

Notice is given that an ordinary meeting of the Regulatory Committee will be held on:

Date: Thursday 6 May 2021
Time: 09.30am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Regulatory Committee

AGENDA

MEMBERSHIP

Chairperson	Cr D Wensley	
Deputy Chairperson	Cr D Ogilvie	
Members	Mayor T King	Cr K Maling
	Deputy Mayor S Bryant	Cr C Mackenzie
	Cr C Butler	Cr D McNamara
	Cr M Greening	Cr T Tuffnell
	Cr C Hill	Cr A Turley
	Cr B Dowler	Cr T Walker

(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 Regulatory Committee meeting held on Thursday, 1 April 2021, be confirmed as a true and correct record of the meeting.

7 PRESENTATIONS

Nil

8 REPORTS

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9 CONFIDENTIAL SESSION

Nil

8 REPORTS

8.1 CHAIRS REPORT

Information Only - No Decision Required

Report To: Regulatory Committee
Meeting Date: 6 May 2021
Report Author: Dana Wensley, Chair - Regulatory Committee
Report Number: RRC21-05-1

1 Summary

- 1.1 The Regulatory Committee Chairperson, Cr Dana Wensley will provide a verbal update to the meeting.

2 Draft Resolution

That the Regulatory Committee receives the Chairs Report RRC21-05-1.

Item 8.1

3 Attachments

Nil

8.5 REGULATORY MANAGER'S SIX MONTHLY REPORT**Information Only - No Decision Required**

Report To:	Regulatory Committee
Meeting Date:	6 May 2021
Report Author:	Adrian Humphries, Regulatory Manager
Report Number:	RRC21-05-2

Item 8.2**1 Summary**

- 1.1 This is a six-monthly status report on activities within the Regulatory Section (the last report was RC20-06-2). Compliance activity will be reported separately on a bi-annual basis.
- 1.2 Graham Caradus, our long serving Team Leader Environmental Health, retired at the end of April and has been replaced by Daniel Winter, an experienced Environmental Health Officer from Auckland. We wish Graham all the best and look forward to working with Daniel.
- 1.3 The effect of the Covid-19 lockdowns is still being felt in the Environmental Health team. The food safety backlog has been greatly reduced by using a contractor to conduct some verifications, however, we are still behind on our inspection programmes for other health licenses and steps are in place to manage this.
- 1.4 The only alcohol controlled purchase operation carried out during the period had one failure. The Police are deciding on how to deal with this.
- 1.5 Nearly 240 more dogs have been registered in the District since last year. This represents about a two percent increase. More targeted enforcement has led to fewer unregistered dogs and more dogs being classified as dangerous or menacing. One court case is currently underway concerning an alleged dog attack. The dog control bylaw was reviewed and changes made relating to Golden Bay.
- 1.6 The use of cameras has been helpful in catching individuals illegally dumping and littering at some key sites around the District. This has seen a significant reduction in offending.
- 1.7 The Government allowed a moratorium on Warrants of Fitness and Vehicle Registrations until October, this has had an effect on income, and this effect will be seen for some time, as historic payments to the Council will be reduced.
- 1.8 The Ministry of Business Innovation and Employment funding for additional freedom camping enforcement was fully utilised this summer. A full report was made to the Council previously on this subject - RRC21-04-4 on 1 April 2021.
- 1.9 The Harbourmaster and his team had a very busy summer, despite pandemic restrictions on international visitors. Of particular note, the team will be receiving an award from the Rescue Coordination Centre New Zealand (RCCNZ) relating to support given on a Search and Rescue (SAR) operation. The award will be made in Parliament later this month when the full details will be released.

Item 8.2

- 1.10 The Regional Oil Spill Response team were exercised and audited by Maritime New Zealand, and found to be well up to the task.
- 1.11 Development contributions (DCs) paid to offset the cost of infrastructure improvements over the period amounted to \$3,830,663.00.

2 Draft Resolution

That the Regulatory Committee receives the Regulatory Manager's Six Monthly Report 1 October 2020 to 31 March 2021 RRC21-05-2.

3 Purpose of the Report

- 3.1 This report informs the Council of the activities of the Regulatory Section over the period 1 October 2020 to 31 March 2021. The Compliance and Monitoring team, although part of the Regulatory Section, report to the Council separately on a biannual basis.

4 Regulatory Section Activity Report

Food Safety

- 4.1 **Template Food Control Plans:** Food Control Plan verification audits continue to be carried out, however, the knock on effect of Covid-19 still has us on a back foot. There are 355 template food control plans registered in Tasman District; Tasman District Council environmental Health Officers (EHOs) carry out 29 of these verifications, the rest by private verifiers. The Ministry of Primary Industries (MPI) have stated on average that each verification takes four hours. This is in line with what we find, however, in Tasman District we have the additional factor of distance to consider. As all of these premises are inspected individually and are in diverse locations, combining verifications to be carried out in a day is difficult. This was easier to achieve when audits were unannounced. Having verifications being unannounced is something we continue to lobby for with MPI, however, we are not hopeful that MPI will allow this change.
- 4.2 Additional help from Zoe Moulam, Food Consultant, has been very helpful in reducing the backlog. Zoe has covered off a number of the verifications in the Golden Bay/Murchison areas.
- 4.3 **National Programmes:** Tasman District Council registers 130 National Programmes. While we do not verify these premises, we do review their applications and often contact the applicants to clarify their processes. Any non-compliances found by verifiers during National Programme verifications are referred back to us for further follow-up or enforcement action.
- 4.4 **Food Complaints:** A number of food complaints were received over the summer period that warranted unscheduled visits from Food Safety Officers. Two of them resulted in Improvement Notices being served, one in Kaiteriteri and the other in Motueka. Visits resulting from complaints are often very different in outcome to the scheduled verifications we carry out, where the operator has been given sufficient time to clean the premises and complete the documentation where required. This issue has been raised at a recent cluster meeting with MPI, but to no avail. As mentioned above, a change in this scheduling procedure, requiring us to notify the operator and to meet at a mutually agreeable time, would require a legislative change.
- 4.5 **Improvement Notices:** Ten Improvement Notices and two Notices of Direction have been served since last October 2020. No further enforcement action has been necessary following these notices as compliance was achieved.
- 4.6 **New Businesses:** The volume of service requests regarding new food business applications continue to grow. As many of the requests are from people wanting to start their own food business for the first time, the time spent on each query can be quite lengthy.
- 4.7 **Continuing Professional Development (CPD):** The three EHOs attended a virtual New Zealand Institute of Environmental Health (NZIEH) conference in March. This will go towards MPI CPD points for this year. The team found it beneficial to be able to attend as a team.

Work towards CPD points will continue throughout the year. A food training workshop has been arranged for 3 June 2021 for top of the South, which enables us to divide costs between all of the councils.

Item 8.2

Sale of Alcohol

- 4.8 **Controlled Purchase Operation (CPO):** Over the period, one CPO was carried out, with the Police and District Health Board. One premises failed to comply with the requirements and the Police are deciding on what action to take.

Table 1: Alcohol Licences issued over the period 1 October to 31 March		
Type	2019/20	2020/21
Club Licence	3	0
Off Licence	17	20
On Licence	25	24
Special Licence	32	25
Manager's Certificate	136	137
Temporary Authority	8	11
Totals	221	217

- 4.9 **Alcohol Harm Prevention Partnership (AHPP): Nelson Tasman (formerly known as the Nelson Tasman Alcohol Accord):** Tasman District Council is active in this group, which comprises representatives from Nelson Bays Police, Nelson Marlborough District Health Board - Public Health, Nelson City Council, Accident Compensation Corporation (ACC), Hospitality New Zealand, Drug and Alcohol clinicians and others. Plans are produced by the AHPP to tackle the most serious issues relating to alcohol harm. Some further detail is available here: <https://www.nmdhb.govt.nz/public-health-service/health-and-wellbeing/alcohol-and-alcohol-licensing/>

Campgrounds

- 4.10 There are 44 campgrounds registered in the District. Water samples were taken from 26 campgrounds with private water supplies prior to the summer season, three of these sites failed their initial water test. Further tests were taken and followed up until they were compliant.
- 4.11 Full audits of all campgrounds were not possible during the busy summer season. We intend to visit them all in the next 12 months.
- 4.12 Three illegal campgrounds were discovered in the district during this period. This resulted in one closure, one registration applied for, and one campground working towards a registration.

Noise Complaints

- 4.13 The majority of the noise complaints are dealt with by external contractors as they are outside of normal working hours, however, noise control is still a considerable part of our

routine work. Since October last year, approximately ninety calls were made in relation to noise complaints during normal working hours, usually relating to machinery or bird scarers.

Table 2: Noise Complaints over period 1 October - 31 March		
Type/Years	2019/20	2020/21
Music/Party	464	480
Machinery	89	87
Animal	3	3
Other	26	29
Total	582	599

Other Licensed Premises

4.14 These licences are issued under the Health Act. We are also responsible for licensing hairdressers, funeral parlours and offensive trades. Not all of these have been inspected in the last six months due to access issues during the lockdowns, however, we hope to have all such premises inspected within six months. The numbers registered are shown below:

Table 3: Total of Other Health Licences held as at 31 March 2021	
Hairdressers	47
Funeral Directors	5
Offensive Trades	7

Dog Control

4.15 **Registrations:** In the District we have 11,840 known dogs (5,863 urban and 5,977 rural), around a 2% increase from last year. Of the known dogs, 99.93% are currently registered.

Table 4: Dog numbers as at 31 March 2021		
		2019/20
Dogs Registered	11,829	11,580
Dogs Unregistered	11	34
Total	11,840	11,614
This Includes Classified Dogs as Follows		
Dangerous Dogs	25	23
Menacing Dogs	93	80

4.16 **Enforcement:** One case is still ongoing from the previous period.

- 4.17 One dog owner has been banned from owning dogs for a period of five years as they had committed at least three infringement offences (for different offences) in a two-year period.
- 4.18 **Bylaw review:** A review of The Dog Control Bylaw in regards to Tata Beach and Commercial Street was carried out over the period. This resulted in the prohibition of dogs on Commercial Street being rescinded and an alteration to the dogs permitted times on Tata Beach.
- 4.19 We also issued infringement notices for a range of offences under the Act. It should be noted that before issuing an infringement notice for failure to register a dog, we have attempted to contact the dog owner at least three times. Contact methods include letters, emails and phone calls where we have the appropriate details.

Table 5: Summary of Dog Infringements – 1 October 2020 – 31 March 2021		
Infringement	Issued	
	2020	2021
Failing to register dog	46	11*
Failing to keep controlled	12	8
Failure to comply with classification	2	0
Willful obstruction of an officer	0	1
Failure to comply with Bylaw	1	0
Failure to comply with barking abatement	0	2
Failure/refusal to supply correct information	0	0
Failure to implant microchip transponder	0	1
Failure to keep dog controlled or confined	0	2
Total	61	25

* 175 Infringements for Non-registration were issued in September 2020

Stock Control

- 4.20 Wandering stock incidents are much the same as for previous years. Control Services Tasman Ltd (CSTL) have good relationships with farmers throughout the District who will often assist with resolving such issues.

Litter and Illegal Dumping

- 4.21 The use of covert cameras has reduced the instances of illegal dumping in several problem areas. Over the period, four \$400 infringement notices were issued compared to eleven in the previous period.

Parking

4.22 As a result of Covid-19 restrictions, a moratorium (from January 2020 to October 2020) was put on issuing infringement notices for expired warrants and registrations. This has resulted in reduced income in comparison with the previous period, despite an increase in the number of infringements issued.

Table 6: Summary of Parking Infringements 1 October 2020 – 31 March 2021						
Period	Issued	Paid	Cancelled	To Court	Write Off	Total \$ Received
01/10/20 - 31/03/21	2,928	2,322	420	638	521	\$102,738*
01/10/19 – 31/03/20	2566	1455	462	843	534	\$124,945

**Includes income from the Courts for historical fine payments.*

It should be noted that the Court process can take many years to return money owed to the Council. We are still receiving income from over 15 years ago!

Freedom Camping

4.23 The effect of the pandemic and the amendments to the Bylaw resulted in a different experience over the period, as was reported to the Committee in RRC21-04-4 on 1 April this year.

Table 7: Summary of Complaints and Infringements for Freedom Camping 1 October 2020 to 31 March 2021		
Period	Infringements Issued	Complaints Received
01/10/20 – 31/03/21	155	76
01/10/19 – 31/03/20	164	146

4.24 Responsible Camping Fund: All money allocated to Regulatory was spent over the period.

Harbourmaster

4.25 **Commercial Operators:** With the impacts of Covid-19 directly impacting New Zealand tourism, the Council decided to reduce their licensing fees for Commercial Vessel Operators by 50% for this financial year (annual per powered vessel fee now \$155.00 down from \$310.00). In addition, Foreshore Crossing Charges (as per the Abel Tasman Foreshore Scenic Reserve Management Plan) were not required from Commercial Operators last year, so our maritime income is down from Commercial Operators. Anecdotally, it looks like Covid-19 restrictions on tourism have affected the water taxi operators by reducing business by ~60%, and some kayak operators are down about ~70%. Weekends and school holidays may be busy, but tourism has been very quiet in the intervening times.

- 4.26 **Harbourmaster Vessel:** Sentinel is almost five years old and has done ~2000 engine hours. The vessel is performing well and its high profile has a very positive effect on navigation safety for locals and visitors. We will soon need to look at replacing the two outboards so that we ensure reliability and this has been budgeted for.
- 4.27 **Seasonal Buoys:** we have 180 seasonal buoys in the District; these are put out in November of each year and remain in the water until late summer. Their purpose is to separate conflicting user groups on the water such as water skiers and swimmers. In the past, we have used a barge contractor to put these buoys out and bring them in, this year however, in order to save money, we are doing the buoy work ourselves using Sentinel and a towed barge that we built. In addition, a device was invented that enables us to use rope to safely haul the chain moorings. This capability enables us to save \$24,000.00 per year in commercial barge fees.
- 4.28 **Harbourmaster Shed:** The Harbourmaster shed is proving to be a great asset for the team, and efficiencies have greatly improved by being centralised and having the boat close to the water. The shed and yard have also made the maintenance of our 180 seasonal buoys much more efficient.
- 4.29 **Community Engagement:** Over summer, we gave event approvals, including reservations of the water space for safety purposes and speed uplifting's to 12 maritime events. We also attended these events as a safety boat, the events were:
- Kaiteriteri Waka Ama racing
 - Lake Rotoiti Waka Ama racing
 - a jet boating river event
 - a jet boating Lake Rotoiti event
 - a sailing event at Mapua
 - the Mapua Boat Club Regatta
 - surf ski racing from Kaiteriteri to Mapua
 - fireworks display at Kaiteriteri
 - fireworks display at Torrent Bay
 - the Tata titanic cardboard cup
 - the Lake Rotoiti Classic Boats show, and
 - the Lake Rotoiti power boat racing.

We also attended for our fifth year “Clued Up Kids”, which saw approximately 700 children educated on various safety issues. We also attended the Tasman Challenge where we set up an oil spill training scenario for the attending Enviro Leader primary school children. To promote navigation safety, we also again entered Sentinel into the Motueka Santa Parade.

- 4.30 **Maritime New Zealand (MNZ) funding:** This year the Harbourmaster put in three bids for funding from MNZ and all were funded. One bid was for a renewal of our summer student funding (\$15,000.00), one was to continue with running the “No Excuses” programme in Tasman waters (\$5,000.00) and the third was to fund the new fixed term position of Maritime Education and Compliance Officer (\$37,500.00). The new fixed-term position was filled from 1 December 2020, and it has been valuable to have a third ticketed skipper on the

Harbourmaster team. This extra skipper ensured we always had a minimum of two crew on Sentinel and we were able to send the skipper up to Lake Rotoiti on the smaller Harbourmaster boat at the same time Sentinel was on the water in the Abel Tasman. This gave us a greater profile on busy summer days. Another advantage in having extra capability was that we could also assist Port Nelson to ensure navigation safety in their region when their deputy Harbourmaster left to go to another job. To enable this, our Enforcement and Education Officer was also warranted for the Nelson Navigation Safety Bylaw. This collaboration also set us up well for further interactions that we had with Port Nelson involving shipping. We will be applying again for an Assistance Enforcement Officer position for next summer from MNZ. This time we are also going to involve the Marlborough Harbourmaster as he would like assistance doing education and enforcement in the area of Okiwi Bay and the Western side of Durville Island, as he does not regularly get to this area due to travel time from Picton.

- 4.31 **General Council use of the Harbourmasters' vessel:** The Harbourmaster vessel continues to be utilised by other Council departments. We have done nine trips to the Abel Tasman to transport building inspectors, three trips with engineers (in particular during the Torrent Bay beach replenishment), and five trips with compliance staff covering various compliance issues in the National Park and undertaking local water sampling. We also provide transport for the Biosecurity staff to Jackett Island and we used our Council vessels to do a practice deployment of in-water biosecurity hull treating equipment in December. We also undertook another five days of biosecurity checks on vessels with the Top of the South Biosecurity staff in the Abel Tasman between Christmas and early January 2021.
- 4.32 **Derelict Boats:** One derelict boat was removed from Ligar Bay in Golden Bay; this vessel was taken to landfill. A further three derelict boats have been removed from the water by their owners following Harbourmaster enforcement actions.
- 4.33 **Marine Farming:** There has been a large amount of growth in marine farming, particularly in Golden Bay where one farm (AMA1) has increased in size by six times, and another (AMA2) has approximately doubled in size. In response, the Harbourmaster has been running monitoring and compliance trips to ensure consent conditions are met, and updating marine charting to reflect the new farm areas. This growth in marine farming is likely to lead to increased issues with lost floats. Based on an aerial count of lost mussel floats seen on Tasman Beaches (36 lost mussel floats counted during one flight), we held a meeting with the New Zealand Marine Farming Association to discuss the issue of lost mussel floats and the loss of plastic ropes etc. into the ocean. There have been some great steps taken by the industry to resolve these issues, including ensuring all contractors follow the industry code of practice (contractors are now graded according to the standards of their environmental practices), and two companies are now working towards designing a float that does not need mussel lashing to attach it to the backbone. One manufacturer is using a "peg" instead of lashing, and a local manufacturer who attended the meeting went on to design a clamp-on float that has now undergone at sea trials and no floats have been lost during the trial period. We are continuing to do our quarterly marine farm night-time cardinal and intermediate light monitoring for navigation safety compliance.
- 4.34 **Boats in Distress:** Over summer, we had four boats sink in the region, all due to the owner having the wrong vessel type for the sea conditions. Fortunately, all occupants survived. One boat was swamped during a fishing trip at Collingwood in Golden Bay and the three occupants were rescued by another fishing boat, their boat was then lost at sea. Interestingly, four days following this incident we picked up a mayday relay from a container

ship that had spotted an upturned hull out at sea. The Harbourmaster then searched for the upturned hull and it turned out to be the boat that had been lost from Collingwood, so the vessel had drifted overturned but with an air pocket in the bow for 70 kilometres. The second small vessel was swamped while fishing in Golden Bay and was attended by a passing yacht, and the third vessel was swamped and sank just off the entrance to Kaiteriteri and we needed a diver to help recover it. The fourth vessel was swamped by a large wave at Wainui Bay and it was towed back to Port Tarohe. The Harbourmaster also towed eight boats that had engine or other issues; by towing the broken down vessels we help to prevent these minor issues from escalating to becoming a bigger problem such as a boat wreck.

- 4.35 **Taharoa EOS:** The Taharoa EOS is a 290-metre long, 45 metre wide, one hundred thousand ton bulk carrier that contacted Port Nelson and the Tasman Harbourmaster seeking clearance to come into Nelson/Tasman waters for repair. Following inquiries as to the nature of the repair, we were advised the EOS had structural cracking and was taking on 100 tons of water an hour. The cracking was six meters under the waterline and although they had pumping capacity in excess of the water ingress, they needed immediate repair. The ship's master did not declare an emergency and as weather conditions were favourable at sea, the Tasman Harbourmaster refused entry to Tasman unless a Class Survey was done to ensure that the ship could remain in Class and therefore remain insured prior to entry to Tasman Territorial waters. If the ship had not been deemed repairable, there was a risk that it would never leave Tasman and we were very concerned about the potential for oil spill and wreckage from a ship of this size. This survey was undertaken using a helicopter to fly the surveyor out to the ship and the surveyor spent a day assessing the ship and deemed that it could remain in Class and it was therefore safe for us to allow the ship into the District for repair. AMEX group in Nelson undertook the repairs and the ship left Tasman waters following five days of repair. Because of the size of the ship and the nature of the issue there was some media attention including an article in the Nelson Mail.
- 4.36 **Enforcement:** Seven infringements were issued this summer. All were issued to Jet Ski operators for disregarding the maritime safety laws. One example of an infringement was when a jet skier attempted to drive at speed between three vessels (all displaying dive flags) that were surrounding a diver.
- 4.37 **Signage:** Various navigation safety signage has been updated and added to in response to issues raised by the community or the harbourmaster team. Several more channel marking navigation aids (port, starboard and speed markers) have also been put out to mark the channel to the Motueka marina. We are continuing to publish and put the very well received guide to "Boating and Water Sports in Tasman" out at boat ramps, and have now added six months of tide charts to the publication.
- 4.38 **Motueka Channel Local Knowledge Channel Guide:** The Motueka Channel Guide is now on version 34; the channel markers have been shifted five times in the last six months in response to the sand spit having expanded ~400 metres to the east. Copies of the channel guide are continually being put out at the Motueka ramp and the guide is published on the Tasman District Council website. Marking the channel is a very important task in order to prevent local boats from running aground, a particular risk is boats hitting the sand bar at speed, coming to a sudden stop and subsequently causing de-acceleration injuries to the occupants.
- 4.39 **Boat Count:** On 29 December 2020, the Tasman Harbourmaster (at no cost to the Council) did an aerial boat count. The survey ran from Mapua to Collingwood and the result was that seven hundred and nineteen watercraft (ranging from paddleboards to launches) were

identified in this part of the Tasman District waters. It will be interesting to compare this to future years, as there was an anecdotal increase in recreational boating activity this year.

- 4.40 **Search and Rescue Award:** Along with the Nelson Coastguard, the Tasman Harbourmaster has been invited to Parliament on 18 May 2021 to receive the 2020 New Zealand Rescue Co-ordination Centre rescue of the year award.
- 4.41 **Launch Wardens:** We currently have six honorary launch wardens; these are in strategic locations i.e. Māpua, Tapu Bay, Torrent Bay and Port Tarkohe.
- 4.42 **Shipping:** We are continuing to build infrastructure around providing navigation safety services for shipping. We have been co-ordinating with the Marlborough and Nelson Harbourmasters on the provision of navigation safety services. One of the issues we have with co-ordinating shipping is that we do not have the staffing to provide a 24 hour, seven day a week response capability to direct shipping, hence we are currently in discussions with Port Nelson around utilising their 24-hour operating and associated VHF channel 12 to assist us with this task. Initial discussions are positive, as Port Nelson have limited space in their waters to anchor shipping and are keen to work with us. It is likely that Nelson will also start to charge shipping for the provision of navigation safety services within their waters, based on the established Port Marlborough charges. Once we have all of the details arranged, a report will be submitted to the Council for assessment of the options.
- 4.43 **Moorings:** on 25 and 26 May we will have the hearings for submissions on the two plan changes and moorings bylaw. The hearing panel will make recommendations and the final decision will be made by Full Council. If the new bylaw is agreed, we will then start bringing individual mooring areas progressively into effect, starting with Tasman Bay then Golden Bay.
- 4.44 **Medical Emergency:** In early April, the Harbourmaster team responded to a distress call from a yacht in Tasman Bay, despite efforts to give CPR and a rapid transfer of the patient via Sentinel to an awaiting ambulance at Port Nelson, the patient did not survive.

Oil Spill Response

- 4.45 The Regulatory Manager, who is appointed as a Regional on Scene Commander (ROSC) by the Director of MNZ, oversees the regional oil response team.
- 4.46 **Staff:** There are 26 regional oil response staff, 14 from Tasman District Council and the remainder from Nelson City Council and Port Nelson. We have applied to have three of our responders trained at senior level. Next year we hope to train another ROSC. We currently have a full complement of trained oil spill response staff.
- 4.47 **Exercise Big Job:** on 18 March 2021, the Maritime Pollution Response Service (MPRS) tested oil spill response staff. The scenario involved a vessel losing a significant amount of Heavy Fuel Oil whilst bunkering in Port Nelson. The MPRS audited our performance and were satisfied that our responders had achieved all of the exercise objectives and acted in an appropriate manner.

Development Contribution (DC) Administration:

- 4.48 An objection raised against a Development Contribution (DC) for a very large development failed to get support of the DC Commissioner and the level of DCs required by the Council will not change. In order to make it easier for the developer and the Council, we have offered them a "Developer Agreement"; this has the effect of guaranteeing the DC levels for later stages of the development, thus assisting both the developer and the Council.

4.49 Income from DCs is shown in Table 9 below:

Table 9: Development Contribution Invoices 1 October to 31 March 2021							
DCs	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Totals
Roading	33,058	39,679	49,491	28,811	9,582	22,948	183,569
Stormwater	237,899	305,647	99,953	21,452	83,764	233,448	982,165
Water	177,470	375,514	217,744	0	0	287,805	1,058,533
Wastewater	366,813	483,370	252,012	82,077	37,319	384,805	1,606,397
Totals	815,241	1,204,210	619,201	132,340	130,665	929,006	3,830,663

5 Conclusion

It was another busy six-month period for the team. Staff continue to offer service at a level that is exceptional in many areas. We look forward to continuing to serve our community as best as we can.

6 Attachments

Nil

2.1 BUILDING ASSURANCE MANAGER'S REPORT**Information Only - No Decision Required**

Report To:	Regulatory Committee
Meeting Date:	6 May 2021
Report Author:	Ian McCauley, Building Assurance Manager
Report Number:	RRC21-05-3

1. Summary

- 1.1 This information report updates the Committee on activities of the Building Assurance section over the six-month period since the last report issued on 26 November 2020.
- 1.2 Despite Covid-19 raising some early predictions of a downturn in the economy, this has not been the case according to a 2021 report issued by Statistics New Zealand. The media reported that overall the number of new homes consented across New Zealand in the 12 month period to January 2021 was '*within a hair's breadth of hitting an all-time high*' at 39,881 compared with the standing record held in 1974 of 40,025.
- 1.3 Tasman District has increased by 10.5% for the same 12-month period, behind Hawkes Bay +34%; Taranaki +17.7% and Auckland +14.3%. Of interest, Nelson declined in residential consent numbers at the highest rate in the country for the same period by a staggering -42.3%. This is likely to be a reflection of less available land within Nelson City.
- 1.4 Every function of the Building Consent Authority is strictly regulated and, by law, must be continuously audited internally throughout the year for compliance. Any anomalies and inconsistencies in policy, process or procedures must be recorded, and system improvements made to bring these into line. International Accreditation New Zealand (IANZ) rigorously review these records and measure against the regulations. The Building Consent Authority's (BCAs) entire business must be ruled by a Quality Assurance System that is also audited with results reported to the Ministry of Business Innovation and Employment (MBIE). Our next Accreditation Audit is due in October this year.
- 1.5 Timeframes and quality are constantly monitored. Competency and staff training are integral to the quality assurance process of the BCA. It is within this strict environment that we constantly seek and find ways to improve processes and procedures. We use a digital end-to-end consenting system, which is detailed within this report.

2. Draft Resolution

That the Regulatory Committee receives the Building Assurance Manager's Report, RRC21-05-3.

2 Purpose of the Report

- 2.1 This report informs the Council of the activities of the Building Assurance Section since the last report issued on 26 November 2020.

3 Building Control Functions and Delivery

- 3.1 The Building Assurance Section's responsibility covers all building activity under the primary legislation of the Building Act 2004 (which includes the New Zealand building code).

Challenges

- 3.2 Ten Technical Officers (seven Processors and three Inspectors) were required under legislation to complete a recognised qualification approved by MBIE. These officers all successfully completed the first year (of two) and were formally recognised as top of the country, including one officer who was highest achiever overall (A+ on all papers with one A). They are half way through the second and final far more complex year, with training focusing on medium and large buildings.
- 3.3 It remains a challenge to manage workload while training and although we have been able to call on some contractor assistance, processors have nevertheless had to maintain their consenting responsibilities between Diploma assignments. Overall the BCA has maintained its performance target timeframes:
- 3.3.1 Issuing consents at 10.6 average days (target at 12); 99% within statutory timeframes, which is the same as my last six month, report.
- 3.3.2 Inspection bookings generally sustained at our committed 48 hours' notice period with some exceptions. These were at a couple of stages when the three diploma inspectors were on week-long courses, however, we recovered as soon as they finished. Inspection volumes in the 12 month period from 1st April 2020 to 31st March 2021 are at 7863. This is slightly less inspections than the same period 2019/20 possibly attributed to the lockdown.
- 3.3.3 Code Compliance Certificates issued on average on the same day; 99% within statutory timeframes.
- 3.4 The five Building Support Officers all successfully completed a Level 4 Diploma, created specifically for the building support role. Unfortunately, there has been a higher turnover of staff in this section, but training is continuing, including enrolling the new staff in the same Diploma, taking advantage of the Government subsidy which covers fees until the end of 2022 (Targeted Training and Apprenticeship Fund).
- 3.5 We have received 1738 service requests at the time of this report since the end of November 2020. It is sometimes a challenge to respond and resolve these quickly and efficiently, especially with other work demands. However, many of the service requests involve ongoing compliance investigation work, which can take time to complete. We are maintaining our duty Technical Officer's roster to offer customer assistance on a daily basis.

What is working well and challenges?

- 3.6 Specialist contractors brought on board in 2020 continue to provide technical assistance required to ensure we are managing our risk issuing building consents. These are engineers with specialist skills that processors are not expected to have.
- 3.7 The document management system is functioning very well with Code Compliance Certificates (CCC) issued on average on the same day. Hundreds of documents are sent into the digital system each month and require technical checking prior to CCC. We resource this work well to keep up with the demand. It also requires training in dealing with documentation appropriately i.e. when to reject and when to accept. There is a detailed procedure for staff to follow.
- 3.8 Stakeholder engagements are held continuously and have gone very well with positive feedback and engagement. The most recent have been the Tiny Homes Expo held early April where Planning and Building staff presented to this niche community, helping them understand their responsibilities and to find legitimate pathways within the rules. The Building Assurance Manager gave a presentation at the Living Wood Fair in Tākaka on Saturday 17 April with a very good response. Thirty people entered their email addresses requesting digital information to be sent.

Some improvement initiatives

- 3.9 **Multiproof applications:** We have processed our first Multiproof application for a project in Golden Bay up to request for further information (RFI) stage and are waiting on this information from the designer. Once this is finally issued, it becomes a blueprint for future designs of the same type that can be issued with 80% of the work having been processed.
- 3.10 **Contractor Use:** We have recently restricted our contract pool to two main users for better management to cover needs.
- 3.11 **Golden Bay contractor:** We have engaged a contractor to assist in Golden Bay with inspections in that area. This is economical for us, given an inspector from here loses travel time to Golden Bay and back and often with only a few inspections.
- 3.12 **Creation and use of Digital checklist for Pool inspections:** As part of the strategy to cycle through the pool inspection backlog, with the help of the Information Services Department (IS) we are now using a digital checklist instead of paper. This means the inspectors do not have to manually enter data in the system – the checklist can be sent to the system from site and can be emailed to the customer. Practically, this means more inspections on site and less work in the office.
- 3.13 **Minor variations:** Last year applicants were choking the digital system with a wide range of minor variation applications. This created long ‘review’ delays as the inspectors were out on the road. We created a new procedure so applicants deal with these on site, directly with the inspector. A new form supports this process, ensures the inspector and the applicant are prompted to choose the right supporting documents, the work can be approved and continue until the applicant uploads the completed documents into the system. This system is working well although it relies on good site management.
- 3.14 **Exclusion of owner from failed inspection reports and RFIs:** Last year because of continual complaints from site staff and group homes about perpetually having to explain RFIs and failed inspection reports to owners, we decided to use discretion, including owners in these reports. This allows stakeholders to get on with resolving issues they understand. However, we explained that at any time an owner wanted to receive the information, it would

be sent. We also apply discretion when we think owners need to be aware of any matters that are 'out of the ordinary.' This has been working well, and has improved our relationship with stakeholders.

- 3.15 **Accuracy of Formal Notices:** It has been found that formal notices that are part of building enforcement procedures could have been framed better to avoid confusion with matters under the Tasman Resource Management Plan (TRMP). We are working to improve enforcement templates and training the new compliance staff in their use.

Complaints and Culture

- 3.16 Complaints are often opportunities to improve the way we do things and apply continuous improvement. It is inevitable however, that some of these are related to the frustration of applicants not understanding our obligation to enforce observance of the Building Act or the Building Code. While the vast majority of designers and professionals we deal with work well, there are a handful that struggle for various reasons to understand their responsibilities and their complaints are often repeated. One designer has two MBIE Determinations in the system due to a dispute with refused consent applications for substandard design work. We await the outcome.

4 Statistical Summary

- 4.1 Comparative statistics are shown in the following three columns in the table below. The three columns are 12-month comparative periods between April and March. Note that the 2018 year was the transition period when the BCA adopted Alpha One in October of that year, so the reporting data of percentages is of no value with the two mixed systems.
- 4.2 The statistics show what we are experiencing on the ground and is consistent with the report from Statistics New Zealand, which is growth in comparison between the previous two years. Of particular interest is the comparison of **new dwellings** constructed.

Building Assurance Results	1 April 2019 - 31 March 2020	1 April 2020 - 31 March 2021
Building Consents Issued	1474	1490
New Dwellings Issued (excluding Amendments)	406	549
Average Processing days	12	11
Building Consents Processed within 20 working days (%)	97%	99%
CCC Applications	1155	1141
CCC Issued	1143	1007
CCC Issued within 20 working days (%)	99%	99%
CCC Average processing time	2	3
Inspections	7993	7863
Failed Inspections (%)	58%	60%

5 Resourcing considerations

- 5.1 Staff vacancies within the compliance team and extraordinary complaints have had an effect on service delivery within compliance. The Team Leader resigned; administration support was seconded to the Project Management Office; one compliance officer left for the private sector and returned as a processor; the other applied for and accepted the position of Technical Lead. We are still advertising for a replacement Team Leader, which is a specialised position. Until then, the Building Assurance Manager must fill the gap providing technical oversight, encouragement and leadership. However, we are slowly building up the team again with a new emphasis on support functions across the team and there is good morale and enthusiasm from the new staff. Recruitment is difficult and this is a major problem for BCAs across the country. Two key Team Leader roles (Compliance and Processing) are in their fourth round of advertising.
- 5.2 MBIE undertook its high level Territorial Authority (T/A) functions audit and it was no surprise that the most serious matter for us is the failure to complete Tasman three-yearly inspections on its pools since the new law was passed in January 2017. A strategy has been formed with the objective to complete all these inspections by the end of 2021, after which time we must 'even out' the cycle to maintain these within the three year period. Building Warrant of Fitness audits to check the safety systems in commercial buildings were identified as an omission by Tasman District Council. While these 'checks' are not regulated by law, MBIE have issued guidance which we are expected to follow.
- 5.3 The Building Assurance Manager is reporting directly to the Compliance and Assurance manager regarding progress of the T/A Audit findings strategy to resolve.

6 Risk Management

- 6.1 The Building section carries a large amount of risk that needs to be managed carefully. As was outlined in my previous report, the best safeguard against risk is for both the BCA and building compliance to have highly qualified staff capable of interpreting and applying legislation correctly. In order to achieve and maintain the standard, it is always appropriate to highlight the fact that constant training and competence assessments are a regulated function of building consent authorities.
- 6.2 Managing risk also includes ensuring that building control staff avoid offering design solutions to applicants. There is a common misconception that the BCA can influence an applicant's choice of methods or products. Refusal to do so is often perceived as being unhelpful, however, in protecting the risk to the Council, and in accordance with the well-defined responsibilities of the BCA outlined in the Building Act, we must be mindful not to take responsibility for design, as our role is to 'verify' the choice of the applicant.
- 6.3 Protecting Risk to the Council is one of our primary obligations and this includes obtaining legal advice on matters where there are concerns of liability.

7 Building Act Accreditation

- 7.1 The BCA's next International Accreditation New Zealand Accreditation (IANZ) Audit is in October this year.

8 Building Act Review/ Initiatives

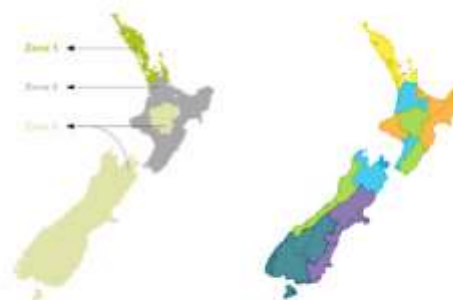
- 8.1 The Building Amendment Bill 2021 contains major changes to the Building Act. These include Modular Components Manufacturer Scheme; minimum requirements for product information and associated penalties; increasing penalties and timeframes for enforcement increases from six to 12 months. The Bill has passed through the second reading and is at the Committee of Whole House.
- 8.2 Energy efficiency is the first step in the Building for Climate Change programme launched in July 2020. The proposal to move New Zealand into six climate zones instead of the current three and increase the minimum thermal resistance is now out for public consultation. There are three options provided for submission and all three are compared to international standards: (1) Halfway; (2) Comparable and (3) Going further. Full details and analysis of the options are publically available and include energy and investment savings. The climate zone for Tasman will likely mean doubling of roof insulation, and improved double-glazing. Included in the requested public submissions is the transition dates for the changes to be compulsory. These range between 12, 24, 36 months. While the longer term benefits of the increased thermal resistance is clearly demonstrated, the cost impacts for colder regions in the initial build is expected to make matters worse for these regions.

See Table 2 below:

Considerations – Climate Zones

- Current 3 climate zones do not adequately reflect the significant climatic differences across New Zealand
- A new home in Central Otago requires approximately 7 times more heating energy than in Northland (everything else being equal)
- Christchurch heating energy demand is approximately 4 times Auckland

Current 3 Climate Zones Proposed 6 Climate Zones



New Zealand Government

Table 2: Climate Zones

Comparison with other parts of the world

‘Status quo’ is where New Zealand now sits, which shows how far behind we are in comparative regions below in Table 3.

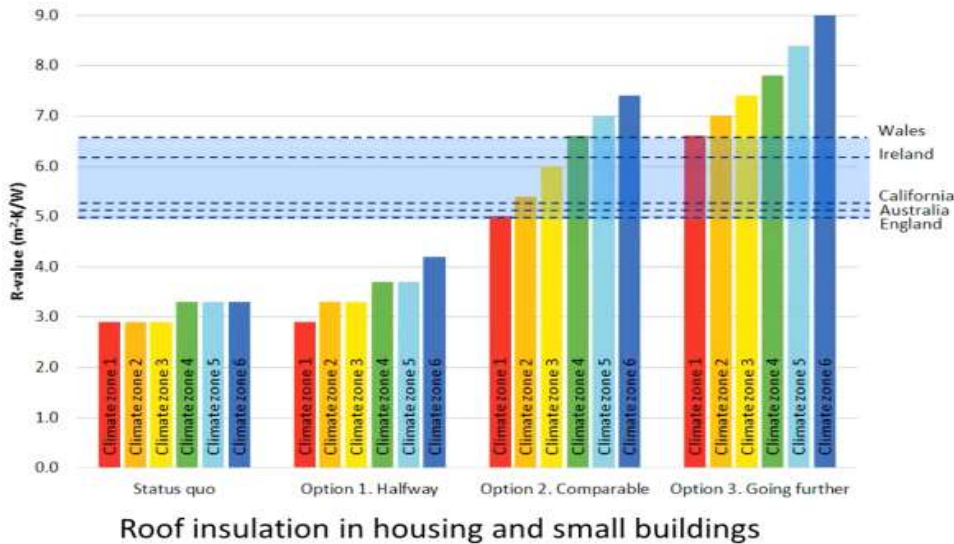


Table 3

9 Earthquake Prone Buildings (EQPBs)

- 9.1 Earthquake prone building work is up to date in terms of legislative requirements and the next annual progress report to MBIE is due in August 2021. The high seismic zone area is substantially completed.
- 9.2 The new Technical Lead Officer has made good progress in Motueka. The first task is to identify all EQPBs in the priority buildings, including in the previously identified strategic routes. We will arrange to brief the Motueka Community Board and Ward Councillors to understand the implications for business owners. Early inspections indicate there will be a number of EQPB notices to issue.
- 9.3 The statutory deadline is to complete all priority buildings in the medium seismic area by 1 July 2022.

10 Other Matters

- 10.1 This year is an extremely busy year for the building team. Ten officers are completing the large buildings section of a Diploma; the Compliance team are rebuilding including critical training requirements and as noted earlier in this report, Tasman is the fourth largest growth District for new dwellings. On top of this, the T/A audit has impressed on us a sense of urgency to improve our processes for pools and Building Warrants of Fitness (BWOFs), along with the looming IANZ Accreditation audit in October, all mean we are looking forward to some relief at the end of the year when we hope that:
 - IANZ audit will be reasonable
 - Pool inspections will be cycled through
 - The Diploma work will be finished
 - A BWOFF audit schedule will be planned and we can enter 2022 with all of this behind us.

Item 8.3

11 Attachments

Nil

2.3 ENVIRONMENT AND PLANNING MANAGER'S REPORT

Information Only - No Decision Required

Report To:	Regulatory Committee
Meeting Date:	6 May 2021
Report Author:	Dennis Bush-King, Environment and Planning Manager
Report Number:	RRC21-05-4

1 Summary

- 1.1 This report covers a number of general matters concerning the regulatory activities of the Council since the 1 April 2021 meeting of the Regulatory Committee.

2 Draft Resolution

That the Regulatory Committee

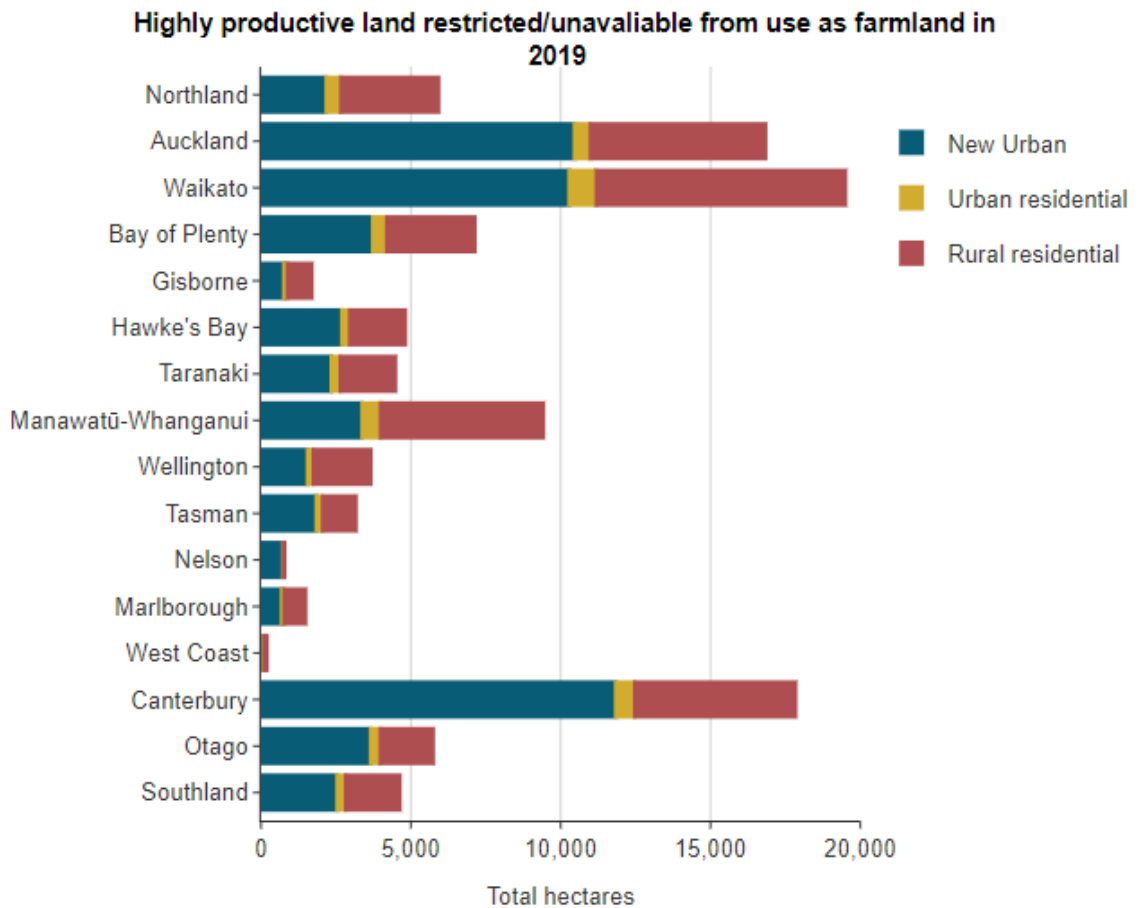
1. receives the Environment and Planning Manager's Report RC21-05-4; and
2. endorses the Draft Submission to the *Supporting Sustainable Freedom Camping in Aotearoa New Zealand discussion document*, subject to any direction to enable staff to develop a revised submission draft; and
3. agrees to the Committee Chair and Deputy Chair approving the final version of the submission noted in Resolution 2 on or prior to 16 May 2021.

3 Essential Freshwater Package

- 3.1 The Government announced a one year delay in implementing the Intensive Winter grazing provisions in the National Environmental Standards – Freshwater (NESFW) that were due to come into effect 10 May 2020. Staff will continue to work with farmers so that we get a better picture on how these rules may impact on land use. The one-year deferment also allows testing of whether and how a freshwater farm plan ‘module’ can work and be incorporated into a wider farm plan system that MPI, MfE and industry are working on. Regulations are not expected until February 2022.
- 3.2 The Government is also to release guidance on managing wetlands under the NESFW and staff consider these will clarify some of the existing ambiguities.
- 3.3 Work is progressing on Farm Environment Plans including the establishment of a National database so as to avoid duplication of effort and system costs.
- 3.4 The meeting with Professor Skelton has yet to be reconvened to discuss the water chapter of our new Tasman Environment Plan (TEP) planned for the December 2024 deadline.

4 Our Land 2021

- 4.1 The Government has released a new [report](#) on the state of New Zealand’s land resource entitled Our Land 2021. The report presents new data on New Zealand’s land cover, soil quality and land fragmentation. Selected key facts:
 - About half of the total land area in New Zealand is used for agriculture, forestry and housing: land cover exotic grassland 40%, exotic forestry 8%, cropping & horticulture 2%, urban 1%, native land cover 49% (percentages exclude lakes and rivers).
 - Eighty seven (87) percent of the population live in towns and cities.
 - Highly productive land became more fragmented between 2002 and 2019, especially through residential development (see **graph** below).
 - Dairy cattle numbers have more than doubled since the 1980s, from three million to more than six million in 2019.
 - Soil quality: Nationwide, 80 percent of monitoring sites failed to meet the targets for at least one soil quality indicator. No declining or improving trend in soil quality was observed for 1994–2018.



- 4.2 What the graph demonstrate is that the area of highly productive land that is unavailable for growing food because it's covered by housing, has increased by 54 percent between 2002 and 2019. A classic conflict between the need to protect our versatile soils and the pressure councils have been under to provide land for housing. The media release says the Government still intends to notify a new National Policy Statement on the Protection of Highly Productive Soils "towards the end of the year".
- 4.3 It is rather ironic that the report finds urban areas on land which is good for food production, increased their geographic spread by about a third over the last twenty years and yet local government is being criticized for not providing for land for housing. Staff have an animation showing what has happened in Richmond over this time which we can show at the meeting.

5 Housing Affordability

- 5.1 An article in the Nelson Mail on 15 April 2021 reported that house prices in Tasman had increased by 19.6% in the previous 12 months (the national average being 24.3%) according to REINZ's April report. Tasman was reported to have had the lowest number of days regionally to sell a house at 22 days since 2003.
- 5.2 Regrettably, rhetoric from commentators suggests that local government not providing enough zoned and serviced land is the reason for escalating prices and increasing unaffordability of housing. This is not the reality in Tasman in that, across the District, we have sufficient zoned and serviced land to meet expected residential and business growth,

with a 20% buffer, for the next 10 years. Yes, available land may be consumed at a higher rate than predicted and, in some areas, more space will be needed over this timeframe, but we are taking steps to keep ahead of this demand, including reviewing our Future Development Strategy. Yes, our capital works programme and our Development Contributions Policy, which are aligned to accommodate expected growth, do impact on our rates and debt which are the source of some negative comment but we have at least responded to growth pressures we are experiencing whilst trying our best to maintain, and where necessary, upgrade our infrastructure. There may be some local authorities who are not in the same position as Tasman. But to blame all local authorities for unaffordable housing or lack of development opportunities, is unreasonable and not evidence based.

- 5.3 In the last 12 months 549 new dwellings have been consented, a figure not approached since 2002-2003 when we consented 581.
- 5.4 A review of the District Valuation Roll, which is updated daily by QV, shows that as at 19 April 2021, Tasman had 976 RV properties – these are shovel ready, residentially zoned sites which can be built upon now subject to a building consent. There are also 60 RB blocks of residentially zoned and service land in Richmond, Motueka, Brightwater, Māpua, Wakefield, St Arnaud, Takaka, Paton’s Rock, and Parapara, which together amount to 245.5 ha of land that could be readily subdivided, or may be undergoing subdivision now, within Tasman District. Some of the RV blocks may have building consents which are being implemented now but if the RB land was subdivided into 500m² allotments that would yield around another 3,920 house lots. Admittedly, some of these allotments may not be in the right place or there may be reasons why they are not on the market now, but it does show that development opportunity through Council zoning and servicing land, is not a brake on development in Tasman.
- 5.5 There are many factors which impact on housing affordability – income levels, loan facilities and bank lending policies, rules on Kiwisaver caps, cost of building materials and methods of construction, availability of skilled labour and plant, internal migration and immigration trends, an unreadiness of owners of residential land to initiate development, the rate at which the Government builds social housing (or not), the legacy housing deficit created by incorrect national migration projections, Covid-19 and the subsequent monetary easing and there are probably other considerations I have not mentioned.
- 5.6 How do we explain a situation where at the time a section 224 certificate is granted by the Council and the average section price is assessed at \$220,000 for the purposes of calculating reserve financial contributions (after all engineering works have been completed and you would expect a developer will have budgeted to largely recover their costs), that six months later the sections go on to the market at \$320,000, an increase of \$100,000 with no Council influence?
- 5.7 In our case, 65% of undeveloped residentially zoned land is owned by 10 people or companies in the Nelson Main Urban Area (which covers Nelson, Stoke, and Richmond). This excludes land not zoned residential, some of which has been developed for housing through the SHA legislation. In other parts of Tasman District, the number of landowners with land suitable for development can also be restricted. These situations can lead to land banking as developers release capacity on to the market at a price that maximises their return and aligns with their capability and intention to develop.
- 5.8 As has been discussed in workshops on community housing provision, no legal requirement exists in New Zealand for developers to provide genuine affordable housing in perpetuity. So

the law is also an impediment to giving councils tools to address affordability. To be effective, it would have to be changed so that controls applied to the second and subsequent sale. Is New Zealand ready for this kind of intervention?

- 5.9 Increased calls to intensify have been made and we have amended our rules in Richmond to accommodate this option. While uptake is gradual, the market reality we are experiencing is a preference to provide larger (more profitable) homes on smaller sections. Perhaps this will change if the Tiny Home movement takes off. There also needs to be a better understanding of the link between rising land values and the impact this has on the commercial viability of different housing types.
- 5.10 Again the rhetoric mentions that covenants on subdivisions usually have the effect of adding to the cost of building. The implication is that local authorities may be responsible. Where consent notices are imposed they will be for legitimate RMA reasons. There may be developer covenants imposed outside of council processes that may dictate housing design, minimum size, etc. We are aware that some covenants prevent relocatable homes which can cause their own issues amongst neighbours but it becomes a choice as to what is important – shelter v no shelter.
- 5.11 The recent Government announcements were in part designed to respond to the shifting market dynamics against first home buyers, as those with equity and money have sought out housing as an investment assisted by the cheaper borrowing and low returns on fixed investments. We are aware of properties changing hands within six months of initial purchase through rating change notifications. This has contributed to the rapid house price movements, particularly over the last year.
- 5.12 What the evidence does show is that houses in Tasman are increasingly unaffordable as measured by the conventional models. The Council is doing a lot to respond within the powers that it has but the Government likewise may need to do more than the recently announced package of measures and I am of the view, the suggestion of special legislation to open up more land would not assist in Tasman's case.

6 Solicitor General's Prosecution Guidelines

- 6.1 When considering whether to institute prosecution proceedings, staff consider the Solicitor General's Guidelines for Prosecutors. A Consultation Paper to update and expand the guidance was recently released but staff chose not to submit by the due date of 30 April 2021. However, as there has been previous discussion with Council, and an expectation that we would update our Enforcement Policy to cover diversion, I can advise that this matter was included in the discussion paper. We will await the final version and can advise the Council if interested.

7 Golden Bay Marine Enhancement Group (GBMEG)

- 7.1 The Council has received representations from the Golden Bay Marine Enhancement Group and I was asked to report back on matters raised.
- 7.1.1 State of the Environment Monitoring – the Council has not done a study as extensive as Marlborough District Council but all the information readily available is contained on our [website located here](#). We have also benefited from work that has been done

under the umbrella of the Sustainable Seas National Science Challenge which is specifically looking at fine sediment impacts on the benthic environment.



Dead carbonate material and ascidians (pale yellow) at site that previously supported bryozoan colonies (Hippomenella) (lasers are 10 cm apart);

- 7.1.2 The present plan is to work with Cawthron to establish a more coordinated approach to marine monitoring across Golden and Tasman Bays. The last couple of years have been spent on collating the existing information in the bays and the next step was to meet with industry and plan a way forward. Unfortunately COVID-19 and staff changes has stalled the project but we will look to re-initiate it once we have new staff in the next financial year.
- 7.1.3 **Prohibited Anchorage** – The Council was asked to impose a Prohibited Anchorage for recreational vessels to protect the Byozoan corals off Separation Point. A ban on commercial dredging and trawling is already in place under the Fisheries regulations.
- 7.1.4 Unfortunately we cannot use the Navigation and Safety Bylaw because the reason for protection is not related to navigation safety. However a plan rule in the Tasman Environment Plan could achieve such protection and staff will factor this into the current review.
- 7.1.5 The sedimentation effects identified can be traced back to Cyclone Gita so how we respond to natural perturbations is not easy. It is also noted that while there may be up to 30 vessels around Separation Point on a good day, many fishermen will be drift fishing rather than anchoring.
- 7.1.6 **Artificial Reefs** – artificial reefs can be effective in restoring fish habitat. The GBMEG are keen to employ this technology at Separation Point and to work in with others, including schools, to promote this option. The Council has no provision within the Coastal Structures budget for this type of work so any funding assistance would have to be via a Community Grant unless the Council directed otherwise.

8 Freedom Camping Controls

- 8.1 The Ministry of Business, Innovation and Employment (MBIE) has published a discussion document on *Supporting Sustainable Freedom Camping in Aotearoa New Zealand* and is seeking submissions on the proposals contained in the document by 16 May 2021. The Discussion Document can be viewed on the MBIE website at the following link [Discussion Document - Supporting Sustainable Freedom Camping in Aotearoa New Zealand \(mbie.govt.nz\)](https://www.mbie.govt.nz/discussion-document-supporting-sustainable-freedom-camping-in-aotearoa-new-zealand)
- 8.2 The Discussion Document presents four proposals for consideration:
- Make it mandatory for freedom camping in a vehicle to be done in a certified self-contained vehicle
 - Make it mandatory for freedom campers to stay in a vehicle that is certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks)
 - Improve the regulatory tools for government land managers
 - Strengthen the requirements for self-contained vehicles.
- 8.3 A number of the issues associated with these proposals have been discussed by the Council over the last couple of years through the development of the Responsible Camping Strategy and the review of the Freedom Camping Bylaw.
- 8.4 Staff have drafted a Council submission (Attachment 1) for consideration by the Committee. The Committee is requested to review the draft submission and provide direction to enable staff to draft a final version of the submission. It is recommended that the Committee Chair and Deputy be delegated authority to approve the final version of the submission on or before 16 May 2021.

9 Landscape Transformations

- 9.1 On 25 March 2021, the Hon. Simon Upton, Parliamentary Commissioner for the Environment (PCE) gave an address at the NZ Farm Forestry Association Conference 2021. [Read the speech here](#) and view the [PowerPoint presentation here](#). The key question is “How could policies to reduce biological greenhouse gas emissions enable rural communities to transition to climate-resilient landscapes that meet multiple environmental objectives?”
- 9.2 Following on a previous report [‘Farms, forests and fossil fuels: The next great landscape transformation?’](#) The PCE has begun further work that aims to explore in detail what a landscape approach to climate policy might look like and how it could be implemented by considering that climate, freshwater, soil and biodiversity pressures are interconnected symptoms of a larger underlying problem: excessive human modification of carbon and nitrogen cycles and degradation of natural ecosystems.
- 9.3 The Environmental Defence Society has undertaken a [Landscape Project](#), funded by the Department of Conservation and Land Information New Zealand to:
- Examine how existing legislative and policy tools could be more effectively deployed to protect important natural landscapes; and

- Explore new tools and models for achieving improved landscape protection in New Zealand.

9.4 Several case study reports (Tourism and Landscape Protection, Mackenzie Basin, Waitakere, Hauraki Gulf, Banks Peninsula) have been published giving insight into where interventions in landscape management might be expected. These are available from [the project website](#), including a [synthesis report](#).

10 Action Sheet

10.1 **Attachment 2** is the Action Sheet which updates Councillors on action items from previous Committee meetings relevant to the Regulatory portfolio.

11 Attachments

1. ↓	Attachment 1 - Freedom Camping Submission	35
2. ↓	Attachment 2 - Action Sheet	49

Supporting Sustainable Freedom Camping in Aotearoa New Zealand – Submission Form

How to provide us with feedback

The Ministry of Business, Innovation and Employment (MBIE) is collecting written submissions to gather a range of views on the Government’s proposals to improve the management of freedom camping in New Zealand.

This submission form brings together all the questions asked throughout the discussion document *Supporting Sustainable Freedom Camping in Aotearoa New Zealand – Proposed changes to support effective management of freedom camping in New Zealand*.

Please feel free to answer as many or as few of these questions as you wish.

For more information and discussion about these topics please refer to the discussion document available at <https://www.mbie.govt.nz/have-your-say/supporting-sustainable-freedom-camping-in-aotearoa-new-zealand>.

Your submission can be returned by email to responsiblecamping@mbie.govt.nz. Submissions are due by midnight on Sunday 16 May.

Use and release of information

- 1 After the consultation period has closed, MBIE will publish a summary of submissions on our website at www.mbie.govt.nz.
- 2 We will not be publishing any individual submissions or names of individuals who made a submission. We may wish to include part of your submission in the summary of submissions; in that case, MBIE will first ensure we have your permission to do so.
- 3 If you are submitting on behalf of a business or organisation, MBIE will consider that you have consented to the content being included in the summary of submissions unless you clearly state otherwise. If your submission contains any information that is confidential or that you do not want published, you can say this in your submission.
- 4 The Privacy Act 2020 applies to your submission. Any personal information you supply to MBIE through your submission will only be used by MBIE for the purpose of producing a summary of submissions. The summary will present themes and no personally identifiable information will be included. The summary will be reported to the Minister of Tourism and be published online.

Submissions may be subject to requests for information under the Official Information Act 1982 (OIA). If your submission, or part of it, comes within the scope of an OIA request, MBIE would normally release it (excluding any personal information) to the person who asks for it. If you consider there are reasons for MBIE to withhold any of the information you are providing, please indicate these reasons in your submission.

Introduction and who we are/our role in Freedom Camping

The Council welcomes the Minister of Tourism’s initiative to further consider the regulatory regime for managing freedom camping.

Tasman District Council is one of the busiest regions in New Zealand for freedom camping. In addition to tourism the region also attracts large numbers of itinerant workers to service its horticultural businesses.

Council’s roles with regards responsible camping include:

- Provider of camping sites – provider of land that is accessible for freedom camping in self-contained vehicles, provider of selected sites where freedom camping in non-self-contained vehicles and tents is permitted along with suitable toilet and rubbish disposal facilities; and provider of commercial campgrounds.
- Regulator of freedom camping – through the Freedom Camping Bylaw and application of the Reserves Act through reserve management plans.
- Enforcement and compliance of regulations on Council land.
- Provider of information on responsible camping – in hardcopy and digital forms and in recent years through the employment of Responsible Camping Ambassadors¹.

The Council has accessed both the Tourism Infrastructure Fund and Responsible Camping Fund to assist its work in providing for and managing responsible camping in the District in recent years.

In April 2020 the Council adopted a Responsible Camping Strategy to provide strategic direction to Council’s approach to freedom and other types of camping. The Council’s responsible camping strategy is available at the following link [Responsible Camping Strategy | Tasman District Council](#).

Tasman District Council introduced its first Freedom Camping Bylaw in 2013. The Council’s bylaw is available at the following link [Freedom camping bylaw | Tasman District Council](#). The Bylaw was last reviewed in 2020 with amendments being made to add further restrictions by removing the use of two areas in Golden Bay, one area in Motueka and reducing the availability of spaces in an area in Ngatimoti.

¹ Funded through the Responsible Camping Fund.

Context to Supporting Sustainable Freedom Camping in Aotearoa New Zealand

5	6	How much do you agree that certain types of vehicle-based freedom camping is a problem?			
1.1		7 Please write a (Y) next to the option which applies to you			
8	Strongly agree Y	9	Agree	10	Neutral
		11	Disagree	12 Strongly disagree	

What are your views on freedom camping in vehicles?

When answering this question you may like to think about:

- 1.2
- Is vehicle-based freedom camping an issue in your area?
 - Have you observed any specific issues?
 - Are there specific behaviours which impact on your use of local amenities/infrastructure?
 - What benefits does vehicle-based freedom camping provide for your region?

With the increase in freedom campers in recent years, there has been an adverse reaction from some members of the Tasman community resulting from perceptions, or actual experiences, of:

- littering and dumping rubbish
- human waste left on site
- late night noise
- conflict with other users or other users feeling excluded from public spaces by the presence and large numbers of freedom campers
- safety concerns
- competition with commercial campgrounds
- loss of visual amenity
- lighting of fires
- disturbance of wildlife
- pollution of rivers.

Date range	Number of Freedom Camping Infringements Issued
01/11/2017 – 31/10/2018	121
01/11/2018 – 31/10/2019	230
01/11/2019 – 31/10/2020	137
01/11/2020 – To Date (19/04/2021)	155

In addition to issues that take place on Council land, unauthorised freedom camping in vehicles frequently takes place on other public land (eg DOC, LINZ, NZTA) or private land and can generate a number of

problems for those landowners or the wider community. As Council is unable to issue infringement notices in these situations, their prevalence is not reflected in the figures provided above.

There are a number of benefits for the Tasman District from freedom camping in vehicles including providing opportunities for visitors to experience our District and some spending which supports local businesses. In addition, it provides an avenue for housing itinerant seasonal workers required to support our rural productive industries when accommodation is not provided by their employers.

14 How much do you support the proposal to make it mandatory for vehicle-based freedom campers to use a certified self-contained vehicle?

15 Please write a (Y) next to the option which applies to you

16 Strongly agree Y	17 Agree	18 Neutral	19 Disagree	20 Strongly disagree
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Do you support this proposal?

When answering this question you may like to think about:

2.2

- Do you consider this option will improve camper behaviour?
- Will this option support or improve tourism outcomes in your region?
- Will this option decrease pressure on the environment and local government infrastructure?
- Are there impacts of this proposal that you are concerned about?

Council’s management approach in its Responsible Camping Strategy is *to restrict freedom camping to certified self-contained vehicles only, in so far as is legally permissible ...*

In determining its strategic direction on responsible camping the Council was in favour of restricting freedom camping to self-contained vehicles only. The statement from the Strategy includes reference to legal permissibility. The Freedom Camping Act, by virtue of how freedom camping is defined, limits the Council’s ability to introduce a District-wide restriction on freedom camping to self-contained vehicles only.

Overall the Council strongly supports this proposal but acknowledges that much will be needed to ensure it can work effectively and not have unintended consequences.

We believe that this option will have some impact on decreasing pressure on the environment around Council land that is used for freedom camping by reducing the number of any freedom campers who choose to wash or toilet outdoors in unhygienic and environmentally damaging ways. We acknowledge that on some occasions freedom campers in self-contained vehicles may still choose to wash and/or toilet outdoors, however we consider that requiring freedom campers to use self-contained vehicles will reduce the potential for unhygienic toileting activity overall.

One important advantage of making it mandatory for vehicle-based freedom campers to use a certified self-contained vehicle on a nationwide basis, is consistency. The messaging to freedom campers will be very simple, can be much clearer than at present, and be consistent. The rule will be the same across the country and those freedom campers intending to comply with the regulations will no longer have to check local rules in this regard as they travel around the country.

One unintended consequence of making it mandatory for vehicle-based freedom campers to use a certified self-contained vehicle is that there may be an increase in freedom camping in non-self-contained vehicles at unauthorised locations without toilets provided, including on private land. This may lead to an increase in unhygienic toileting in the outdoors at these locations and add other risks through unauthorised fires. The Minister’s proposal cannot easily stop the resale of non-self-contained vans or cars and if these types of vehicles continue to be exchanged, the challenge shifts to one of enforcement.

In summer 2020/2021 Tasman District Council closed two of the sites in Golden Bay and one in Motueka that provided for freedom camping in non-self-contained vehicles, leaving only a very small number of spaces for this activity across the District. Our experience has been a significant increase in unauthorised freedom camping in non-self-contained vehicles, despite the very limited number of overseas visitors in the area. The number of areas where people have been found camping illegally has increased by at least 300%.

Another potential consequence of making it mandatory for vehicle-based freedom campers to use a certified self-contained vehicle is that those freedom camping in non-self-contained vehicles may take greater measures not to be detected in unauthorised locations. This may mean people take vehicles further from roads and houses to freedom camp at unauthorised locations to avoid being noticed. This is an effect that we have noted in Golden Bay during summer 2020/2021.

Making it mandatory for vehicle-based freedom campers to use a certified self-contained vehicle may encourage more campers with non-self-contained vehicles to use camping grounds. This will help maintain the financial sustainability of these businesses and help ensure their availability in key locations is retained.

However, at the peak of summer the commercial campgrounds at the most popular locations in the Tasman can be full and not have enough available spaces to meet demand. In this period the proposal could result in an increase in freedom camping in unauthorised locations, both public and private land, as people in non-self-contained vehicles try to find somewhere to camp.

The proposal could also negatively affect whitebaiters who use non-self-contained vehicles and other people who camp in public places mainly out of season.

This proposal, if enacted, will likely create a need for a significant uplift in enforcement activity. To the degree that the costs are not recovered through infringements, the cost for this will be borne by the ratepayer unless it is subsidised by the Responsible Camping Fund.

How might this proposal impact you?

When answering this question you may like to think about:

- 2.3
- Will this proposal increase or decrease the likelihood of you camping?
 - Will this proposal have a direct financial impact on you or your business?
 - If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
 - Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

What things should Government consider to implement this option?

When answering this question you may like to think about:

- 2.4
- What exceptions should Government allow under this proposal?
 - Do you have any ideas about how this proposal could be implemented?
 - Should this option be considered alongside other options proposed in this discussion document?

This option should be considered alongside a stronger infringement regime, a regulatory system for registering self-contained vehicles and strengthening the requirements for self-contained vehicles.

21 3.1 22 How much do you support the proposal to make it mandatory for freedom campers to stay in vehicles which are certified self-contained, unless they are staying at a site with toilet facilities (excluding public conservation lands and regional parks)?

23 Please write a (Y) next to the option which applies to you

24 Strongly agree	25 Agree Y	26 Neutral	27 Disagree	28 Strongly disagree
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Do you support this proposal?

When answering this question you may like to think about:

3.2

- Do you consider this option will improve camper behaviour?
- Will this option support or improve tourism outcomes in your region?
- Will this option decrease pressure on the environment and local government infrastructure?
- Are there impacts of this proposal that you are concerned about?

The Council’s preferred position is making it mandatory for vehicle-based freedom campers to use a certified self-contained vehicle. However, if that option is not adopted then the Council supports making it mandatory for freedom campers to stay in vehicles which are certified self-contained, unless they are staying at an approved site with toilet facilities.

This approach would make little impact on the sites where authorised freedom camping in non-self-contained freedom camping can take place in the Tasman District. Under the Council’s Freedom Camping Bylaw the only Council locations where freedom camping in non-self-contained vehicles is permitted are locations where toilets are provided.

However, a change in the legislation to make it mandatory for freedom campers to stay in vehicles which are certified self-contained, unless they are staying at a site with toilet facilities, would be welcomed. Changing the legislation in this way would mean that the Council would not have to justify restricting freedom camping to only self-contained vehicles at Council locations based on the criteria in the Freedom Camping Act i.e. that it is necessary to protect the area, protect the health and safety of people who may visit the area or to protect access to the area. It would similarly mean that the Council would no longer be open to legal challenge on its decisions to restrict the types of vehicles that are able to use some locations. A significant advantage of this proposal is having a consistent set of rules across the country which should be more straightforward to communicate and easy for freedom campers to understand.

It is unclear in the discussion document why the proposal is to exclude public conservation lands and regional parks from this proposed restriction. It is hard to fathom why people would be allowed to freedom camp in non-self-contained vehicles in places with no toilet in these areas if it is prohibited elsewhere.

The Council questions why freedom camping in tents should not be covered by this regulation, if it was to be introduced. The impact on the environment of freedom campers in tents toileting in the outdoors is no different from the impact of freedom campers in vehicles doing the same thing. The only grounds we can see for not including freedom camping in tents from this proposal is the lower number of freedom campers using tents compared with those using vehicles meaning that cumulatively they have less impact. Similar to our response in 2.2, introducing this regulation could have the unintended consequence of greater levels of freedom camping in non-self-contained vehicles taking place in unauthorised locations.

3.3 How might this proposal impact you?

When answering this question you may like to think about:

- Will this proposal increase or decrease the likelihood of you camping?
- Will this proposal have a direct financial impact on you or your business?
 - If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

It would be expected that more effort by the Council will be required to deal with non-compliance. This is not straight forward as you have to be able to catch people in the act of camping, which is different to simply parking for a time. Any regulation should make it easy for enforcement officers to be able to establish an intent to camp.

What things should Government consider to implement this option?

When answering this question you may like to think about:

3.4

- What do you think is required to achieve this option?
- What exceptions should Government allow under this proposal?
- How far from toilet facilities should a person be able to freedom camp if not in a vehicle with a toilet? eg, 100 metres, 200 metres?
- Should this option be considered alongside other options proposed in this discussion document?

This option should be considered alongside a stronger infringement regime, a regulatory system for registering self-contained vehicles and strengthening the requirements for self-contained vehicles.

Council has worked on a maximum distance from a toilet of 100 metres when providing toilets for freedom campers.

29	4.1	30	How much do you support the proposals to improve the regulatory tools for government land managers?						
		31	Please write a (Y) next to the option which applies to you						
32	Strongly agree	33	Agree Y	34	Neutral	35	Disagree	36	Strongly disagree

Do you support this proposal?

When answering this question you may like to think about:

4.2

- Are there any specific parts of this proposal you support or propose?
- Do you consider this option will improve camper behaviour?
- Will this option support or improve tourism outcomes in your region?
- Will this option decrease pressure on the environment and local government infrastructure?
- Are there impacts of this proposal that you are concerned about?

The Council strongly agrees with the proposal for a stronger infringement scheme and a regulatory system for self-contained vehicles. It sees some benefits from allowing local councils to enforce rules on other government owned land but has concerns about the costs. The Council does not support extending the

ability to confiscate vehicles. We already experience hostility towards those involved in enforcement by some campers.

Stronger infringement regime.

The Council strongly supports having an effective deterrent to illegal freedom camping or illegal freedom camping behaviours. It strongly supports a stronger infringement scheme as a disincentive for freedom campers to contravene the regulations and to be able to take action against those that behave illegally.

To the extent that higher infringement fees get paid, there could be an increased contribution to the Council's revenue. However, it is very unlikely that infringement fees would ever come close to funding the full cost of the enforcement and compliance activity.

The Council supports the Act being amended to ensure those who rent vehicles are held responsible for the actions of their customers if any infringement fees are not paid. In general, freedom campers in rented vehicles tend to be only approximately 25% of the freedom campers whose actions cause problems in Tasman, with the remaining three quarters being from people with their own vehicles. In summer 2020/2021 only 4.4% of infringements were issued to rental vehicles, so freedom campers in hired vehicles are a small part of the problem.

The campervan vehicle companies have an effective means of ensuring that vehicle hirers pay any road traffic infringement fees and the Act should be amended to require the vehicle hire companies to ensure that those renting vehicles pay their freedom camping infringement fees in a similar manner.

Date range	Number of Freedom Camping Infringements Issued	Paid	Cancelled	In Process or at Court
01/11/2020 – To Date (19/04/2021)	155*	68	15	72

**One Infringement was issued for obstruction, the rest were for being in a place prohibited by the bylaw.*

Regulatory system for self-contained vehicles

The Council strongly supports the introduction of an effective regulatory system for self-contained vehicles. Ensuring that those vehicles purporting to be self-contained actually meet the standards is important for the existing regulatory regime through bylaws and to support the proposals in the discussion document. It would also reduce the enforcement and compliance load for Councils.

It is important that those carrying out the certification are licensed and can be held accountable for issuing certificates to vehicles that do not meet the standards. Council enforcement staff and contractors being able to view a register of complying vehicles to confirm whether or not a vehicle is self-contained would be extremely helpful. Council Parking Warders currently have these arrangements in relation to vehicle registration generally.

Vehicle Confiscation

The Council does not support the idea of increasing the grounds on which vehicles can be confiscated for persistently offending. Vehicle confiscation is problematic and is something the Council uses very much as a last resort. Confiscating vehicles creates a range of administrative issues (e.g. storing and disposing of confiscated vehicles). It also has insurance issues regarding potential damage during removal and storage. In our experience the people who are persistent offenders tend to be people who are homeless and

confiscating their vehicles would increase the hardship on these individuals and be something the Council would be very reluctant to do.

Allowing local councils to enforce rules on other government owned land

The lack of freedom camping enforcement on Government owned land is an issue in the Tasman District. The Council acknowledges that the limited coverage of the Act makes it harder for some government agencies to control freedom camping on their land, however, the Department of Conservation has the power, but conducts very little freedom camping enforcement on its land in the Tasman District. In the Council's view broadening the coverage of the Act to other Government land would be a good first step. In addition the agencies administering the land also need to demonstrate some responsibility and commitment to managing freedom camping on their land. Alternatively, they could pay council to monitor their land at agreed frequencies. This would have implications relating to warranting of enforcement staff for the different agencies.

The Council sees some clear benefits of allowing local authorities to act as enforcement agents on land administered by Waka Kotahi or other Crown owned land. This would mean that there would be some enforcement for some types of Government owned land (i.e. there isn't any currently) and a much more consistent approach to enforcement across a range of public land. The public generally does not make a distinction between the different owners of public land across both the Crown and Local Government and expect Council staff to be able to act to enforce freedom camping rules on Crown land. The proposal would also avoid enforcement on Council land, merely pushing the activity to nearby Crown owned land.

For this proposal to be effective in Tasman it is important that Central Government land administered by LINZ be included, as many of the areas where freedom camping issues take place are on this type of land.

The Council considers that it and its contractors are well placed to carry out freedom camping enforcement on Crown land in the Tasman District. Our enforcement officers know the area well, are out and about in the District, and there would be significant synergies in the same staff undertaking enforcement on both central and local government land in a joined up manner.

The Council has concern about the costs of undertaking freedom camping enforcement and compliance on Government land. As noted earlier the revenue from infringement notices covers only a small proportion of the costs. The Council is grateful for the financial support for increased enforcement and compliance on Council land it has received from Central Government through the Responsible Camping Fund in recent years. However a significant proportion of the costs are funded by ratepayers.

If the Council is to undertake freedom camping enforcement work on Crown land it considers that there should be an appropriate level of funding from Government to pay for that service. The Council already has significant pressure on rates. The Council is experiencing significant community pressure to manage rates increases at reasonable levels and is anticipating this being a feature of submissions on its LTP consultation document. The Council accepts that the ratepayers and tax payers of the Tasman District are generally the same people, however it considers that funding for freedom camping enforcement on Central Government land should be funded through the Government's funding sources and not impact rates. If the Council is undertaking enforcement activities on Central Government land, agreements could be made with other crown agencies for crediting a proportion of any fines received for offences on their land against the cost of enforcing as an agent.

How might this proposal impact you?

4.3 When answering this question you may like to think about:

- Will this proposal increase or decrease the likelihood of you camping?
- Will this proposal have a direct financial impact on you or your business?

- If yes, please indicate if this is a personal or business expense, and quantify how much you estimate it would impact you.
- Will this option increase or decrease the attractiveness of visiting other regions in New Zealand?

What things should Government consider to implement this option?

4.4 When answering this question you may like to think about:

- What would you like to see in practice?
- Should this option be considered alongside other options proposed in this discussion document?

The Council would like to see people coming to our district to camp act in a responsible way.

What would be an appropriate penalty?

When answering this question you may like to think about:

4.5

- Should non-compliant vehicles be confiscated? If so, under what conditions?
- If vehicles are confiscated, what conditions should be placed on returning the vehicle?
- Should fines be similar to those for not holding a valid Warrant of Fitness for a motor vehicle?
- What levels should fines be set at?
- Who should collect a fine?

If the maximum fine is to be increased to \$1,000 as has been indicated, it is likely that there will be more resistance to paying the fine and greater efforts to avoid being caught e.g. camping in remote areas, which potentially brings a greater risk of fires etc.

We consider that the collection of fines as per the Summary Offences Act procedures is appropriate.

38 Do you think that the requirements for self-containment should be strengthened?

37 5.1 39 Please write a (Y) next to the option which applies to you

40	Yes Y	41	Neutral	42	No
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Is the current standard fit for purpose?

5.2 When answering this question you may like to think about:

- Should there be a requirement that self-contained vehicles have fixed toilets?
- Should there be specific reference to the types of vehicles that can be self-contained?

The Council considers that self-contained vehicles should have fixed toilets as a way of ensuring that the toilets are actually useable even if the beds are down. As noted in the discussion document there are currently a number of vehicles certified as self-contained where the toilet is not useable.

Who should certify to the Standard?

5.3 When answering this question you may like to think about:

- Should any Plumber registered under the Plumbers, Gasfitters and Drainlayers Act 1976 be able to certify to the Standard, or should certifiers be separately recognised and licensed?
- Once a vehicle has passed its initial certification, should other entities be able to re-certify it?

The Council considers that the certifiers should be separately recognised and licensed. Similar to Warrant of Fitness testing it is important that those issuing certificates can be audited and be held accountable for issuing certificates to vehicles that do not meet the standards.

We believe that once a vehicle has passed its initial certification the same licensing agencies authorised to issue certificates should also be able to re-certify it. We do not see the benefit in allowing other agencies to carry out the recertifying. The recertifying workload and revenue will also be an incentive for certifiers to become licensed and retain that license.

There should also be oversight by a Central Government Ministry to ensure that appropriate standards are met. A register of all certified vehicles should be held by the Ministry and must be available for interrogation by enforcement bodies at all times.

What transition arrangements should be in place?

When answering this question you may like to think about:

- 6.1
- How long should Government give people to upgrade or dispose of their vehicles?
 - Should currently certified self-contained vehicles be exempt from any new rules?
 - Are there any other transition arrangements we should consider?

The Council considers that the Government should give people three years to upgrade or dispose of their vehicles. This allows a reasonable period for people to make the change but avoids the problems around the types of toilets and current certification to remain for too long a period.

The Council does not consider that currently certified self-contained vehicles should be exempt from any new rules, following a suitable transition period. Many of these vehicles may not be used for long distances each year and consequently have long lives. To exempt them from the new rules would leave a long legacy period and potentially artificially inflate the prices of these older vehicles. In addition to the immediate freedom camping issues, providing incentives for older vehicles to remain in the fleet for longer than would otherwise be the case, is counter to the Government's policy direction on reducing greenhouse gas emissions.

We consider that a completely new form of self-containment license for display in the vehicle should be created to reduce potential for confusion.

How could Government ensure vulnerable groups are not further disadvantaged?

- 6.2
- Could Government make homelessness exempt from any new regulatory system? What might this look like?

In order to consider exempting homeless people from the regulatory system, a clear definition of homelessness would need to be determined. To illustrate the point, in addition to those who have no real option but to live in a vehicle, we are aware of people who choose to live in campervans or even tents. There are people choosing to live permanently in campervans with no other dwelling. In many cases these people have no other home. Would these people be considered homeless?

The Council's enforcement staff do come across homeless people freedom camping in the District and apply a discretionary approach when enforcing the regulations with these people. Adopting a discretionary approach to enforcement may be an alternative approach to exempting homeless people from any new regulatory system.

Homelessness is a complex and multifaceted issue that needs a comprehensive Government led approach. The question of whether or not homeless people should be exempt from a new regulatory systems for freedom camping is one minor consideration in a large issue.

7.1 Is there anything else on the proposed changes or discussion document you would like to mention?

Item 8.4

Attachment 1

Action Sheet - Regulatory Committee – April 2021

Meeting Date:	Minute/Action	Description	Accountable Officer	Response	Status
01 April 2021	8.1 RRC21-04-1	Item 13.4 Consents were granted in November 2020 for a 379 residential lot subdivision in SHA T1-03 Applebyfields, also in the Richmond West Development Area. They include changes to the layout of Poutama Drain and provisions relating to the State Highway 6 Bypass designation including an acoustic barrier. Question – what is the level of acoustic barrier that has been required?	Tania Harris	TRMP subdivision rule 16.3.3.1(t)(i) requires a bund to be formed as an acoustic barrier along the SH6 designation boundary – the bund is to be 2.5m high. However, to enable realignment of Poutama Drain it has been agreed with Waka Kotahi NZ Transport Agency that for part of the boundary, the bund can substituted with a wall that is to be built to the acoustic barrier specifications that apply for State Highways. A wall will take up less land space, which allows the drain to be shifted. New dwellings within 100 metres of the SH6 designation boundary must also be designed to achieve adequate noise mitigation related to the future State Highway bypass. Guide to the management of effects on noise sensitive land use near to the state highway (nzta.govt.nz)	Closed
	8.1 RRC21-04-1	Item 13.7 The consent applications for SHA T01-09 Highland Drive were put on hold by the applicant for several months, and a revised development scheme plan was presented in March. The applicant is proposing to reduce the scale of the development from 87, down to 65 residential allotments. Processing of these applications will resume when an amended application is received. Question – why have number of lots been reduced?	Tania Harris	The developer has advised that all of the proposed 44 Terrace Houses have been deleted after seeking advice from House Building Companies and Independent builders: that advice was that more affordable housing could be provided in this SHA by building single story housing. Consequently the number of sections has been reduced.	Closed