

Notice is given that an ordinary meeting of the Environment and Planning Committee will be held on:

**Date:** Thursday 1 September 2016  
**Time:** 9.30am  
**Meeting Room:** Tasman Council Chamber  
**Venue:** 189 Queen Street  
Richmond

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## Environment and Planning Committee

### AGENDA

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#### MEMBERSHIP

|                           |                      |                 |
|---------------------------|----------------------|-----------------|
| <b>Chairperson</b>        | Cr S G Bryant        |                 |
| <b>Deputy Chairperson</b> | Cr B W Ensor         |                 |
| <b>Members</b>            | Mayor R G Kempthorne | Cr M L Bouillir |
|                           | Cr J L Edgar         | Cr T E Norriss  |
|                           | Cr Z S Mirfin        | Cr M J Higgins  |
|                           | Cr B F Dowler        | Cr M J Greening |
|                           | Cr P L Canton        | Cr J L Inglis   |
|                           | Cr P F Sangster      | Cr T B King     |

(Quorum 7 members)

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## AGENDA

### 1 OPENING, WELCOME

### 2 APOLOGIES AND LEAVE OF ABSENCE

#### Recommendation

That apologies be accepted.

### 3 PUBLIC FORUM

### 4 DECLARATIONS OF INTEREST

### 5 LATE ITEMS

### 6 CONFIRMATION OF MINUTES

That the minutes of the Environment and Planning Committee meeting held on Thursday, 28 July 2016, be confirmed as a true and correct record of the meeting.

### 7 REPORTS OF COMMITTEE

Nil

### 8 PRESENTATIONS

Nil

### 9 REPORTS

9.50 am: 9.1 Review of Gambling Venues Policy ..... 5

10.10 am: 9.2 National Policy Statement on Electricity Transmission..... 31

10.25 am: 9.3 Annual Compliance and Enforcement Summary Report ..... 51

10.40 am to 11.00 am: Morning Tea Adjournment

11.00 am: 9.4 Resource Consent Manager's Report - January to June 2016 ..... 69

11.15 am: 9.5 Environment & Planning Committee Chairperson's Report ..... 79

11.20 am: 9.6 Environment & Planning Committee Manager's Report ..... 83

12 Noon: Luncheon Adjournment



## 9 REPORTS

### 9.1 REVIEW OF GAMBLING VENUES POLICY

Decision Required

|                       |   |
|-----------------------|---|
| <b>Report To:</b>     | Environment and Planning Committee                |
| <b>Meeting Date:</b>  | 1 September 2016                                  |
| <b>Report Author:</b> | Graham Caradus, Co-ordinator Environmental Health |
| <b>Report Number:</b> | REP16-09-01                                       |

#### 1. Summary

- 1.1 This report details the steps required for the Environment & Planning Committee to review the current Gambling Venues Policy.
- 1.2 Council is obliged by statute to have a Gambling Venues Policy and to review it every three years. This report initiates a three yearly review. The Council may review the Policy and leave it unchanged, or it may amend or replace the Policy. During the review process the Act requires the Council to have regard to the social impact of gambling.
- 1.3 Since the last review in August 2013, an amendment made to the Gambling Act 2003 in September 2013, requires Councils to consider whether or not to adopt a relocation policy. As part of that process, the Council is required by the Act to consider the social impact of gambling in high-deprivation communities within its district.
- 1.4 The current policy is based on a “capped” number of gaming machines and has been ‘fit for purpose’. While it makes no provision for the relocation of gaming machines within the District, the staff recommendation is that there be no change to the Policy.

#### 2 Draft Resolution

**That the Environment and Planning Committee:**

1. receives the Review of Gambling Venues Policy report; and
2. resolves to make no changes to the current Gambling Venues Policy for the reason that the current policy continues to be “fit for purpose”.

**3 Purpose of the Report**

- 3.1 This report deals with the review of the Tasman District Council Gambling Venues Policy September 2010, as reviewed 15 August 2013. This report provides the Environment & Planning Committee with data and options to consider during the review process, and contains a recommendation to maintain the current policy unchanged.

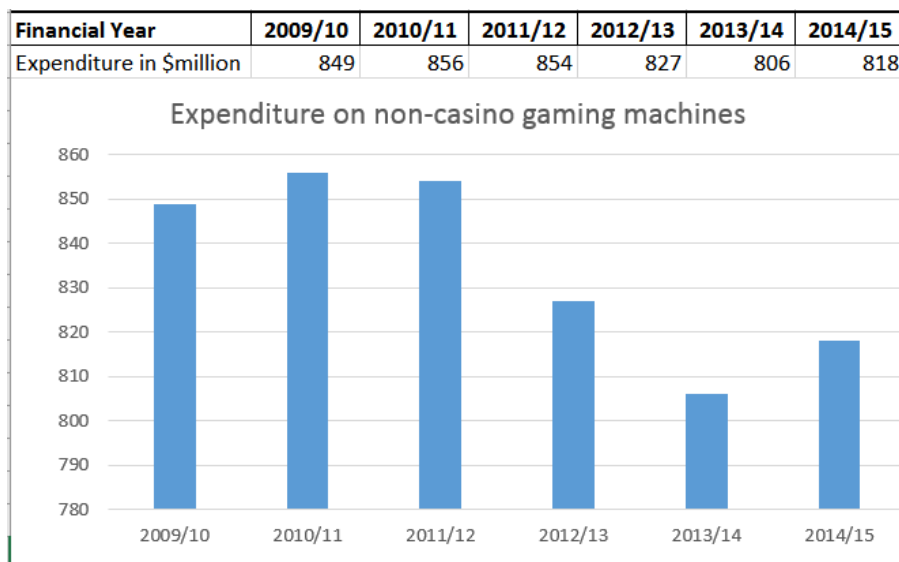
**4 Background and Discussion**

- 4.1 Tasman District Council's Gambling Venues Policy (Policy) results from the mandatory requirement to have a Class 4 venue policy pursuant to section 102 of the Gambling Act 2003 (the Act) and a Board venue policy pursuant to section 65E of the Racing Act 2003.
- 4.2 Council is required by the Act to review its Gambling Venues Policy every three years and in that process, to produce a policy that has regard to the social impact of gambling within the District. The existing policy was made operative in August 2010 and remained unchanged after the last review on 15 August 2013. That Policy is attached as **Attachment 1**.
- 4.3 For the purposes of this report and in the interest of simplicity, the non-casino gaming machines that this report is focused on, shall be referred to using the more colloquial term, "poker machines".
- 4.4 In brief, Councils policy over recent years had been unrestricted until August 2010. During the review of the policy in 2010, Council considered a sinking lid policy, and undertook consultation on a draft sinking lid policy. After consulting and deliberation, the Council decided to adopt a capped Policy. The cap was set at 220 poker machines which was the number in the District at that time.
- 4.5 A "section 103" report dated 30 June 2016 has been produced by the Department of Internal Affairs (DIA). A copy of the report is in **Attachment 2**. The DIA report details that the number of poker machines, including those currently in use, and those that are permitted without any sanction of Council, has reduced from 220 to 184 in Tasman District.
- 4.6 Since the time of the last review, an amendment of the Act has come into effect that deals with the relocation of existing licences to a different location within the district. A relocation policy, as defined in the amendment, is a policy setting out if and when the Council will grant consent for a new venue to replace an existing venue within the district.
- 4.6 The amendment to the Act requires Council to consider if it will adopt a relocation policy as part of the Gambling Venues Policy during this current review. During the consideration of a potential relocation policy, the Act requires that Council must consider the social impact of gambling in high-deprivation communities within the district.
- 4.7 The deprivation indices within the district are as set out in **Attachment 3** to this report. That attachment includes several extracts from the NZDep2013 Index of Deprivation published by Department of Public Health, University of Otago, Wellington Division of Health Sciences, University of Otago in May 2014.
- 4.8 Two factors relating to the map showing the various levels of deprivation are worthy of comment as follows:
- Two areas of the district are shown as having the highest level (quintile 5) of deprivation, namely Motueka and Tapawera.

- There appears to be much in the way of misleading information in the data. For example, it appears that the whole of the Abel Tasman National Park, large areas centred on the Hope Saddle, and Anatori are classified as having a relatively high level of deprivation (Quintile 4). These apparent anomalies raise a question about the value of the data for the current review.
- 4.9 In conducting the required assessment of the social impact of gambling in high-deprivation communities, it seems reasonable that at least Motueka and Tapawera areas should be considered as they are in the fifth (highest) quintile of deprivation.
- 4.10 The following data includes populations within specific boundaries set by Councils GIS section. If a decision is made to proceed with density controls on poker machines, the detail of the relevant areas will have to be fully explained in subsequent policy. In considering the population numbers for each community, keep in mind that 20% of Tasman District's population is under 15 years of age, and the minimum age for playing poker machines is 18 years old.
- 4.11 The density of poker machines in those areas of highest deprivation are:
- **Tapawera:** Population 282; Total of three poker machines, equating to one machine per 94 persons in that community, as follows:  
Tapawera Hotel: three poker machines.
  - **Motueka:** Population 6,860: Total of 48 poker machines equating to one machine per 143 persons in that community, as follows:  
Motueka RSA: nine poker machines;  
Armadillos Bar & Grill: nine poker machines;  
Post Office Hotel: 18 poker machines;  
Motueka Hotel: 12 poker machines;
- 4.12 For completeness, the density of poker machines in other townships are as follows:
- **Richmond** (including Hope, Ranzau): Population 14,412: Total of 86 poker machines equating to one machine per 168 persons in that community;
  - **Takaka:** Population 1258: Total of nine poker machines equating to one machine per 140 persons in that community;
  - **Collingwood:** Population 232: Total of four poker machines equating to one machine per 58 persons in that community;
  - **Brightwater:** Population 1950: Total of three poker machines equating to one machine per 650 persons in that community;
  - **Wakefield:** Population 2015: Total of eight poker machines equating to one machine per 256 persons in that community;
- 4.13 The number of poker machines including those currently in use, and those that are permitted without any sanction of Council as reported by DIA has reduced to 184 in Tasman District. That number is made up from the total number of poker machines that are currently in operation in the district (161) plus the number of machines that may be installed by current poker machine operators (due to "grandfathered" licence conditions) without the permission of Council (23). When the Policy was reviewed in 2010 the number of machines in use at

that time, and those that are permitted without any sanction of Council was 220. The “capped” limit set at that time reflected that position. That limit of 220 is out of step with the current decline in the number of poker machines in the District.

- 4.14 The decline in poker machines within the district is reflected in the expenditure on poker machines nationally, which according to the data published by the DIA, has been trending downwards for the last five years. The graph that follows is copied from information provided on the DIA web site.



- 4.15 The DIA web site identifies the following risk factors and consequences of some gambling as follows:

- *Problem gambling is most commonly associated with gaming machines. Approximately two in five regular gamblers on gaming machines can be classified as “moderate risk” or “problem” gamblers.*

*The harmful effects of problem gambling can include:*

- *Financial problems*
- *Problems at work (ranging from poor performance to fraud)*
- *Poor parenting and other relationship problems*
- *Family violence*
- *Alcohol abuse*
- *Mental health problems*
- *Suicide*

- 4.16 In its document *Ministry of Health. 2016. Strategy to Prevent and Minimise Gambling Harm 2016/17 to 2018/19. Wellington: Ministry of Health*, published in May 2016 the following observations about gambling are made:

- 62 percent of adults had bought a Lotto ticket at least once in the previous year, but only:
- 14 percent had played a non-casino gaming machine (poker machine) at least once



- 12 percent had bet on a horse or dog race at least once
- 8 percent had played a casino gaming machine in New Zealand at least once
- 5 percent had bet on a sports event at least once
- 4 percent had played a casino table game in New Zealand at least once.

And...

- the 2012 *National Gambling Study* (NGS) estimated that 17 percent of adults bought a Lotto ticket at least once a week, but that only 1.5 percent played a (poker machines) this frequently.
- ... only a small percentage of adults in New Zealand currently gamble online with overseas operators.
- ... the number of people gambling online is likely to increase to at least some extent in future as smartphone access and broadband speed and capacity increase, and as online methods of transferring funds become more secure and more trusted. The likely impacts of such changes are difficult to forecast.
- ... the 2012 NGS estimated that:
  - 0.7 percent of adults in New Zealand (approximately 24,000 people) were current problem gamblers; (Extrapolated for Tasman's population: approximately 260 problem gamblers in Tasman)
  - 1.8 percent (60,000 people) were current moderate-risk gamblers; (Extrapolated for Tasman's population: approximately 660 moderate-risk gamblers in Tasman)
  - 5.0 percent (168,000 people) were current low-risk gamblers;
  - 92.6 percent (3.109 million people) were current non-problem ("recreational") gamblers or non-gamblers;
  - As another measure of harm, the 2012 NGS asked respondents if someone in their wider family or household had ever gone without something they needed, or bills were not paid, because too much was spent on gambling by another person. It estimated that someone else's gambling had these harmful effects at some time in the wider families or households of around 430,000 adults. In about a third of these cases someone else's gambling had these effects in the previous year;
- There is also compelling evidence from both New Zealand and international research that gambling harm is far more likely to be associated with gaming machine gambling (whether gambling on NCGMs or on machines in a casino) than with any other form of gambling.
- ... estimates from the 2012 NGS suggested that close to 50 percent of problem gamblers and close to 40 percent of moderate-risk gamblers are Māori or Pacific people.
- A relocation policy presents an opportunity to agree to machines being moved from high-deprivation areas to lower-deprivation areas, but without reducing the overall number of (poker machines) in a territorial authority district.

4.17 The positive side of gambling should also be considered. As well as the entertainment that the activity offers, the net proceeds gathered by the corporate societies that run poker

machines within the district are required to be distributed for the “...*authorised purpose specified in the... Licence.*” This process results in gamblers, including those suffering from the harmful effects of gambling, contributing indirectly to sports clubs and other appropriate recipients. In previous reports I have cynically described that process as a reverse Robin Hood effect.

- 4.18 The existing Gambling Venues Policy will be repealed only if Council decides to amend or replace the current Policy. That existing policy remains in force during the period that the policy is under review.

## 5. Options

- 5.1 Two broad options exist in relation to process, and that will be determined if changes or amendments are proposed to be taken. These are:
- 5.1.1 **Do nothing to the Policy:** If it is decided to leave the Policy totally unchanged, there is no statutory obligation to consult further as part of that decision making process. The 2010 Policy would remain in place unchanged. Consequently, the cap on gaming machines would remain at 220, and the Policy would make no provision for the relocation of existing gaming licenses within the District, although that position is arrived at by inference, given the policy’s silence on relocation of gaming machines.
  - 5.1.2 **Make a change to the Policy:** If it is decided to alter, amend or replace the Policy to any extent, then the obligation to consult in section 102 of the Gambling Act 2003 is triggered. Public consultation by way of Special Consultative Procedure as defined in section 83 the Local Government Act 2001 must then be undertaken.
- 5.2 Options to change the Policy that the Council may consider are:
- 5.2.1 Deciding to change the policy from its current “capped” philosophy, to a more permissive “unrestricted” or more restrictive policy such as a “sinking lid”.
  - 5.1.1 Staying with a capped policy, but shifting the cap in recognition of the lower number of poker machines currently in the community. Such shift may or may not allow for an increase over the existing 184 machines that are permitted to operate.
  - 5.1.2 Exploring the opportunity for a novel approach to be taken based on the density of poker machines in communities. For example, Council may decide not to otherwise restrict overall numbers, but to put a moderate limit on the density of poker machines in any community. A density of one poker machine per 200 persons in any single community may be seen as a reasonable maximum. Future applications that would exceed that density could be prohibited. The necessary density calculations could be based on the community populations and number of poker machines in that community as detailed in 4.12 above. Such a process would provide a degree of protection for some of the higher deprivation areas in the district as for many, the density is already at a high level.
  - 5.1.3 Developing a “relocation policy” (refer 4.6 and 4.7 above) which allows machines to move from high deprivation areas to low deprivation areas, or conversely, decide to include a policy that prevents relocation of poker machines within the district.

**6 Strategy and Risks**

- 6.1 The Gambling Venues Policy should reflect what elected members believe is in the best interests of the community. That requires that three factors are taken into consideration:
- 6.1.1 The gambling related harm that may be caused by poker machines to a small percentage of users;
  - 6.1.2 Allowing members of the community the freedom to be involved in the entertainment, personal enjoyment and positive social effects in poker machine gambling;
  - 6.1.3 The benefits for the community that come out of the distribution of grants from the gaming machine societies.
- 6.2 In developing a policy that is most likely to be acceptable to the majority of the community, the prospect exists that some persons or groups will disagree with that course of action. In the last few years we have witnessed the strong objection from some factions of the Victory community in Nelson who have demanded a highly restrictive attitude be taken to any new gambling venues.
- 6.3 Council cannot avoid having a gambling venues policy, and reviewing that policy every three years. It must therefore take the risk that any decision it takes will not receive universal support.

**7 Policy / Legal Requirements / Plan**

- 7.1 Council has a statutory obligation to provide a Gambling Venues Policy. It must on this review also decide if it will include a relocation policy. When the Council is considering whether to include a relocation policy, it must consider the social impact of gambling on high-deprivation communities within the district.
- 7.2 The policy must be reviewed every three years, and this meeting is the last occasion that such review can commence prior to the policy reaching the end of its current three-year cycle. However, the existing policy is deemed by the Act to remain in effect if it is either due for review, or being reviewed.
- 7.3 Other than the matters already identified in this report, no other statutory obligation requires consideration.

**8 Consideration of Financial or Budgetary Implications**

- 8.1 Financial implications for Council are limited to the staff and Council time involved in considering and managing the review of the policy. If amendment or replacement is proposed, demands on staff time will increase significantly.
- 8.2 The financial implications for problem gamblers are discussed in 4.17 above.

**9 Significance and Engagement**

- 9.1 The obligation to engage in consultation is in part determined by the consequence of any decision made in relation to the review of the subject Policy as discussed in Section 5 above.

- 9.2 Gambling is a matter of public interest but overall the decision to review the Council's Gambling Venues Policy is considered an issue of low significance. There has been no widespread call to change the current policy and recent law changes are not sufficiently relevant in Tasman's case that a change needs to be made.

| Issue  | Level of Significance   | Explanation of Assessment   |
|--|---|---|
| Is there a high level of public interest, or is decision likely to be controversial?   | Potentially high if this becomes a matter of focus for the community, or an amendment or replacement policy is proposed | The effect of harmful gambling in the community is an emotive issue. There is potential for any decision made relating to gambling venues to be controversial.                      |
| Is there a significant impact arising from duration of the effects from the decision?  | No  | Whilst there is an obligation on Council to review the Gambling Venues Policy at least every three years, it can be undertaken on any additional occasions that Council may choose. |
| Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)                                 | No  | NA  |
| Does the decision create a substantial change in the level of service provided by Council?   | No  | Administering the policy is a statutory obligation  |
| Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?                       |   | No financial effects other than demand on staff time if amendment or replacement of the policy is undertaken.   |
| Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?   | No  | No  |
| Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities? | No  | No  |
| Does the proposal or decision involve Council exiting from or entering into a group of activities?   | No  | No  |

## 10 Conclusion

- 10.1 Leaving the current policy in place completely unchanged is a simple, efficient and fiscally prudent way for Council to deal with this mandated review. Minor gain would be achieved in preventing gambling harm as the absence of a relocation policy would prevent relocation of gambling machines from occurring in the district.
- 10.2 If the Committee is of a mind to alter the current policy, this report will be the first of a series that will be required by the statutory process. If this option were pursued the Council could consult on a policy which:
- 10.2.1 Maintains a capped policy, with that cap set at 184 poker machines district wide.
- 10.2.2 Establishes a maximum density for poker machines that any single community within the district may have, of one poker machine per 250 persons in that community.
- 10.2.3 Adopts a prohibition on the relocation of gaming machines within the district.

## 11 Next Steps / Timeline

- 11.1 If Council decides to make no change to the current Gambling Venues Policy, there are no further statutory obligations that need to be undertaken. Apart from minor administrative processes, no more work is required until the next three yearly review falls due in September 2019.
- 11.2 If Council decides to amend or replace the current Gambling Venues Policy, the proposed changes will need to be drafted, approved by the Environment and Planning Committee for consultation at the meeting of 17 November 2016 (at the earliest), depending on the workload of the new Council. Timelines for the consultation period, potential hearings and subsequent confirmation of the new Policy will be best established when any draft is approved for consultation.

## 12 Attachments

- |    |  |    |
|----|--|----|
| 1. | Attachment 1: Gambling Venues Policy September 2016    | 15 |
| 2. | Attachment 2: Section 103 report from DIA 30 June 2010 | 25 |
| 3. | Attachment 3: Deprivation Indices Tasman District      | 27 |





*The Gambling Act 2003 and The Racing Act 2003*

# **Gambling Venues Policy**

**September 2010**

**GAMBLING VENUES POLICY: CONTENTS**

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## 1. PURPOSE

- 1.1 The Tasman District Council is required by the Gambling Act 2003 and the Racing Act 2003 to produce a policy that has regard to the social impact of gambling within the District. The Special Consultative Procedure under Section 83 of the Local Government Act 2002 and requirements of section 102 of the Gambling Act 2003 and section 65E of the Racing Act 2003 have been followed, with submissions being heard by the Environment and Planning Committee of Council on 17 August 2010.
- 1.2 The meeting of 17 August 2010 referred to above was adjourned to allow the Policy to be redrafted to reflect the intent of the Environment and Planning Committee. Subsequently, when the meeting was reconvened on 2 September 2010, the following resolution was passed:

**That pursuant to the delegated authority provided by Tasman District Council to adopt policy, the Environment and Planning Committee adopts the Draft Gambling Venues Policy September 2010 contained as “Attachment 1” of this report and on which the formal consultation process was concluded at the hearing on 17 August 2010.**

**That the Draft Gambling Venues Policy September 2010 adopted in 5.1. above, shall come into effect on 30 September 2010 and that at that same time, the “Tasman District Council Gambling Act 2003 Venues Policy August 2007” be revoked.**

**Moved/seconded  
CARRIED**

## 2. OBJECTIVES OF THIS POLICY

- 2.1 To minimise the harm to the community caused by gambling.
- 2.2 To allow those who wish to participate in gaming machine or New Zealand Racing Board racing or sports betting to do so safely and responsibly within the District.
- 2.3 To ensure that Council and the community have influence over the provision of new gambling in the District.
- 2.4 To control the growth of gaming machine gambling in the Tasman District by limiting the maximum number of non-casino gaming machines permitted in Tasman District.
- 2.5 Achieving the objective in 2.4 by imposing a cap on the maximum number of gaming machines that are licensed in Tasman District at 220 (subject to the appeal by Robbies Bar & Bistro allowing a total of 14 machines). That “capped” number is determined by the number of such gaming machines permitted to operate in Tasman District by the Department of Internal Affairs in the report detailed in paragraph 3.3 and Appendix 1 of this Policy and dated 19 August 2010.
- 2.6 To allow new class 4 gambling venues for non-casino gaming machines to operate in Tasman District if such new venues comply with the intent of the cap on maximum permitted numbers, and are supported by the Environment and Planning Committee of Council on a case by case assessment.

1

- 2.7 To allow new gambling venues associated with New Zealand Racing Board stand-alone operations if such new venues are supported by Council on a case by case assessment.
- 3. “CLASS 4 VENUES” (PURSUANT TO THE GAMBLING ACT 2003)**
- 3.1 Council consent, pursuant to section 98 of the Gambling Act 2003, is required by any society wishing to operate a class 4 venue on which non-casino electronic gaming machines are to be sited.
- 3.2 The consent required by 3.1 of this policy shall be subject to the following criteria:
- (a) meeting application and fee requirements;
  - (b) the policy relating to the maximum number of non-casino electronic gaming machines that may operate in Tasman District is complied with;
  - (c) applications for territorial authority consent for new class 4 venues shall be advertised, with public submissions being accepted for a period of 10 working days from the date of publication, after which the Environment and Planning Committee of Council shall approve or decline the class 4 venue consent application, with reasons for that decision being made available to all parties that expressed a view;
  - (d) the primary activity of the proposed class 4 venue shall be a licensed premises pursuant to the Sale of Liquor Act 1989.
- 3.3 The premises and relevant societies and the details of the numbers of non-casino gaming machines operating within Tasman District, are listed in Appendix 1 of this Policy which shows the Department of Internal Affairs report made pursuant to section 103 of the Gambling Act 2003 and dated 19 August 2010.
- 4. APPLICATIONS FOR CLASS 4 VENUE (GAMING MACHINE) LICENCES**
- 4.1 Must be made on the form defined in Appendix 2 of this policy and must provide:
- (a) evidence of a police clearance for owners and managers of the venue;
  - (b) a copy of the proposed gambling harm minimisation policy and staff training programme;
  - (c) a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
  - (d) evidence that the number of machines for which territorial authority consent is sought will not cause the maximum number of gaming machines permitted by the Tasman District Gambling Venues Policy September 2010 to be exceeded.
  - (e) name and contact details for the applicant;

- (f) street address of premises proposed;
- 4.2** Once an application for a Class 4 Venue territorial authority consent has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions by Council.
- 5. NEW ZEALAND RACING BOARD GAMBLING VENUES (PURSUANT TO THE RACING ACT 2003)**
- 5.1** Council consent, pursuant to section 65A of the Racing Act 2003, is required by any society wishing to operate Board venue on which racing and sports betting operated by the New Zealand Racing Board is to be undertaken.
- 5.2** The consent required by 5.1 of this policy shall be subject to the following criteria:
- (a) meeting application and fee requirements;
  - (b) the proposed Board venue shall have relevant staff training programme and gambling harm minimisation policy;
  - (c) applications for territorial authority consent for a Board venue for racing and sports betting operated by the New Zealand Racing Board shall be advertised, with public submissions being accepted for a period of 10 working days from the date of publication, after which Council shall approve or decline the venue consent application, with reasons for that decision being made available to all parties that expressed a view;
  - (d) the primary activity of the Board venue shall be for racing and sports betting operated by the New Zealand Racing Board, and be owned or leased by the New Zealand Racing Board and used primarily for racing or sports betting; or be a racecourse;
  - (e) operators of the proposed board venue must show that people under the age of 18 years have minimal access to the facility.
- 6. APPLICATIONS FOR NEW ZEALAND RACING BOARD GAMBLING VENUES**
- 6.1** Must be made on the form defined in Appendix 3 of this policy and must provide:
- (a) evidence of a police clearance for owners and managers of the venue;
  - (b) a copy of the proposed gambling harm minimisation policy and staff training programme;
  - (c) a site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue;
  - (d) name and contact details for the applicant;
  - (e) street address of premises proposed;

- 6.2 Once an application for territorial authority consent for a Board venue for racing and sports betting operated by the New Zealand Racing Board has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions by Council.

7. **APPLICATION FEES**

- 7.1 Any application for a territorial authority consent under Section 98 of the Gambling Act 2003 or Section 65B of the Racing Act 2003 shall be accompanied by the appropriate deposit and all fees due for the processing of the application must be paid before the territorial authority consent will issue.

**APPENDIX 1: Operators of non-casino gaming machines**

Report made to Council pursuant to section 103 of the Gambling Act 2003 on 19 August 2001.

**Section 103 Class 4 Venues in Territorial Authority**

Generated: 19-Aug-2010

**TASMAN DISTRICT**

| Society Name                | Venue Name                      | Venue Physical Address                         | GM Count | Maximum GM | TA Approved Maximum | GM on 22 Sept 2003 | Exist on 17 Oct 2001 (Y/N) | Off Schedule (Y/N) |
|-----------------------------|---------------------------------|--|----------|------------|---------------------|--------------------|----------------------------|--------------------|
| MOTUEKA MEMORIAL R.S.A. INC | MOTUEKA MEMORIAL RSA INC        | 49 HIGH STREET, MOTUEKA, TASMAN DISTRICT       | 9        | 18         |                     | 9                  | Y                          | N                  |
| PUB CHARITY                 | COLLINGWOOD TAVERN              | TASMAN STREET, COLLINGWOOD, TASMAN DISTRICT    | 4        | 18         |                     | 4                  | Y                          | N                  |
| PUB CHARITY                 | JUNCTION HOTEL (TAKAKA)         | 15 COMMERCIAL STREET, TAKAKA, TASMAN DISTRICT  | 14       | 18         |                     | 18                 | Y                          | N                  |
| PUB CHARITY                 | BRIGHTWATER MOTOR INN           | 1 LIGHTBAND ROAD, BRIGHTWATER, TASMAN DISTRICT | 3        | 18         |                     | 3                  | Y                          | N                  |
| PUB CHARITY                 | WAKEFIELD HOTEL                 | 48 EDWARD STREET, WAKEFIELD, TASMAN DISTRICT   | 10       | 18         |                     | 18                 | Y                          | N                  |
| CLUB WAIMEA INC             | CLUB WAIMEA                     | 345 QUEEN STREET, RICHMOND, NELSON             | 18       | 18         |                     | 18                 | Y                          | N                  |
| AIR RESCUE SERVICES LIMITED | ROBBIES BAR & BISTRO (RICHMOND) | 321 QUEEN STREET, RICHMOND, NELSON             | 9        | 9          | 9                   | 14                 | Y                          | Y                  |
| NEW ZEALAND COMMUNITY TRUST | EL TAVERNA                      | 183 QUEEN STREET, RICHMOND, NELSON             | 18       | 18         |                     | 18                 | Y                          | N                  |
| NEW ZEALAND COMMUNITY TRUST | TAPAWERA HOTEL                  | 84 MAIN ROAD, TAPAWERA, TASMAN DISTRICT        | 3        | 18         |                     | 3                  | Y                          | N                  |
| NEW ZEALAND COMMUNITY TRUST | MAPUA TAVERN                    | 151 ARANUI ROAD, MAPUA, TASMAN DISTRICT        | 8        | 18         |                     | 12                 | Y                          | N                  |
| NEW ZEALAND COMMUNITY TRUST | STAR AND GARTER TAVERN          | LEVEL 1 252 QUEEN STREET, RICHMOND, NELSON     | 18       | 18         |                     | 18                 | Y                          | N                  |
| TRILLIAN TRUST              | THE STABLES                     | 1 MCGILASHIE AVENUE, RICHMOND, NELSON          | 18       | 18         | 18                  | 12                 | Y                          | N                  |
| THE LION FOUNDATION (2008)  | THE DODGY REF SPORTS BAR        | 121 HIGH STREET, MOTUEKA, TASMAN DISTRICT      | 9        | 9          | 9                   | 9                  | N                          | N                  |
| THE LION FOUNDATION (2008)  | RIWAKA HOTEL                    | MAIN ROAD, RIWAKA, TASMAN DISTRICT             | 4        | 18         |                     | 6                  | Y                          | N                  |
| THE LION FOUNDATION (2008)  | TELEGRAPH HOTEL                 | 2 MOTUPIPI STREET, TAKAKA, TASMAN DISTRICT     | 9        | 18         | 18                  | 7                  | Y                          | N                  |
| THE LION FOUNDATION (2008)  | MOTUEKA HOTEL                   | 77 HIGH STREET, MOTUEKA, TASMAN DISTRICT       | 18       | 18         |                     | 18                 | Y                          | N                  |
| THE LION FOUNDATION (2008)  | POST OFFICE HOTEL               | 122 HIGH STREET, MOTUEKA, TASMAN DISTRICT      | 18       | 18         |                     | 18                 | Y                          | N                  |

Gaming machines currently operating at venues: 190

Plus number of gaming machines the venues below can increase by without TA consent:

|                                   |   |
|-----------------------------------|---|
| JUNCTION HOTEL (TAKAKA)           | 4 |
| WAKEFIELD HOTEL                   | 6 |
| ROBBIES BAR AND BISTRO (RICHMOND) | 5 |
| MAPUA TAVERN                      | 4 |
| RIWAKA HOTEL                      | 2 |
| TELEGRAPH HOTEL                   | 9 |

Plus gaming machines and venues currently within 6 months of surrender date:

No venues currently within 6 months of surrender date

**Total number of gaming machines that may operate without TA consent: 220**

**Explanation of s103 report numbers**

Class 4 venues licensed on or before 17 October 2001 do not need Territorial Authority (TA) consent to increase their gaming machine numbers to the number they notified as lawfully operating on 22 September 2003 (as long as they have not been without a licence for 6 months or more since then). Similarly, any venue that is operating less than the number of gaming machines specified in their most recent TA consent, if one was required, can increase to that number without additional TA consent.

If a venue's licence is surrendered or cancelled, any corporate society applying for a venue licence for that venue will not require TA consent if it does so within 6 months of the cancellation or surrender (that is, the end date listed on worksheet 2 of the attached spreadsheet).

Therefore these additional machines must be added to the number of gaming machines currently operating to establish the number that may operate without TA consent, which is **220** gaming machines in Tasman as of 19 August 2010.

I draw to your attention the situation at Robbies Bar and Bistro (Richmond). This shows a gm number notified as at 22 September 2003 of 14. The Department has accepted the TA's consent for a limit of 9 gms and has issued a licence on that basis. I understand that this decision has been appealed to the Gambling Commission as the society believes it has an entitlement to operate more than 9. The section 103 report has retained the (possible) number of 14gms for that venue in order to prevent a worst-case scenario whereby the district council could exceed its cap should the society succeed in it's appeal to the Commission.

**APPENDIX 2: Application for Territorial Authority Consent for Gambling Venue**

**Application for Territorial Authority Consent for Class 4 Gambling Venue**

FORM NUMBER: RG3

30 September 2010

*[Pursuant to section 98 of the Gambling Act 2003: Applies to new Class 4 venues.]*

**Section 1: Details of Applicant**

Full Name of Society/Trust:

\_\_\_\_\_

Postal Address:

\_\_\_\_\_

Post Code:

\_\_\_\_\_

Contact Person:

Phone:

Fax:

E-mail:

**Section 2: Details of Gaming Venue**

Name of Venue:

\_\_\_\_\_

Street Address:

\_\_\_\_\_

Liquor Licence Number:

Expiry:

Contact Person:

Phone:

Number of Gaming Machines at Venue:

Current:

Proposed:

6.

**Section 3: Information to be provided with application** *(Please tick box)*

- Site plan covering both gambling and other activities proposed for the venue
- Evidence of a police clearance for the owners and managers of the venue
- A copy of the proposed gambling harm minimisation policy and staff training programme
- Evidence that the number of machines for which a licence is sought will not exceed the maximum number permitted by the Tasman District Gambling Venues Policy September 2010.

**New Class 4 Venues**

Once an application for territorial consent for a new Class 4 Venue has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions. If submissions are received, the Environment and Planning Committee of Tasman District Council shall consider these and either approve or decline the venue consent application, with reasons for that decision being made available to all parties that expressed a view.

**Application Fees**

An application fee of \$500.00 shall accompany any application. This fee shall be regarded as a deposit for new Class 4 Venue applications, with extra fees being charged, dependent on the extent of processing of the application that is required. No such consent shall be issued by Council until all such fees have been paid.

**The information that has been given is hereby certified to be true and correct.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

7.

**APPENDIX 3:****Application for Territorial Authority Consent for a Board Venue**

FORM NUMBER: RG4

30 September 2010

*[Pursuant to section 65B of the Racing Act 2003: Applies to new racing and sports betting venues.]***Section 1: Details of Applicant**

Full Name of applicant: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Post Code: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Section 2: Details of Venue**

Name of Venue: \_\_\_\_\_

Street Address: \_\_\_\_\_

**Section 3: Information to be Provided with Application** *(Please tick box)*

- Site plan covering activities proposed for the venue
- Evidence of a police clearance for the owners and managers of the venue
- A copy of the proposed gambling harm minimisation policy and staff training programme
- Evidence that the venue is leased or owned by the New Zealand Racing Board or a racecourse.

**New Board Venues**

Once an application for territorial authority consent for a new venue has been lodged, the applicant shall advertise the application in a local paper within 20 days of lodgement, giving a minimum of 10 working days for the acceptance of submissions by Council. If submissions are received, the Tasman District Council shall consider these and either approve or decline the venue consent application, with reasons for that decision being made available to all parties that expressed a view.

**Application Fees**

An application fee deposit of \$500.00 shall accompany any application. At the conclusion of the process when the application has been granted or declined, the applicant shall pay to Council such further fees necessary to cover the costs and disbursements of Council in processing the application. No such consent shall be issued by Council until all such fees have been paid.

**The information that has been given is hereby certified to be true and correct.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

8.



Section 103 Report generated by Department of Internal Affairs on 30 June 2016

Attachment 2

**Section 103 Class 4 Venues in Territorial Authority**

Report generated on 30 June 2016

**TASMAN DISTRICT**

| Society Name                         | Venue Name                                   | Venue Physical Address    | GM Count | Maximum GM | TA Approved Maximum | GM on 22 Sept 2003 | Exist on 17 Oct 2001 (Y/N) | Off Schedule |
|--------------------------------------|--|---------------------------|----------|------------|---------------------|--------------------|----------------------------|--------------|
| AIR RESCUE SERVICES LIMITED          | BAR 321                                      | 321 QUEEN STREET          | 14       | 14         |                     | 14                 | Y                          | N            |
| CLUB WAIMEA INCORPORATED             | CLUB WAIMEA                                  | 345 QUEEN STREET          | 18       | 18         |                     | 18                 | Y                          | N            |
| MOTUEKA MEMORIAL R.S.A. INCORPORATED | MOTUEKA MEMORIAL RSA INCORPORATED            | 49 HIGH STREET MOTUEKA    | 9        | 9          |                     | 9                  | Y                          | N            |
| New Zealand Community Trust          | TAPAWERA HOTEL                               | 84 MAIN ROAD              | 3        | 3          |                     | 3                  | Y                          | N            |
| PUB CHARITY LIMITED                  | Armadillos Bar & Grill                       | 121 HIGH STREET           | 9        | 9          | 9                   | 9                  | N                          | N            |
| PUB CHARITY LIMITED                  | Armadillos Bar Restaurant & Functions Centre | 183 QUEEN STREET RICHMOND | 18       | 18         |                     | 18                 | Y                          | N            |
| PUB CHARITY LIMITED                  | BRIGHTWATER MOTOR INN                        | 1 LIGHTBAND ROAD          | 3        | 3          |                     | 3                  | Y                          | N            |
| PUB CHARITY LIMITED                  | COLLINGWOOD TAVERN                           | TASMAN STREET             | 4        | 4          |                     | 4                  | Y                          | N            |
| PUB CHARITY LIMITED                  | POST OFFICE HOTEL MOTUEKA                    | 122 HIGH STREET           | 18       | 18         |                     | 18                 | Y                          | N            |
| PUB CHARITY LIMITED                  | STAR AND GARTER TAVERN                       | LEVEL 1 252 QUEEN STREET  | 18       | 18         |                     | 18                 | Y                          | N            |
| PUB CHARITY LIMITED                  | WAKEFIELD HOTEL                              | 48 EDWARD STREET          | 8        | 16         |                     | 16                 | Y                          | N            |
| THE LION FOUNDATION (2008)           | MOTUEKA HOTEL                                | 77 HIGH STREET            | 12       | 18         |                     | 18                 | Y                          | N            |
| THE LION FOUNDATION (2008)           | TELEGRAPH HOTEL                              | 2 MOTUPIPI STREET         | 9        | 18         | 18                  | 7                  | Y                          | N            |
| TRILLIAN TRUST                       | THE STABLES                                  | 1 MCGLASHEN AVENUE        | 18       | 18         | 18                  | 12                 | Y                          | N            |

Gaming machines currently operating at venues:

Plus number of gaming machines the venues below can increase by without TA consent:

|                 |   |
|-----------------|---|
| WAKEFIELD HOTEL | 8 |
| MOTUEKA HOTEL   | 6 |
| TELEGRAPH HOTEL | 9 |

Plus gaming machines and venues currently within 6 months of surrender date:

No venues currently within 6 months of surrender date

**Total number of gaming machines that may operate without TA consent: 184**

**TASMAN DISTRICT Section 103 Class 4 Venues in Territorial Authority Surrendered in Last 6 months (Since 30-Dec-2015)**

| Venue Name | Venue Physical Address | Maximum GM | TA Approved Maximum | GM on 22 Sept 2003 | Exist on 17 Oct 2001 (Y/N) | End Date | Off Schedule |
|------------|------------------------|------------|---------------------|--------------------|----------------------------|----------|--------------|
|------------|------------------------|------------|---------------------|--------------------|----------------------------|----------|--------------|

**TASMAN DISTRICT Section 103 Class 4 Societies in Territorial Authority**

| Society Name                         | Society Postal Address  |
|--------------------------------------|---|
| AIR RESCUE SERVICES LIMITED          | PO Box 20326<br>Bishopdale<br>CHRISTCHURCH 8543<br>NEW ZEALAND      |
| CLUB WAIMEA INCORPORATED             | PO BOX 3183<br>RICHMOND<br>NELSON 7050<br>NEW ZEALAND               |
| MOTUEKA MEMORIAL R.S.A. INCORPORATED | PO BOX 69<br>MOTUEKA<br>TASMAN DISTRICT 7143<br>NEW ZEALAND         |
| New Zealand Community Trust          | PO Box 10857<br>The Terrace<br>Wellington 6143<br>NEW ZEALAND       |
| PUB CHARITY LIMITED                  | PO BOX 27 009<br>MARION SQUARE<br>WELLINGTON 6141<br>NEW ZEALAND    |
| THE LION FOUNDATION (2008)           | Private Bag 106605<br>Auckland City<br>Auckland 1143<br>NEW ZEALAND |
| TRILLIAN TRUST                       | PO BOX 12245<br>PENROSE<br>AUCKLAND 1642<br>NEW ZEALAND             |

Deprivation Indices for Tasman District

Attachment 3

Relevant information copied from *NZDep2013 Index of Deprivation* and published in May 2014 by The Department of Public Health, University of Otago, Wellington.

Department of Public Health, University of Otago, Wellington

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## Executive Summary

NZDep2013 is an updated version of the NZDep91, NZDep96, NZDep2001 and NZDep2006 indexes of socioeconomic deprivation. NZDep2013 combines nine variables from the 2013 census which reflect eight dimensions of deprivation. NZDep2013 provides a deprivation score for each meshblock in New Zealand. Meshblocks are geographical units defined by Statistics New Zealand, containing a median of approximately 81 people in 2013.

The NZDep2013 index of deprivation has two forms—an ordinal scale and a continuous score.

- The NZDep2013 index of deprivation ordinal scale ranges from 1 to 10, where 1 represents the areas with the least deprived scores and 10 the areas with the most deprived scores.
- The NZDep2013 index of deprivation interval variable is the first principal component score, which has been scaled to have mean 1000 index points and standard deviation 100 index points. The NZDep2013 10 point scale is derived from this interval variable.

The NZDep2013 scale of deprivation from 1 to 10 divides New Zealand into tenths of the distribution of the first principal component scores. For example, a value of 10 indicates that the meshblock is in the most deprived 10 percent of areas in New Zealand, according to the NZDep2013 scores.

It should be noted that NZDep2013 deprivation scores apply to areas rather than individual people.

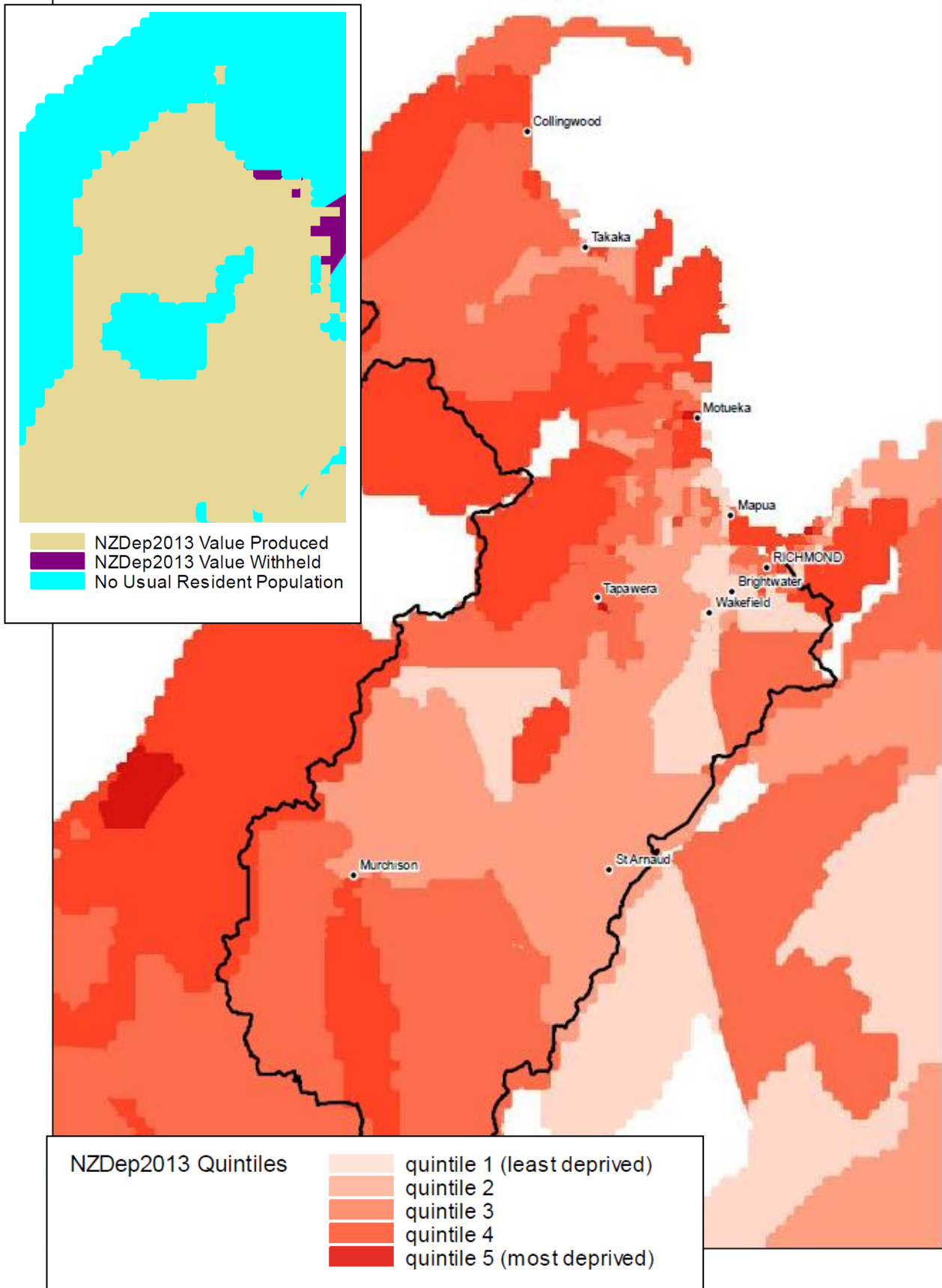
Department of Public Health, University of Otago, Wellington

NZDep2013 combines the following census data (calculated as proportions for each small area):

| Dimension of deprivation | Description of variable (in order of decreasing weight in the index)           |
|--------------------------|--|
| Communication            | People aged <65 with no access to the Internet at home                         |
| Income                   | People aged 18-64 receiving a means tested benefit                             |
| Income                   | People living in equivalised* households with income below an income threshold |
| Employment               | People aged 18-64 unemployed   |
| Qualifications           | People aged 18-64 without any qualifications                                   |
| Owned home               | People not living in own home  |
| Support                  | People aged <65 living in a single parent family                               |
| Living space             | People living in equivalised* households below a bedroom occupancy threshold   |
| Transport                | People with no access to a car   |

\*Equivalisation: methods used to control for household composition.

Map showing deprivation Indices in Tasman District





**9.2 NATIONAL POLICY STATEMENT ON ELECTRICITY TRANSMISSION**

Decision Required

|                       |                                    |
|-----------------------|------------------------------------|
| <b>Report To:</b>     | Environment and Planning Committee |
| <b>Meeting Date:</b>  | 1 September 2016                   |
| <b>Report Author:</b> | Tania Bray, Policy Planner         |
| <b>Report Number:</b> | REP16-09-02                        |

**1 Summary**

- 1.1 In March 2008, the Ministry for the Environment gazetted the National Policy Statement for Electricity Transmission (NPSET). The NPSET solely applies to the National Grid which is defined as the assets used or owned by Transpower New Zealand Ltd (Transpower).
- 1.2 Council was required by 10 April 2012 to notify and process under the First Schedule of the Resource Management Act 1991 a plan change or review, to give effect as appropriate to the provisions of the NPSET.
- 1.3 Council has given effect in part to the NPSET through the plan changes for Richmond East and West Development Areas, however, further changes are required to fully give effect.
- 1.4 Council is also required to manage the use, development and protection of natural resources, which includes electricity. There is an opportunity to consider through the plan change whether similar provisions are appropriate to protect and maintain regionally significant transmission lines, like the Stoke to Motopipi line.
- 1.5 In June 2015 Council considered this matter and resolved to undertake a plan change, and for staff to commence discussions with key organisations regarding the content. Staff have since met with Transpower and Network Tasman and been in contact with Trustpower.
- 1.6 To progress the matter further, Staff have drafted a discussion document for public consultation before going on to draft a plan change.

**2 Draft Resolution****That the Environment and Planning Committee**

- 1. receives the National Policy Statement on Electricity Transmission report REP16-09-02; and**
- 2. Approves the release of the attached discussion paper for public consultation, subject to final editorial approval by Cr Bryant.**
- 3. That consultation not take place until after the local body elections.**

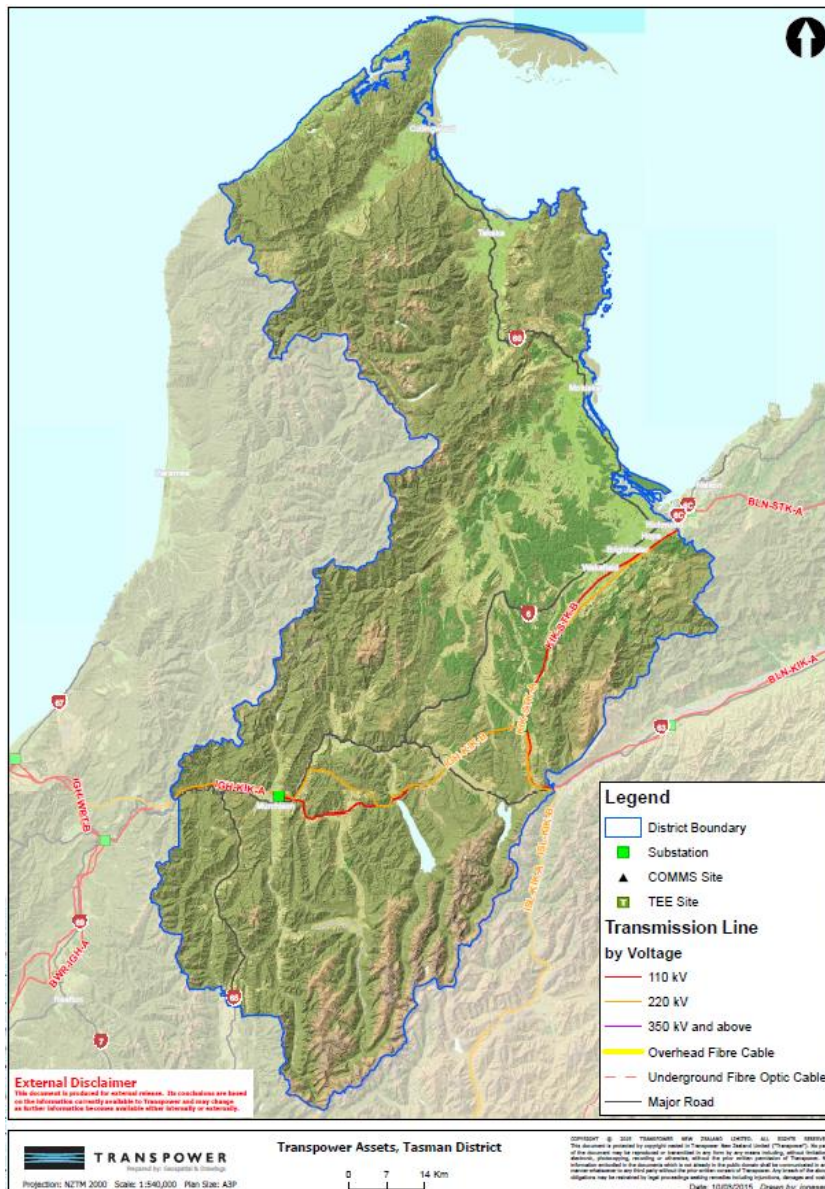


**3 Purpose of the Report**

3.1 The purpose of this report is to seek permission to undertake public consultation on the attached discussion paper, subject to final editorial approval from Cr Bryant.

**4 Background and Discussion**

4.1 In March 2008, the Ministry for the Environment gazetted the National Policy Statement for Electricity Transmission (NPSET). The NPSET solely applies to the National Grid which is defined as the assets used or owned by Transpower New Zealand Ltd (Transpower). The National Grid within Tasman is shown on the map below.



4.2 Council was required by 10 April 2012 to notify and process under the First Schedule of the Resource Management Act 1991 (RMA) a plan change or review, to give effect as appropriate to the provisions of the NPSET.



- 4.3 Taspower has submitted on a number of plan changes to the Tasman Resource Management Plan requesting the NPSET be included.

#### **National Policy Statement on Electricity Transmission**

- 4.4 The NPSET seeks to ensure that in providing for the transmission of electricity within a region and in managing the effects of the National Grid on the environment, the operational and long term development requirements of the network are appropriately considered and its status as a linear cross-boundary network is fully recognised.
- 4.5 The main reason given for introducing the NPSET was to resolve the inconsistencies and problems resulting from the highly variable provision for the National Grid in first generation plans and policy statements. Despite the fact that the National Grid is largely the same from one end of the country to the other, district plans dealt with the National Grid differently. The Government therefore decided to promote a more standardised and consistent approach throughout the country.
- 4.6 The NPSET consists of the following objective for the National Grid.  
*“To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*
- *managing the adverse environmental effects of the network; and*
  - *managing the adverse effects of other activities on the network.”*

The NPSET contains 14 policies which are split into five categories. These are:

- Recognition of the national benefits of transmission (Policy1);
  - Managing the environmental effects of transmission (Policies 2-9);
  - Managing the adverse effects of third parties on the transmission network (Policies 10-11):
  - Mapping the lines (Policy 12); and
  - Long-term strategic planning for transmission assets (Policies 13 -14)
- 4.7 The NPSET requires Council to:
- Change the objectives and policies of the TRPS and TRMP to give effect to Policy 14 of the NPSET; and
  - Show the electricity transmission network on the planning maps.

Policy 14 is as follows “Regional councils must include objectives, policies and methods to facilitate long-term planning for investment in transmission infrastructure and its integration with land uses.”

- 4.8 The manner in which all other NPSET policies and the objective are given effect to is at the discretion of Council. The Ministry for the Environment has produced a guide for the implementation of NPSET for local authorities.
- 4.9 On 4 June 2015 the Committee made the following resolution regarding a plan change to implement the NPSET.
- Agrees a plan change should be undertaken to give effect to the National Policy Statement for Electricity Transmission; and

- Instructs Council staff to commence discussion with key organisations based on Option C in Report REP15-05-07 being a draft plan change to provide a broad policy framework for transmission lines as significant infrastructure.

Option C included the inclusion of regionally significant transmission lines as well as the National Grid lines.

- 4.10 Since the resolution, Council staff have been in communication with Transpower, Network Tasman and Trustpower to discuss the issues. Following on from those meetings a discussion paper has been drafted for community consultation, subject to committee approval.

## 5 Options

### Discussion paper vs a Draft Plan Change

- 5.1 Since the NPSET was gazetted a number of councils have implemented the NPSET and important components have been heard and resolved e.g. use of setbacks. The challenges that remain are largely the mechanics, such as the wording of each policy. The effect of this is that there is a level of national consensus regarding how the NPSET should be implemented. Council has already received advice from Transpower regarding potential changes to the TRMP and the TRMP already includes some NPSET provisions. It would be relatively easy to draft a plan change implementing the NPSET for the remainder of the TRMP.
- 5.2 The implementation of the NPSET will have an impact on all landowners within a certain distance of the National Grid lines. The impact may include constraints on subdivision, development, planting, earthworks and landuses. Past experience has found that landowners are not always aware of these potential impacts and there is some benefit in having a full discussion before new provisions are proposed.
- 5.3 In addition, it is proposed to investigate whether some level of protection should be provided in the TRMP for regionally significant transmission lines. These lines are not covered by the NPSET and Council is not required to specifically provide for them like the National Grid. If Council looks to include some level of protection, then a discussion needs to be had with the community and landowners close to the lines. For these reasons it is proposed that Council undertake a round of consultation prior to drafting the plan change.

## 6 Strategy and Risks

- 6.1 Council is required to implement the NPSET. If Council does not proceed with the implementation of the NPSET then Council will most likely be subject to legal proceedings.
- 6.2 Council is not required under the NPSET to protect regionally significant transmission lines but there is likely to be socio-economic and community benefits to do so.
- 6.3 Whatever decision Council makes there are likely to be landowners who oppose the implementation of the NPSET and/or protection of the regionally significant transmission lines.

- 6.4 The best method of bring the community on board is through education, communication and effective consultation.

## **7 Policy / Legal Requirements / Plan**

- 7.1 Discussion papers are a non-statutory method of communication and consultation. Council is required to consult under the Local Government Act and the Resource Management Act 1991. The discussion paper will help fulfil those obligations as well as ensuring a robust process is undertaken.

## **8 Consideration of Financial or Budgetary Implications**

- 8.1 Any plan change process is accommodated through the existing budget.

## **9 Significance and Engagement**

- 9.1 Consultation is proposed with potentially affected landowners and the community regarding an issue which may be controversial for some. Affected landowners may be vocal in opposition to the options proposed, particularly rural landowners. On balance however the proposal is of low to moderate significance.
- 9.2 It is proposed that subject to final editorial approval by Cr Bryant regarding the content of this paper, the discussion paper be publically notified and comments called. It is likely that at least one community meeting will be scheduled to discuss matters that the community wishes to raise. Additional meetings can be arranged if required.
- 9.3 In addition to public notification, it is intended to send a copy of the discussion document to those landowners likely to be directly affected and to key organisations like Federated Farmers.

## **10 Conclusion**

- 10.1 Council is required to amend the TRMP to give effect to the NPSET.
- 10.2 Council has made the decision to undertake a plan change to give effect to the NPSET and has decided to broaden the scope of the plan change to consider regionally significant transmission lines as well.
- 10.3 A discussion paper has been drafted and subject to any minor changes required, needs to be released for public consultation.

## **11 Next Steps / Timeline**

- 11.1 It is proposed that the discussion paper be released for public comment, subject to final approval by Cr Bryant, in the weeks following the local body elections.
- 11.2 Following on from the consultation, a summary report will be brought back to the committee and further instructions sought regarding the drafting of a plan change.

|                       |
|-----------------------|
| <b>12 Attachments</b> |
|-----------------------|

- |   |    |
|---|----|
| 1. Discussion Paper - National Policy Statement for Electrical Transmission | 37 |
|---|----|



# Electrical Transmission

## Discussion Paper

**DRAFT**

April 2016

## 1.0 Introduction

Without a doubt, the generation and distribution of electricity within New Zealand is essential to the wellbeing of our communities. Electricity lights and heats our houses, powers industry and commerce and will become increasingly important for transportation. There are clear economic, social, cultural and environmental benefits from having efficient and safe infrastructure for the distribution of electricity. When power supply fails through damage, poor management or there is not enough to meet demands then the impact on communities and the nation can be significant.

The establishment and maintenance of transmission lines can also have a significant impact on other uses in and around the lines and in recognition of this the Government released a National Policy Statement for Electrical Transmission in 2008 which require Councils and Transpower to manage the effects of our most important transmission lines (the National Grid) under the Resource Management Act 1991.

Council is required to implement the National Policy Statement for Electrical Transmission and this requires a change to the Tasman Resource Management Plan (TRMP). This discussion paper has been written for the purpose of providing information and investigating how this might be done. At the same time, Council is considering whether any additional provisions are required in the TRMP to manage the use and maintenance of regionally significant transmission lines, which are not covered by the National Policy Statement.

## 2.0 Background

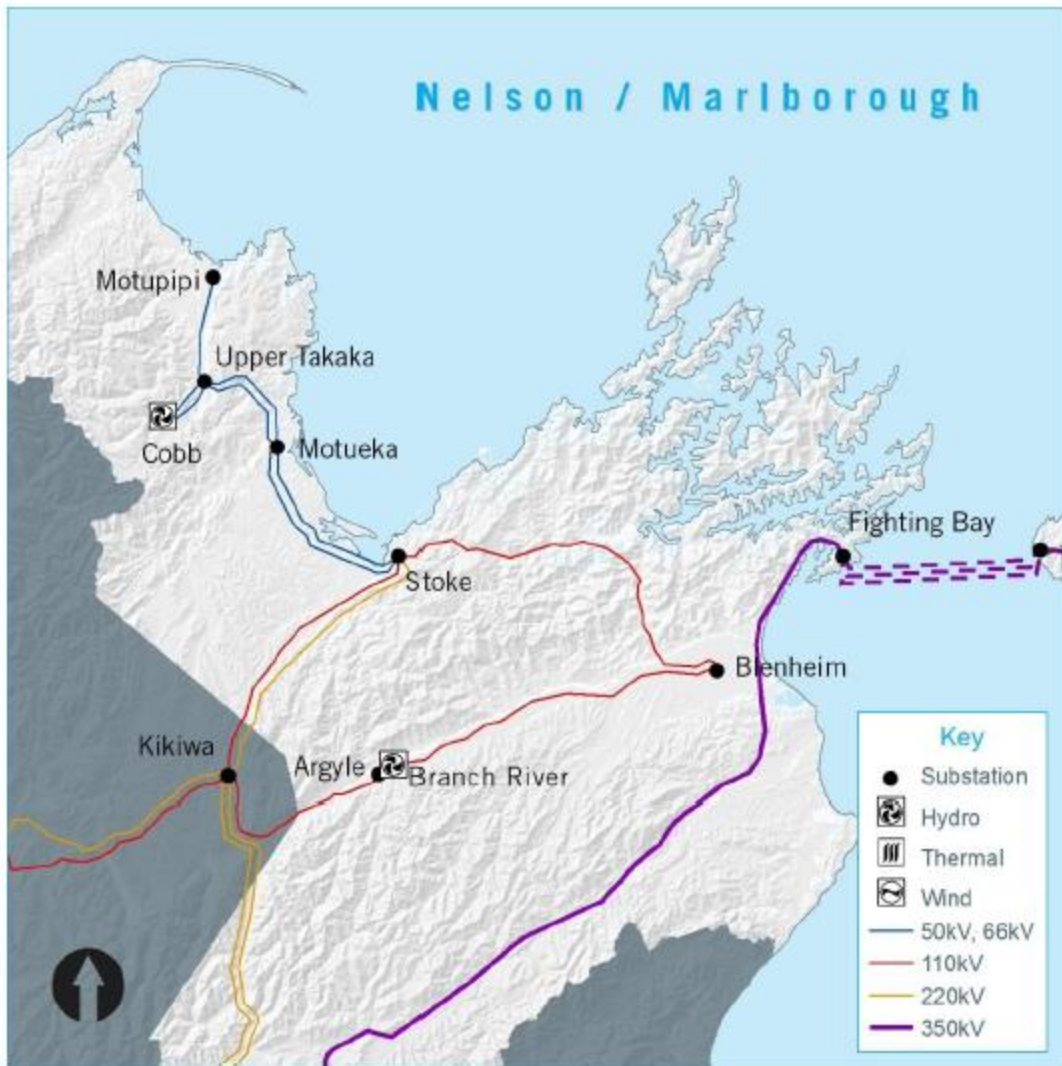
### National Grid

In March 2008 the Ministry for the Environment released the National Policy Statement for Electricity Transmission (NPSET). The NPSET sets out the objectives and policies for the management of the effects of the National Grid under the Resource Management Act 1991.

The NPSET solely applies to the National Grid which is defined as the assets used or owned by Transpower New Zealand Ltd (Transpower). The National Grid within Tasman currently consists of:

- Kikiwa Substation
- Murchison Substation
- 110kV Kikiwa-Stoke A line
- 110kV Inangahua-Kikiwa B Line
- 220kV Kikiwa-Stoke A line
- 220kV Inhangahua- Kikiwa A line
- 220kV Islington-Kikiwa A and B Lines.

The location of the National Grid is shown on Map 1 (see below) as red, yellow and purple lines. Council is required, by 10 April 2012, change the Tasman Resource Management Plan to give effect to NPSET.



Map 1: Location of the National Grid and regionally important lines in the top of the South.  
 (Source. 2012 Annual Planning Report, Transpower New Zealand Limited, pg 236).

In 2007 and 2010, Council under took two plan changes which rezoned large areas of land on the periphery of Richmond for future development: Richmond East and West Development Areas. The National Grid passed through both areas and new rules were included in the TRMP at that time which gave effect to the NPSET. Council needs to amend the TRMP further to give effect to the NPSET for the rest of the District.

In 2014, Transpower sold the National Grid transmission lines between Stoke and Motupipi (see Map 1 – blue lines) to Network Tasman Ltd and the transmission lines ceased to be part of the National Grid. These lines are covered by the NPSET rules in the TRMP for Richmond West Development Area and Council needs to consider if the rules should be removed or update to reflect that these lines no longer form part of the National Grid.

**Regionally Significant Transmission Network**

The regionally significant transmission lines are considered to be those transmission lines that run between Stoke and Golden Bay and provides power to the district northwest of Richmond, including Mapua, Motueka, Kaiterikeri and Takaka (shown on Map 1 as a blue line). These lines are considered significant because they distribute electricity to the majority of communities and businesses within the District. If a failure were to occur in these lines, then electricity distribution could be lost to large areas of the district and the following may be effected.

- Industrial production e.g the MDF plant, Talley’s Motueka factories and the Fonterra processing plant in Takaka .
- Commercial returns e.g. inability to use phones, computers or services.
- Farm productivity – e.g. milking sheds, milk storage, pumps/ irrigation, fences etc.
- Community wellbeing – e.g. domestic lighting, heating, cooking, pumps for sewage and water
- Community safety –e.g. lighting for streets and intersections.

Trustpower’s hydropower dam (located in Cobb Valley) is also considered to be part of the regionally significant transmission network. The dam produces 192 GWh of power annually which is distributed within the region through the Stoke-Motupipi and Cobb transmission lines. The power generated from Cobb is also available for distribution through the National Grid when required. Any shortfalls in electricity generation at the Cobb is met by power imported from the Waitaki dam, which is also distributed through the Stoke-Motupipi transmission lines via the National Grid.

While the Stoke-Motupipi and Cobb transmission lines are not covered by the NPSET Council is still required to manage the use, development and protection of physical resources, including electricity. Currently there are very few provisions in the TRMP regarding these regionally significant transmission lines. Consideration needs to be given to what, if any protection should be given to these lines. Network Tasman have requested that Council consider providing further protection for these lines similar to the protection required for the National Grid.

## 2.1 Location of the National Grid

The National Grid in Tasman (shown as red and gold lines on Map 1) largely passes through Rural and Conservation zoned land. A small portion of the National Grid crosses areas of residential development in Richmond East, Aniseed Hill, Wakefield, Tophouse and Lake Rotoroa.

Maps (needs GIS input)

## 2.2 Location of the Regionally Significant Stoke-Motupipi and Cobb Transmission Lines

The regionally significant Stoke-Motupipi transmission lines (shown as blue lines on Map 1) predominantly crosses Rural and Conservation land but also crosses some important landscapes and more intensively developed Rural 3, Light Industrial, Rural Industrial and Recreation zoned lands.

Maps (needs GIS input)



### **3.0 Policy Framework**

#### **3.1 Resource Management Act 1991 (RMA)**

Under the RMA electricity (and associated structures) are considered to be a physical resource that needs to be sustainably managed because of the importance of electricity to communities. The RMA also requires consideration be given to the efficient use and development of the electricity resource.

The RMA, achieves this through a hierarchy of documents (standards, regulations, statements and plans). The RMA requires each document be consistent with the RMA while giving effect to any higher level document. The RMA also requires consideration to be given to other relevant documents. The following documents are relevant to the sustainable management of electricity.

#### **3.2 National Policy Statements on Electricity Transmission (NPSET)**

The NPSET was introduced in 2008 by the Government and provides a high-level framework that gives guidance across New Zealand for the management and future planning of the National Grid. The NPSET:

- States that the operation, maintenance, development and upgrading of the National Grid is a matter of national importance.
- Requires the consideration in local decision making on resource management matters.
- Gives guidance in the management of the impacts of the transmission network on the environment.
- Recognises the national benefits from electricity transmission.
- Guides the management of the adverse effects of activities from third parties on the National Grid which helps reduce constraints on the operation, maintenance, upgrading and development of the grid.
- Ensures long-term strategic planning for elements of the National Grid.

Council's TRMP is **required** to give effect to the NPSET .

#### **3.3 National Environmental Standards on Electricity Transmission (NESET)**

In January 2010, the NES for Electricity Transmission Activities came into effect. The NESET set out a framework of permissions and requirements for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. They set out which transmission activities are permitted, subject to conditions to control the environmental effects. Where the provisions in the Council plans are inconsistent with the NES then the NES overrides those plans.

The NES specifies:

- consent requirements for activities which fail to meet the permitted activity conditions.
- that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment.
- the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

The NES only apply to high voltage electricity transmission lines which existed pre 14 January 2010 and were owned by Transpower. The NES does not apply to the construction of new transmission lines/substations or to local low voltage distribution lines.

#### **3.4 Tasman Regional Policy Statement (TRPS)**

The TRPS was made operative in 2001 and its purpose is to promote the sustainable management of the natural and physical resources of the Tasman region. It does this by providing an overview of the resource management issues of the region; and objectives, policies and methods to achieve integrated resource management.

The TRPS was written before the NPSET's was released and does not specifically refer to the NPSET. The TRPS is due for review and the TRPS will be amended at that time to fully give effect to the NPSET.

### 3.6 Tasman Resource Management Plan (TRMP)

TRMP is a unitary plan and contains regional, coastal and district plan level objectives, policies, rules and methods of implementation within the one document. Council is required to implement the NPSET in the TRMP. Council is also required under the RMA to sustainably manage natural resources, including electricity, and this also may involve the use of objectives, policies, rules and methods of implementation in the TRMP.

#### NPSET

The NPSET requires the TRMP to recognise the national significance of the National Grid by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- managing the adverse environmental effects of the network; and
- managing the adverse effects of other activities on the network.

To achieve this objective, the NPSET contains 14 policies that provide guidance to decision-makers.

**Policy 1** directs decision makers to recognise and provide for the benefits of electricity transmission at national, regional and local levels, while **Policies 2-9** guide the management of the environmental effects of transmission. **Policies 10 and 11** seek that decision makers, and specifically Council, manage adverse effects on the transmission network which may result from third parties. **Policy 12** requires Council to identify the electricity network in the Plan maps. **Policy 13** requires decision makers to recognise the designation process as enabling long term planning of the infrastructure and **Policy 14** requires Council to include objectives, policies and methods to enable long term planning for investment in transmission infrastructure and its integration with land uses.

The TRMP contains very limited policy for the transmission lines beyond the two urban areas of Richmond East and Richmond West. The TRMP also contains little policy regarding the national importance of the National Grid. To give effect to the NPSET objective, some sort of policy recognising and providing for the National Grid is required in the TRMP.

General policies in the TRMP provide a framework for considering the impacts of new transmission lines, however there is little consideration in the TRMP regarding the potential for conflict between transmission lines (and associated structures) and land use activities e.g. residential use.

The TRMP do maps show the location of the National Grid, however they also show other lines and there are errors regarding the exact location of the lines shown.

#### NESET

The rules in the TRMP are not considered to be in conflict with the NESET but there may be benefit in duplicating the NESET rules in the TRMP or referring to the NESET in the TRMP.

Overall, the TRMP needs to include new provisions to give effect to the NSET and NESET and the provisions which are already in the TRMP need to be updated and reviewed. A plan change is required.

### 3.7 Electrical Code of Practice for Electrical Safe Distances 2001

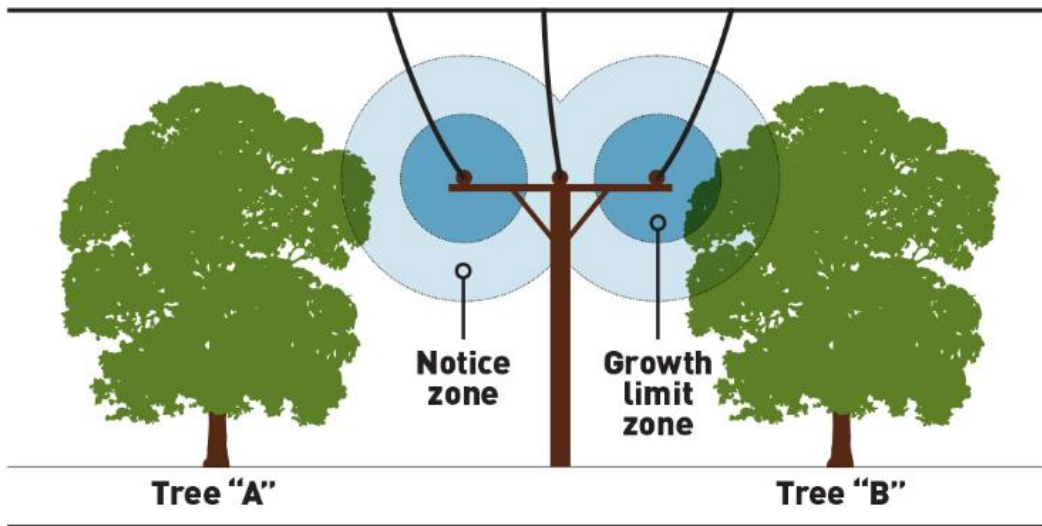
This Code sets minimum safe electrical distance requirements for overhead electric line installations and other works associated with the supply of electricity from generating stations to end users. This code sets

out minimum requirements for excavation and construction near power poles, limits construction near conductors and limits for the installation of conductors near existing buildings and similar structures for example.

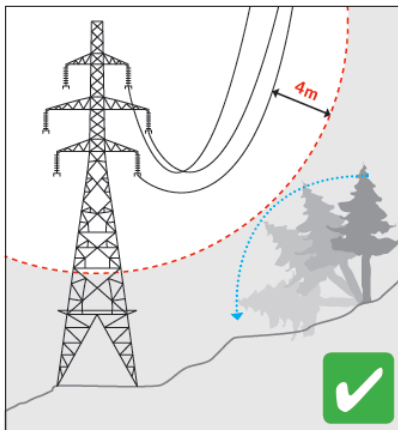
Compliance with the Code is mandatory and if the Code is not followed then enforcement can be undertaken. Enforcement may include the removal of any building or structure within the setbacks. The Code is independent of the Building and Resource Management Acts and unfortunately work approved under those Acts may not meet the requirements of the Code. Many landowners are unaware of the Code and for this reason line companies around New Zealand have encouraged Councils to include rules in their District Plans or advisory notes on consents to warn landowners and developers of the need to comply with the Code.

### 3.8 Electricity (Hazards from Trees) Regulations 2003

This Regulation sets out the distances which trees must be kept clear of power lines. The Regulations also sets out who has responsibility for cutting or trimming trees that get too close. If vegetation grows too close to the wires, then the landowner can be asked to cut or trim the vegetation or this work may be undertaken by the line company. For this reason line companies around New Zealand have also encouraged local authorities to include rules in their Plans limiting the height of vegetation or requiring vegetation setbacks from power lines.



Source: <http://www.oriongroup.co.nz/safety/trees-near-power-lines/>



Source: Transpower: **WORKING ON YOUR LAND**- information for landowners and occupiers;

### 3.9 Electricity Act 1992 and Access to Private Land

For lines built before 1 January 1988, the lines owner has the rights to inspect, operate and maintain the lines. These rights are contained in the Electricity Act 1992 and they do not generally appear on the Certificate of Title for land. The landowner can set out reasonable conditions when and how land is accessed.

For lines built after 1 January 1988, easements may have been created. These easements are registered on the Certificate of Title for the land and remain with the land, so any subsequent owners are bound by the terms of the agreement.

#### 4.0 Issues

##### 4.1 Risk of Electrical Hazard or Injury



Google maps Beach Road, Richmond, 66KV lines

Source:

When development e.g. buildings occurs too close to transmission lines, an electrical hazard can be created either from direct contact with lines, or electricity arcing to other objects. When this occurs people can be injured and property damaged. A recent incident in Tasman involved a 11KV power cable arching onto a digger bucket. The digger was in the process of repairing a burst water pipe in Brightwater at the time.

The risk of electricity earthing around transmission towers is also of a particular concern, as electricity can earth via support structures (towers or poles). An additional risk is from equipment or line components falling from the transmissions lines while in use or when work is being undertaken. The risk of loss of life or injury therefore increases where buildings and other developments or activities are located too close to conductors or towers.

It is difficult for transmission line owners to completely avoid the risks and to prevent such electrical hazards. The Electrical Code of Practice for Electrical Safe Distances was developed in 2001 to reduce the risks and it sets out the setbacks from transmission lines. However, experience has shown that these setbacks are not always followed because landowners and developers are not always aware of the Code. In the past, buildings and developments have occurred within the setbacks and the process of fixing the problem can be costly to the landowner and transmission line owners. In the worst case a landowner may be required to demolish a new building were no other safe alternatives can be found. For this reason, some are requesting that development within a certain distance of lines require consent, so that an assessment can be undertaken. On the flip side some people object to what is seen as an additional level of regulation and cost. Some Councils include notes advising the landowner that the Code needs to be complied with for their development, however, this method only works if consent is sought for the development.

The TRMP currently requires set back between # and # from what was the National Grid within the Richmond West Development Area.

Council has the following three options regarding setbacks for development.

1. Do nothing - rely on the Electrical Code of Practice for Electrical Safe Distances 2001.
2. Include an Advisory Note in the TRMP advising landowners of the need to comply with the Code.
3. Introduce a buffer (corridor) along the National Grid and/ or regionally significant transmission lines and require resource consent for development within the buffer.

**Should Council require development be setback from the National Grid and/or regionally significant transmission Lines? If so, what is the best method of achieving this?**

**Is there a need to protect regionally significant transmission lines from inappropriate development through the TRMP?**

#### **4.2 Risks associated with ‘Reverse Sensitivity’ and Environmental Effects**

Transmission lines provide significant benefit to the community but it also needs to be recognised that transmission lines can adversely affect the environment in which they are located. People who live close to transmission lines or substations occasionally hear noise coming from the structures. During damp, foggy or windy weather, sounds may include whistling, buzzing or humming, particularly in windy conditions. Transmission lines close to dwellings can also interfere with radio and television reception and other electrical equipment. The transmission of electricity also produces electric and magnetic fields and some people have concerns about this.

Transmission line structures tend to have an industrial appearance and many people consider the structures lessen the visual amenity of the surrounding areas. While the visual appearance of the structures may be less obvious in rural landscapes, the visual impact close to residential and developed areas may be harder to ignore. The effects of the transmission lines are very dependent on the location.



Source: Google maps. National Grid, Korere-Tophouse Rd

When activities are sensitive to the effects of the transmission lines the establishment near to lines can lead to restrictions being placed on the use of the line or future upgrades. Where this occurs and the line cannot be used or upgraded, then the future demand for electricity may difficult to achieve.

To help manage the adverse effects of the transmission lines on other activities, Policy 11 of the NPSET requires Council to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be given consent for. *Sensitive activities* are defined in the NPSET as *schools*,

*residential buildings and hospitals.* This definition is quite limited and some Councils have expanded the definition to include activities like: residential activities; day care, preschool and educational facilities; elderly housing and hospitals.

There is no definition currently in the TRMP for sensitive activities and the TRMP has no setbacks for sensitive activities in Richmond West Development Area.

There is no requirement in the NPSET for sensitive activities to be established outside of a buffer from regionally significant transmission lines. The support structures for the regionally significant transmission lines tend to be smaller and closer to the ground than those of the National Grid and the lines also pass through areas that are more likely to be intensively developed. The same concerns regarding noise nuisance and amenity may occur around the regionally significant transmission lines. If sensitive activities were to establish too close, this may also lead to restrictions being placed on the future use and/or upgrade of the lines.

**Should the definition of *sensitive activities* be expanded beyond the NPSET definition of “schools, residential buildings and hospitals?”, if so what should be included?**

**Should sensitive activities like schools, houses and hospitals be discouraged from establishing close to regionally significant transmission lines? Should Council require developers to apply for resource consent to enable assessment of the development to take place?**

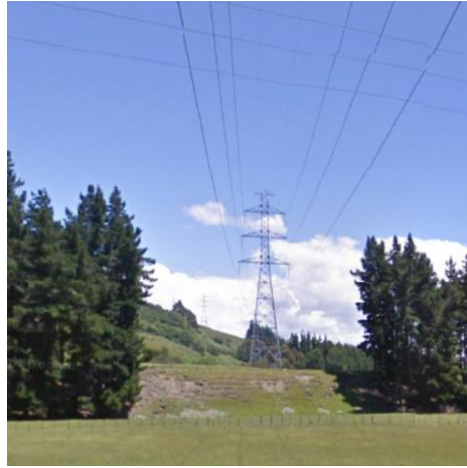
#### **4.3 Risks of Disruption to Transmission including Effects on Security of Supply by Vegetation**

NPSET Policy 10 requires that activities be managed to ensure that (among other things) the operation of the transmission network is not compromised. Just as the transmission network can pose a risk to the health and safety of people and property, so can landowner and third-party activities pose a risk to the operation of the network and security of supply. Electricity supply can be interrupted by physical contact with objects e.g. trees or the deposition of material (such as dust) that causes a line to fault.

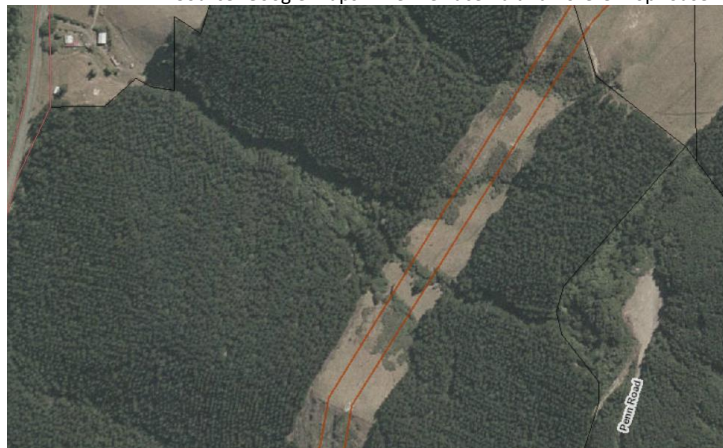
Transpower’s records show that third-party incidents were responsible for electricity supply losses of 311 megawatt hours, over the period 1996–2006, which equated to a cost of \$6.22 million. For example, in October 2009 a power outage caused by a forklift carrying a container coming into contact with the 220 kilovolt transmission line resulted in the loss of power to North Auckland and Northland (about 280,000 customers). The economic impact of a power cut in Tasman would be on a much smaller scale than the above example, however the effect on the local community could still be significant.

The planting of vegetation in and around transmission lines and structures can make it hard for lines owners to maintain the lines, increasing the risk of faults occurring. Trees that have grown too close to lines can also cause damage to the lines in storm events and during felling or windfall. The Electricity (Hazards from Trees) Regulations 2003 provides a framework where lines operators can enter properties and trim or require landowners to trim trees within a certain distance of lines. However, in practice the process of inspection, issuing notices and follow-up work is expensive and time consuming for the lines operators. Landowners who are unaware of the regulations can also find it distressing to have trees of importance pruned to meet the regulations requirements.





Source: Google maps. River Terrace Rd and Korere- Tophouse Rd



110 & 220Kv lines through forestry in the Wai iti area

The TRMP currently includes 20 m setbacks for buildings and includes conditions on amenity planting within 20 m of the National Grid within the Richmond West development area.

**Should Council require development be setback from the National Grid and/or regionally significant transmission Lines? If so, what is the best method of achieving this?**

**Should there be controls on amenity plantings (vegetation)? If so, what is the best method i.e height restrictions, setbacks, land use type e.g. forestry ?**

#### **4.4 Risks to Structural Integrity of the Transmission Lines**

Development too close to transmission lines can also affect the integrity of the structures. Examples include digging too close to transmission towers, piling up earth so that the distance to the lines is reduced or through deposition of dust etc. on the lines. Transpower has found (2010) that earthworks that destabilises the structures in the National Grid occurs about five times a year and the deposition of soil etc. under the lines is common. The scouring out of footings through the diversion of water, damming and the establishment of swimming pools too near to structures can be an issue. Smoke and fires can also be a problem. Once structures are damaged it can be costly and difficult to fix.

NPSET Policy 10 requires that activities be managed to ensure that (among other things) the operation of the National Grid is not compromised.

Council has the following three options regarding setbacks for development.

1. Do nothing - rely on the Electrical Code of Practice for Electrical Safe Distances 2001.

2. Include an Advisory Note in the TRMP advising landowners of the need to comply with the Code.
3. Introduce a buffer (corridor) along the National Grid and/ or regionally significant transmission lines and require resource consent for earthworks within the buffer.

**Should Council require earthworks be consented within a set distance from the National Grid and/or regionally significant transmission Lines?**

**4.5 Risks to the Ability to Inspect and Maintain Lines (Conductors) and Support Structures**



Source: Botany Downs, Auckland

The building and development close to transmission lines can create a physical barrier, preventing, for example, machinery from accessing towers, foundations or conductors along the lines. This can make important maintenance and repair unsafe, difficult or impossible. Physical constraints along the lines can also add a lot of time to normal line inspections, routine maintenance, and line upgrades. In 2004 Transpower estimated there were approximately 5000 development (buildings, fences or structures) within the Code setbacks, mostly in Auckland and other fast growing urban areas.

The National Grid is mostly located in the Rural and Conservation zoned areas within Tasman and as such there is likely to be less development close to the network. However, there is a risk all the same.

The Stoke-Motupipi and Cobb regionally significant transmission lines are also mostly located in the Rural and Conservation zones in Tasman, however, the lines also cross Industrial, Mixed Business, Open Space, Recreation, Rural Residential and Residential zoned properties, were it is more likely that development will occur.



Source: Google maps: Richmond



NPSET Policy 10 requires that activities be managed to ensure that (among other things) the operation and maintenance of the transmission network are not compromised. Many Councils achieve this through requiring subdivisions be of a size or shape to enable future development to be sufficiently accommodated away from the lines. Development setbacks from the lines are also commonly used to implement this policy.

The setbacks included in the Electrical Code of Practice for Electrical Safe Distances 2001 are mandatory and if they are not considered during the subdivision process then ordinary use and development of the land can be limited with the landowners unable to use the land in the way they intended.

1. Do nothing -rely on other legislation to gain access.
2. Include an Advisory Note in the TRMP advising landowners of the need to comply with the setbacks in the Electrical Code of Practice for Electrical Safe Distances 2001.
3. Introduce a buffer (corridor) along the transmission lines and include provisions controlling building and development within the buffer.

**Should Council require consent at time of subdivision to ensure those lots close to transmission lines (National Grid and Regionally Significant are large enough to accommodate development that meets the Code?**

#### **4.6 Risks to the ability to undertake line upgrades**

The development close to the transmission lines can at worst prevent, and at best limit, opportunities to upgrade transmission lines to meet future demand. The alternative to upgrading existing lines is to build new lines. However, these lines would still have to link in with the existing network e.g. substations and areas may end up with two sets of lines, were one could have been sufficient.

Policy 2 of the NPSET requires Council to recognise and provide for the upgrading and development of the electricity transmission network. Policy 5 similarly requires Council when considering the environmental effects of transmission activities to enable the reasonable maintenance and minor upgrades requirements of established electricity transmission assets.

**Should Council include policy in the TRMP which encourages existing lines to be upgraded?**

#### **5.0 Feedback**



**9.3 ANNUAL COMPLIANCE AND ENFORCEMENT SUMMARY REPORT**

Information Only - No Decision Required

|                       |  |
|-----------------------|--|
| <b>Report To:</b>     | Environment and Planning Committee                 |
| <b>Meeting Date:</b>  | 1 September 2016                                   |
| <b>Report Author:</b> | Carl Cheeseman, Co-ordinator Compliance Monitoring |
| <b>Report Number:</b> | REP16-09-03  |

**1 Summary**

- 1.1 Tasman District Council operates tailored Resource Management monitoring programmes focusing the core of its efforts on the range of activities seen as significant to the district either in terms of environmental resources, actual or potential adverse effects or community interest. Council also provides a 24-hour complaint response and undertakes a range of enforcement actions in response to detected non-compliance.
- 1.2 Tasman District Council's Compliance & Enforcement section is tasked to undertake these activities and this report summarises this programme of work for the period 1 July 2015 to 30 June 2016. Noise compliance is reported through the Regulatory section of Council and is not covered in this report.
- 1.3 As with every year complaint response continues to be first priority and a considerable amount of time is spent responding to the public. Complaints were up some 15% on the same period last year at 1241 although the increase was predominantly through a rise in noise complaints. The only other significant increase was in the category which captures rubbish, fire hazards, abandoned vehicles, freedom camping or other requests for service.
- 1.4 Despite the impact complaint response has on the department it continues to operate its targeted monitoring programmes which focus efforts on the range of activities seen as significantly impacting on the district either in terms of resource use, environmental effects or community interest. Over the 2015/16 year a total of 2710 resource consents and targeted permitted activities were monitored. Compliance with conditions or plan rules was high this year with 2361 (87%) recording a full compliance grade and of those not meeting conditions, 349 or (13%) were classified as minor non-compliance with no action required.
- 1.5 During the year Council undertook a number of enforcement action for breaches of consent, plan rules or regulations with 43 abatement notices, 49 infringements fines and one prosecution initiated during the period.

**2 Draft Resolution**

**That the Environment and Planning Committee receives the Annual Compliance and Enforcement Summary Report REP16-09-03**

### 3 Purpose of the Report

- 3.1 This report summarises Tasman District Council's Compliance & Enforcement Departments programme of work and achievements for the period 1 July 2015 to 30 June 2016. The report outlines consent monitoring performance and complaint and enforcement response over the period and serves in part to meet Council's obligations under section 35 of the Resource Management Act 1991.
- 3.2 This annual report does not attempt to report on effectiveness and implementation of the Tasman Resource Management Plan (TRMP) rules, resource consents, or state of the environment monitoring.
- 3.3 The structure of the report is as follows:
- Section 2 Outlines current compliance structure and programmes
  - Section 3 Reports on performance with consent/permitted activity monitoring
  - Section 4 Reports on complaint response for the period
  - Section 5 Reports on enforcement activity for the period

### 4 Compliance Monitoring Programmes

- 4.1 Tasman District Council continues to operate targeted monitoring programmes which focus efforts on the range of activities seen as significantly impacting on the district either in terms of resource use, environmental effects or community interest. While noise and associated monitoring falls within these programmes it is carried out by another department of Council and is not covered in this report.
- 4.2 Targeted monitoring programmes allow for structured and consistent effects based monitoring and more efficient use of limited resources. They also provide the ability to report individual compliance performance with rules or resource consents along with district wide activity performance. This allows ability to better identify trends and issues and respond with additional resourcing or enforcement strategies.
- 4.3 Currently the Department consists of seven warranted officers and an administrator under the direction of a Co-ordinator. Compliance Officers are assigned and have direct responsibility for managing and reporting outcomes under their individual portfolios. Each Compliance Officer holds a number of portfolios.
- 4.4 These monitoring programmes are subject to periodic review and this is due to be undertaken later this year. The current suite of monitoring programmes is listed below in Table 1.

| RMA Section | Compliance Programme              |
|-------------|-----------------------------------|
| 9           | Land based aggregate extractions. |
|             | Remote Signage                    |
|             | Mining                            |
|             | District Land Use                 |
|             | Land disturbance                  |
|             | Forestry                          |
|             | Hazardous Facilities (HF)         |
|             | Bores                             |

| RMA Section | Compliance Programme                      |
|-------------|---|
| 12          | Aquaculture                               |
|             | Moorings                                  |
|             | Coastal Structures and occupations        |
| 13          | Waterway structures                       |
|             | River works/gravel extractions            |
|             | Diversions/flood protection               |
| 14          | Consented surface water takes             |
|             | Groundwater takes                         |
|             | Hydroelectric generation                  |
| 15          | Dairy Shed Effluent - Permitted/Consented |
|             | On - site Domestic Wastewater             |
|             | Consented air discharges                  |
|             | Richmond Airshed                          |
|             | Stormwater discharges                     |
|             | Chemicals/pesticide discharges            |

Table 1: Current monitoring programme in Tasman District

- 4.5 Underlying each programme is a subset of target monitoring areas based on their risk, history of performance or need for wider data reporting. These activity targets cover both consented and permitted activities occurring in the district. Table two below outlines some of these specific targets in detail.

| Programme                       | Activity Targets   |
|---------------------------------|--|
| Land based Aggregate extraction | Working extraction size, discharges, backfill  |
| Forestry                        | Earthworks and Tracking, Sediment discharge controls and structures                                  |
| Land Disturbance                | Earthworks, Sediment and erosion controls, Plan approvals  |
| On site Wastewater Systems      | Discharge quality, installation documentation  |
| Aerial 1080 discharges          | All consent conditions   |
| Water Metering                  | Groundwater and surface-water meter returns, meter regulations, DWTF data inputs                     |
| Farm Dairy effluent             | Dairy effluent disposal - TRMP rules and consent conditions  |
| HF Sites                        | Air, land and water discharge consents   |
| Fish processing plants          | Water discharge consents, land use consents  |
| Council Global Activities       | Earthworks, River works, Wastewater treatment plants<br>Coastal works permits, Biosolids/solid waste |

Table 2: Tasman District Council Compliance programme activity targets

- 4.6 Compliance officers responsible for these programmes develop a comprehensive strategy of programme and data management. They are also required to develop an effective working relationship with industry and users and participate in liaison committees if set up.

### Compliance Grading

- 4.7 At the completion of any consent monitoring a grade is assigned reflecting the status or level of compliance. This grading system provides assistance to the compliance section in determining monitoring and enforcement response strategies for individual consent holders and also across activity sectors. This year the grading has been simplified to five from the previous eight with improved explanatory text.

|   |                                   |  |
|---|-----------------------------------|--|
| 1 | <b>Full compliance</b>            | Compliance with all relevant consent conditions achieved at time of inspection or audit.                                     |
| 2 | <b>Non Compliance: No action</b>  | Non-compliance with consent conditions with no or minor actual environmental effects and no action required.                 |
| 3 | <b>Non Compliance: Action</b>     | Non-compliance with consent conditions with minor to moderate adverse effects and where action is required.                  |
| 4 | <b>Significant Non-compliance</b> | Non-compliance with conditions where there is actual or potential <u>significant</u> adverse effects and action is required. |
| 5 | <b>Not Monitored</b>              | Consent not monitored at time of being exercised and compliance with conditions unable to be determined or not required.     |

Table 3: Compliance grading bands

### 5 Summary of Consent and Permitted Activity Monitoring in Tasman District 2015/16

- 5.1 Over the 2015/16 year a total of 2710 resource consents and targeted permitted activities were monitored. This includes consented water takes which were traditionally excluded from these figures given their separate reporting.
- 5.2 Compliance with conditions or plan rules was high with 2361 (87%) recording a full compliance grade. Of the 349 (13%) that failed to achieve compliance with one or more consent conditions 241 (69%) of these were graded as nil or minor adverse effect (grade 2) and requiring no further enforcement action. Many of these are technical non-compliances such as failure to submit documents or to notify according to conditions of consent. The remaining 108 (31%) recorded non-compliance requiring some type of action and were therefore scaled as moderate or significant depending on the level of offending and environmental effects. A breakdown of the 108 shows that 86 were graded as moderate and 22 were graded significant.

| <b>Compliance Rating</b>                       | <b>2015/16</b> |
|--|----------------|
| 1. Fully complying                             | 2361           |
| 2. Non-compliance. Nil or minor adverse effect | 241            |
| 3. Non-compliance. Moderate adverse effect     | 86             |
| 4. Non-compliance. Significant adverse effect  | 22             |

Table 4: Consent and targeted permitted activity compliance performance for current year including comparison to the previous year

- 5.3 The following table is a breakdown of the number of consents monitored per consent type under the agreed programme.

| <b>Consent Type</b>                        | <b>Number Monitored</b> |
|--|-------------------------|
| District Land Use                          | 547                     |
| Coastal Disturbance                        | 5                       |
| Coastal Marine Farm                        | 14                      |
| Coastal Occupation/Structure               | 23                      |
| Coastal Discharge                          | 3                       |
| Discharge - Air                            | 21                      |
| Discharge - Land                           | 536                     |
| Discharge - Water                          | 47                      |
| Regional Land Use - Bore                   | 17                      |
| Regional Land Use - Disturbance            | 70                      |
| Regional Land Use - Excavate               | 1                       |
| Regional Land Use - Gravel Extraction      | 11                      |
| Regional Land Use - Hazardous Facilities   | 13                      |
| Regional Land Use - Dam                    | 5                       |
| Regional Land Use - Watercourse            | 17                      |
| River Bed - Activity on Surface            | 3                       |
| River Bed - Culvert/Bridge/Ford Structures | 3                       |
| River Bed - Dam & Weir Structures          | 5                       |
| River Bed - Entering & Passing Across      | 1                       |
| River Bed - Other Activities               | 2                       |
| River Bed - Other Structures               | 4                       |
| Water - Divert                             | 9                       |
| Water - Dam                                | 5                       |
| Water Take - Surface/Underground           | 1376                    |
| Water Take - Moutere Domestic              | 110                     |

Table 5: Consent numbers monitored per consent type.

### **Notable Industrial and Regional Consents**

- 5.4 The following section outlines the monitoring of some of the larger or more notable consented activities that occurred around the district during the period.

#### **1080: Sodium Monofluoroacetate Operations**

- 5.5 During the 2015/16 period several 1080 aerial operation was run in the district. The operations were undertaken principally in July by T.B Free NZ. The operations occurred in Department of Conservation blocks in the Anatori, Patarau and Cobb areas as well as an operation in the Nuggety Creek area near Murchison.

All these operations were actively monitored by the Compliance Department with officers on hand to ensure compliance with conditions. All operations were in full compliance with consent conditions.

### Herbicide Spraying Programmes

5.6 Both Tasman District Council and NZ Transport Agency undertook a range of roadside vegetation spraying operations around the districts roads. These areas are identified through resource consents which carry a sweeping range of conditions in regards to the undertaking and reporting of operations.

Both consent holders exercised these consents over the period and met all conditions.

5.7 During the period the Department of Conservation also undertook a spraying operation around the Lake Rotoroa wetland. This involved the use of herbicides to control target pest species in the wetland and was undertaken under a strict set of consent conditions.

### Wastewater Treatment Plants (WWTP)

5.38 The largest wastewater treatment plant operating in Tasman district is on Bells Island managing effluent from Nelson and Tasman. The consent holder is the Nelson Regional Sewage Business Unit (NRSBU), a joint venture between Nelson City Council and Tasman District Council. Treated effluent is discharged into the Waimea Estuary and biosolids are applied onto Tasman District Council forested land on Rabbit Island. NRSBU hold a number of discharge consents to land, air and the coastal marine area. Extensive monitoring is required and results supplied to Council.

- NRSBU Bells Island - Discharge to Waimea Estuary

5.9 Resource consent allows the discharge of up to 25,000 m<sup>3</sup> of treated effluent per day into the Waimea Estuary. Conditions of the resource consent require sampling of effluent quality on a monthly basis. Routine sampling reports were received as required and results were compliant with consent limits.

- NRSBU Bells Island - Discharge to Air

5.10 No incidents and fully complying with consent limits.

- NRSBU - Discharge of Biosolids on Rabbit Island

5.11 Resource consent allows the discharge of stabilised sludge to approximately 1000 hectares of forest land on Rabbit Island on a rotational basis. Consent conditions require sampling of effluent, groundwater quality, and soil contaminant concentrations on the irrigated land.

5.12 A full report including trends is required to be submitted every six years on anniversary of consent. The six yearly report was received in 2014 and nothing is due this year.

#### Collingwood WWTP

5.13 The Collingwood township WWTP discharges treated effluent into the Burton Ale Stream. The resource consent requires a range of monitoring including periodic surface water monitoring. The consent holder is required to provide sampling data and annual reports.

5.14 All sampling data and annual reports for this period received. Minor to moderate non-compliance recorded on some sampling results over the period mainly with suspended solids.



The non-compliance has been noted and matters have been followed with the consent holder. No formal enforcement action has been required.

#### Takaka WWTP

- 5.15 The Takaka WWTP currently serves Takaka. A consent allows the discharge of 700 m<sup>3</sup> of effluent via rapid infiltration basins. All sampling data and annual reports received as required. No non-compliance recorded during this period.

#### Upper Takaka WWTP

- 5.16 Upper Takaka Wastewater Treatment Plant is a small system that services approximately 26 households and discharges treated effluent into land via a single pond and marsh cell system. All sampling data and annual reports for this period received as required.
- 5.17 Consistent minor non-compliance recorded due to exceedances in the discharge volumes. This system continues to be highly susceptible to inflow and infiltration from the private lateral connections during rainfall events, and when the groundwater table is high. The Compliance Department is monitoring the situation but environmental effects are considered to be minor and no formal enforcement action has been required at this stage.

#### Motueka WWTP

- 5.18 The Motueka WWTP services the township of Motueka and surrounding areas and the resource consent allows for a maximum of 10,000 m<sup>3</sup> of effluent per day to be discharged through a wetland system. The current consent has a short duration (expiring in 2018) and allows for the discharge while redesign and upgrades are finalised.
- 5.49 All reports and sampling results received as required. Consistent moderate non-compliance recorded through exceedances in the discharge volumes and some quality measures. The Compliance Department has been following these issues up with the consent holder but recognises that there are underlying problems with the system that can only be properly addressed with the planned upgrade. No formal enforcement action was undertaken during this period.

#### Tapawera WWTP

- 5.19 Tapawera's wastewater treatment plant is a small system servicing the township. The consent allows a maximum discharge of up to 500 m<sup>3</sup> per day. All reports and sampling results received as required. No issues recorded.

#### Murchison WWTP

- 5.20 The resource consent allows for a maximum of 500 m<sup>3</sup> of effluent per day to be discharged into the ground via infiltration trenches. Five bores monitor for groundwater effects and consent conditions require a range of monitoring including plant performance and ground water monitoring.
- 5.21 All reports and sampling results received as required. Consistent minor to moderate non-compliance recorded due to exceedances in *E.coli* in groundwater bore sample results throughout the year and also some flow exceedances in high rainfall. As upstream sample bores are also elevated it is likely that stock are having an effect on sampling results and no action is anticipated at this stage however the Compliance Department is monitoring this.

## St Arnaud WWTP

- 5.22 The resource consent allows the discharge of up to 290 m<sup>3</sup> per day of effluent from a single aerated oxidation pond feeding a two stage marsh cell and discharge to land. The annual report and sampling results have been received and are compliant.

**Landfills and Transfer Stations**

- 5.23 Tasman District Council operates a single land fill and a number of transfer stations in the District under various resource consents.

## Eve Valley Landfill

- 5.24 Eves Valley has been operating as an engineered, sanitary landfill since 1989. Stage 1 was capped and closed in 2001. Stage 2 of the landfill covering 4.5 ha is currently operational. Eves Valley has resource consents to:

- Discharge up to 40,000 m<sup>3</sup> of refuse annually into the ground.
- Discharge treated stormwater from stages 1 and 2 of the landfill, via settling ponds, to an unnamed tributary of the Eves Valley Stream.
- Discharge contaminants to air including dust, odour, landfill gas, and if required, flared landfill gas.

These consents are up for renewal but that process is on hold and the site operates under its old consents in the interim. Annual reporting is required which covers the range of performance conditions including site management and ground/surface water sampling.

- Discharge to Land
- 5.25 Reports received. All sampling and reporting conditions met over the period. Some minor exceedances in certain measures detected in some ground water bore results. No follow up required.
- Discharge Stormwater
- 5.26 Report received. All sampling and reporting conditions met over the period. Issues of non-compliance with respect to several leachate discharge into the Eves Valley stream during high rainfall events with minor effects. Additional work was subsequently undertaken which is expected to resolve this matter. Also issues with silt from the stormwater settling pond during high rainfall events with some minor effects. Compliance Officers continue to work with the consent holder on this matter.

- Discharge to Air

- 5.27 Annual report received. No issues.

**Scott's Quarry Transfer Station: Takaka, Golden Bay**

- 5.28 Scott's is subject to two resource consents for the land use for a transfer station and discharge of stormwater. Consents require a comprehensive range of ground and surface water quality sampling and site management.
- 5.29 All sampling received as required although Annual Report received late. No issues of non-compliance in sampling results.

**Richmond Transfer Station**

- 5.30 Richmond transfer station is the largest of the transfer stations in the district. The site is subject to the conditions of a consent allowing the discharge of stormwater to the Coastal Marine Area.
- 5.31 Quarterly sampling results and annual report received albeit late. No discharge exceedances however some minor non compliances detected regarding maintenance of the flume and some waste storage.

**Mariri Transfer Station: Motueka**

- 5.32 Mariri transfer station services the area of Motueka and surrounding areas of the Moutere and Mapua/Ruby Bay. The site is subject to a discharge of stormwater consent with conditions requiring sampling and annual reporting. All reporting has been provided as required. Non-compliance recorded where septic tank overflow occurred during heavy rain. This was responded to at the time by consent holder with pump out and containment.

**Murchison Recovery Centre**

- 5.33 This site is on the former landfill and operates two consents for discharge to air and stormwater. Full compliance achieved.

**TIMBER TREATMENT PLANTS****Nelson Pine Industries Ltd**

- 5.34 Nelson Pine Industries Limited operates a MDF and LVL plants at Lower Queen Street, Richmond and holds a suite of consents including air, stormwater and hazardous facility. During the 2015/16 year NPI undertook all monitoring as required under their consents and supplied the results to Council. No issues of note recorded.

**Carter Holt Harvey**

- 5.35 Carter Holt Harvey (CHH) operates a sawmill complex at Eves Valley. The company holds a suite of consents including air, stormwater and hazardous facility. All reporting has been complied with. All compliant with the exception of sampling bores established with consent to discharge to Eves Valley Stream from Woodshed Creek have recorded two instances of elevated Aluminium above consent limits. This occurs in the summer period with low groundwater and monitoring continues to establish cause.

**AICA Limited**

- 5.36 AICA Limited operates a phenol and formaldehyde resin plant at Lower Queen Street, Richmond. The company holds resource consent to discharge contaminants into the air from the production of phenol and formaldehyde resins and resource consent to discharge stormwater into the Waimea Estuary. During the 2015/16 year no exceedances were recorded in concentrations of formaldehyde or the other measures required under consents.

**Goldpine Industries**

- 5.37 Goldpine Industries operates a CCA and Alkaline Copper Quat (ACQ) timber treatment plant on the floodplain of the Upper Motueka River. Goldpine Industries hold a large number of consents for this site including, discharge of stormwater, air discharge, hazardous substance and other land use consents.
- 5.38 All reports and sample data received.

**Hunters Laminates 2014 Limited**

- 5.39 Hunters Laminates 2014 Limited operates a timber processing facility at Beach Road in the Richmond industrial area. The primary product is laminate timber products.
- 5.40 The company holds resource consents to discharge stormwater and hazardous substance storage. Resource consent conditions for this site include a comprehensive range of tiered sampling and reporting clauses.
- 5.41 Annual report and sampling results are outstanding and the Compliance Department is following up with the new owner who manages this site since taking over early this year. Further enforcement action may be forthcoming.

**Prime Pine**

- 5.42 Prime Pine operates a timber processing and treatment facility in the Little Sydney Valley. This site is a CCA treatment plant and holds a suite of consents associated with the operation including stormwater discharge, air and hazardous facility.
- 5.43 A summary of stormwater and sediment sampling received. No issues.

**DAIRY PROCESSING FACTORIES****Fonterra Co-operative Group**

- 5.44 Fonterra Co-operative Group Limited own and operate two milk processing factories located in Brightwater and Takaka.

**Takaka Plant**

The Takaka factory holds a suite of consents related to its operation including:

- Consent to discharge combustion products, odours and particulate matter into the air;
- Consent to discharge wastewater and whey onto land;
- Consent to discharge wastewater and whey into the Takaka River during flood flow;
- Consent to take groundwater.

- 5.45 As part of the resource consent conditions authorising the various discharges, the company is required to supply various reports on performance at specified periods. The company has complied with reporting during the 2015/16 period. Some recorded incidence of non-compliance with soil sampling at required frequency. No action required.

**Brightwater Plant**

- 5.46 The Brightwater factory produces hold consents for:

- Resource consents to discharge combustion products, odours and particulate matter into the air;
- Resource consent to discharge stormwater and uncontaminated cooling water;
- Resource consent to store hazardous substances;
- Resource consent to take groundwater.

- 5.47 As part of the resource consent conditions authorising the various discharges, the company is required to supply various reports on performance at specified periods and the company has provided the required reports albeit late. Some other minor non-compliance recorded with

respect to the discharge consent around data logger failure. This non-compliance does not require further enforcement action.

## FISH PROCESSORS

### Talley: Port Motueka

- 5.48 Talley's operate a fish processing, fishmeal and ice cream factory at Port Motueka. The company holds a suite of consents
- 5.49 These consents are all up for renewal and applications have been lodged which are currently being processed. In the interim the existing conditions prevail.
- 5.50 During this period a number of instances of non-compliance were detected around the consented discharges including discharge quality and timely submitting of sampling data and other reporting. The Compliance Department is currently following this up with the consent holder.

### Salmon Farms

- 5.52 Two freshwater salmon farms operate in Golden Bay. New Zealand King Salmon (NZKS) is located on the banks of Waikoropupu (Pupu springs) River and Anatoki Salmon is located on the banks of the Anatoki River. Both companies have a variety of resource consents relating to:
- Diverting and taking of water;
  - Structures in waterways; and
  - Discharge of water and contaminants into receiving waterways.
- 5.53 Both salmon farms are required as part of their discharge consent conditions to supply annual reports on discharge quality. The reports are to detail what effects the discharge may be having on the receiving water quality and macroinvertebrate communities.
- 5.54 During the 2015/16 year both companies undertook all monitoring as required under the consent and supplied annual reports.
- 5.55 NZKS fully complied with their reporting although noted that several sampling dates were missed or late due to oversights with staff changes. No action required.
- 5.56 Anatoki Salmon has supplied results and annual reports for the various consents they hold. The discharge of water from the salmon pond continues to fail in quality since the damage from the flood several years ago. The consent holder is working to mitigate this through the consent renewal currently underway.

## 6 Complaints Action 2015/2016

- 6.1 The Compliance Department provides 24-hour complaint response and each year investigates a wide range of activities as a result of public complaints. During the 2015/16 year a total of 2,141 complaints were received by Council related to the RMA or Litter Act up from the 1,860 in the previous year. Overall this represented a 15% increase on the previous year. Figure 1 displays the trend in complaint numbers in Tasman district over last five years.

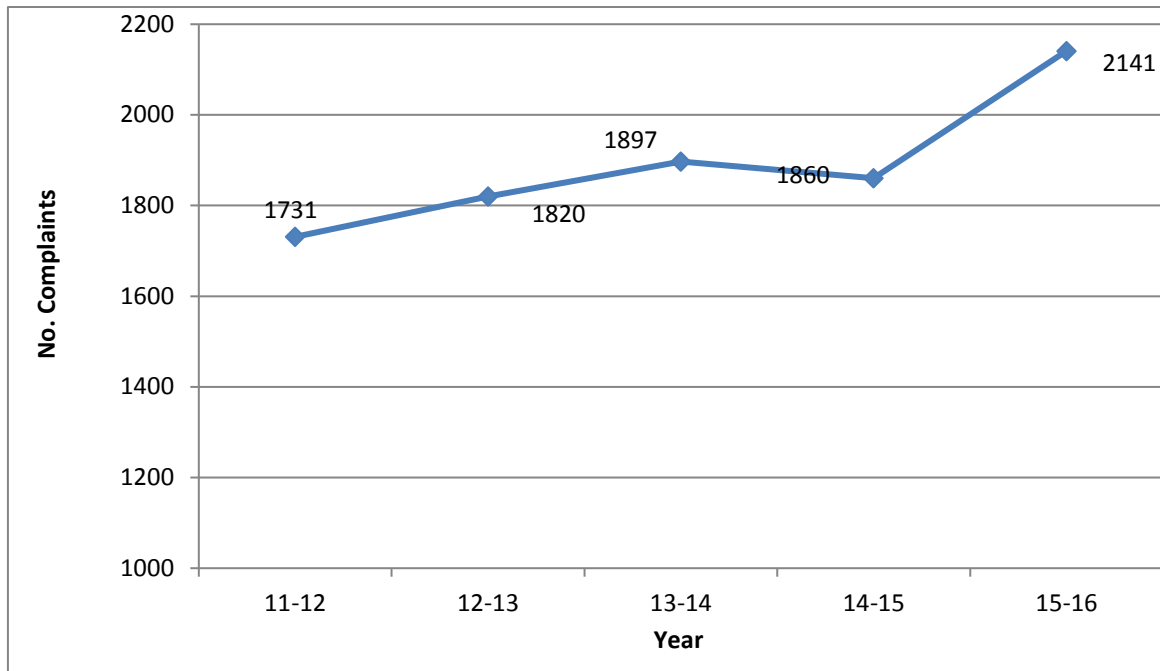


Figure 1: Trend in complaint numbers in Tasman district over last five years

6.2 The following graph provides a simple summary of these complaint numbers broken down into the eight standardised complaint categories used in this annual report summary.

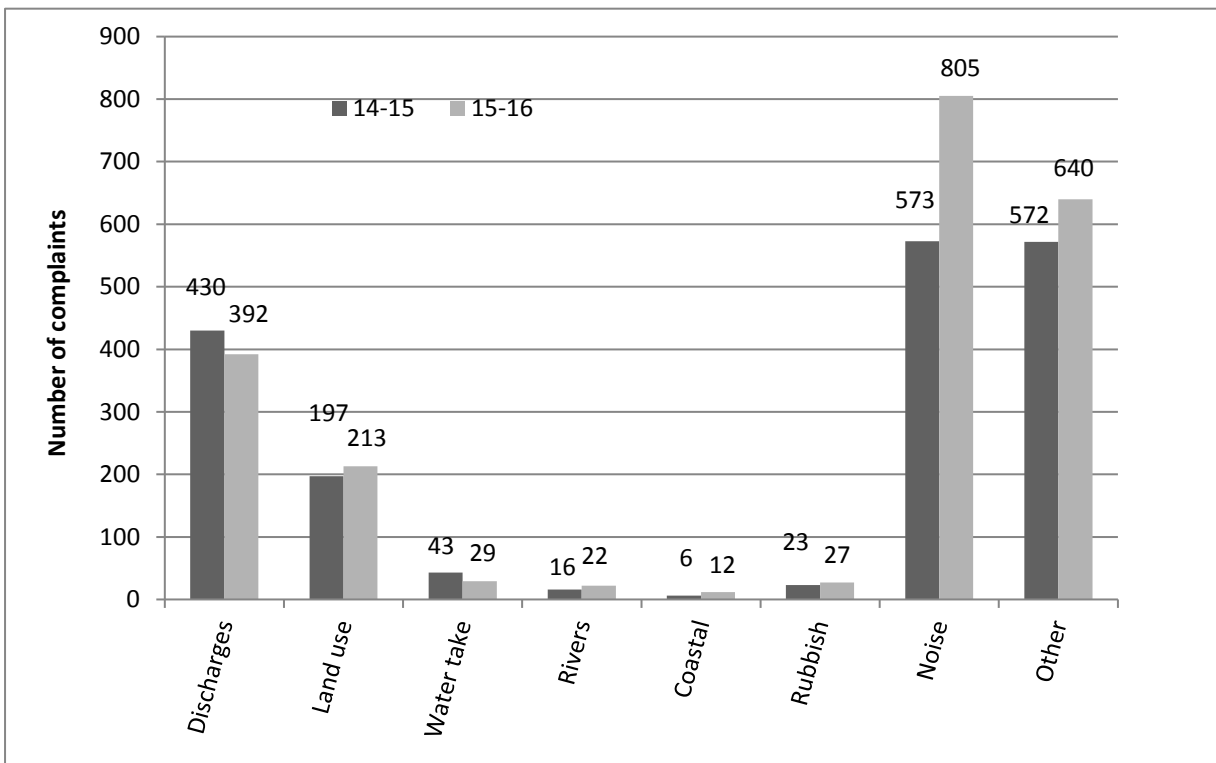


Figure 2: Number of complaints received in comparison to previous year by general category

The results show a jump of 281 or a 15% increase in complaints from the previous year. Of this 232 were related to noise such as music/party noise, construction activities and machinery. Of the remainder the following was noted;

Discharges

- 6.3 There was an overall decrease in this category including smoke, odour and dust which are invariably the areas that Council typically receives a lot of complaints about. However, while they were down on last year these categories still represented the biggest number of complaints received across the board. While widely spread smoke effect from outdoor burning in Motueka and Riwaka did feature prominently. There was one area that did see an increase in complaints and that was stormwater although no pattern was apparent nor any association with any particular event or area.

#### Land Use

- 6.4 Land use saw an overall 8% increase in complaints compared to last and while many of the sub categories actually decreased complaints around land disturbance doubled. There is no real pattern with the complaint data and the nature and location of the activities was varied and spread across the district. Outside land disturbance the only other category with any upward trend was complaints around buildings and structures with sheds, fences and containers in the residential and rural residential zones featuring highly.

#### Water

- 6.5 A prominent decrease in complaints recorded within this category likely due to the periodic rainfall events that occurred over the irrigation period which gave relief from the rationing stages.

#### Rivers

- 6.6 No meaningful change in this area with only a slight increase in complaints about disturbance of the bed mostly associated with small scale gold recovery operations and some minor permitted activity gravel takes.

#### Coastal

- 6.7 Not many complaints received for coastal activities or structures during the year. Of those received most were associated with some small scale disturbance of foreshore or estuarine tidal areas around the Motueka and Jackett Island areas.

#### Noise

- 6.8 While there was an significant increase in noise complaints this activity is reported through the Regulatory Section it is not covered here.

#### Other

- 6.9 The category of other includes rubbish enforcement, fire hazards, abandoned vehicles, freedom camping or other requests for service. A sharp increase here is as a result of various activities and requests for service. Also during this period the posting out of Annual charges for consent holders prompted a number of enquiries or complaints regarding processes and fees which were attended to at the time.

## **7 Enforcement Action**

- 7.1 One of Council's key measures of performance is timely resolution of non-significant compliance with respect to breach of consent conditions. Significant non-compliance is graded as 4. Timely resolution is defined as 80% resolved within nine months and 95% resolved with 12 months.

- 7.2 During the 2015/16 reporting year a total of 33 consents were subject to this measure either as carry over from the last period or detected within this current year (see Table 6). All were resolved within 12 months and the majority well within the nine-month measure.

|  | Number of actions | Resolved (nine months) | Resolved (12 months) |
|--|-------------------|------------------------|----------------------|
| Non compliances recorded and resolved this current period                      | 21                | 21                     | N/A                  |
| Non compliances carried over from the previous year subject to measure*        | 12                | 11                     | 1                    |
| Non compliances with nine and 12 month deadline beyond this reporting period** | N/A               | N/A                    | N/A                  |
| Total  | 33                | 97%                    | 100%                 |

Table 6: Resolution of non-significant compliance with respect to breach of consent conditions

#### NOTES

\*Significant non-compliances carried over from the previous year report where those non-compliances were identified in that period but resolution dates fell beyond.

\*\*Represents significant non-compliances recorded in the reporting period, not yet resolved and where the 9 and 12 month measures fall beyond this current reporting period. These will be reported on in the next annual report.

- 7.3 During the 2015/16 year Council compliance officers undertook a range of enforcement actions in response to detected non-compliance or breaches. Table 7 provides an overall summary of enforcement action taken including against the same period last year. It should be noted that enforcement action includes response to breaches of consent conditions, non-compliance with rules for a permitted activity in the TRMP, or infringements against the Litter Act.

| Enforcement action   | 2015-16 | 2014-15 |
|----------------------|---------|---------|
| Abatement notices    | 43      | 32      |
| Infringement notices | 49      | 42      |
| Enforcement orders   | 0       | 0       |
| Prosecutions         | 1       | 0       |

Table 7: Summary of Enforcement action during the 15/16 year including comparison data for previous year

#### Abatement Notices

- 7.4 A total of 43 Abatement notices were issued by the Compliance Department over the period the details of which are contained in the following table. It should be noted that this data excludes those abatement notices issued under Section 16 (noise) by the Regulatory



department but does include those issued by this department in relation to consent condition breaches where noise was the non-complying factor.

- 7.5 Abatement notices for unauthorised discharges featured highly in this year's data and the majority of these were associated with domestic wastewater non-compliance with conditions of consent. Typically, these were failures in undertaking sampling, servicing or providing necessary as built documents. The remainder were for a range of breaches of consents or plan rules predominantly with land use activities but also for several unconsented coastal structures and an non complying surface water take.

| <b>RMA Section</b>        | <b>Number issued</b> |
|---------------------------|----------------------|
| Section 9 - Land use      | 9                    |
| Section 12 - Coastal      | 4                    |
| Section 13 - Rivers/Lakes | 0                    |
| Section 14 - Water        | 1                    |
| Section 15 - Discharges   | 26                   |
| <b>Total</b>              | <b>43</b>            |

Table 8: Number of Abatement Notices relative to each section of the RMA (Sec 9 - 15)

### Infringement Fines

- 7.6 During the period a total of 49 infringement fines were issued for breaches against the Resource Management Act or Litter Act as outlined in the following table including method of recovery

| <b>Resource Management Act 1991</b>   | <b>Number issued</b> | <b>Paid</b> | <b>Court for recovery</b> | <b>Withdrawn</b> |
|---|----------------------|-------------|---------------------------|------------------|
| Contravention of section 9 - (Land use)                                       | 4                    | 4           | 0                         | N/A              |
| Contravention of section 12 - Coastal   | 1                    | 1           | 0                         | N/A              |
| Contravention of section 13 - (Rivers)  | 0                    | N/A         | N/A                       | N/A              |
| Contravention of section 14 - (Water)   | 6                    | 4           | 0                         | 2                |
| Contravention of section 15(1) (b) (Discharge Land - May enter water)         | 5                    | 4           | 1                         | N/A              |
| Contravention of section 15(1)(c) (Discharge - Industrial Premises into air)  | 1                    | 1           | N/A                       | N/A              |
| Contravention of section 15(1) (d) (Discharge - Industrial Premises to land)  | 3                    | 3           | N/A                       | N/A              |
| Contravention of section 15(2A) - (Discharge Air - breach rule or regulation) | 2                    | 1           | 1                         | N/A              |
| Contravention of an abatement notice  | 4                    | 2           | 2                         | N/A              |
| <b>Litter Act 1979</b>  |                      |             |                           |                  |
| Deposit and Leave Litter  | 21                   | 2           | 16                        | 3                |

|                                   |           |           |           |          |
|-----------------------------------|-----------|-----------|-----------|----------|
| Fail to comply with Litter Notice | 2         | 0         | 2         | N/A      |
| <b>Total</b>                      | <b>49</b> | <b>22</b> | <b>22</b> | <b>5</b> |

Table 9: Infringement notices by type and outcome

### Enforcement Orders

7.7 No enforcement orders were active or sought during this period.

### Prosecutions

7.8 One prosecution was initiated in this period however the matter has not been before the Court and details cannot be reported

## 8 Future Strategies

8.1 A comprehensive review of the Compliance monitoring work programme is due for finalisation in the next few months. The principle purpose of the review is to confirm that we have identified the right core activity areas in which to put our limited resources and are meeting defined objectives using correct measures. It is also an opportunity to better define the framework used to identify these priority areas and thus provide a more intuitive, demand and risk focused priority strategy. The expected result from this is:

- Better delivery of resources into projects identified as significant to the environment, the community or of national importance
- Improved flexibility and scope to change to demands and shifting expectations.
- Better delivery of outcomes in key areas by targeted efforts.
- A mechanism to define appropriate monitoring regimes
- A more robust auditable system
- A monitoring strategy that is consistent with the regional council national initiative and the guidelines within Australasian Modern Regulator Improvement Tool (MRT)

8.2 Emphasis is also on improving our data capture and reporting processes in order to meet increasing needs for central government reporting, particularly in the area of water management and a lot of work is going into this administrative role at present. A new database for water is ready to be rolled out in November. Likewise, continuous improvements in consent monitoring data capture and reporting are being developed under the current database however other options are also being reviewed to ascertain better fit products.

8.3 Finally, the national Compliance and Enforcement strategic guidelines have been finalised by the Regional Council working group. The purpose of this is to give clear and consistent policy and practices for regional councils in the development and implementation of monitoring and enforcement policies. The finalising of this framework will tie in with the review currently being undertaken here and a presentation of this is hoped to be available to the Committee by the end of the year.

## 9 Conclusion

9.1 As with every year complaint response continues to be first priority and a considerable amount of time is spent responding to the public. As always this does have an impact on

the more proactive consent monitoring work however it is essential that Council responds to public and community concerns first and foremost.

- 9.2 Only one prosecution was initiated during the period but due to the fact that the charges are not yet before the court little other detail can be reported on in this summary report.
- 9.3 On the monitoring side the water metering and Dairy programme along with the wastewater have continued to advance and the work going into these significant monitoring programmes has seen continuing improvement in compliance performance and environmental outcomes. Some of the larger industrial activities are also seeing closer monitoring particularly those with a hazardous facility rating due to their risk profile.
- 9.4 Finally work will continue in developing the databases, not only to aid in managing and improving the compliance work outputs but also to improve reporting functionality both for internal reporting but also the ever increasing demands for national reporting.

|                       |
|-----------------------|
| <b>10 Attachments</b> |
|-----------------------|

Nil



**9.4 RESOURCE CONSENT MANAGER'S REPORT - JANUARY TO JUNE 2016****Information Only - No Decision Required**

|                       |                                       |
|-----------------------|---------------------------------------|
| <b>Report To:</b>     | Environment and Planning Committee    |
| <b>Meeting Date:</b>  | 1 September 2016                      |
| <b>Report Author:</b> | Phil Doole, Resource Consents Manager |
| <b>Report Number:</b> | REP16-09-04                           |

**1 Summary**

- 1.1 This report presents a summary of the performance of the Resource Consent Section regarding compliance with statutory timeframes for the full 12 months of the 2015-2016 financial year. It also summarises the current workload, and notable jobs that have been dealt with since my last report in January 2016; and provides a status update for appeals to the Environment Court on decisions made by hearing panels.
- 1.2 For the processing of 1,018 resource consent applications including variations to existing consents that were completed through the 12-month period, 99% compliance with statutory timeframes was achieved. The 1% completed out of time resulted in seven discounts being applied to processing fees.
- 1.3 There are currently five live appeals. They have all been to mediation during recent months and all are likely to be resolved by consent orders, without need for Court hearings.

**2 Draft Resolution**

**That the Environment and Planning Committee receives the Resource Consent Manager's Report - January to June 2016 report REP16-09-04**

### 3 Purpose of the Report

- 3.1 This report presents a summary of the performance of the Resource Consent Section regarding compliance with statutory timeframes for the full 12 months of the 2015-2016 financial year. It also summarises the current workload and notable jobs that have been dealt with since my last report in January 2016, and provides a status update for appeals to the Environment Court on decisions made by hearing panels.

### 4 Summary of Resource Consent Processing for 2015-2016 Financial Year

- 4.1 Table 1 below presents a summary of the various types of resource consent applications including for changes to existing consents, and other applications that were lodged during the 2014-2015 year, compared with previous years.

**Table 1: Applications Lodged During 2015-2016 Year**

| Category                  | 2010-11     | 2011-12     | 2012-13     | 2013-14     | 2014-15     | 2015-16     |
|---------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Coastal                   | 21          | 16          | 55          | 36          | 17          | 27          |
| Discharge                 | 202         | 133         | 152         | 171         | 231         | 184         |
| Water                     | 247         | 134         | 173         | 189         | 349         | 258         |
| Land Use District         | 478         | 548         | 474         | 438         | 480         | 540         |
| Land Use Regional         | 31          | 42          | 35          | 36          | 39          | 26          |
| Subdivision               | 137         | 151         | 120         | 130         | 131         | 126         |
| Certificate of Compliance | 10          | 6           | 4           | 7           | 3           | 4           |
| Designation               | 4           | 0           | 2           | 0           | 5           | 1           |
| Outline Plan              | 15          | 14          | 6           | 8           | 15          | 16          |
| Rights of Way             | 13          | 8           | 6           | 12          | 12          | 15          |
| <b>Totals</b>             | <b>1158</b> | <b>1052</b> | <b>1027</b> | <b>1027</b> | <b>1319</b> | <b>1197</b> |

**Notes to Table 1:**

*The numbers of applications listed include variations to existing resource consents. To date 50 of the applications lodged during the 2015-2016 year have been withdrawn, cancelled, or replaced. Over 60 applications had to be returned because they were incomplete, most of which were re-lodged and completed (compared with 56 returns in 2014-15).*

- 4.2 The overall number of applications received in the 2014-15 year was high because of the renewal of 260 water permits for the Motueka groundwater zones, about double the previous numbers for zone renewals. There was also a surge that year in the number of discharge permits required for rural subdivisions. Those consent types dropped back in numbers over the past 12 months, but there has been another surge in District land use applications.
- 4.3 Other work related to resource consents includes the two subsequent approval steps for subdivisions, known as section 223 and section 224 approvals. During the 2015-2016 year, 88 title plans were approved; and 90 certificates were issued for completed subdivisions. These figures are around 10% lower than last year, but they included several large

residential developments involving stages, confirming the continuing surge in subdivision developments.

- 4.4 Several applications to extend the lapse date for existing consents have also been received - the default lapse period is five years. All of these applications have been granted. [Refer Section 9 of this report, also.]
- 4.5 Tables 2 and 3 present summaries of the various types of consent applications for which processing was completed (ie, decisions made) during the 2015-2016 year, showing average and median processing days, and degree of compliance with statutory timeframes. The previous year's results are also shown.

**Table 2: Timeliness of Non-notified Applications**

| Non-Notified      | 1 July 2014 - 30 June 2015 |              |             |             | 1 July 2015 – 30 June 2016 |            |           |             |
|-------------------|----------------------------|--------------|-------------|-------------|----------------------------|------------|-----------|-------------|
|                   | Total                      | % On Time    | Avg Days    | Median Days | Total                      | % On Time  | Avg Days  | Median Days |
| District Land Use | 399                        | 99%          | 13          | 12          | 459                        | 99.5%      | 16        | 14          |
| Subdivision       | 121                        | 97%          | 25          | 23          | 111                        | 96%        | 29        | 22          |
| Coastal           | 33                         | 100%         | 19          | 17          | 13                         | 100%       | 18        | 13          |
| Discharge         | 136                        | 98%          | 18          | 16          | 143                        | 99.3%      | 32        | 24          |
| Regional Land     | 27                         | 100%         | 28          | 18          | 34                         | 97%        | 33        | 20          |
| Water Permits     | 293                        | 100%         | 12.5**      | 9**         | 230                        | 99.6%      | 20**      | 19**        |
| NOR/OP/CofC       | 19                         | 100%         | 10          | 7           | 19                         | 95%        | 11        | 6           |
| <b>Summary</b>    | <b>1028</b>                | <b>98.8%</b> | <b>16.5</b> | <b>15</b>   | <b>1009</b>                | <b>99%</b> | <b>19</b> | <b>19</b>   |

**Notes to Table 2:**

The numbers of applications shown include variations to existing consents which comprise 11.5% of the total (similar to previous years).

Variations to consent notices on titles are included in the District land use figures.

Right of way applications under the Local Government Act 1974 are excluded from this list – 15 were completed in 2015-2016.

Days shown are working days excluding all clock stops when processing is put on hold.

Thirty percent of the District land use consents were completed within 10 working days.

Forty-three percent of non-notified applications had time extensions applied in the 2015-2016 year, compared with 41% in 2014-2015. This number of extensions are partly due to the water permit renewals which are processed in bulk with the applicants' agreement.

\*\* Time extensions are included in the count of working days shown in Table 2, **except for** the bulk "renewals" of water take permits for which most of the applications were lodged three months or more prior to expiry of existing permits. The average and median times shown in the table for the water consents **exclude** those applications. Similar exclusions were made in the figures for 2014-2015.

**Table 3: Timeliness of Public and Limited Notified Applications**

| Notified          | 1 July 2014 - 30 June 2015 |             |           | 1 July 2015 - 30 June 2016 |             |            |
|-------------------|----------------------------|-------------|-----------|----------------------------|-------------|------------|
| Consent Type      | Total                      | % On Time   | Avg Days  | Total                      | % On Time   | Avg Days   |
| District Land Use | 16                         | 100%        | 86        | 7                          | 100%        | 150        |
| Subdivision       | 6                          | 100%        | 85        | 1                          | 100%        | 312        |
| Coastal           | 0                          | -           | -         | 3                          | 100%        | 203        |
| Discharge         | 33                         | 100%        | 93        | 11                         | 100%        | 212        |
| Regional Land     | 7                          | 100%        | 95        | 2                          | 100%        | 173        |
| Water Permits     | 6                          | 100%        | 97        | 4                          | 100%        | 216        |
| Designations      | 1                          | 100%        | 42        | 0                          | -           | -          |
|                   | <b>69</b>                  | <b>100%</b> | <b>90</b> | <b>28</b>                  | <b>100%</b> | <b>197</b> |

**Notes to Table 3:**

Days shown are working days excluding all clock stops when processing is on hold.

Eighty- six percent of the notified applications completed during 2015-2016 had time extensions applied, compared with 80% in 2014-2015. All time extensions are included in the count of working days.

The average working days are distorted by three proposals (involving a total of 16 consents) which were all deferred for long periods by the applicants. Those applications pre-date the RMA amendment that took effect in 2015 which now allows applicants to suspend the notified process.

Ten of these notified consents that did not require a hearing were processed in an average of 67 working days.

- 4.6 Forty-five percent (455) of all resource consent applications completed had Section 37 time extensions applied, 55% of those at the request of, or with agreement from the applicants. Twenty-two percent required a further information request (21% in 2014-2015).
- 4.7 Table 4 presents a summary of the decisions made on the 1,037 applications completed in 2015-2016 (as listed in Tables 2 and 3). Five hearings were required. Of the 28 publicly or limited notified applications, 10 were able to be granted without a hearing because all issues were resolved

**Table 4: Summary of Decisions**

| Decision makers                              | Number |
|--|--------|
| Granted by Committee                         | 2      |
| Granted by Independent Commissioners         | 21     |
| Granted under Delegated Authority            | 1012   |
| Declined under Delegated Authority           | 1      |
| Granted by Requiring Authority (Designation) | 1      |



**5 Discount Regulations**

- 5.1 The discount regulations that apply to Council's charges for processing resource consent applications require a "sliding scale percentage discount" of 1% for each day that processing goes over time, rising to a maximum 50% discount.
- 5.2 For the 2015-2016 year, there were seven non-notified applications involving nine consents and one Notice of Requirement (Designation) that were completed out of time, resulting in seven fee discounts. These discounts totalled **\$3,890** excluding GST (compared with \$3,000 last year). There have also been three other applications completed out of time since 30 June that resulted in discounts totalling **\$1,760** plus GST.
- 5.3 All of these discounts were caused by surges in workloads during the 12-month period, particularly from staff changes and gaps associated with two parental leaves which could not be entirely covered by temporary contracts.

**6 National Monitoring System**

- 6.1 Since last year, the details of our resource consent processing are now required to be sent annually to the Ministry for the Environment (MfE) as part of the National Monitoring System. The data is verified by MfE. The 2014-2015 results were made publicly available on the MfE website in May. We expect the same will occur with the 2015-2016 data.
- 6.2 Tasman was one of seven Councils selected for audit of our 2014-2015 returns. 4Sight Consulting based in Wellington were engaged by MfE to carry out the audits in April/May this year. They selected 25 of our consent files for the audit. We are yet to receive the final report. Feedback we have received indicates that our records of general resource consent information were found to be 100% accurate; but there were some inconsistencies in the way staff record processing timelines (such as further information or written approval requests) which we have taken steps to improve.

**7 Objections to Decisions made under Delegation**

- 7.1 One Objection carries over from 2014: it relates to a condition imposed on a subdivision proposal on Mapua Drive requiring upgrade of the road frontage in accordance with provisions of the Tasman Resource Management Plan (TRMP). That Objection is yet to be resolved and may require a hearing.
- 7.2 Three Objections in the past year resulted from the return of applications determined by staff to be incomplete. Two of those objections have been withdrawn. The third, relating to an application for a new water take at Mapua, was heard by a Commissioner in March: the Objection was dismissed.
- 7.3 An Objection has been received regarding the subdivision consent granted in July for the "Glass House Block" at the intersection of Wensley and Bateup roads in Richmond. The issues relate to expectations of the developer to be compensated for vesting of land for road widening and drainage reserve, plus two stormwater design matters. It is likely that the design matters can be resolved; however, the compensation matters will need to be heard if the consent holder pursues them.

|                          |
|--------------------------|
| <b>8 Current Appeals</b> |
|--------------------------|

- 8.1 Over much of the first six-months of 2015-2016 we were in the unusual situation of having no live appeals. However, five appeals have been lodged since December, as listed in Table 4 below.

**Table 5: Appeals**

| <b>Appellant</b>   | <b>Matter</b>  | <b>Status</b>   |
|--|--|---|
| R Pons<br><b>Other parties:</b><br>Tunley<br>Newnham & Palmer<br>Fish  | Subdivision consent with Private way access and associated discharges in the Rural Residential Zone.<br><br>Appealed by the applicant regarding conditions.  | Environment Court mediation held in May. Progress made on resolving issues.<br><br>Expected to be resolved by Consent Order.                      |
| Ngati Tama ki te Waipounamu Trust<br><b>Other parties:</b><br>Friends of Golden Bay Society Inc.   | Water permit granted to Gunsboro Ltd to take water from the Waingaro River, exceeding the informal limit for the Takaka zone.  | Environment Court mediation held in May.<br><br>Draft Consent Order has been sent to the Court.   |
| 1. Nelson Marlborough Fish & Game Council<br><br>2. TDC Engineering Services Department<br><b>Other parties:</b><br>Friends of Nelson Haven & Tasman Bay<br>Royal Forest & Bird Protection Society<br>Department of Conservation<br>Federated Farmers of New Zealand | TDC River Works: renewal of global consents.<br><br>Consents granted by Independent Hearing Commissioners.   | Environment Court mediation held in August.<br><br>Both of these appeals are expected to be resolved by Consent Order.                            |
| AN & MD Baigent<br><b>Other parties:</b><br>Roberts<br>Eder  | Consents granted in January 2014 with 20-year term to allow continued gravel extraction for enlarging water storage ponds off River Terrace Road, Brightwater.<br><br><b>Consents cancelled on review by Independent Commissioner.</b> | Environment Court mediation held in August.<br><br>Expected to be resolved by Consent Order – consents to be reinstated with reduced 5-year term. |

## 9 High Court Proceedings Regarding Extension of Consent Lapse Date

- 9.1 In February I granted a further lapse extension for a water permit granted in 2005 for a proposed water bottling venture in Golden Bay. The site of the water take is close to Te Waikoropupu Springs. That decision has been challenged by Ngati Tama ki te Waipounamu Trust by them seeking a judicial review.

## 10 Water Zone Renewals

- 10.1 The past 12 months has seen the permit replacement process completed for all water takes in the Wai-iti Dam Service Zone; and applications have been received for the first batch of 40 water permits affected by the Waimea Augmentation proposals (Lee Valley Dam).
- 10.2 Expiry of the Wai-iti Dam Service Zone permits on 31 May 2016 required the consideration of 100 applications for replacement permits, most of which were completed by the end of May (when the previous permits expired), with the remainder completed during June. These “renewal” processes include the collation of information packages that simplify the process for consent holders. That takes staff time. The cost of the overall process slightly exceeded the set fee of \$500.00 per new permit.
- 10.3 Work is also progressing with the bona fide reviews required for the 40 applications for the Lower Confined Aquifer (LCA) Zone or Hope & Eastern Hills (HEH) Zone, Waimea Plains. Because the rule framework for the Waimea water takes is yet to be finalised through the Plan Change process and decisions regarding the proposed dam, we are proposing to delay the decisions on these applications until there is a clear pathway. Applicants can continue to take and use water in accordance with their expired permits, until the decisions are made.
- 10.4 We are also preparing to collate the information packs for the 270 Waimea plains permits that will expire in May 2017.

## 11 Notable Application Work Since January 2016

- 11.1 Notable applications and proposals dealt with over the past six months are:
- **Richmond West and Richmond South Development Areas:** there has been a second application lodged for residential subdivision in the RWDA, involving uplift of deferred zoning, following the initial 60 lot residential proposal off Lower Queen Street. This second proposal provides for 130 allotments. One of the two proposals for residential development in the RSDA, has also proceeded to application stage, with a 130 lot subdivision application having been lodged in July.
  - **Glass House Block:** consents were granted in July for a 17 lot residential subdivision of what was the Bier property at the Wensley and Bateup road intersection in Richmond.
  - **Rural Subdivisions:** there have been several applications for rural lifestyle allotments in the Rural 2 zone lodged over in the past six months. One on Aniseed Hill has proceeded to public notification. Another application is seeking to subdivide an 8.5 hectare block in the Rural 3 zone to create nine residential sites.
  - **Harakeke 2015 Ltd:** applications were lodged in July 2015 to subdivide an overall area of 178 hectares of the Rural 3 Zone between Ruby Bay and Tasman, to create 130

rural residential-style allotments and 55 apartment allotments a part of a village concept. This proposal was publicly notified in October 2015 and attracted 80 submissions. The proposal was amended in March, and a hearing was commenced in May. The applicant then suspended the process part way through the hearing, in order to reconsider the proposal. Another amended proposal, much reduced in scale, was put forward in July for submitters to comment on. The hearing will resume at the end of September.

- **Allied Petroleum Truck Stop Off-site Signage:** the application for an off-site sign to be located on Lower Queen Street, was publicly notified because it was considered to be contrary to the TRMP Objectives and Policies for off-site signage. The application was heard by an independent Hearing Commissioner in February. Consent was **granted**. This application raises concerns for staff regarding how Restricted Discretionary rules are now being applied, compared to the intent when they were written 20 years ago.
- **Supermarket at 3 Brothers Corner:** consents were granted in March to Foodstuffs (South Island) Properties Ltd to progress development of a supermarket at Three Brothers Corner in Richmond, following their successful Private Plan Change process. Design details relating to traffic egress to and from the site were worked through with the applicant, and the consent holder is required to make a financial contribution towards the upgrade of Bateup Road adjacent to the entrance to the supermarket site.
- **Petrol Station at Salisbury Road / Champion Road Intersection:** consents were granted in July for a new petrol station at this site which is zoned Tourist Services. The rules for that zone specifically exclude petrol stations, but the default status under the RMA is for a discretionary activity. The application was for the same area of land for which consent was granted in 2014 for commercial development, hence it was considered that there would be no additional adverse effects on the Tourist Services zone.
- **Grave Extraction from River Beds:** an application from Council's Engineering Services Department for authorisation to remove gravel from riverbeds throughout the District is expected to progress to public notification once the appeals on the global river works consent are resolved.

## 12 Customer Satisfaction Survey

- 12.1 The results of the 2016 customer survey were presented to the Committee at its last meeting in July, by the Environment & Planning Manager. The drop of 21 percentage points (from 84%, to 63%) in the overall level of satisfaction with our service in resource consent processing is obviously of concern. Why this has occurred in one year is what we need to find out – the survey itself does not tell us, as the recorded comments from those surveyed are much the same as previous years.
- 12.2 We had more staff changes and gaps over the past year which may have caused the lower ratings for staff helpfulness and timeliness. We have also had to return a higher percentage of applications in accordance with the RMA changes that took effect in March 2015. The survey may also have picked up a higher percentage of applicants who were asked to provide further information, such as accurate site plans, or written approvals from

neighbours. It is also likely that many applicants are not fully aware of, or appreciate the extent of the service they receive.

- 12.3 Given similar results for other regulatory services, the Environment & Planning Manager is coordinating a cross-department review to determine priorities for potential improvements in our customer service.

### **13 Current Staffing and Workload**

- 13.1 Alex Scoullar resigned from her position in the Land Use Consents team at the end of 2015. Mike Mackiggan was appointed that position, and the cover for Liz Lightbourne's position while she was on parental leave was taken up by Victoria Woodbridge from early February. Liz returned to regular work hours in June.
- 13.2 Annie Reed was on parental leave for three months from March. Her position in the Subdivision Consents team could only be partially covered, at a time when several consents staff were also committed to the Harakeke hearing.
- 13.3 Pauline Webby will be shifting from the Subdivision Consents team, to the Environmental Policy Section of Council. We wish her well in her new role.
- 13.4 The overall workload for the Consents section continues to be influenced by noticeable increases in demands on the time of duty planners and other enquiries, as well as with pre-application work generally. The number of LIMs and PIMs has also steadily increasing. Termination of a PIM checking contract has provided an opportunity to review the workloads and recruit in-house staff resources
- 13.5 The current cycle of residential development and subdivisions progressing through to completion has an associated workload of section 223 and section 224 approvals - those approvals can involve quite complex work checking off easements and consent notices, as well as the engineering plan and works approvals.
- 13.6 Consents staff are also providing much of the cross-Council lead or coordination role for several of the development proposals in the deferred residential zones where provision of infrastructure has to be planned.
- 13.7 The scale of the water take renewals for the Wai-iti Zone, and preparing for the replacement of water permits influenced by the proposed Waimea Community Dam have added substantially to the current workload, as has a large number of transfers of water and discharge permits.
- 13.8 I thank the Consents staff and other Council staff who regularly assist us in our work for their efforts in a dealing with several complex applications and achieving the excellent timeliness results for the past six months, despite the staffing changes.

### **14 Attachments**

Nil



## 9.5 ENVIRONMENT & PLANNING COMMITTEE CHAIRPERSON'S REPORT

Information Only - No Decision Required

**Report To:** Environment and Planning Committee  
**Meeting Date:** 1 September 2016  
**Report Author:** Stuart Bryant, Chairman, Environment and Planning  
**Report Number:** REP16-09-05

### 1 Welcome

- 1.1 Welcome to the final Environment & Planning Committee meeting for the 2013-2016 term of council before the 2016 elections.

### 2 Draft Resolution

**That the Environment and Planning Committee receives the Environment & Planning Committee Chairperson's Report REP16-09-05.**

### **3 Rural Review**

- 3.1 Thanks to those attending the three days of hearing into the rural land use and subdivision plan changes. We have yet to complete deliberations but will do so before the end of term.

### **4 Our Waters in Common**

- 4.1 Thanks to Trevor James and Clare Webster and other staff and all the people from around the district for the effort that went into telling the story of Tasman's rivers in the 35minute movie that has been made. I along with the Mayor and other councillors attended the world premiere was held on 4 August and attracted around 170 people. While there are some hotspots to work on our river water quality is amongst the best in the country and we should celebrate that.
- 4.2 In the two weeks following the film's release 880 people have viewed it from the Council website with an elapsed watch time of 161 hours. Staff tell me this level of engagement is unprecedented.

### **5 Highlights of this Term**

- 5.1 Some of the highlights for the Committee in this term have been the completion, and successful defence of the Council's first Local Alcohol Policy, the Motueka West Plan Changes, the Rural Subdivision and Land Use Policy Review has been ongoing through this term and we have just completed the hearings, progress has made on the Golden Bay Landscapes Study and the Takaka Water Management Review, not yet going through the statutory processes. We have completed rezonings in Wakefield and have yet to hear submissions for Brightwater; we have done three plan changes to update the Waimea Water Management TRMP provisions.
- 5.2 We had our moments with electronic building consent processing but are back at achieving 98% compliance with statutory processing times. We have seen 870 new houses built in our term, 44 of them in the lakes Murchison Ward!

### **6 Appreciation**

- 6.1 I would like to extend my thanks to CEO Lindsay McKenzie, Dennis Bush-King, and Katie Greer for their support. Thanks to all staff across the Environment & Planning Department for their contributions and their efforts both to the department and right across the whole Council.



**7 End of Council Term - Thank You All**

- 8.1 I would like to wish those Councillors not seeking re-election - all the best as they begin their new directions.
- 8.2 Farewell to Cr Trevor Norriss who has been here longer than I have, we have been debating colleagues, supportive and opposed to each other's views at different times. But always remained great friends. Thank you Trevor. (Without Trevor here; the district's dogs will need a new representative.)
- 8.3 Cr Jack Inglis thanks for always putting a strong point of view forward for Motueka and the health sector. I have appreciated your input, particularly around rivers in the Motueka area.
- 8.4 Thanks to Cr Martine Bouillir for a strong Golden Bay point of view and outstanding community engagement.
- 8.5 Thanks for Cr Zane Mirfin for challenging me at meetings, always being the difficult one. Zane has been a champion for the region's waterways.
- 8.6 Thanks to Cr Judene Edgar who has been a special friend and colleague, always putting the best interest of the district first. She has been a great representative for the district and Richmond. She will be a very hard act to follow.
- 8.7 Thank you all and good luck with whatever the future brings for you.
- 8.8 To those contesting an election good luck.

**8 Attachments**

Nil



## 9.6 ENVIRONMENT & PLANNING COMMITTEE MANAGER'S REPORT

Decision Required

|                       |  |
|-----------------------|--|
| <b>Report To:</b>     | Environment and Planning Committee                 |
| <b>Meeting Date:</b>  | 1 September 2016                                   |
| <b>Report Author:</b> | Dennis Bush-King, Environment and Planning Manager |
| <b>Report Number:</b> | REP16-09-06  |

### 1 Summary

- 1.1 This report covers a number of general matters concerning the activities of the Environment & Planning Department since our last meeting on 9 June.

### 2 Draft Resolution

**That the Environment and Planning Committee:**

- 1. Receives the Environment & Planning Committee Manager's Report REP16-09-06; and**
- 2. Endorses the submissions lodged in relation to the Fire and Emergency Services Bill and the Discussion Paper on Proposed Regulations as contained in Attachments 1 and 2 to this report REP16-09-06**
- 3. Approves the amendments to the Terms of Reference to the Regional Pest Management Committee as attached in Attachment 3 to report REP16-09-06**

**3 Insurance Claim**

- 3.1 The Council has received a claim from a builder in relation to alleged complicity in a building being located incorrectly on a property. The claim is for \$59,851 and has been placed in the hands of our insurers. If Council wishes to receive further information this should be discussed “In Committee” as negotiations are still ongoing.

**4 Fire and Emergency Services Bill**

- 4.1 Legislation giving effect to the Government’s intention to merge urban and rural fire services into one organisation has been introduced into Parliament. The intended startup date for the new organisation is 1 July 2017. Submissions closed 18 August and a submission was put in on behalf of the Council.
- 4.2 The Department of Internal Affairs has also released a discussion paper on draft regulations that set up, amongst other things, the new levy system which will fund fire and emergency services. While the current fire service levy is based on insurance for fire damage, the new Bill proposes that the levy will be based on insurance covering physical damage to, or loss of, property. This change will come into effect from 1 July 2018. What it means however is that if the current rate of 7.6¢/\$100 of insurable value was retained, and there were no exemptions, Council could be paying an annual levy of up to \$1M depending which assets are insured. The DIA prefer to remove **all** exemptions **except** for water reticulation piping, offshore oil installations and cables and pipelines on the sea floor on the alleged grounds of equity.

**Recommendation**

**That the Environment & Planning Committee endorse the submissions lodged in relation to the Fire and Emergency Services Bill and the Discussion Paper on Proposed Regulations as contained in Attachments 1 and 2 to this report REP16-09-06**

**5 Regional Pest Management Plan**

- 5.1 Work is proceeding under the auspices of the Joint Committee comprising members from Tasman and Nelson councils. The first joint committee meeting was held on 29 June with Cr Bryant elected to the Chair and Cr McGurk to deputy. An amendment to the terms of reference has been discussed and is highlighted in Attachment 3. For the sake of completeness, the Committee is requested to confirm the terms of reference as amended. The amendment simply provides a mandate to the committee to recommend actions to the Council to deal with matters that in the course of their work, fall outside the mandate of the Regional Pest Management Plan. Nelson City Council has already approved the amendments and they will not come into effect unless approved by this Council.

**Recommendation**

**That the Environment and Planning Committee approve the amendments to the Terms of Reference to the Regional Pest Management Committee as attached in Attachment 3 to report REP16-09-06**

**6 Rainfall Update**

- 6.1 As we are about to enter into this year's irrigation season, Attachment 4 and 5 show that cumulative rainfall figures are above the annual averages and while aquifer levels are high, and are starting off better than last year, they are not at historic high levels.

**7 Legal Proceedings**

- 7.1 A round of Environment Court mediations has occurred. Because mediation is confidential to the parties involved there is little I can say publicly but we have dealt with the Upper Motueka Water Management Plan Change, and consent appeals in relation to the Pons, Baigent, and Greensborough consent decisions.
- 7.2 There has also been a Judicial Conference in relation to the Kahurangi Virgin waters judicial review and two Weathertight Homes Resolution cases.

**8 Development Contribution Objection**

- 8.1 The development contribution objection advised in my last report concerning a development in Collingwood has been withdrawn.

**9 Biosecurity 2025**

- 9.1 The Government has released a discussion paper on future proofing new Zealand's biosecurity system and outlines five areas of focus
- A Biosecurity Team of 4.7 Million - Every New Zealander and every New Zealand business becomes part of the biosecurity team.
  - A Toolbox for Tomorrow - Making the best use of innovation, science and technology.
  - Free-flowing Information Highways - Underpinning the biosecurity system with all available information to better inform risk management in real time.
  - Effective Leadership and Governance - System-wide leadership and inclusive governance supports all participants in their roles.
  - Tomorrow's Skills and Assets - A capable and sustainable workforce and world-class infrastructure provides the foundation for an effective system.
- 9.2 Staff will assess how it might impact on our involvement in biosecurity and make a submission by the 9 September close off as necessary. Councillors may have a view.

**10 Promoting Safe Boating**

- 10.1 Since 2012/2013 the government has provided Maritime New Zealand with annual funding of approximately \$930,000.00 to support “recreational boating safety and safety awareness” in return for the fuel excise tax paid by recreational boaties. This has previously been spent on TV and other marketing campaigns.
- 10.2 This year Maritime New Zealand is looking at changing the programme mix and have proposed a new regional programme structure. Approximately \$350,000.00 per annum is now being allocated to Local Government Authority Funded Initiates and an invitation to submit funding applications to deliver regional safety programmes was sent out to councils.
- 10.3 The Tasman Harbourmaster submitted three proposals and has received funding for two of the proposals
1. A programme that delivers direct engagement with boaties to support a safety outcome, a mix of education and enforcement: \$15,000.00 per year for three years for the Tasman Council
  2. A joint proposal with the Nelson City Council to run Boat Ramp Promotions, Club Briefings etc: \$30,000.00 per year for three years to be shared equally between the councils.
  3. A proposal to have “Local Knowledge boating Safety Videos” accessed via the internet and describing boating in Tasman and how to safely navigate the coast and understand the local rules was not funded.
- 10.4 A further proposal was raised by the Tasman Harbourmaster that involves including Maritime New Zealand officers on nationwide harbourmaster patrols, this is still in draft form but TDC (along with other councils) may receive further funding of \$1,000.00 per day for around five days per year from Maritime New Zealand to assist with the cost of these patrols. It is being proposed by Maritime New Zealand that this is accompanied by a nationwide campaign that lets boaties know that Maritime New Zealand Officers may be out on the water on Harbourmaster vessels and on these days a zero tolerance approach will be taken to those breaking any Maritime Laws.

**11 Financial Report**

- 11.1 As I write this report the financial results for the year ending 30 June 2016 are still being compiled. Overall Environment & Planning is in deficit. The main contributors to this are the settlement of one “leaky home” case previously reported, the costs incurred in dealing with the Mapua JV development contribution objection, and some accounts had higher labour costs where staff record actual hours worked rather than the budgeted 40 hours. This produces a higher recovery in the overhead account and discussions are being held on how the surplus should be respread. Non-rate income is ahead of budget in part because of the mid-year review of building consent fees. Capital spend is slightly down as some projects have been unable to commence owing to staff engaged in other activities and unavailability of contractors.

**12 Action Items**

- 10.1 Attachment 6 updates Councillors on actions items from previous Environment & Planning Committee meeting.

**13 Thanks**

- 11.1 As this is the last meeting for this term of Council I extend my thanks to members for the governance provided to the Environment & Planning Department and the cordial relations that have existed between members and Council staff. As the Chair has demonstrated it has been a busy three years. For those members intending to return my best wishes; for those who have decided not to return all the best for your future outside of Council.

**14 Attachments**

|    |   |     |
|----|---|-----|
| 1. | Attachment 1: Fire and Emergency Services Submission  | 89  |
| 2. | Attachment 2: Submission on Proposed Regulations      | 95  |
| 3. | Attachment 3: Amendments to TOR                       | 99  |
| 4. | Attachment 4: January - Julu 2016 Rainfall Statistics | 101 |
| 5. | Attachment 5: Pre-season Groundwater Levels           | 103 |
| 6. | Attachment 6: Action Sheet                            | 107 |





17 August 2016

**Tasman District Council**  
**Submission on the Fire and Emergency New Zealand Bill**  
**To the Government Administration Select Committee**

Tasman District Council is a Unitary Authority in the South Island of New Zealand and a member of the Waimea Rural Fire Authority (WRFA) – an Enlarged Rural Fire District.

As part of the WRFA we have responsibility for eight Volunteer Rural Fire Forces (VRFF), seven of which are located in Tasman District, the other being in Nelson City Council's (NCC) area. We also have responsibility for supporting firefighters working for two commercial forestry companies – Nelson Forests and Nelson Pine Industries, these companies provide over 50% of the equipment and manpower available to the WRFA.

This submission represents the views of the Council and is separate to any submissions by the WRFA and/or NCC.

We thank you for the opportunity to comment on the Fire and Emergency New Zealand Bill and we request to be heard in relation to our submission.

**Submission**

Tasman District Council agree with the intent and principles of this bill as proposed and are fully supportive of the amalgamation of the New Zealand Fire Service and the National Rural Fire Authority into the single entity to be known as Fire and Emergency New Zealand (FENZ). We see that the new legislation will support our communities by giving appropriate mandates and support to our existing and future volunteers and career fire fighters.

Where we are in agreement with the proposed clauses or have no strong opinion on them we have generally not commented.

*In supporting the Fire and Emergency New Zealand Bill we wish to make the following comments;*

**Clause 6**

**6 Interpretation - volunteer capacity**, *in relation to work carried out by any person, means work carried out by the person without the purpose of obtaining financial gain or profit*

While we agree with the general intent of this clause, there has been some concern raised by our Rural Fire volunteers, this is explained below:

The term volunteer as stated in the Interpretation; **volunteer capacity**, *in relation to work carried out by any person, means work carried out by the person without the purpose of obtaining financial gain or profit*.

We draw to the Select Committees attention that this interpretation may change current practice regarding Volunteer Rural Fire Forces. Rural Firefighters whilst attending training sessions and regular callouts that commence and finish within the same day are not reimbursed or paid for their services. However, as is sometimes the nature of rural fires, some incidents can last for multiple days.

Under these circumstances, a Rural Firefighter may be expected to spend a sizable amount of time away from their regular job in order to undertake firefighting duties. Therefore, the National Rural Fire Authority recognises the commitment and sacrifice the Rural Volunteer must make serving their community and the firefighters are compensated on an hourly rate from the second day they are required to work at any major fire or emergency event. This payment is neither for gain or profit, but is compensation for the loss of real income whilst attending a fire or emergency for a prolonged length of time.

Rural firefighters do not undertake their duties for payment, as many would be better rewarded if they continued with their regular employment. They carry out their duties for the wider benefit of their communities. Our concern is that should this reimbursement model be removed because FENZ expects all volunteers to operate under the interpretation of 'volunteer capacity', we would likely find that many of our volunteers would simply not be in the position to be able to offer their services for any campaign fire or prolonged emergency event.

We request that thought be given to compensating all volunteers appropriately in such circumstances.

**Clause 12(2)**

***12 Additional functions of FENZ***

*(2) However, before performing any functions under this section, FENZ must ensure that it retains the capacity and capability to perform the functions specified 15 in section 11 efficiently and effectively.*

Although we understand the need for primacy of the FENZ main functions, there is a concern that this clause would allow complete inaction where FENZ personnel's expertise is required for some of the functions covered in 12(3). It is hoped that the content of Clause 12(1) would counteract any such inaction.

**Clause 13(3)(d) (iii)**

***13 Operating principles of FENZ***

*(3) In formulating the operating principles, the board must take into account the following matters:*

*(iii) organisations referred to in section 12(4).*

This clause doesn't make great sense. It is assumed it means all other organisations involved in emergency response and control of such events. Please clarify.

**Clauses 15 & 16**

***15 Functions of local committees & 16 Matters relating to setting local committee boundaries***

We regard the setting up of local committees as a good, pragmatic initiative to retain involvement and connectivity to communities which may otherwise become at risk under the FENZ model. Primarily, the local committees need to be truly local in that they can effectively represent their local communities. They must be well supported, suitably skilled and have meaningful responsibilities with accountability to FENZ. They must be able to achieve what is identified by the committees as matters of local importance i.e. what is included as such in local plans. We believe that the interests of significant land managers both urban and rural need to be recognised in this clause. Despite the

content of clause 16 there is a concern that the limited number of these committees may make genuine local representation problematic.

We suggest that when determining the boundaries of each FENZ Committee that they align with communities of interest and they reflect the uniquely different risk features present within that region. As a suggestion, taking a regional approach based on current ERFD boundaries may ensure resources will be able to be matched to threats more efficiently.

### **Clause 17 (a)**

#### ***17 Local planning***

We believe that the council Resource Management Plans and Long Term Plans must be consulted when producing local FENZ plans. These reflect the wishes of the local community and must be considered, they also potentially set limits on FENZ activities in some areas. A method of reporting back to the community should also be reflected in the clause.

### **Clause 20**

#### ***20 Appointments to local committees***

We consider it is essential that local committees contain effective representation from rural land managers and from Territorial Authorities to ensure a visible connection to important stakeholders. Although local government will lose its responsibilities for rural fire from 1 July 2017, it seems inexplicable to lose the corporate knowledge and relationships which have been created over many years by their involvement. Local Authorities are a permanent fixture in the community, a major land owner and have many roles that are complimentary (and also potentially conflicting) to the functions of FENZ. There are very real risks if there was to be lack of effective communication and cooperation between FENZ and Local Government.

### **Clause 22**

#### ***22 Delegation of functions, duties, and powers***

The ability to delegate all functions, duties and powers effectively down two levels from the Board seems to be extremely permissive. It is appreciated that in order to function effectively there must be delegation, however, given the very far reaching, legislatively unfettered powers which the FENZ Board will have this is a concern. It is recommended that as a priority, a delegations register be produced by FENZ listing levels of delegation for specific roles.

### **Clauses 28 - 32**

#### ***28 Board to prescribe health standards, 29 Form of, and communication of, health standards, 30 Board may require member of operational personnel to leave FENZ due to incapacity, 31 When operational employee required to leave FENZ ceases to be employee & 32 Appeal by volunteer against requirement to leave FENZ compulsorily***

Although we do not disagree with appropriate medical standards being prescribed and maintained, we hope that account will be taken of individual circumstances i.e. where an individual can carry out some of the operational work required but not all. An example would be a physically disabled person acting as a radio operator in an Incident Management Team.

### **Clauses 33 - 34**

#### ***33 Duty of FENZ in relation to volunteers & 34 FENZ to make advocacy and support services available to FENZ volunteers***

We support and encourage the value the FENZ Bill has recognised in volunteers from both the rural and urban sectors. We do see an issue in that Rural Fire volunteers currently receive financial compensation for work in certain circumstances. Given that existing conditions will be honoured we do not see how the requirements of clause 33(3) can be complied with given Employment Relations Act 6(1)(c)(ii) and the status of volunteers thereunder.

**Clause 49(1)(b)**

***49 FENZ may prohibit open fires and prohibit or restrict other activities***

*(1) FENZ may, in the circumstance described in subsection (2),—*

*(b) prohibit or restrict any other activity in an area, including access to the area, that FENZ considers may cause a fire to start or to spread.*

This provides the authority the means to shutdown commercial operations for an indefinite period of time. The shutting down of a commercial forestry operation in a region for any length of time could have far reaching social and economic implications, that in some situations may far outweigh the risks. Mechanisms already exist within most fire plans for specific restrictions and limitations on certain activities undertaken in the rural sector during the escalation of fire danger levels. We feel some safeguards should be in place to fetter this authority to ensure the best interests of FENZ, the community and the affected land managers are maintained. Please consider setting up a process where early peer review, or better still pre-assessment of any such directive be made available to ensure such decisions are appropriate.

**Clauses 59 – 61**

***59 Organisation and maintenance of industry fire brigades, 60 Agreements relating to industry fire brigades, 61 Powers of industry fire brigades***

We stress that it is very important that any agreements made with respect to Industrial Fire Brigades, are well and truly entrenched before the transition date of 01 July 2017. Without the resources and manpower these brigades contribute, fire-fighting capability in many areas - particularly in the major forest areas, would be greatly reduced and in some cases FENZ would be incapable of mounting a tangible response to a large fire event.

**Clause 64**

***64 Powers in relation to checks as to adequacy of water supplies***

In this clause who will pay for any checks required by FENZ to be made on water supplies adequacy for fire-fighting?

**Clauses 69 – 103**

**Part 3 - Levy**

As has been alluded to in the cabinet paper, there is a serious concern that the levy requirements will be onerous on some Local Authorities. It is read that potentially all property which is insured will be liable for a levy payment. Given the value of the infrastructure and other property insured by Local Authorities it is feared that any levy will add significantly to the financial burdens on some councils, and therefore ratepayers. If the levy was charged at the current rate on the assets ensured by our council (\$1.3 Billion) the levy would be approximately \$1,000,000.

It is suggested that some form of mitigation for Local Authorities be considered either in the form of capping or exemptions for services such as water supply and roading – both of which FENZ will rely on to be effective in its role.

It is assumed that the ability and intention exists for FENZ to pursue cost recovery from those who are uninsured e.g. >20% motorists, if they benefit from FENZ services? Otherwise there is a serious risk of more people and organisations becoming less prudent and not insuring.

### **Clause 106(2)**

#### **106 Consultation about levy regulations**

*(2) FENZ must consult the persons that FENZ considers are likely to be substantially affected, or their representatives, about—*

*(a) the proposed regulations; and*

*(b) the activities that FENZ proposes to undertake in the period to which the proposed regulations relate.*

We would hope that Local Authorities are considered to be “substantially affected” and consulted appropriately with regards to the levy regulations.

### **Clause 110**

#### **110 Agreement with Department of Conservation**

We assume that such agreements with DoC will be flexible enough to allow local arrangements to be created to allow best effect. We appreciate that the legislation allows this through Local Plans and Board delegations, however, experience shows us that DoC sometimes have other priorities which can affect their ability to support Fire and Emergency response at a local level.

### **Clause 123(2)**

#### **123 Limitation of liability**

*(2) However, nothing in this section releases or exonerates any person from, or in any way affects the liability of any person for, any damage to property caused by, or in connection with, the use of any fire engine or other motor vehicle for transport purposes.*

Our interpretation of this subsection suggests that any and all drivers of FENZ vehicles, will be held fully liable for the cost of any damage sustained to that vehicle and/or any other vehicle or property, regardless of any mitigating causes. The onus of responsibility this places on both professional and volunteer appliance drivers is just too great and we urge the committee to revisit this clause.

### **Clause 125**

#### **125 Application of sections 120 to 126 of Crown Entities Act 2004 to volunteers**

*Sections 120 to 126 of the Crown Entities Act 2004 apply to a FENZ volunteer as if that volunteer were an employee of FENZ.*

Although we support these clauses, it seems rather disjointed that volunteers are deemed not to be employees under clause 33(3).

### **Clauses 128(4)**

#### **128 Appointment of FENZ inspectors**

*(4) In this section, **statutory officer** means a person who—*

*(a) holds or performs duties of an office established by an enactment; or*

*(b) performs duties expressly conferred on the person because of his or her office by an enactment.*

**Item 9.6**

Does this mean that statutory officers appointed under legislation administered by Local Government may be appointed as FENZ inspectors? If so is there an intention to appoint officers outside of FENZ in such roles?

Tasman District Council  
189 Queen Street, Private Bag 4  
Richmond 7050

**Attachment 1**

File:RFSub2  
Silent One ID:

Adrian.Humphries@tasman.govt.nz  
Phone 543 8423

18 August 2016

Fire Services Review  
Department of Internal Affairs  
PO Box 805  
Wellington 6104

**TASMAN DISTRICT COUNCIL SUBMISSION ON PROPOSED REGULATIONS IN SUPPORT OF THE FIRE AND EMERGENCY NEW ZEALAND BILL**

Thank you for the opportunity to submit on the proposed Regulations.

It is appreciated that it is early days in the transition process and many of the future actions relating to the new organisation will become apparent as we progress.

We have used the provided submission form and commented where we felt able to do so.

Yours sincerely



Adrian Humphries  
Regulatory Manager  
Tasman District Council

**Assessing the options in this discussion document**

1. Do you have any other objectives or critical success factors that you think should be included for assessing the different options?

We believe that creating a large numbers of regulations early does come at some risk. We therefore submit that the process be done at a sensible rate with the issues you have indicated prioritised for action

2. Which of the objectives or critical success factors are the most important to you when helping you decide the best option?

The levy regulations are an obvious priority, firstly to allow FENZ to finance itself and secondly to allow those paying the levies to make suitable budgetary provision. Regulations for the local committees should be considered soon after to allow appropriate delegation, without such we feel the FENZ Board would find the new organisation unmanageable. It is felt that pilot schemes being run will help to inform you of the suitability of boundaries.

**Levy exemptions**

3. Do you agree with the suggested levy exemptions?

We agree with the principles but feel that levying on all local infrastructure (other than water pipes) will put excessive strain on some local authorities. As an example, our council would be paying a levy in the region of \$1 million (even if reticulated water pipes were exempted) - if the current levy rate of 7.6c per \$100 was retained. Some other councils with larger roading networks and smaller rating bases would have far greater costs per capita. Levying for services provided as per s12(3) of the bill could be seen as excessive as they are largely "a potential cost" to FENZ whereas those in 12(1) are guaranteed. Maybe a cost recovery model for those services offered in 12(3) could be considered as part of the regulations.

4. Are there any other property types that should be exempt from the levy?

As stated above we believe that much of the public infrastructure should be exempted. Models already exist where Councils will replace assets following disasters etc with assistance from agencies such as NZTA at no cost to FENZ. It is not understood how FENZ will incur significant cost in their role where it relates to a \$30million bridge and yet they would get a levy relating to the assets value.

5. Do you think there are owners of certain types of properties who should be exempt?  
Property that supports FENZ in its role i.e. water supplies (not just pipes), roads and associated infrastructure.

**Insurance information requirements**

6. Do you agree with the preferred option (Option 4)? If no, why not?

No comment, other than Option 4 would require an enforcement regime in place early.

7. What would the costs be to provide the information set out in Option 4? Are there means of potentially limiting these costs for insurers and property owners?

Don't know



8. Do you have any concerns about commercially confidential information or privacy related to the provision of this information to FENZ (keeping in mind the modernised levy secrecy provisions in the new legislation)?

No given that our accounts are publicly available anyway

9. Is there any other information needed to support FENZ's management of funding streams?

Don't know

10. Are there any other options for ensuring that FENZ has the information it needs to ensure sufficient funding, and to allow it to effectively forecast future levy revenue trends?

Don't know

### ***Committee Terms of Office***

11. Do the provisions of the Crown Entities Act provide an adequate foundation for local committees?

We are not able to comment effectively here

12. Or, are there additional provisions of the Crown Entities Act that should be included?

We are not able to comment effectively here

### ***Establishment and appointment of Committees***

13. Are regulations needed for the nomination and appointment process for local committees?

We would suggest that Standard Procedures and Policies are a better option

14. If yes, are there particular aspects of the nomination and appointment process you would like contained in regulations, rather than in operational policy?

N/A

### ***Committee functions***

15. Are regulations needed to provide for the functions of local committees?

We would suggest that Standard Procedures and Policies are a better option

16. If yes, what aspects should be covered?

N/A

### ***Committee boundaries***

17. Do you think there should be regulations relating to boundaries?

Following the pilot schemes, boundaries need to be established early and reviewed periodically. How this would be done through a regulation we do not know.

18. Should there be a minimum and maximum time between reviews of boundaries? What do you think would be a good timeframe for this?

We would suggest an initial review after 1 year and then every 5 years unless there are exceptional circumstances.

19. Who so you think should initiate a review of committee boundaries, if anyone?

FENZ or the Local Committee by majority vote

20. Are there other matters relating to boundaries that need to be regulated?

Don't know

***Fire plan content***

21. Which of the three options do you prefer?

Option 2

22. Do you think that regulating the main content of the fire plan (Option 2) would provide sufficient guidance to stakeholders on the use of fire control measures?

Yes and it would allow flexibility to cater for local issues

23. What should the main content of the fire plan contain, i.e. what core details would you expect each fire plan to cover?

We see this as a whole separate piece of work and needs workshopping.

***Establishing the consultation requirements for the use of fire control measures***

24. Which of the three options do you prefer?

Option 2

25. Does current engagement with stakeholders on the fire plan enable sufficient input to how fire control measures are used?

Yes

**Agreement to Form the Regional Pest Management Committee**

*resolved at Full Council 12 May 2016*

(Joint Committee of Tasman District and Nelson City Councils)

Chairperson: Appointed by Committee members

Deputy Chairperson: Appointed by Committee members

Membership:

- Membership will comprise of six members, being three elected members from each of Nelson City Council and Tasman District Council
- For the 2013-2016 triennium, membership is as follows:
  - Nelson City Councillors Copeland, Fulton and McGurk
  - Tasman District Councillors Brian Ensor, Stuart Bryant and Trevor Norriss
- The quorum for the Committee is set at three members and must include at least one member from each Council.
- Nelson City and Tasman District Councils will be asked to resolve that the Joint Committee continues beyond the 2016 local body elections, to enable each Council to replace the members of the Committee following the election, as per the Local Government Act Schedule 7 Clause 31(5).

Terms of Reference:

Areas of Responsibility:

- To oversee the review of the Tasman-Nelson Regional Pest Management Strategy which will be developed into the draft Regional Pest Management Plan;
- To resolve conflicting approaches and provide direction on how chapters of the draft Plan can be developed to ensure an aligned joint Plan can be achieved; where there are conflicts or significant differences between the Councils;
- To oversee consultation with key stakeholders;
- To carry out hearings and deliberations on submissions to the draft Plan as required under the Biosecurity Act 1993;
- To identify pests that fall outside the scope of the draft Plan for the Council to consider managing in other ways.

Powers to Decide:

- None

Powers to recommend:

- To recommend to each Council notification of the draft Tasman-Nelson Regional Pest Management Plan under the Biosecurity Act 1993;

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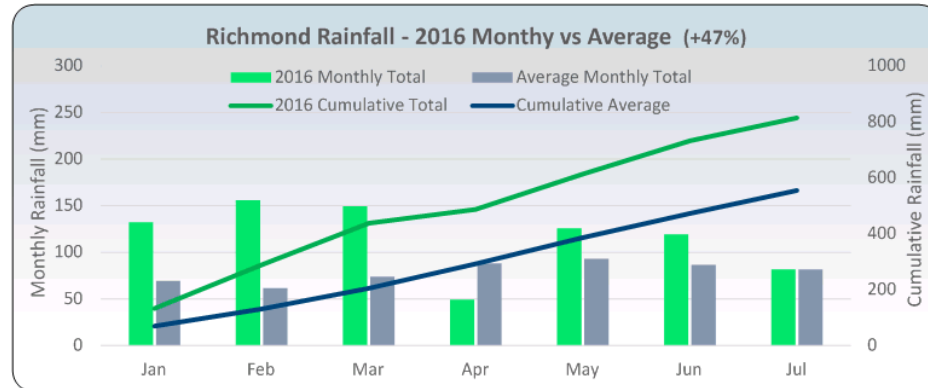
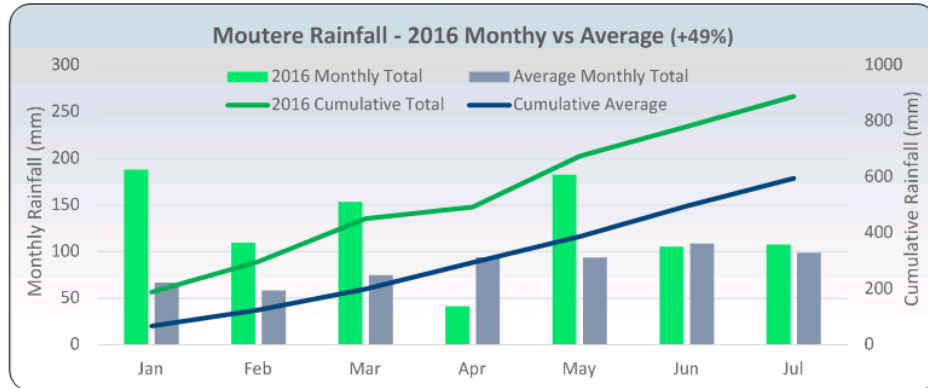
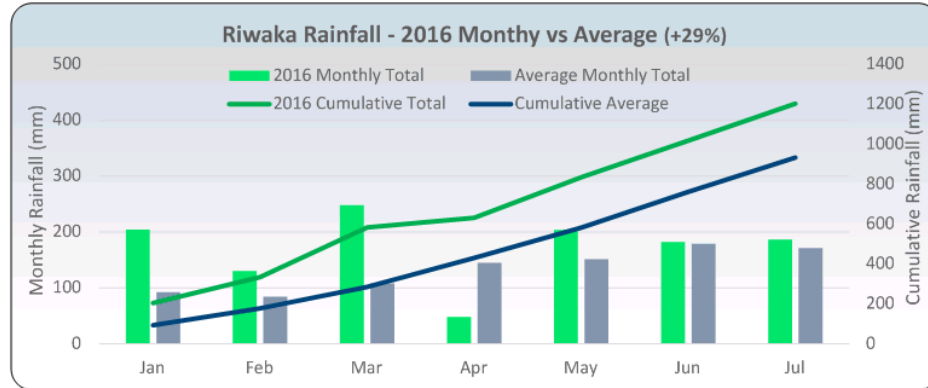
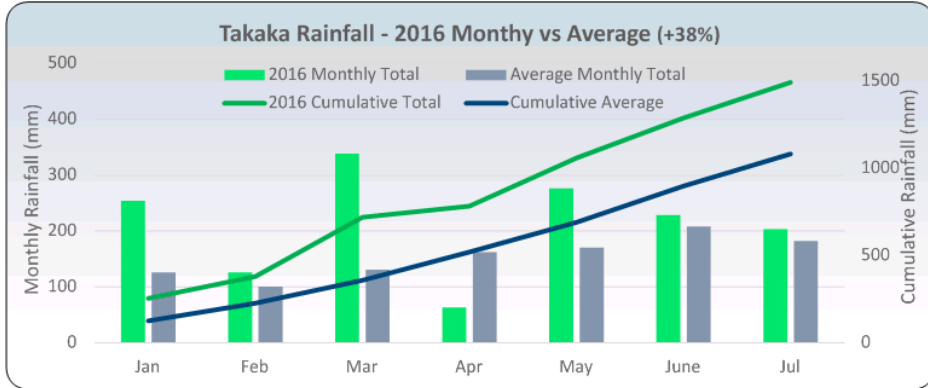
- To recommend to each Council the adoption of the final Tasman-Nelson Regional Pest Management Plan and the process to make it in accordance with sections 70-75 of the Biosecurity Act 1993.
- To recommend to either or both Councils pests that fall outside the scope of the draft Plan that require an alternative management approach.

Procedure:

- Standing Orders to be applied at each meeting shall be Model Standing Orders.
- For the purposes of complying with the Local Government Official Information and Meetings Act 1987 (Part 7, 45(1)) Committee meetings will be treated as public meetings as the Committee is delegated to perform duties as outlined in the Biosecurity Act 1993 in relation to preparing regional pest management plans.
- This agreement may be varied by resolution of each Council on the recommendation of the Regional Pest Management Committee or of both Chief Executives of the two councils.
- Each Council retains the power to discharge and re-appoint their respective members of the Committee.
- The Chairperson shall not have a casting vote.
- These delegations/terms of reference may be varied by resolution of both Councils and any such resolution shall carry the rider that it shall be subject to adoption by the other Council.
- Minutes of meetings of the Committee will be resolved to be received by each Council for record keeping purposes.
- The Committee would be considered to be disbanded following the adoption by both councils of the Regional Pest Management Plan.

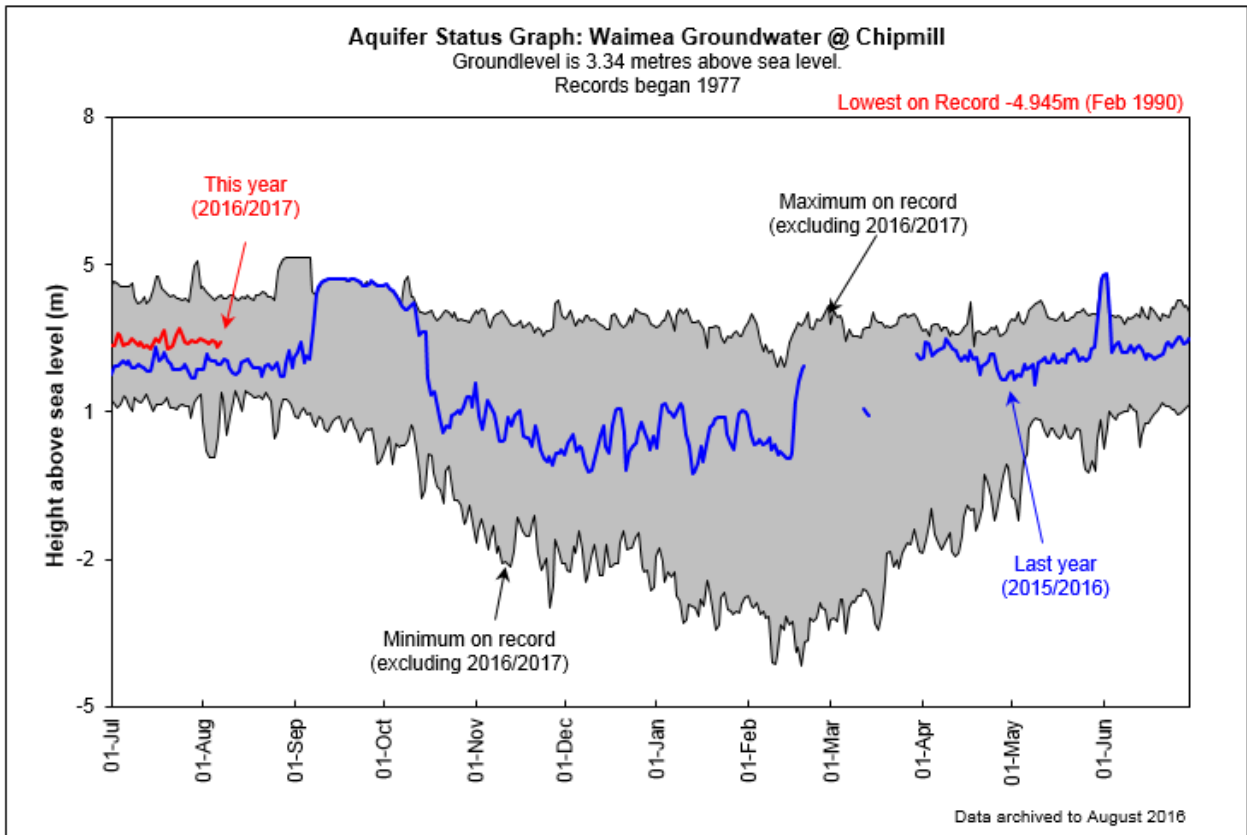
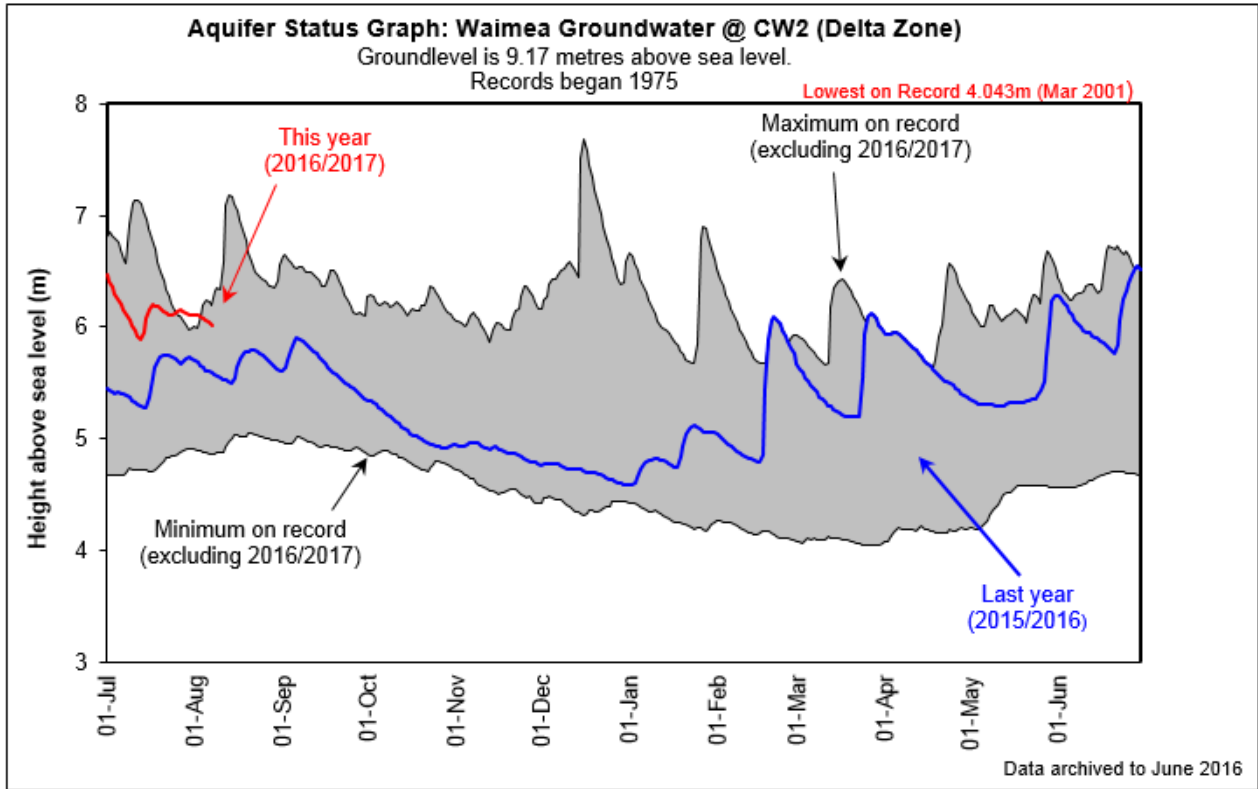
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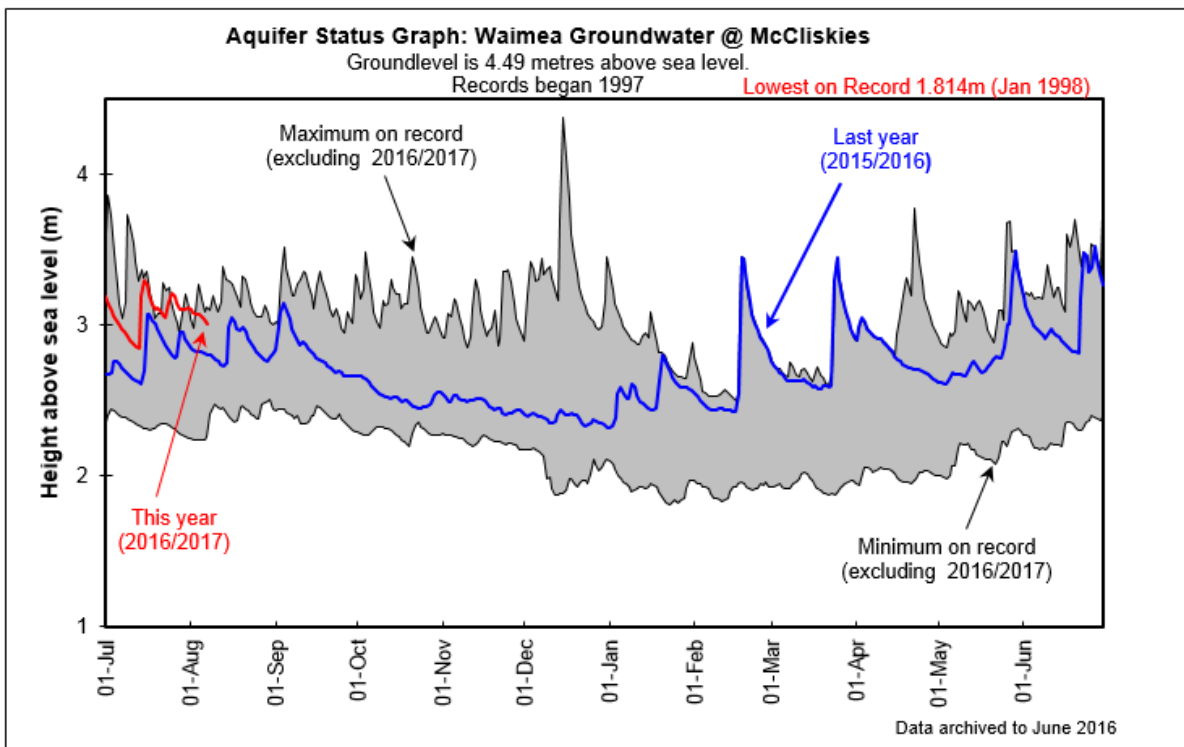
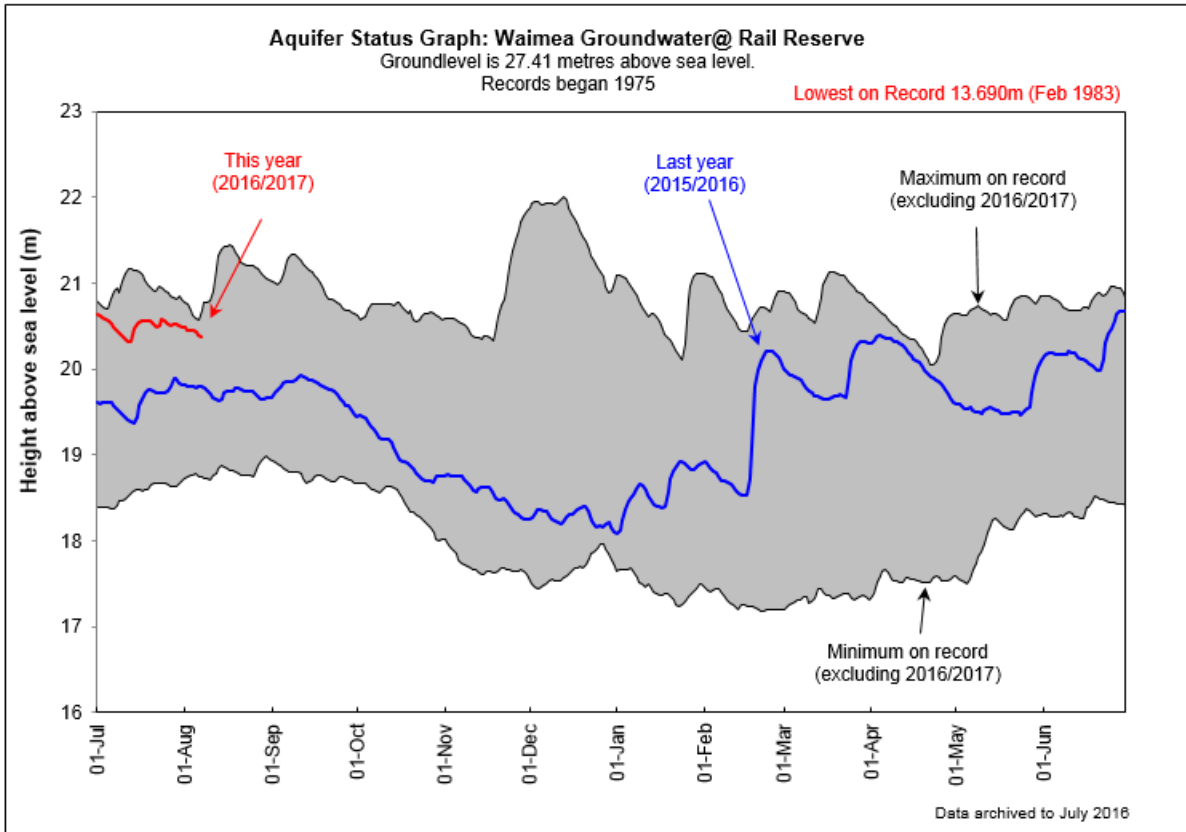
2016 January to July Rainfall



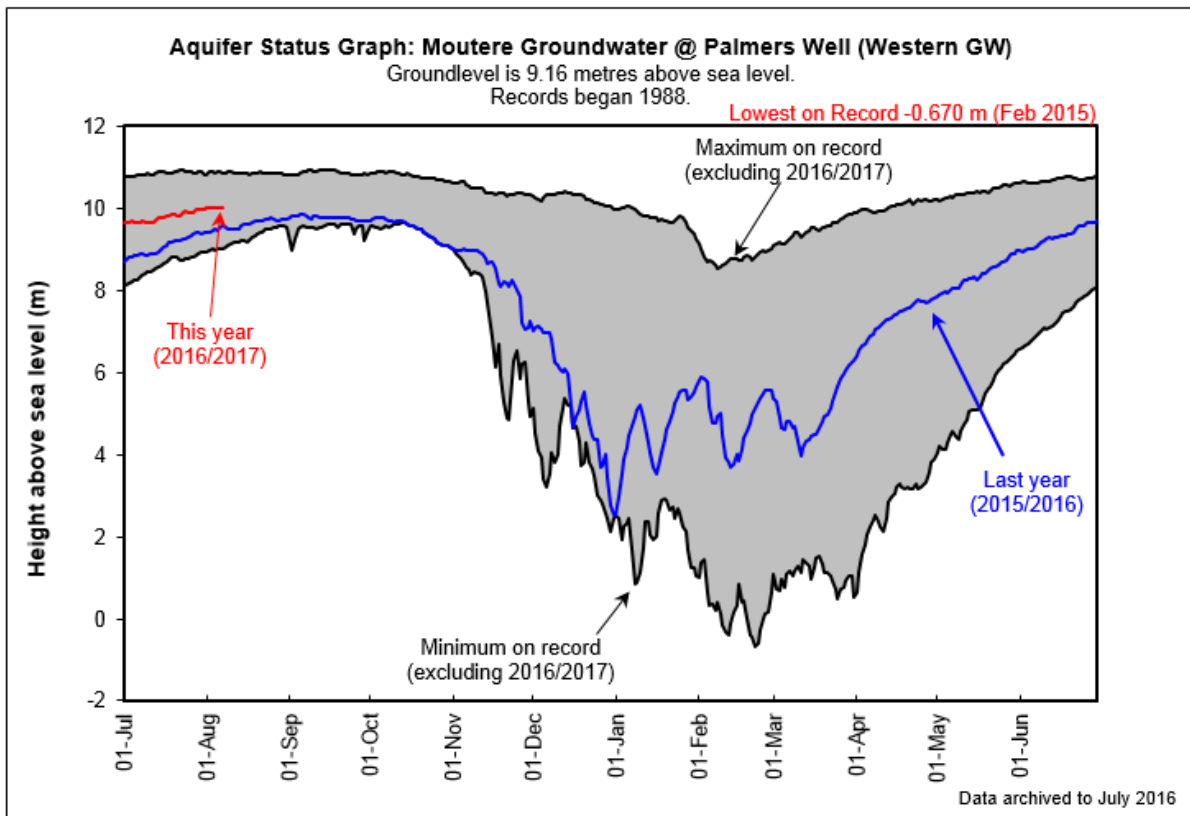
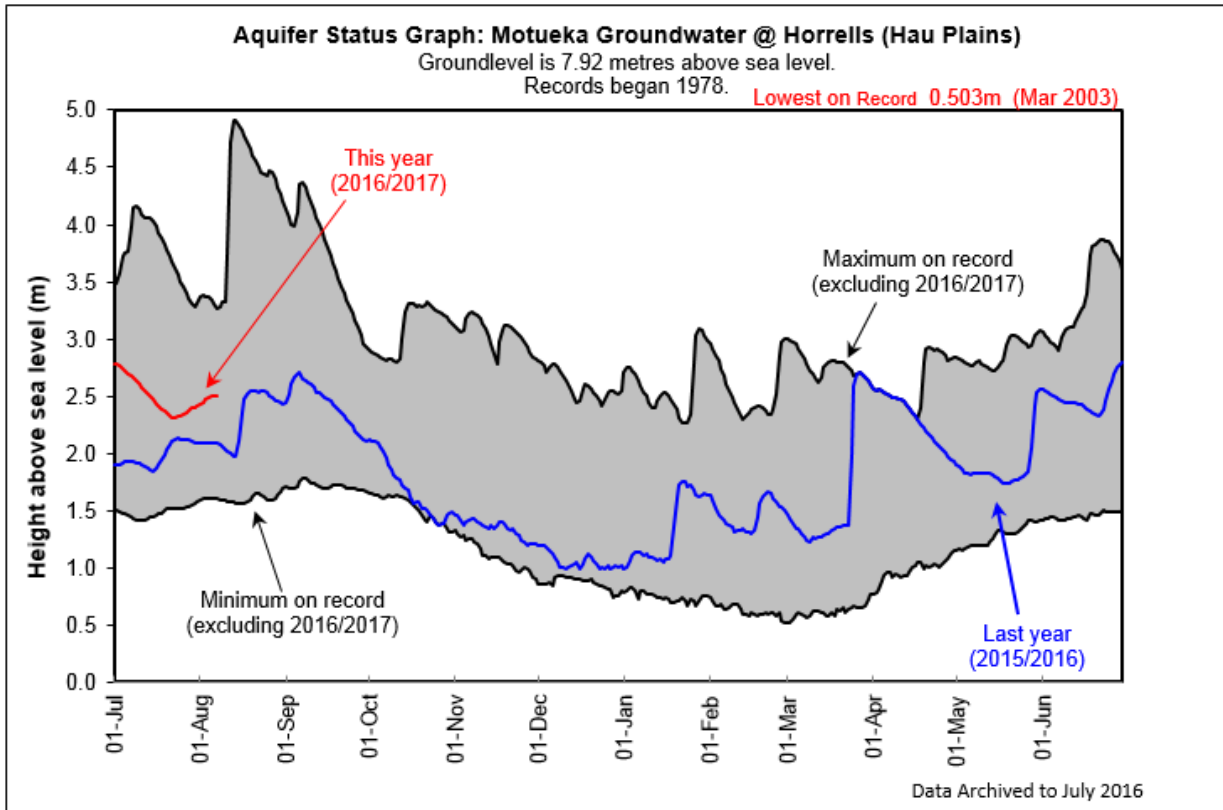


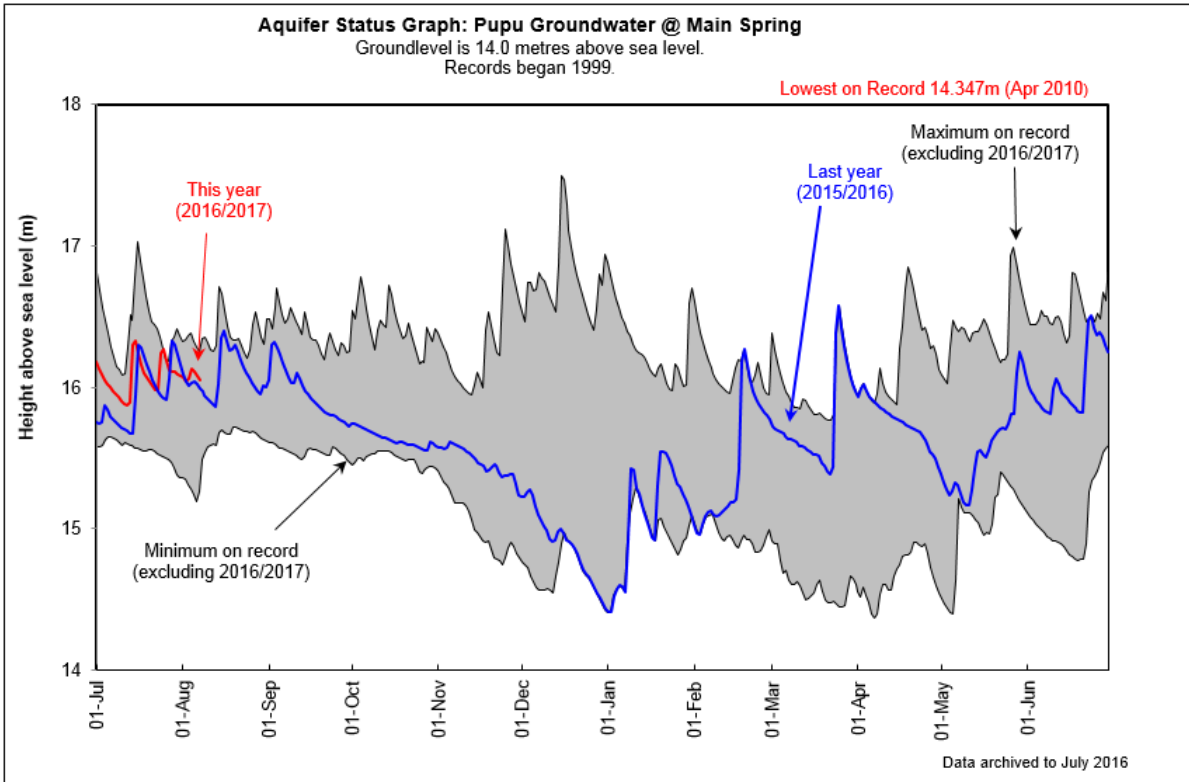
**Groundwater Level Aquifer Status Graphs Update – August 2016**











## Action Sheet - Environment &amp; Planning Committee

| Meeting Date:    | Minute/Action   | Minute or CSR or Email request   | Accountable Officer | Status                                |
|------------------|---|--|---------------------|---------------------------------------|
| 1 November 2012  | REP12-11-06<br>NPS on<br>Renewable<br>Electricity<br>Generation | Requests staff to identify opportunities to amend the TRMP to improve the process for installing mini and micro hydro and photovoltaic energy systems  | Steve Markham       | No action yet. Programmed for 2016    |
| 4 June 2015      | EP15-06-9   | That a plan change should be undertaken to give effect to the NPS for Electricity Transmission.  | Tania Bray          | 1 September agenda                    |
| 19 November 2015 | EP15-11-13  | Staff be requested to report back by March 2016 on changing the building consent fees schedule to better reflect the complexity of buildings, risk exposure and time required for process and inspection | Sharon Theadwell    | Re-programmed to November             |
| 4 February 2016  | EP16-02-13  | The Takaka FLAG be requested to table its report and recommendations to the September EPC.   | Steve Markham       | Workshop to be held 1 September       |
| 9 June 2016      | EP16-06-6   | That proposed Changes 54 to 56 to the TRMP commence as operative from the date of the next update in August 2016.  | Steve Markham       | Now proposed for mid-September        |
|                  | EP16-06-8   | Approves Plan Change 51 to commence as operative at the notification of Update 55, expected to be August 2016.   | Steve Markham       | Now proposed for mid-September        |
| 28 July 2016     | EP16-07-6   | Consultation on the Draft Golden Bay Outstanding Features and Landscapes Plan Change be extended to 30 September 2016  | Steve Markham       | Date extended and website updated etc |