b>						
West Dr Pump & Electrics Upgrade	-	40,000	40,000			Three Mile. WIP
WWTP Improvements at Franz	22,675	50,000	50,000			50% spent. Infiltration galleries repaired. Other treatment options being investigated. Scoping and design in progress.
<b>Total</b>	22,675	90,000	90,000			
<b>STORMWATER</b>						
Mobile Generator	-	50,000	50,000			Generators have arrived.
<b>SOLID WASTE</b>						
Landfills - Hokitika	327,525	350,000	350,000			In progress
Landfills - Butlers Site Shed - Hazardous Washdown Facility	-	15,000	15,000			Not started. Need to determine scope and drawings & water source.
Intermediate Capping for Butlers	-	50,000	50,000			The cell hasn't reached capacity as anticipated this year. Very Likely a carry-over for next year i.e 2016/17
Landfill- Haast - Digout new Cell	-	10,000	10,000			Works scheduled in March 2016 -
Haast intermediate cap current cell	-	10,000	10,000			Works scheduled in March 2016 -
Shed - Hazardous Facility	-	5,000	7,000			Haast - Portable shed costs are \$4800. Transport - Installation of a Water washdown - Initial budget requested was \$10k
<b>Total</b>	327,525	440,000	442,000			
<b>CEMETERIES</b>						
Hokitika Cemetery - Building Improvements	585	20,000	20,000			WIP
Hokitika Cemetery - Improvements	-	10,000	10,000			Complete. Works included - New Concrete Berms on northern side
Berm Development	-	10,000	10,000			Scope - Extending Ashes berm. ETA - April 2016
<b>Total</b>	585	40,000	40,000			
<b>Community Halls and Buildings</b>						
Ross Hall - Upgrade/Replacement	46,233	90,000	90,000			Kitchen works completed in October -- remainder WIP- Earthquake Strengthening. ETA April 2016
Carnegie Building - Improvements	-	20,000	20,000			For exhibition lighting renewals. Work in progress. ETA March 2016
<b>Total</b>	46,233	110,000	110,000			

Continued from previous page

Total	70,233	110,000	110,000			
<b>Community Township Development</b>						
Footpath - Sale street	-	10,000	10,000			In progress - Re-surfacing works. ETA - End of Feb 2016
Footpath Tiles replacements	-	12,000	12,000			Fox. Business area. Not started. Community Association advised not to proceed. Staff working on re-scoping now.
Footpath Tiles replacements	-	6,000	6,000			Fox. Business area. Not started - As above
New Footpath	-	15,000	17,000			Done - Repaired - Sealed. - Works completed in Jan 2016. Variance expected at 2K over budget
Upgrade footpaths and driveways over next three years	-	5,000	5,000			Kumara. Liaising with community representatives. Waiting on 4th Street works to complete first and then do minor repairs along with this job
<b>Total</b>	<b>0</b>	<b>48,000</b>	<b>50,000</b>			
<b>Elderly Housing</b>						
Pensioner Housing	-	45,000	45,000			
<b>Information Services</b>						
IT equipment Renewals	10,945	30,000	30,000			
<b>Inspection and Compliance</b>						
Noise Meter	7,819	10,000	7,819			Complete
<b>Land &amp; Buildings</b>						
Improvements in Hokitika - Car Parks	-	15,000	15,000			Primary School Pedestrian refuge works. St Mary's Speed calming devices to be funded from this cost centre.
<b>Parks &amp; Reserves</b>						
Cass Square - Turf Improvements	-	120,000	120,000			After Wildfood Festivals
Upgrade of Playground equipment	-	45,000	45,000			WIP. Scope to be agreed
Repair to Statues	-	5,000	5,000			Part of larger project. Heritage Hokitika involved
Marks road reserve improvements	-	10,000	10,000			Haast toilets.
Developments	-	30,000	30,000			Beachfront
<b>Total</b>	<b>0</b>	<b>210,000</b>	<b>210,000</b>			
<b>Transportation</b>						
Seal 4th Street Kumara	-	140,000	140,000			Works Commenced. Completion due - March 2016.
<b>Vehicle Operations</b>						
Replacing pool vehicle	27,687	33,000	27,687			Complete
New Vehicle -	27,934	38,000	27,934			Complete
<b>Total</b>	<b>55,621</b>	<b>71,000</b>	<b>55,621</b>			
<b>Total</b>	<b>578,967</b>	<b>1,921,000</b>	<b>1,908,957</b>			

Carry Over Schedule to 2015-16									
GL	Requestor	Detail	Funded by	Approved \$	Actual \$	Forecast \$	Balance \$	Approved variance in 2016	Status
5200116	Julia Bradshaw	Museum Donations - for Exhibitions	Donations	- 11,167	- 11,167	- 11,167	-	Favourable income	Complete
5200116	Julia Bradshaw	Museum Donations - for Exhibitions	Donations	- 5,000	- 5,000	- 5,000	-	Favourable income	Complete
			<b>Donations Total</b>	<b>- 16,167</b>	<b>- 16,167</b>	<b>- 16,167</b>	<b>-</b>		
3905145	Derek Blight	Creative New Zealand	External Grant	- 5,403	- 5,403	- 5,403	-	Favourable income	Complete
			<b>External Grant Total</b>	<b>- 5,403</b>	<b>- 5,403</b>	<b>- 5,403</b>	<b>-</b>		
471258104	Petrina Cannell	Haast WTP	Subsidy (\$240k) & Depreciation (\$160k)	73,732	1,452		63,041	Capital	Complete
			<b>Subsidy/Depreciation Total</b>	<b>73,732</b>	<b>1,452</b>	<b>10,691</b>	<b>63,041</b>		
461058110	Petrina Cannell	Franz Josef WWTP	Loan	99,474	-	99,474	-	Capital	Committed - Being used for prelim designs and scope
461258103	Petrina Cannell	Haast WWTP Improvements	Loan	35,167	8,094	8,094	27,073	Capital	Complete
4400581	Simon Eyre	Council HQ re-roofing	Loan	125,000	65,677	125,000	-	Capital	In Progress
3310405	Eddie Newman	Franz Josef Landfill	Loan	25,000	-	25,000	-	Capital	Works planned in March 2016 and profiling
			<b>Loan Total</b>	<b>284,641</b>	<b>73,771</b>	<b>257,568</b>			
2100413	Jim Ebenhoh	Builder's Accreditation	Rates YE 2014	20,000	16,203	16,203	3,797	Operating adverse	Complete
350458106	John Bainbridge	Hokitika Cemetery Capital Development	Rates YE 2015	10,000	-	10,000	-	Capital	Stage 1 completed
341858103	David Inwood	Cass Square Statues	Rates YE 2014	10,000	-	10,000	-	Capital	Heritage Hokitika approach
341858103	David Inwood	Cass Square Statues	Rates YE 2015	5,000	-	5,000	-	Capital	Heritage Hokitika approach
1100240	Tanya Winter	CCO review	Rates YE 2015	6,988	1,000	6,988	-	Operating adverse	On-going work

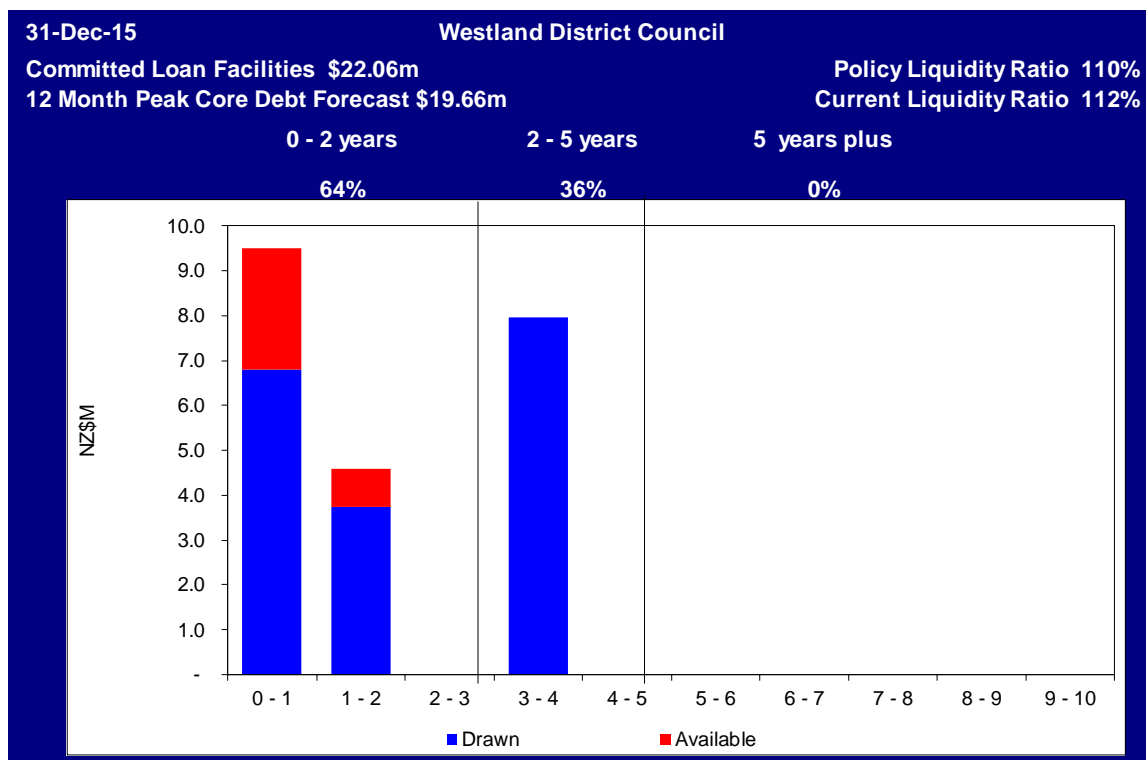
3302405	Eddie Newman	Kumara CAP	Targeted Rates YE 2015	5, /12	-	5, /12	5, /12	Capital	Complete
			Rates Total	57,700	17,203	53,903	9,509		
460458112	Petrina Cannell	Hokitika WWTP Resource Consent	Renewal reserve - Depreciation	29,552	74,684	79,552	- 50,000	Capital	Work in Progress. Hearing scehduled for 15 February
383058101	Simon Eyre	Upgrade fire-alarm system - Museum	Renewal reserve - Depreciation	30,000	-	30,000	-	Capital	Current
4708581	Petrina Cannell	Rural Water supply	Renewal reserve - Depreciation	49,475	48,298	49,475	-	Capital	Complete
			Renewal reserve - Depreciation Total	109,027	122,982	159,027	- 50,000		
380758101	Simon Eyre	Hari Hari Community Facility	\$100k Reserves Development fund, \$190k Hari Hari Community complex reserve fund	225,972	735,251	225,972	-	Capital	Need to reforecast
5674250	Tanya Winter	Franz Josef Cycle Trail	Reserves	48,000	-	48,000	-	Operating adverse	FJCC engaged
									Likely to require further c to needing to wait for fin direction of Council / com working party on Franz Jo
430758102	Jim Ebenhoh	Franz Josef Urban Revitalisation plan	Reserves	100,000	-	100,000	-	Capital	
3811581	Derek Blight	Fox Glacier Community Centre	Reserves	100,000	100,000	100,000	-	Capital	Complete
4309250	Derek Blight	Hari Hari Township Development fund	Reserves	14,000	14,000	14,000	-	Operating adverse	
			Reserves Total	487,972	849,251	487,972	-		
5674148	Tanya Winter	Cycle Trail - Partner Programme Revenue	Stakeholder Contribution	- 21,125	- 21,125	- 21,125	-	Appropriation / operating	To be transferred to new
5674148	Tanya Winter	Cycle Trail - Partner Programme Revenue	Stakeholder Contribution	- 6,808	- 6,808	- 6,808	-	Appropriation	To be transferred to new
				- 27,933	- 27,933	- 27,933			
				963,569	1,015,156	919,657	22,551		

## 1.0 Summary

- 1.1 The purpose of this report is to provide an update on Council's Treasury Position as at 31 December 2015.
- 1.2 This report shows the Council's position for the following items:
- 1.2.1 Loans
    - 1.2.1.1 Other Borrowings (if any)
    - 1.2.1.2 Swaps
  - 1.2.2 Internal borrowing
  - 1.2.3 Cash Investments
    - 1.2.3.1 Deposits
    - 1.2.3.2 Bonds
  - 1.2.4 Debtors
- 1.3 Council has contracted PWC as an independent treasury adviser.

## 2.0 Loans

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



2.2 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 \$19.66m with liquidity coverage at 112%.

2.3 As at 31 December, the Money Market Lending Statement shows:

MOCL facilities

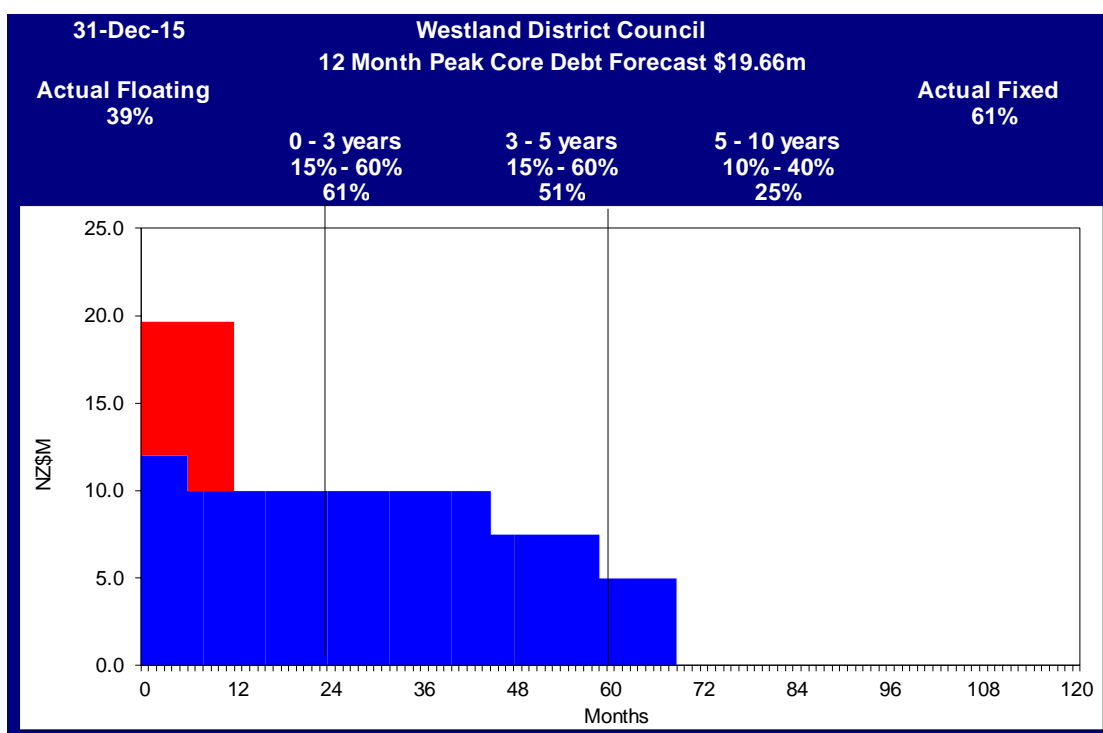
Amount	Rate	Maturity
\$6,803,352	2.83%	1/07/2016
\$2,000,000	2.69%	17/07/2017
\$1,750,000	2.68%	17/07/2017
\$7,960,000	2.68%	1/07/2019
<b>\$18,513,352</b>	<b>Total</b>	

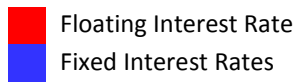
(This does not include the 0.9% to 1.1% margins charged by the bank)

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

Amount	Rate	Maturity
\$2,000,000	4.52%	17/06/2016
\$2,500,000	3.55%	17/11/2020
\$5,000,000	4.10%	01/10/2021
\$2,500,000	4.77%	17/09/2019
<b>\$12,000,000</b>	<b>Total</b>	

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





- 2.5 Some changes were made to further protect Council treasury from rising interest rates. A \$3m swap was extended by \$2m through to June 2016. A new swap was put in place for \$2.5m with an expiry Sept 2019. A \$5m swap was extended to October 2021. Council policy requires interest rate risk management within the ranges specified in the chart.

### 3.0 Internal Borrowing

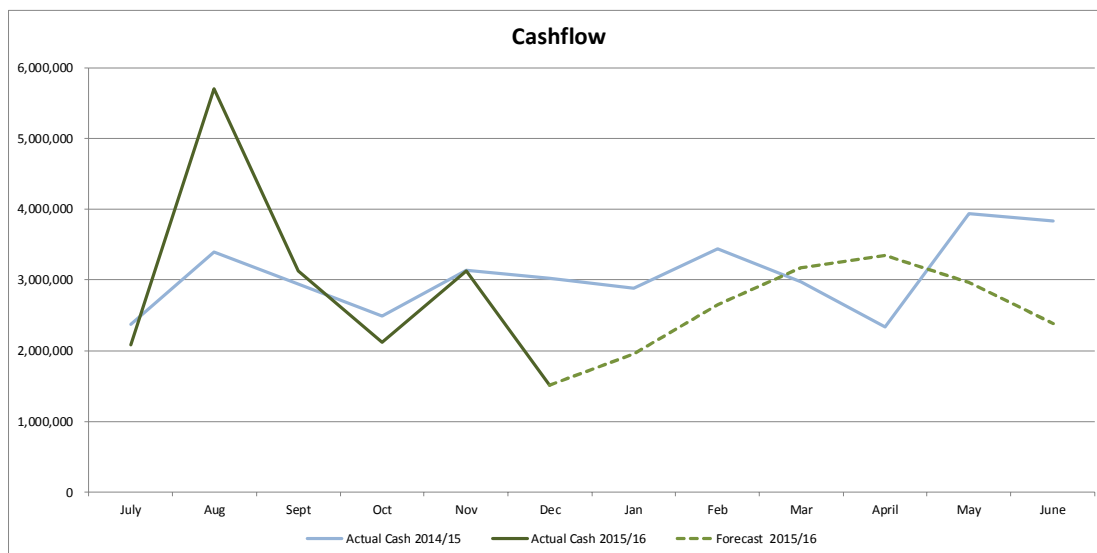
- 3.1 Kaniere Sewerage \$166,705.93

### 4.0 Cash Investments

#### 4.1 Cash Deposits as at 31 December 2015

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.

- 4.1.1 The following analysis excludes bond monies.
- 4.1.2 Closing balance of WDC Operational Account: \$818,733
- 4.1.3 Savings account balance of: \$696,521



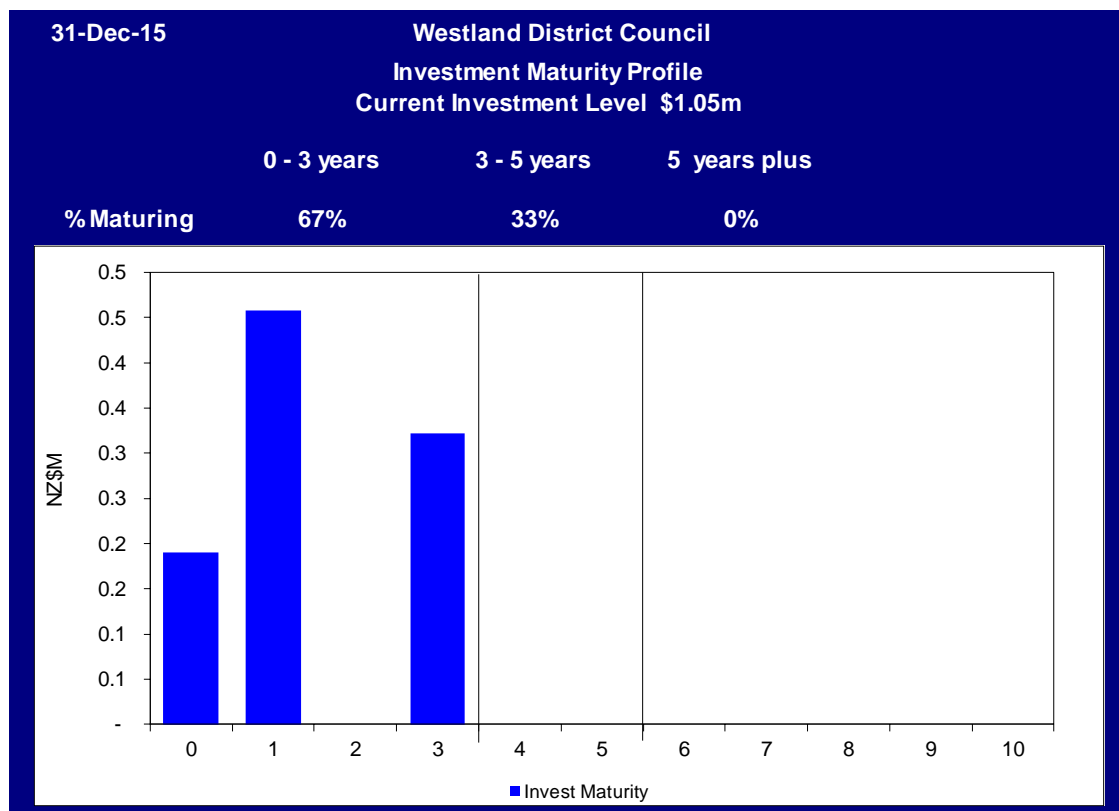
## 4.2 Bonds

- 4.3 WDC Westpac Bond Portfolio valued at \$1,056,384 as at 31 December 2015. This is made up of \$0.97m in bonds and \$0.086m 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	0.11	Y
Auckland Int Airport	A-	1.00	0.19	N
BNZ	AA-	1.00	0.21	Y
Rabobank	BBB	1.00	0.25	N
Rabobank	A+	1.00	0.00	Y
Westpac	AA-	1.00	0.10	Y
<b>TOTAL</b>			<b>0.97</b>	

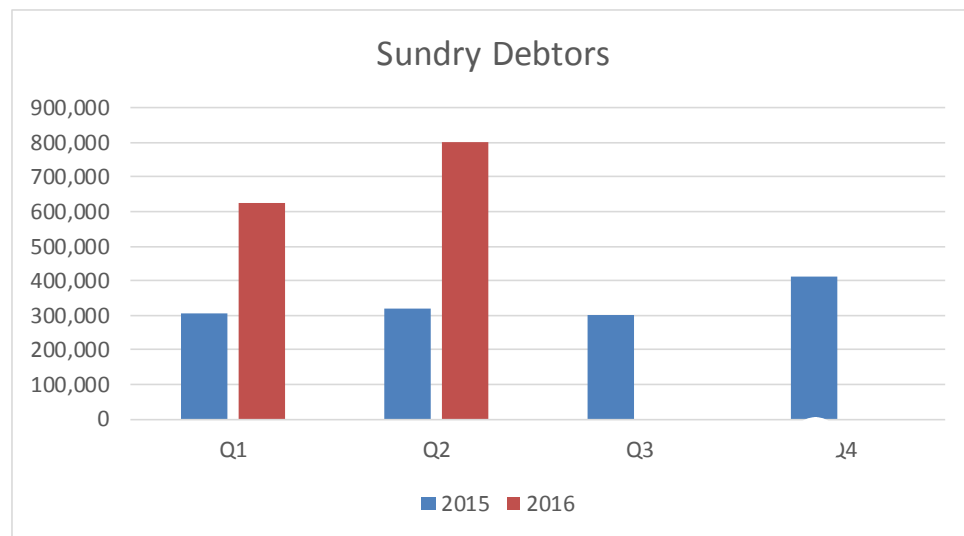
- 4.4 The policy requires that bond investments are with parties that have a credit rating of S&P A or better. Two bonds have rating below this limit. Council resolution decided to retain the bonds in the portfolio until maturity due to the high yields. The policy also has a limit of \$1m exposure per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

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

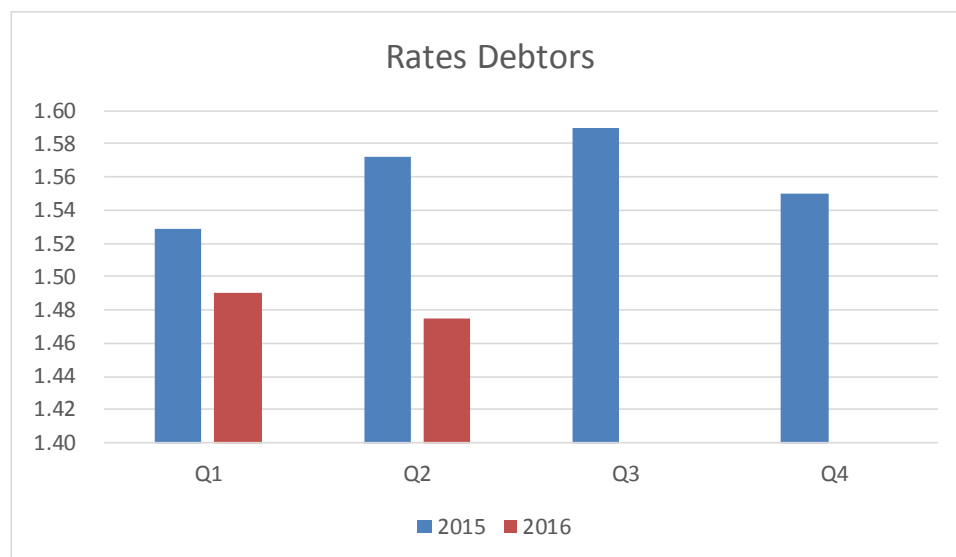


## 5.0 Debtors

- 5.1 Outstanding Sundry debtors as at 31 December 2015 total \$801,692 of which 67% is current. The increase is due to Hari Hari funding invoices (\$446k) which have subsequently been paid.



- 5.2 At 31 December 2015, rates debtors figure is \$1,475,702 which is 6.2% less than Q2 2015, and 4.8% less than at 30 June 2015.



## 6.0 Debt Collection

- 6.1 Prior to the end of the quarter, final demands were sent out and a total of \$122k debt was referred to credit recoveries. Further notices are to be sent at the beginning of quarter 3.
- 6.2 Credit Recoveries performance as at 31 December for active debt:

### **Credit Recoveries Table**

#### **Active debt**

<b>Date Debt Sent</b>	<b>Original Debt</b>	<b>Collected</b>	<b>Recovery Rate</b>
Pre-2013	257,528.00	78,716.00	31%
2013	78,712.00	17,787.00	23%
2014	200,027.00	58,734.00	29%
2015	158,879.00	56,264.00	35%

- 6.3 Another substantial list of debts will be handed to Credit Recoveries in Q3.
- 6.4 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.
- 6.5 Automated Debt Recovery system will make the collection of debts and timely handling of delinquent debts more efficient.

### 1.0 Summary

#### 1.1 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.

#### 1.2 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 2015/16 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 2015/16.
- 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-Oct 2015	Transfers into fund	Transfers out of fund	Balance 31-Dec 2015
		\$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	640	31	0	671
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.	473	3	0	477
Euphemia Brown Bequest	Interest earned on funds administered by Public Trust Offices for the estates of Euphemia & William E Brown.	22	0	0	22
Mayors Trust Funds	Contributions from James & Margaret Isdell Trust; Coulston Herbert Trust;	21	0	(2)	19
Three Mile Domain	To fund three mile domain costs.	195	1	(2)	194
Ross Endowment Land	Various endowment land parcels in Ross sold over time.	138	1	0	139
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	1
Taxi Chits	Grant funding Received	(1)	2	(1)	1
Hokitika War Memorial		24	0	0	24
Total Restricted Reserves		1,562	39	(5)	1,597

## Council Created Reserve Funds

Reserve	Purpose of each reserve fund	Balance 1-Oct 2015	Transfers into fund	Transfers out of fund	Balance 31-Dec 2015
		\$000	\$000	\$000	\$000
<b>2015</b>					
Kumara Township Fund	Township funding for the purpose of community related projects	4	4	(14)	(7)
Harihari Township Fund	Township funding for the purpose of community related projects	33	4	(29)	8
Whataroa Township fund	Township funding for the purpose of community related projects	2	0	0	2
Ross Township Fund	Township funding for the purpose of community related projects	(10)	4	0	(7)
Haast Township Fund	Township funding for the purpose of community related projects	1	4	0	4
Franz Township Fund	Township funding for the purpose of community related projects	10	9	(16)	3
Fox Township Fund	Township funding for the purpose of community related projects	10	9	(35)	(16)
Kokatahi/Kowhitirangi Community Rate	Allowing the community to have funds for various community related projects	4	2	0	6
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)	0	(1)	(4)
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.	8	1	0	9
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.)	311	2	0	313
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.	260	2	0	262
Cycle Partner Contributions	Contributions from commercial partners towards upkeep of the Wilderness Trail	42	1	0	43
Emergency Contingency Fund	Rates collected to support Westland in a Civil Defence emergency.	49	0	0	49
Transportation Asset Renewal	For funding the renewal of roads and bridges.	107	126	(502)	(269)
Water Renewal	For funding the renewal of water supplies networks	700	144	(51)	793
Waste Water Renewal	For funding the renewal of sewerage and sewage networks	540	84	0	624
Stormwater Renewal	For funding the renewal of stormwater systems	453	74	0	527
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	51	19	0	70
Buildings Renewal	For renewal of all Council operational buildings.	190	28	0	217
Administration Renewal	For renewal of office equipment, furniture, technical equipment, vehicles and technology	70	37	(4)	103
Library Book Renewals	To replace library books	16	31	(8)	38
<b>Total Council created reserves</b>		<b>2,871</b>	<b>582</b>	<b>(658)</b>	<b>2,795</b>
<b>Total Reserves</b>		<b>4,433</b>	<b>621</b>	<b>(663)</b>	<b>4,391</b>

# Report



**DATE:** 25 February 2016

**TO:** Mayor and Councillors

**FROM:** Community Development Advisor

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## Review of Smokefree Environments Policy – Council Buildings and Public Spaces

### 1 SUMMARY

- 1.1 The purpose of this report is to seek Council's approval to amend the Smokefree Environments Policy – Council Buildings and Public Spaces that was adopted by Westland District Council 25 August 2011 by adding in a new clause relating to smoking in outdoor dining areas, and inviting public submissions on the proposed amendment.
- 1.2 This issue arises from the presentation by Karen Hamilton of Community and Public Health (C&PH) at the 26 November 2015 Council meeting regarding Smokefree Community Spaces, and how Council could assist C&PH to achieve the government goal of a Smokefree Aotearoa community by 2025. Council agreed that C&PH could lead the review of the Smokefree Environments Policy – Council Buildings and Public Spaces and the Chief Executive asked the Community Development Advisor to liaise with C&PH regarding this.
- 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 invites the public to make submissions on the revised Smokefree Environments Policy – Council Buildings and Public Spaces in Public Places Policy, as attached in Appendix 1.

## **2 BACKGROUND**

- 2.1 In March 2011 the government adopted an aspirational goal of a Smokefree Aotearoa by 2025. Local Government New Zealand (LGNZ) has endorsed this goal.
- 2.2 In line with the government and LGNZ goals above, Westland District Council adopted a Smokefree Environments Policy – Council Buildings and Public Spaces on 25 August 2011 which applies to Council owned buildings, swimming pools, playgrounds, parks and sports fields. The policy is educational rather than punitive.
- 2.3 Lately there has been a move towards extending smokefree policies to cover outdoor dining areas. Auckland City Council was the first Council in New Zealand to propose a smokefree outdoor dining policy. Aucklanders showed strong community support for smokefree outdoors dining, with 76% in favour, and the Auckland City Council received over 1300 submissions from the public requesting a smokefree outdoor dining bylaw. In Auckland and Palmerston North, the proposal is for an enforceable ban on smoking in outdoor dining areas on Council-owned land. In Christchurch, Napier and Hastings, a different approach of using an educational policy rather than an enforceable bylaw has been developed.
- 2.4 At the 2015 LGNZ Annual General Meeting, members strongly supported a remit proposed by Palmerston North City Council requesting that the Government develops and implements legislation to prohibit smoking outside cafes, restaurants and bars.

## **3 CURRENT SITUATION**

- 3.1 According to the latest census statistics, the number of cigarette smokers in the Westland District reduced from 2898 to 2439 between 2006 and 2013. This is significant progress, but further reduction in the number of smokers is required to achieve a smokefree Westland by 2025.
- 3.2 There are at least a dozen businesses with outdoor dining on Council-owned land in Westland. Most of these are in Hokitika, with several more in Franz Josef and a few in smaller townships such as Hari Hari and Fox Glacier.
- 3.3 The Community Development Advisor has liaised with C&PH to discuss how extending Council's policy to outdoor dining areas would work. Essentially this would be an educational policy only, with no enforcement or

punitive action. Signage would be made available by C&PH to the businesses with outdoor dining at no cost to Council, and it would be up to the businesses whether they wish to display this signage or not. The Council would not erect signage on the footpath or force business owners to display smokefree signage.

#### **4 OPTIONS**

- 4.1 Maintain the status quo.
- 4.2 Amend the policy, to include outdoor dining areas on Council-controlled land. The policy does not apply to private front courtyards and would be an educational policy only.

#### **5 SIGNIFICANCE AND ENGAGEMENT**

- 5.1 According to Council's policy on Significance and Engagement this matter is of low significance but it is recommended that Council consults with the community for a month to give opportunity for the community to respond to the additional clause in the existing policy.
- 5.2 Consultation has been undertaken already with C&PH. C&PH itself have discussed the additional clause with eleven businesses with outdoor dining on Council-owned land in Westland: six in Hokitika, one in Hari Hari, two in Franz Josef Glacier and two at Fox Glacier. In answer to the question "*Should outdoor dining/seating areas be smokefree?*," six were happy with the idea, four said that it was not much of an issue, and one said that it was too hard to implement. Signage was seen as acceptable to businesses, but they gave a clear message that the policy should not be enforceable.

#### **6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

- 6.1 The status quo has the advantage of not requiring public consultation. The disadvantage is that it would not support LGNZ's recommendation for smokefree outdoor dining areas or further promote public health in Westland.
- 6.2 Extending the policy to include no smoking in outdoor dining areas has the advantage of actively supporting LGNZ recommendations to Government and of taking another step towards the government's goal of a Smokefree Aotearoa by 2025. It would also reduce the inhalation of second-hand smoke by non-smoking outdoor diners and business staff. The

disadvantage is that it could make smokers choose other alternatives such as staying at home rather than dining out, but it could also encourage them to quit.

6.3 Further information on the advantages of smokefree outdoor dining areas is provided in the attached November 2015 release from the University of Otago.

6.4 There are no financial implications for Council as Community and Public Health would provide signage for outdoor dining areas at no cost to Council.

## **7 PREFERRED OPTION AND REASONS**

7.1 The preferred option is to extend the policy to include no smoking in outdoor dining areas on Council land because it supports LGNZ recommendations to Government, is a further move towards a Smokefree Aotearoa by 2025, and is in the interests of providing better public health.

## **8 RECOMMENDATION**

A) **THAT** Council invites the public to make submissions on the revised amendment in the Smokefree Environments Policy – Council Buildings and Public Spaces, as attached in Appendix 1, for one month, with submissions closing 31 March 2016.

**Derek Blight**  
**Community Development Advisor**

**Appendix 1:** Revised Smokefree Environments Policy – Council Buildings and Public Spaces

**Appendix 2:** Smokefree Public Outdoor Dining Areas in NZ – University of Otago, November 2015

## Appendix 1



### **Westland District Council Smokefree Environments – Council Buildings & Public Spaces**

#### **SCOPE**

This policy applies to Council owned buildings, swimming pools, playgrounds, parks and sports fields, and to outdoor dining areas on Council-controlled land.

#### **RELEVANT LEGISLATION**

This policy has been prepared in accordance with the Smokefree Environments Act (1990).

#### **GENERAL POLICY**

This is an educational policy. The Westland District Council will be proactive in promoting a healthier community. The Council will demonstrate leadership by promoting a smoke free lifestyle as being both desirable and the norm in the Westland District as New Zealand works towards being smoke free by 2025. People using Council facilities including parks and playgrounds will be smoke free role models for children and young people.

#### ***Council Owned Buildings and Vehicles***

All Council workplaces are smokefree work environments, including Council vehicles.

All Council owned enclosed public facilities, such as public halls, are smokefree, including their entrances/exits and surrounds. Appropriate signage will be clearly displayed outside buildings and in vehicles.

### ***Council owned Swimming pools, Sport and Leisure Centres and Surrounds***

All Council owned swimming pools and sport and leisure centres are designated smoke free areas, including the outdoor areas surrounding them. Appropriate signage will be displayed at the entrance to each facility and inside the grounds.

### ***Council owned Playgrounds and Parks***

The public will be asked to refrain from smoking in Council owned playgrounds and parks. Signage will be displayed at the entrance to parks and beside playgrounds asking people to refrain from smoking. Messages on the signage will be positive rather than punitive.

### ***[PROPOSED ADDITION]: Outdoor Dining Areas on Council-Controlled Land***

Outdoor dining areas, such as tables and chairs outside cafes, restaurants and bars that are on Council-controlled land, will be smoke free. Appropriate signage will be displayed. Ashtrays will not be provided.

# Smokefree public outdoor dining areas in NZ



This would include pavement and off-pavement areas of cafés and restaurants

## Workplace safety

- At present hospitality workers have to be close to smokers during a working day.
- Smoking *outside* near windows and doors results in significantly higher smoke levels in adjacent *indoor* areas, affecting work safety indoors, contrary to current law.<sup>1, 2</sup>

## Do smokefree outdoor areas reduce smoking and help quitting?

- Californian smokers with smokefree park/patios laws were more likely to attempt quitting.<sup>3</sup>
- Those *not* exposed to smoking on Ontario bar/restaurant outdoor areas were more likely to have tried to quit, and over twice as likely to not relapse.<sup>4</sup>

## Are smokefree outdoor areas practical?

- Many states, provinces and cities in Australia and North America have successful smokefree outdoor dining policies,<sup>5</sup> including New South Wales<sup>6</sup> and Queensland.<sup>7</sup>
- New Zealand experience with adopting indoor smokefree laws indicates that compliance was very high,<sup>8, 9</sup> and bar staff found patrons responded well to being asked to go outside.<sup>10</sup> The introduction of Queensland smokefree outdoor dining resulted in 98% compliance.<sup>11</sup>
- There is majority New Zealand public support for smokefree outdoor dining.<sup>12, 13</sup>

## Are smokefree outdoor areas business-friendly?

- Café/restaurant sales increased after the 2004 New Zealand smoking legislation.<sup>8, 9</sup>
- Support by smokers is likely to sharply increase once they experience the policy.<sup>8, 14, 15</sup>
- For NZ business experience of smokefree outdoor dining, see the video on <https://auckland-norland.cancernz.org.nz/en/reducing-cancer-risk/help-create-change/make-outdoor-dining-smokefree-in-auckland/>
- 20% more Queenslanders said they visited outdoor dining/bars after law change.<sup>11</sup>
- In Australia, the majority of business's surveyed supported implemented bylaws.<sup>16, 17</sup>

## Equity, alternatives

- Discrimination? Legal rights to smoke are limited by law, to protect others.
- 'Having a cigarette with a meal is how many want to socialise and have fun': In fact, most smokers regret starting smoking<sup>18</sup> and want to quit.<sup>19</sup>
- Are separate smoking/non-smoking outdoor areas practical and effective?:
  - Significant tobacco smoke effects occur at over 10m from groups of smokers<sup>20</sup>
  - Making all outdoor dining areas smokefree is simpler and easier to enforce
  - Investment in separating areas appears unwise, given the 2025 smokefree goals



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November 2015

**For further information, contact George Thomson, University of Otago, Wellington**  
**[george.thomson@otago.ac.nz](mailto:george.thomson@otago.ac.nz)**

# Report



**DATE:** 25 February 2016

**TO:** Mayor and Councillors

**FROM:** District Planner

---

## Submission on Resource Legislation Reform Bill 2015

### 1 SUMMARY

- 1.1 The purpose of this report is to seek Council support for the proposed submission on behalf of the West Coast Councils to the proposed Resource Legislation Reform Bill 2015 (RMA Reform Bill).
- 1.2 The Council Delegations manual retains the delegation to make submissions to the Government with the full Council. Making submissions on Regional Plans is delegated to the Group Manager: Planning, Community and Environment with a note that *"It is anticipated that this delegation will be exercised on minor amendments and changes only. Any submission must be consistent with Council policy and any major change to a Plan or Policy Statement will be considered by the Council."* Staff have worked with planning staff at the West Coast Regional Council, Buller District Council and Grey District Council to produce the attached draft, for approval the councils for submission.
- 1.3 In general, the submission supports moves to create efficiency, streamlining and effectiveness within the consent and plan-making processes (for example, the processes for District Plan changes). However it cautions the Government about some proposed changes that have potential for undue costs on ratepayers or consent applicants, where the new national direction may not suit the environmental issues within our region.
- 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 approves the submission.

## **2 BACKGROUND**

- 2.1 The RMA Reform Bill 2015 is the second stage of the government's review of the Resource Management Act. All provisions of the Resource Management Amendment Act 2013 and Resource Management (Simplifying and Streamlining) Amendment Act 2009 are now in force and brought about some strong changes to the process for resource consents. This phase addresses broader conceptual changes to the Act in relation to matters of national importance, providing for further national guidance including the national planning template and national environmental standards and national policy statements, changes to process and required content for creating new plans, and further changes to the consent process. A copy of the Bill and supporting information is available on the Ministry for the Environment's website:  
<http://www.mfe.govt.nz/rma/rma-reforms-and-amendments/about-resource-legislation-amendment-bill-2015>
- 2.2 Parliament's Local Government and Environment Select Committee will be receiving submissions until 14 March 2016.
- 2.3 Given the strong collaborative direction of the four Councils on the West Coast, and recent success of joint submissions from the Region, this submission has been drafted by planning staff of the West Coast Regional Council, Grey District Council, Buller District Council and Westland District Council. Staff from the four Councils have developed the submission on the proposed Bill collaboratively to ensure that we could present a collective voice wherever possible. Initially all Councils were willing to have alternative views presented within the submission if a single view could not be reached. However following discussion agreement was reached on all submission points.
- 2.4 Staff have also utilised the draft submission developed by Local Government New Zealand so that we can support or refer to points raised.

## **3 CURRENT SITUATION**

- 3.1 The attached submission is also being considered by the West Coast Regional Council, Buller District Council and Grey District Council under their various delegations. Any amendments directed by each Council will be discussed and agreed. If possible, the submission will be made on behalf of the Region. Where there is disagreement, the submission will point out alternative views.

- 3.2 Staff are seeking adoption of the submission, and also approval for staff to make minor amendments to wording where this does not alter the intent of the submission point. If there is disagreement between Councils, the alternative view will be set out in relation to that submission point.
- 3.3 The submission supports the introduction of the management of risk from natural hazards as a matter of national importance and proposes the addition of 'economic growth' contained in earlier drafts. The creation of additional National Environmental Standards and National Policy Statements is supported, where these allow Councils flexibility to manage the scale of effects present within their communities rather than being overly prescriptive and costly to West Coast Councils. Cautious support of the National Planning Template is recommended on the same basis, with consultation on its content. Provisions to streamline the consent process are supported.

## **4 OPTIONS**

- 4.1 Adopt the submission to be made on behalf of Westland District Council and the other councils of the West Coast Region. Confirm to staff that minor amendments can be made as directed by this Council or in response to comments from other West Coast Councils, where these are not considered to change the intent of the submission point.
- 4.2 Direct staff to make more than minor amendments to the submission, which would then have to be taken back to the other Councils to see if other Councils agree or if the joint submission needs to reference a different viewpoint from Westland District Council.
- 4.3 Direct staff to make a submission on behalf of Westland District Council only. This will require direction on what aspects the Council wants to be addressed within the submission.
- 4.4 Elect not to make a submission on the Resource Legislation Reform Bill 2015.

## **5 SIGNIFICANCE AND ENGAGEMENT**

- 5.1 The Resource Management Act is a critical piece of legislation for managing and encouraging the future growth of our District. However, making a submission on the proposed changes to this Act is optional, and the impact of the submission is not certain; therefore the significance is assessed as low in accordance with Council's Policy on Significance and Engagement.

## **6 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

- 6.1 As stated above, the Resource Management Act is an important piece of legislation and it is considered that Westland District Council should make a submission on behalf of the community. Making a joint West Coast submission has utilised the technical skills of planning staff across the region in its preparation, and portrays a strong cohesive voice from the Coast. Option 1 will achieve this purpose.
- 6.2 Option 2 involves Council directing staff to make amendments to the submission. This is possible and will require further discussion to occur with planning staff of the other West Coast Councils to determine whether the submission on behalf of all Councils can be altered, or whether the submission is amended and specifically references Westland as holding that view.
- 6.3 If Council would like to make a stand alone submission (Option 3) then this will mean that Council loses the impact of the collective voice of West Coast Councils. The existing draft submission represents the view of technical planning staff, so any recommended draft submission for Westland alone will contain the same content as the joint submission, unless directed otherwise by Council.
- 6.4 Option 4 is for Council to choose not to make a submission. This is considered to be a lost opportunity to provide feedback on legislation that directly impacts upon the way that Council creates planning documents and the processes used during consenting. It therefore has a direct effect on the facilitation of development and the involvement of our ratepayers in the future of our District.
- 6.5 There are no direct financial implications associated with any of the options above, i.e. whether to make a submission and how to do so. Some of the specific points within the submission state that the Government's proposals have financial implications for councils and the public, but these are not implications of this report or its recommendation.

## **7 PREFERRED OPTION AND REASONS**

- 7.1 Technical planning staff have drafted a submission that reflects the West Coast and provides input on how the proposed changes will impact on our Councils and communities. It is important for smaller Councils such as Westland to make a submission on the Bill to ensure that new processes that may be overly onerous or costly for a small council to implement are not introduced, and that national direction considers the desires of the West Coast, where possible.
- 7.2 The preferred option is therefore Option 1. It is suggested that delegation is confirmed to the Group Manager: Planning Community and Environment to make minor alterations to the submission in response to comments from other Councils, where this is not considered to change the intent of the submission point.

## **8 RECOMMENDATION**

- A) **THAT** the Council approves the draft joint submission to the proposed Resource Legislation Reform Bill 2015 (RMA Reform Bill) attached as Appendix 1, with authority delegated to the Group Manager: Planning Community and Environment to make minor alterations to the submission as directed by this Council or in response to comments from other West Coast Councils, where these are not considered to change the intent of the submission point.

**Rebecca Beaumont**  
**District Planner**

**Appendix 1:** Covering letter and draft submission on the RMA reforms.

## Appendix 1



17 February 2016

Committee Secretariat  
Local Government and Environment  
Parliament Buildings  
**WELLINGTON 6160**

Dear Sir/Madam

### **SUBMISSION ON RESOURCE LEGISLATION AMENDMENT BILL**

The four West Coast Councils: the West Coast Regional Council, and the Buller, Grey, and Westland District Councils (the Councils or the West Coast Councils), wish to thank the Local Government and Environment Select Committee for the opportunity to make a submission on the Resource Legislation Amendment Bill. Attached is a joint submission from the Councils. The West Coast Regional Council is the contact for service.

Yours faithfully

A handwritten signature in black ink, appearing to read "Michael Meehan".

Michael Meehan  
Planning and Environment Manager

## **Submission from the West Coast Regional Council, and the Buller, Grey and Westland District Councils on the Resource Legislation Amendment Bill**

### **Introduction**

The Buller, Grey, and Westland District Councils, and the West Coast Regional Council (the Councils) support in principle the intent of the Bill to create a more efficient and equitable resource management system, through better integration, and proportional and flexible processes. Increased options for planning processes, and the reduced requirements for consents, for example, will assist the West Coast Councils to carry out their functions in a timely and cost-effective way.

A number of other proposed amendments will be helpful to the West Coast Councils to reduce duplication between district and regional councils, and reduce the costs of administering and participating in certain processes. The Councils support changes such as removing functions relating to hazardous substances, mandatory participation in alternative dispute resolution processes, and giving councils the ability to strike out frivolous or vexatious submissions.

Not all of the proposed amendments will necessarily make consent and plan processes more efficient. The implications of some of the changes are unclear and create uncertainty for the West Coast Councils. For example, the scope of the NPT to include any objectives and policies, and the lack of provision for consultation with local authorities on the content, raises questions about how much local input will be provided for in the NPT.

The West Coast Councils are also uncertain about how several other proposed amendments would work in practice. These include the new function for regional councils in relation to ensuring sufficient development capacity regarding residential and business land to meet future demand, disregarding adverse effects covered by objectives and policies in plans, and permitting activities with marginal non-compliance of plan rules. While the Councils support the principle or intent of some changes, they may not be straightforward to implement, and could become inefficient and costly for councils.

It is disappointing that some changes previously outlined to be in the Bill that would improve council's resource management processes have been left out. For example, there is no proposed provision in section 6 of the RMA recognising the importance of economic growth/social and economic wellbeing. Excluding these provisions has 'watered down' the ability of the Bill to achieve its intended purpose. The West Coast Councils seek the inclusion of these, and several other matters, to the RMA.

In line with the aim of greater efficiency in resource management processes, the West Coast Councils are making a joint submission on the Bill. This saves each Council the time and staff resources of having to fully assess the impacts of the new Bill and write individual submissions. The West Coast Councils share the same view on most of the submission points made. A small number of submissions are relevant to either the District Councils or the Regional Council.

The Councils have considered the Local Government New Zealand (LGNZ) submission points on the matters raised in this submission, and where we agree with LGNZ, this is stated.

### **Structure**

The structure of this joint submission follows the layout of the Bill, with submission points made on some of the proposed amendments that commence the day after royal assent, and some of the changes commencing six months and five years after royal assent.

These are followed by a section with amendments to the RMA that are not included in the proposed Bill but are sought by the four West Coast Councils. These cover some of the matters that were raised by Local Government New Zealand in their position paper circulated to local authorities prior to the Bill being released for submissions in late 2015.

The following table has the Council's specific submission points.

## JOINT SUBMISSION FROM THE FOUR WEST COAST COUNCILS ON THE RESOURCE LEGISLATION AMENDMENT BILL

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
<b>Amendments commencing the day after Royal assent</b>		
<b>Resource Management Act Part 2 Purpose and principles</b>		
<b>s6 Matters of national importance</b> Add new clause (h): "the management of significant risks from natural hazards."	Support	<p>This will provide much needed direction, and will assist the West Coast Councils in working together on hazard issues. Natural hazards are becoming a core work area on the West Coast in terms of flooding, wind events, coastal erosion and earthquake risk.</p> <p>We <u>strongly</u> encourage the road-testing of a NPS or NES for natural hazards ahead of it being gazetted, with both a regional council and a territorial authority. This will identify ambiguities and ensure it is fit for purpose when released for implementation. Franz Josef is a town subject to several major hazards that has been discussed with MfE staff as being suitable to road test any policy developed.</p> <p>Any guidance prepared for implementing a NPS or NES for natural hazards should be made available as close as possible to when the NPS or NES is released. Guidance on some previous NPS's has been released several years after the NPS has taken effect, and this is unhelpful as councils usually have to start implementing an NPS or NES straight away. Delayed release of implementation guidance can add costs to local authorities where they have to undertake additional work, or alter their work programmes, to be consistent with the guidance.</p> <p>The West Coast Councils support the Local Government New Zealand (LGNZ) view that careful consideration is needed to ensure appropriate wording of this provision, particularly with use of the term "significant".</p>
<b>S6 Matters of national importance</b>		<p>The West Coast Councils are disappointed that earlier suggestions to add economic growth and development/social and economic wellbeing to section 6 are not included in the Bill. These are considered part of achieving the purpose of the RMA. It is important that the purpose of the Act is confirmed through the addition of <i>economic growth</i> to the matters of national importance, to reinforce consideration of the provisions for economic and social wellbeing. The Councils seek the inclusion of these matters in section 6 of the RMA.</p>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
<b>Part 3 Duties and restrictions</b>		
<b>s12 Restrictions on use of coastal marine area</b> Add provision to enable regional councils to remove structures in accordance with s19(3) to (3C) of the Takutai Moana Act, unless they are permitted by a consent.	Support	The proposed amendment gives regional councils the legal authorisation to remove, or require the removal of, abandoned structures in the CMA, where necessary. This option may be more cost-effective for regional councils rather than going through the inquiry process under the Marine and Coastal Area (Takutai Moana) Act 2011 and vesting the structure with the Crown.
<b>New s18A Procedures</b> New section added with procedural principles including that councils must use timely, efficient, consistent, cost-effective processes; that policy statements and plans must be clear, concise, and relevant; that collaboration must be promoted between councils on common resource management issues.	Support	These principles are common sense and reflect the agreed approach of the West Coast Councils as we review our RMA documents. The proposed principles are formalised through the West Coast Economic Development Strategy and the Triennial agreement between West Coast Councils.  We agree with the submission from LGNZ that a subsection should be added to these provisions to reflect the existing section 17(2) provisions, which ensure that the principles are not of themselves enforceable against any person.
<b>Part 4 Functions, Powers, and Duties</b>		
<b>s30 &amp; 31 Functions of regional councils and territorial authorities</b> Add new subclause 30(1)(ba) and 31(1)(aa): a new function for regional councils and territorial authorities: the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in relation to residential and business land to meet the expected long-term demands of the region.  Add new subclause to s30 and s31 explaining the definition of <b>development capacity</b> : in relation to residential and business land, means the capacity of the land for development, taking into account the following factors: (a) the zoning of the land; and (b) the provision of adequate infrastructure, existing or likely to exist, to support the development of the land, having regard to— (i) the relevant proposed and operative policy statements and plans for the region; and (ii) the relevant proposed and operative plans for the district; and (iii) any relevant management plans and strategies prepared under other Acts; and	Support the amendments to Section 31  Support in part the amendments to Section 30	The West Coast Councils agree in principle with the new function for territorial authorities. It appears to fit well with their role of long term land use planning which they already do.  We are uncertain about how the proposed new role will work for regional councils. If the purpose of the changes is to encourage holistic planning across both regional and district responsibilities then this seems like a good idea in principle. However, more clarity is needed on the intention of the new role for regional councils. Regional Councils already provide advice and information to territorial authorities on matters such as available allocative water resources, water quality, water standards, soil types, and land stability, to assist them with land use planning for long-term demands. If the purpose of the new role for regional councils is that it is implemented in relation to regional councils' other core functions under section 30, then this should be made clear in the new subclause.  The Councils agree with the LGNZ submission that care needs to be taken with wording and definitions to ensure that the territorial authority and regional council roles are not duplicated. The differentiation of tasks to implement these new roles may not be as 'straightforward' in more rural

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
(c) the rules and methods in the operative plans that govern the capacity of the land for development; and (d) other constraints on the development of the land, including natural and physical constraints.		areas as it would be in urban areas.
S30(1)(c)(v) and (1)(d)(v), and S31(1)(b)(ii) are repealed, removing the function of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.	Support	<p>This amendment removes the duplicating role of territorial authorities to control the use and storage of hazardous substances, which is more appropriately dealt with under the HASNO Act.</p> <p>The storage, use, and transport of hazardous substances are not core functions of regional councils, and do not fit well with their functions for earthworks and discharges.</p> <p>Additionally, these functions do not fit well with regional councils' functions for disturbance and discharges in the coastal marine area.</p>
<b>S32 Requirements for preparing and publishing evaluation reports</b> New clause added: S32(4)(A): If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must— (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.	Support in part	<p>The West Coast Councils agree in principle with including in Section 32 evaluation reports a <b>"summary"</b> of the <b>outcomes</b> of discussions on matters sought by iwi authorities to be included in councils' proposed policy statements or plans.</p> <p>The Councils are mindful of the need for plan documents to be concise and consider that as consultation around proposed plans will occur over time and positions and understandings of the various parties will shift during those discussions, that providing a summary of all discussions will not add value to the final evaluation assessment.</p> <p>We suggest altering subclause (a) to refer to "summarise the final position on the proposal" and subclause (b) to refer to the "response to the final position and advice".</p>
<b>S34 Delegation of powers and functions to employees and other persons</b> New clause 34A(1A): If council is considering appointing a hearing commissioner for a hearing on a proposed policy statement, plan, or plan change, they must consult tangata whenua on whether it is appropriate to appoint a commissioner with an understanding of tikanga Māori, and the perspectives of local hapu. If council considers it appropriate, they must appoint such a commissioner.	Neutral	The Councils agree with the LGNZ submission that the current open ended timeframes for a response from tangata whenua could cause delay. It may be that this provision could be covered within the new proposed Iwi Participation Agreements (s58L). This would allow councils to reach agreement on when a specific commissioner is likely to be required.

Summary of proposed amendment	Support/Oppose/ Neutral	Reason/comment
<p>New s34B: Provides for councils to fix a fee for a hearings commissioner. Must use special consultative procedure, and must publish and maintain on an Internet site accessible to the public, an up-to-date record of any fee fixed.</p>	<p>Oppose in part</p>	<p>The Councils are unsure how this provision will work in practice. We are not opposed to the idea in principle, but are unclear as to what it will actually achieve, and whether it is a worthwhile addition. Implementing it may be overly onerous and does not provide, for example, for the ability to recover costs for a consent with many procedural issues.</p> <p>The Councils support providing for a fixed hourly or per day rate, which may achieve the intent of these provisions. Requiring fixed fees for hearings commissioners may otherwise lead councils to set high fixed fees to ensure that all hearings costs are recovered, which potentially creates additional unnecessary costs on consent applicants. Fixing the hourly or per day rate that hearing commissioners can charge may be a better way to handle this.</p> <p>We ask that the Select Committee review the proposed provision, and amend it to provide flexibility so it is cost-effective for councils and consent applicants.</p>
<p><b>S35 Duty to gather information, monitor, and keep records</b> New clause 35(2)(ca): Monitor the efficiency and effectiveness of council processes, including matters such as timeliness, cost, and the overall satisfaction of the persons or bodies in respect of whom the functions are performed.</p>	<p>Support in principle</p>	<p>The West Coast Councils agree in principle that councils should be monitoring the efficiency and effectiveness of their processes to ensure that they are meeting the needs of their community. However, we think that the proposed amendment is not the best way to achieve this.</p> <p>The Councils are concerned that these provisions could create duplication of information collected as part of the NMS, or other Council consultation rounds such as the Long Term and Annual Plan and plan monitoring and development.</p> <p>The Councils are concerned that the provisions may lead to a requirement for Council to undertake and fund regular satisfaction surveys which are then “benchmarked” against other Council. It is our view that the expense of this process and associated benchmarking will not lead to any meaningful comparison.</p> <p>Our Councils have been actively investigating transferring, delegating or sharing various resource management functions. The existing provisions of s35 and s33 allow reviews of the efficiencies and effectiveness of these processes to occur.</p> <p>We seek that the new clause be removed.</p>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
<b>S36 Administrative charges</b> New clause s36(1)(cc): councils may fix charges for monitoring permitted activities, if council is empowered to do this by a NES.	Support	The Councils agree with the LGNZ submission – we support in principle councils charging for permitted activities to recover actual and reasonable costs.
<b>Part 5: Standards, policy statements and plans: National instruments</b>		
<b>Subpart 1 – National Instruments</b>		
<b>S43 Regulations prescribing national environmental standards</b> S43(3) replaced with a clause that regulations made under an NES may apply generally, or in a specified district or region, or any other specified part of New Zealand.	Support	The Councils support subclauses (b) and (c), that regulations can apply to specific areas, rather than nationally. This recognises that certain issues may be particular to certain area/s and that a national solution is not always needed or appropriate.
<b>S43A Contents of national environmental standards</b> New clause 43A(8): An NES may empower a consent authority to charge for monitoring permitted activities specified in the standard; and specify how consent authorities must perform their functions in order to achieve the standard.	Support (8)(a)  Oppose (8)(b) in part	<p>The Councils support in principle being able to charge for monitoring activities permitted by an NES.</p> <p>Although the provision of guidance to councils on what methodology would achieve the intent of the National Environmental Standard may be useful, we agree with the LGNZ submission that it is uncertain what subclause (b) might involve in practice.</p> <p>Any methodology that councils have to follow to perform their NES functions must be cost effective, and allow for the detail and scope of any monitoring required to be altered in relation to the scale of receiving environment of the activity. We seek that subclause (b) be amended to provide for these matters.</p>
<b>New S45A Contents of national policy statements</b> Clause (2)(f) and (g) provides that NPS's may direct local authorities on the collection and publication of specific information relating to achieving the objectives of the NPS; and Direct local authorities on monitoring and reporting on their progress in relation to giving effect to any of the NPS provisions, and directions specifying standards, methods or requirements for any monitoring or reporting.	Neutral	<p>Regarding clauses (2)(f) and (g), the West Coast Councils are not opposed to updating the Ministry for the Environment on their progress with implementing relevant NPS's. This already occurs, and is potentially a useful process to ensure that councils' approaches and timeframes for implementation are appropriate, where practical.</p> <p>The Councils are concerned that any information collecting, monitoring or reporting requirements in future NPS's may place extra work and costs on the Councils for no obvious benefit, when there are no significant, cumulative or irreversible adverse environmental impacts. For example, the low level of development in the West Coast coastal marine area (CMA) means that little monitoring is currently needed; monitoring is undertaken in response to complaints, or consent compliance monitoring of medium to larger-scale</p>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
		<p>activities. Monitoring or reporting required of local authorities in a NPS makes councils the operating arm of central government, and is considered an unnecessary cost-shifting exercise. It is the role of local authorities' to ensure that relevant NPS's are implemented, but it is central government's role if they wish to monitor and report on how NPS's are being given effect to.</p> <p>We agree with the LGNZ submission that clauses 45A(2)(f) and (g) create a separate information and monitoring regime to that applicable to policy statements and plans generally, and they have the potential to be onerous and costly for local authorities to give effect to.</p> <p>We seek confirmation, either in the Bill or in another process, that any information collection, monitoring or reporting required of councils is fit for purpose.</p>
<b>New S55A Combined process for national policy statement and national environmental standard</b> New section enables the Minister to prepare a NPS and NES using a combined process as per the processes outlined in section 44 and 46.	Neutral	We agree with the LGNZ submission, that in the absence of knowing what the National Planning Template (NPT) might look like it is difficult to provide comment, however it appears that there is capacity for overlap and uncertainty with implementing the proposed amendment.
<b>S58 Contents of NZ coastal policy statements</b> New clauses 58(2) and (3): New section 45A applies to the NZCPS.	Neutral	See reasons above on clauses (2)(f) and (g) of the new Section 45A.
<b>New Sections 58B to 58J: National planning template</b> 58B: Purpose of a national planning template applies to RPS's as well as plans. 58C: Contents: "may specify" any of the matters in s45A (applies as if the template were an NPS); timeframes for councils to give effect to the whole or part of the template; 58D: Preparation of NPT 58E: Approval of NPT 58F: Publication of NPT 58G: Amending, replacing, revoking a NPT 58H(2): Local authority recognition of NPT: Local authority must amend a planning document if the NPT directs so, to include specific provisions that are in the NPT. (3)(a) don't need to use Schedule 1; (b) make the changes within the time specified in the NPT or within 1 year from the NPT being gazetted;	Neutral	<p>The West Coast Councils support the concept of a NPT to achieve consistency between councils. We also support a NPT that reflects procedural principles such as efficiency, consistency, relevance, clarity, and conciseness (referred to in the proposed new Section 18A).</p> <p>Adding new NPS's and NES's into the NPT could create efficiencies in councils' processes, as each council will not individually have to change their plan as a result of national direction. Adding new NPS and NES provisions to a NPT should also assist with achieving the outcomes of the national directives.</p> <p>It will be inefficient to insert all of the objectives, policies, and rules from NPS's and NES's in a NPT where they are not all relevant to every council, district, or region. For example, the West Coast does not have the same water issues as other drier, more heavily allocated regions and catchments. Objectives and policies for freshwater management in a NPT that are appropriate for dryer regions with widespread overallocation issues may not be appropriate for the</p>

Summary of proposed amendment	Support/Oppose/ Neutral	Reason/comment
<p>(c) give public notice of the changes.</p> <p>(5) councils must make other amendments using First Schedule process, within the timeframe specified or within 5 years of gazettal of the NPT.</p> <p>(7) Timeframes if a proposed plan or RPS is not yet operative.</p> <p>58I: First NPT to be made within 2 years of royal assent of Act</p> <p>58J: Councils must make plans and RPS's available on the Internet within 1 year after the NPT is gazetted.</p>		<p>West Coast. This could result in additional cost to ratepayers. We seek that the NPT provisions provide for regional/local circumstances.</p> <p>In the absence of knowing what a NPT might look like, the West Coast Councils have some concerns around the NPT addressing procedural matters. There are some areas where this could be appropriate/useful, but we have seen examples where national direction has made things more onerous and costly on the West Coast, rather than making the process easier and more efficient. If the NPT has statements such as "Councils shall use the most efficient method to..." then this adds no value to RMA plans. It would be expected that all councils are doing the best they can with the resources they have available.</p> <p>We agree with the LGNZ submission that the new NPT provisions are very wide open as drafted, and could mean that virtually any plan provisions are included in the NPT. It creates a lot of uncertainty about what objectives and policies will be added from other sources, apart from NPS's. Enabling the Minister to include objectives and policies in a NPT potentially removes the role of plans to reflect the natural resource issues of a region, and local community aspirations and input into plan development.</p> <p>There is no requirement in section 58 for the Minister to consult with local authorities about the content of a NPT. Councils should be thoroughly consulted on the proposed content of any new standards, regardless of requirements for consultation on the NPT.</p> <p>We seek that a clause be added to Section 58D requiring the Minister to consult with councils when preparing a NPT, to ensure that the NPT is relevant to all councils.</p>
<b>New Subpart 2 - iwi participation arrangements</b>		
<p>New section 58L: Within 30 working days of a general election, councils must invite iwi authorities to enter into 1 or more iwi participation arrangements outlining ways that tangata whenua will participate in First Schedule plan processes, unless these arrangements already exist. Iwi authority must reply within 60 w. days if they want to enter into an arrangement.</p> <p>58M: Contents of iwi arrangements: Must be recorded in writing, identify parties, record agreement on...</p> <p>58N: Need to complete the arrangement within 6 months of the</p>	Support in part	<p>The West Coast Councils agree in principle with councils inviting iwi to enter into a participation arrangement. A formalised agreement of when and how councils will engage with iwi in relation to resource management matters will be beneficial to all parties.</p> <p>We agree with the LGNZ submission that the 30 working day period after the general election to invite iwi to enter into an agreement is not long enough, as a considerable amount of work must be done in the period straight after an election. The invitation timeframe should be extended to 60 working</p>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
invitation being accepted. Councils need to offer ADR to iwi if cannot agree on the arrangement. 580: Parties who cannot agree can ask the Minister for assistance		days.  We support the option of parties being able to ask the Minister for assistance where parties cannot agree. It would be helpful if this is extended to providing guidance for councils, to help avoid situations where the parties cannot agree.
<b>Part 5 – Standards, policy statements and plans</b>		
<b>S62: Contents of regional policy statements</b> Remove s62(1)(i)(ii), the requirement to specify obj, policies and methods in a regional policy statement to control the use of land to prevent or mitigate adv effects from the storage, use, disposal or transportation of hazardous substances.	Support	The storage, use, disposal (notwithstanding discharges to land or water), and transportation of hazardous substances are not core functions of regional councils. It is appropriate to remove these requirements from the RMA. Note that these have not been included within the Proposed West Coast Regional Policy Statement apart from stating who is responsible for which role.
<b>S65: Preparation of other regional plans</b> Remove s65(3)(c) to consider preparing a regional plan to manage adv effects from the storage, use, disposal or transportation of hazardous substances, and replace with “any risks from natural hazards”.	Support	
<b>S69: Rules relating to water quality</b> Add clause (4), from the commencement of this new subclause, Schedule 3 no longer applies to fresh water.	Oppose	The West Coast Councils do not know why this amendment is proposed. If the intent is that the water quality standards in the National Objectives Framework (NOF) under the NPS for Freshwater Management will replace the Contact Recreation (CR) and Aquatic Ecology (AE) standards in Schedule 3, this is not a good reason for removing the Schedule 3 standards for freshwater.  In our experience the CR and AE standards for freshwater are good ‘backstop’ measures. They are very useful for consent and compliance work, and are often incorporated in our resource consent conditions. They are not prescriptive and provide flexibility to interpret and apply them to manage activities affecting freshwater quality, based on site-specific factors. The NOF standards are not a complete alternative as they are very specific and only cover a narrow range of aspects of freshwater quality. The WCRC has not heard of any problems or complaints with applying the CR and AE for freshwater.  Policy 8.3.1 of the Regional Land and Water Plan refers to the Schedule 3 CR and AE water classes for freshwater. If the proposed amendment is adopted, the WCRC will we have to change Policy 8.3.1 in the Plan, and potentially

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
		<p>vary numerous resource consent conditions. We consider that this is an unnecessary change to have to make, and it will be a cost to ratepayers and consent holders for no great benefit.</p> <p>We seek that the proposed clause (4) be removed.</p>
<b>S80: Combined regional and district documents</b> New clause 80(6A) and (6B)	Support	Councils should be able to consider the best method to achieve the efficient management of the Region, and the ability to combine plans where efficient is supported.
<b>New sub-part 4 – Collaborative planning process</b>		
<b>New s80A Use of collaborative planning process</b> If a local authority gives public notice that they will use a collaborative planning process, only some parts of the First Schedule apply, i.e. ?it doesn't need to be notified for submissions, have hearings, or release decisions.?	Support	Having an alternative process gives councils flexibility to choose which is the most appropriate and cost-effective process to utilise, depending on the issues and likelihood of collaboration being successful. We agree with the LGNZ submission supporting that this provision is, and remains, optional for councils.
<b>New sub-part 5 – streamlined planning process</b>		
<b>New S80B Purpose, scope, and definitions</b> If a streamlined planning process applies by direction from the Minister responsible, it does not go through the Environment Court, and only certain parts of the First Schedule process apply i.e. consult on a draft.	Support	<p>The West Coast Councils support this as an optional process.</p> <p>We agree with the LGNZ submission that some clauses and terms are unclear. For example, the implications of the definition of "national direction" are unclear. It seems to indicate that there must be a specific direction, as opposed to some other provision in the document.</p>
<b>S80C Application to responsible Minister for direction</b> Councils can apply to the relevant Minister/s to issue a direction to use the streamlined planning process if it meets the criteria listed in clause (2): urgency, implements a national direction, unintended consequences, significant community need, or a combined document.		
<b>Sub-part 7 – Legal effect of rules</b>		
<b>s86A-86G: Legal effect of rules</b>		<p>As a new, additional matter, the West Coast Councils seek that sections 86A-86G be amended so that they apply to objectives and policies as well as rules. Both objectives and policies should have legal effect at notification. This removes ambiguity and ensures that the legal status of objectives, policies and rules is consistent.</p> <p>The Councils also suggest that a clause be added to s86B(3) - types of plan rules that have immediate effect – enabling proposed rules that avoid</p>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
		increasing the risk of a natural hazard to have immediate legal effect. This would be consistent with making natural hazards a matter of national importance in section 6.
<b>Part 6 Resource Consents</b>		
<b>S104 Consideration of applications</b> Decision makers can take into account measures to ensure positive effects that offset any adverse effects.	Support	We support the specific inclusion of provisions in relation to offsets during the consideration of any positive and negative effects of an activity.
<b>S108 Conditions of consent</b> Conditions imposed must relate to an adverse effect or rule in the relevant plan unless agreed by the applicant.	Support in part	<p>We support in principle the provision that conditions must be imposed for a resource management purpose. However, in practice it is not so straightforward. Standardised administrative conditions relating to payment of monitoring charges and lapse dates etc add clarity to consents that may be lost if this information is included in a cover letter. General conditions on resource consents, for example, that there must be a copy of the consent on site, may also be caught under this proposed amendment.</p> <p>It is a potential issue if councils cannot include a condition that monitoring costs are to be paid by a consent holder. It is common practice for territorial authorities to withhold signing off a s224(c) subdivision certificate until the final monitoring invoice has been paid, to ensure that all of councils reasonable costs are promptly recovered.</p> <p>We ask that the Committee reconsider this amendment to take into account the issues raised.</p>
<b>Part 11 Environment Court</b>		
<b>New S268A Mandatory participation in alternative dispute resolution processes</b> Each party to proceedings must participate in mediation. Parties can apply to not participate, and the Court can grant leave if it considers it is not appropriate for a party to participate.	Strongly support	<p>Agree with the LGNZ submission that this provision is a worthwhile improvement to the RMA. We are aware of a recent situation where the Environment Court referred parties to mediation, however the appellant refused this option. There was no good reason why the appellant should not attempt mediation, however forcing the matter to a Court hearing means mounting costs for the Council involved and ratepayers, over a relatively minor problem that could be satisfactorily resolved through mediation at a lesser cost to all parties.</p> <p>We further agree with the LGNZ submission that it could be useful to have specific sanctions for not taking part in mediation. It may be appropriate to prevent a party from continuing to participate in the Court process if he or</p>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
		she fails to take part in mediation.
<b>New s277A Powers of Environment Court in relation to evidence heard on appeal by way of rehearing</b> Court has the discretion to rehear all or part of the evidence received by the local authority or panel whose decision is the subject of appeal. Court must rehear evidence if it believes that earlier recording of evidence may be incomplete. A party may introduce new evidence with leave of the Court, only if the Court considers that the new evidence was not able to be produced at the Council hearing.	Support	These changes appear sensible and provide an opportunity for an appeal to not be fully reheard, where a council has been thorough and complete in their analysis of submissions, recommendations, and decisions. This will allow for a streamlined process reducing time and costs.
<b>Part 14 Miscellaneous provisions</b>		
<b>New ss360D Regulations that permit or prohibit certain rules</b> New section enables the Governor-General, on the recommendation of the Minister, to make regulations permitting specified land uses or prohibiting local authorities from making specified rules. The Minister must not recommend the making of regulations unless the Minister considers it is necessary or desirable.	Oppose in part	While we note that there are some safeguards in the new provision, we agree with the LGNZ submission that there is the potential for short term interference with planning processes.  We ask that the Select Committee assess what the benefits of this new section are for local authorities, and how it fits with planning requirements and processes in the First Schedule and other parts of the RMA.
<b>Amendments commencing 6 months after Royal assent</b>		
<b>Part 3 Duties and Restrictions</b>		
<b>New S2AB Meaning of public notice</b> Requires that public notices must be published on an Internet site that is accessible to the public, and publish a summary of the notice in local newspapers with details of the Internet site.	Support	This will reduce consent costs for applicants.
<b>Part 5 Functions, powers, duties of local authorities</b>		
<b>New s41D Striking out submissions</b> An authority conducting a hearing may direct that a submission be struck out if at least 1 of the listed criteria apply, including: Frivolous or vexatious, no reasonable or relevant case, an abuse of the hearing process to allow the submission to be taken further. An authority must strike out a submission if it relates to a resource consent subject to criteria. The authority must record its reasons for striking out a submission, and a	Support	The Councils have often received generalised submissions on proposed plans that make broad statements. There have been subsequent appeals which have placed additional costs to ratepayers to resolve without any added value to the plan, or consent process.  Care will need to be taken to justify striking out a submission, as objections can be made. The Councils agree with the submission of LGNZ that provisions for extending the processing times to resolve any objection are

Summary of proposed amendment	Support/Oppose/ Neutral	Reason/comment
submitter can object.		<p>necessary.</p> <p>We also agree with LGNZ that the use of “must” in clause (2) is too restrictive. Whilst we appreciate the ability to strike out vexatious submissions, it is not necessary for each lay submitter to provide technical evidence, especially if this information is provided by Council and/or the applicant. Any decision maker will apply appropriate weight to the evidence when making a decision. The pre hearing and evidence circulation process may also provide an opportunity to manage and remove any uninformed submissions from lay people. Requiring all submissions to include evidence removes the ability of landowners to participate in consent processes that may affect them.</p> <p>Agree that the reasons for striking out a submission must be recorded. The term “must” should be retained in clause (3)(b).</p> <p>Replace “must” with “may” in clause (2).</p>
<b>Part 6 Resource consents</b>		
<p><b>New s87AAB – 87AAD Fast-track applications</b></p> <p>Provides for a ‘fast-track’ process for consent applications to be completed within a 10 day period.</p>	Partly support	<p>The Councils support in principle the concept of a “fast-track” application process. However, the “fast track” consents option should not have a specific status as controlled activities only. For example, a gravel extraction consent which is a Restricted Discretionary Activity in the WCRC’s Land and Water Plan could be processed as a “fast-track” application. On the other hand, for some of the WCRC’s controlled activities, for example, existing hydro generation schemes, these should not be “fast tracked”. Each Council should be able to identify what activities they think would be appropriate to be “fast tracked”.</p> <p>The instant inclusion of controlled activities as ‘fast track’ may be a potential disincentive to include activities of this status within plans which is understood to not be the intent. Controlled activities with specific engineering requirements for instance, will place burdens on departments of smaller territorial authorities such as those on the West Coast, leading to additional administration costs.</p> <p>Remove the requirement for only controlled activities to be fast-tracked.</p> <p>Agree with LGNZ that the definition of “boundary rule” needs to clarify</p>

Summary of proposed amendment	Support/Oppose/ Neutral	Reason/comment
		whether this includes recession planes.
<p><b>New s87BA Boundary activities approved by neighbours on affected boundaries are permitted activities</b></p> <p><b>New s87BB Activities meeting certain requirements are permitted activities</b></p> <p>An activity with a marginal or temporary non-compliance of a rule is a permitted activity if it results in no additional adv environmental effects, adv effects on a person are less than minor, and the council notifies the applicant.</p>	Support in principle	<p>We support the intent of this rule, it confirms the use of “de minimis” where appropriate. This amendment will reduce time and costs of unnecessary consent processing, and will result in efficient and effective resource use.</p> <p>We have some concerns about how it will work in practice. For instance, if needed, who will monitor activities where it is permitted because neighbours approvals are provided? Clarification is sought on this.</p> <p>Will it encourage poor plan making? If an activity has the scale of effects described within the proposed provisions, then it would be more efficient for plan provisions to have been drafted to allow this to have been a permitted activity. If these activities were not included in plans as permitted activities this is because communities wanted there to be some level of control on their effects.</p> <p>Will these provisions make negotiations during the plan making stage more difficult as environmental organisations seek tougher rules to counter what may be perceived as a loosening of regulatory control?</p> <p>Greater clarification is needed about the process for implementing the new provisions. For example, regarding Section 87BB(3)(c), is there an obligation that councils seek out information to make a decision on whether a proposal meets the new provisions? If councils need information, can they request it? What will be the costs, and who pays?</p>
<p><b>S95-95B Notification of consent applications</b></p> <p>These sections are replaced with amended text relating to public notification of consent applications.</p>	Support in part	<p>While the Councils agree that providing clarification on the parameters for notification and limited notification is useful, they have the following concerns regarding the wording of the proposed changes:</p> <ol style="list-style-type: none"> <li>1. Agree with LGNZ that these changes represent a significant departure from the current public involvement in the consent process. The section is confusing with overly complicated wording.</li> <li>2. Restricted-discretionary and discretionary activities are considered too high a status to automatically exclude public notification. Specifically, the threshold of discretionary status is inappropriate at Step 2. There are instances where these activities will affect parties further afield than directly adjoining properties. Precedent effects or overdesign, even for a</li> </ol>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
		residential dwelling, can create effects on the environment that require public notification. Extra steps and recording means extra costs for applicants. 3. It is considered that these provisions may discourage the use of controlled and discretionary activity status.
<b>S95D Consent authority decides if adverse effects are likely to be more than minor</b> Add new subclause (ca): When considering effects, must disregard the adverse effects if already taken into account by the objectives and policies of that plan.	Oppose	The new provision is confusing – do the objectives and policies not consider and address most effects on the environment? How is this workable? We agree with LGNZ that the provision as drafted leaves significant uncertainty about how the objectives and policies should be applied.
<b>New S95DA Persons eligible to be considered affected persons for purpose of limited notification</b> Subdivisions other than non-complying will be considered to have an effect on specific parties only : NZ Fire Service, Utility Owner, Medical Officer of Health, Civil Defence. Land use other than non-complying, subdivisions and boundary activity: only affects adjacent and infrastructure owner.	Oppose	Both subdivisions and land uses with discretionary and restricted discretionary status can create effects on land that is not adjacent. Statutory bodies such as Heritage NZ or tangata whenua may be affected. Extra steps add extra cost.
<b>S120 Right to appeal</b> New clause (1A)(i) removes the right to appeal on a consent granted for a boundary activity, a subdivision other than noncomplying, or a controlled, restricted discretionary, or discretionary residential activity on a single allotment.	Neutral	This will reduce potential costs for council's administration of consents. However, we agree with the LGNZ submission that it will erode the ability for full participation in the consent process.
<b>New S357AB Objection under s357(1)(f) or (g) may be considered by hearings commissioner</b> A consent applicant who objects to a resource consent decision may request that their objection be heard by a hearings commissioner. The consent authority must arrange for a hearings commissioner who is not a member of the consent authority.	Partly support	We agree with the provision in principle, but question who meets the costs.
<b>Schedule 1 Preparation, change, and review of policy statements and plans</b>		
<b>New section 10A Application to Minister for extension of time</b> Councils must apply in writing to the Minister for an extension of time if they are unable to meet the timeframe for releasing decisions (of two years from the date of notification). Must give reasons, and the period of	Support	We agree with providing an option for councils to seek an extension of time to release decisions on proposed plans. While councils would like to release decisions in as short a time as possible to reduce costs, there are any number of unforeseen circumstances arising that can delay the process.

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
extension requested. The Minister can decline or agree to the request. If an extension is granted, the council must give public notice of it. This new section applies instead of s37 for extensions.		We ask that the time period for releasing decisions be amended, to two years from the close of hearings, rather than two years from notification. This could be more workable.
<b>Amendments commencing 5 years after Royal assent</b>		
<b>S108 Conditions of resource consents</b> Repeal clauses (2)(a), (9), and (10).	Oppose	<p>If financial contributions are removed from section 108 of the RMA, and the Local Government Act, how will contributions be assessed, specifically contributions for reserves? This will mean a significant loss of revenue for the West Coast District Councils. Funding for reserves will have to come from rates or existing budgets. We agree with LGNZ that special provision needs to be made for vesting reserves.</p> <p>Providing for financial contributions as an alternative to physical works allows Councils, especially those with small ratepayer bases such as those on the West Coast, to partially fund infrastructure works where there is also a benefit to the wider community. An example of this is a 50% cost share in the upgrade of a road formation. Removing this ability may place additional cost burden on applicants.</p>
<b>Amendments to Reserves Act 1977</b>		
<b>S14B Administer body may authorise exchange of recreation reserve land for other land</b> New section enable administering bodies to exchange recreation reserve land in certain circumstances.	Neutral	Support the idea of aligning these processes, however there may be an easier way to do this.
<b>Amendments to Conservation Act 1987</b>		
<b>S17S Contents of applications (for concessions)</b> New section lists information that must be included in an application for a concession.	Support	<p>We note that there is a lot of crossover with resource consent application requirements. It will be efficient if this provision enables applicants to prepare one set of reports that can be used for both consent and concession processes. It will be inefficient if it means that applicants must prepare different sets of information.</p> <p>Given the high percentage of DoC land on the West Coast, there may be more opportunities to streamline consent and concession processes than just what is proposed. For example, with the Escarpment mine on the West Coast, DoC are effectively a third council in terms of access arrangement</p>

Summary of proposed amendment	Support/Oppose/Neutral	Reason/comment
		conditions and monitoring requirements. We ask the Committee to consider if there are other parts of the Conservation Act and its related legislation that can be made the same or similar to RMA processes, to reduce duplication and improve efficiencies in processes.
<b>Comments on amendments not in the Bill</b>		
The following are some of the amendments suggested by Local Government New Zealand in late 2015, prior to the Bill being released for public submissions. They are not included in the proposed Bill. This next section of the submission lists additional amendments sought by the West Coast Councils.		
<b>Resource consents</b>		
Introduce a new provision into the RMA which states that consent applications (not the resultant consent that may be issued) will lapse automatically after two years if there is a lack of action on the part of the applicant.	Agree	<p>This will avoid natural resources being 'parked' for later use. It would be useful to have a clear, easy to use provision that says councils can lapse an application. The existing provisions allow certain actions if consent applicants don't respond to requests for info, however they add time and costs to processing applications and are not always the most practical or user-friendly way forward. Some councils have had situations where:</p> <ul style="list-style-type: none"> <li>a) a consent applicant has lodged an application to 'reserve' a particular site that they wanted to utilise at a later stage, potentially limiting other prospective applicants from being able to apply to use that site.</li> <li>b) an application was lodged eight years ago to renew an existing consent, and the applicant placed the renewal application on hold and continues to operate under their existing consent conditions.</li> </ul> <p>We also seek that a lapsing provision for consent applications can be applied retrospectively, in relation to applications lodged prior to the previous amendments requiring resolution within 6 months.</p>
<b>Plan making - Approval of regional coastal plans</b>		
Remove the requirement for regional coastal plans to be approved by the Minister of Conservation.	Agree	This requirement has added lengthy time delays for the WCRC to be able to make its Coastal Plan and changes to the Coastal Plan operative, with no value added from the Minister's approval. Making the proposed RMA change is timely as councils are currently developing their second generation coastal plans. The requirement should be removed in time to have effect for these second generation coastal plans.

Summary of proposed amendment	Support/Oppose/ Neutral	Reason/comment
<b>Compliance and enforcement under the RMA</b>		
Allow the Environment Court to issue an enforcement order to change or cancel a resource consent as a result of ongoing or repeated non-compliance.	Agree	This could be a useful tool.
Remove the need for a police officer to be present to execute a search warrant.	Neutral	The Councils have not executed many search warrants, we note that it ties a police officer up for the entire time the search warrant is required. This would impact on police resources, especially given the proposed changes for policing on the West Coast.
Remove the need for exhibits to be retained in the custody of a police officer;	Agree	
Make it unlawful to provide insurance against RMA fines, in a similar manner to Health and Safety legislation;	Partly agree	Agree in the case where operators who may be fined a substantial amount but only end up paying a lesser amount as their insurance covers most of the fine.
Increase infringement fees, and introduce higher infringement fees for corporate offenders;	Agree	This has been examined in the past, the infringement fines have not kept pace with inflation etc. There is also a huge gap between the punitive action of an infringement notice and what would come out of an environment court proceeding.
Increase the penalties for someone who commits an offence under section 338(3) – the current maximum is too low to be an effective deterrent or for councils to incur an expense in prosecuting;	Agree	