

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

Date: Thursday 9 September 2021
Time: 9.30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street, Richmond
Zoom conference link: <https://us02web.zoom.us/j/88198026863?pwd=dFQ2NGowRjN4RWxhejZLMTd2TzJJEQT09>

Meeting ID: 881 9802 6863

Passcode: 080209

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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Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted.

AGENDA

- 1 OPENING KARAKIA, 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, 29 July 2021, be confirmed as a true and correct record of the meeting.

That the minutes of the Animal Control Sub-Committee meeting held on Wednesday, 22 January 2020, be confirmed as a true and correct record of the meeting.

That the minutes of the Confidential Animal Control Sub-Committee meeting held on Wednesday, 22 January 2020, be confirmed as a true and correct record of the meeting.

- 7 PRESENTATIONS

Nil

- 8 REPORTS

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- 9 CONFIDENTIAL SESSION

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- 100 CLOSING KARAKIA

8 REPORTS

8.1 DOG CONTROL ACT SECTION 10A REPORT

Report To: Regulatory Committee
Meeting Date: 9 September 2021
Report Author: Ross Connochie, Regulatory Support Officer
Report Number: RRC21-09-1

1 Summary

- 1.1 The Dog Control Act 1996 (DCA) Section 10A requires territorial authorities to publicly report on dog control policies and practices for each financial year. This report contains the information required under the DCA for the year 1 July 2020 to 30 June 2021. It is a requirement of the DCA that a copy of this report be made publicly available once adopted.

2 Draft Resolution

That the Regulatory Committee:

1. receives the Dog Control Act Section 10A Report RRC21-09-1;
2. and agrees to forward the annual report to the Secretary of Internal Affairs.

3 Purpose of the Report

- 3.1 This report constitutes the annual report that the Council is required to prepare in administering its obligations under the DCA.

4 Background and Discussion

- 4.1 The Council reviewed its Dog Control Policy and Bylaw in 2014 adopting the Dog Control Policy 2014 and Dog Control Bylaw 2014 on 18 September 2014.
- 4.2 In 2020, the Council conducted a partial review of the Bylaw, specifically two areas covered in Schedule 3 – dog prohibited areas, namely Takaka central business area and Tata Beach. Following public consultation, the Takaka central business area was removed from Schedule 3 and the Tata Beach dog prohibited times were amended to read “*every day from sunset to 8.30am and over the period 20 December to 20 January each year from the hours 10am to 5pm*”. These changes better reflect the view of the majority in Golden Bay who expressed a preference and should effect better protection of the penguin population at Tata Beach.
- 4.3 The objectives of the Dog Control Policy are:
- To promote responsible dog ownership.
 - To minimise any danger, distress or nuisance created by dogs.
 - To have regard to the welfare, exercise and recreational needs of dogs, and
 - To identify required means of dog control in all public places.
- 4.4 Control Services (Tasman) Ltd is contracted to implement the Council’s dog control policy and bylaw. Compliance is achieved by:
- Responding to dog-related incidents
 - Targeted property visits and patrols of areas with specific issues
 - Close liaison and cooperation with external agencies
 - Conducting dog safety and bite prevention programmes
 - Education programmes delivered to schools.
- 4.5 The Council uses various media to inform the public of dog-related issues. The Council’s website provides dog-related information, online forms and links to relevant legislation and other websites of interest.

5 Dog Registration and Enforcement Statistics for July 2020 to June 2021

- 5.1 Number of dog owners in the District.

	2018-2019	2019-2020	2020-2021
Number of dog owners in the District	7,546	7,704	8,063
Probationary owners	1	1	1
Disqualified owners	0	1	3

5.2 Number of registered dogs in the District

	2018-2019	2019-2020	2020-2021
Number of registered dogs in the District	11,284	11,399	11,860
Rural dogs	5,886	5,821	5,964
Urban dogs	5,398	5,578	5,896

5.3 Dogs classified Dangerous DCA Section 31

	2018-2019	2019-2020	2020-2021
Sec 31 1(a) due to owner conviction	2	2	2
Sec 31 1(b) due to sworn evidence	18	21	24
Sec 31 1(c) due to owner admission	0	0	0

5.4 Number of dogs classified as Menacing under DCA Section 33

	2018-2019	2019-2020	2020-2021
Sec 33A (Observed or Reported Behavior)	43	50	59
Sec 33C (By Breed)	35	31	23

5.5 Infringement Notices Issued

	2018-2019	2019-2020	2020-2021
Failure to comply with effects of classification	1	2	3
Failure/refusal to supply information	2	0	1
Failing to register dog	164	50	188
Failure to keep dog under control	12	15	19
Failure to keep dog controlled or confined	3	2	3
Failure to comply with barking dog abatement notice	1	3	4
Failure to comply with Bylaw	7	1	0
Failure to implant microchip transponder	0	0	1
Wilful obstruction of Officer	0	1	2
Failure to comply with dangerous dog classification	0	1	0

Prosecutions

- 5.6 Motueka - dogs attack stock. Outcome: Fine \$900 (three offences @ \$300 each), Court costs \$130, Solicitor costs \$260, Service fee \$95 and reparation for \$400.
- 5.7 Takaka - dog attack person. Outcome: Fine \$750, Court costs \$130, Solicitor costs \$131, Service fee \$354 and reparation for \$1,200.
- 5.8 Richmond - dog attack domestic animal, ongoing.

Complaints

	2018-2019	2019-2020	2020-2021
Unregistered dog	17	7	14
Attack domestic pet	55	50	36
Attack stock	13	27	14
Attack human	53	47	62
Barking	447	376	474
Fouling	16	5	9
Rushing	29	46	45
Wandering/found	725	734	712
Welfare	52	26	19
Dog in restricted area	11	8	6
Dog not on leash	5	9	5
Dog not under control	28	11	16
Unfenced property	3	2	0
Excess number of dogs	2	0	1

6 Strategy and Risks

- 6.1 The Dog Control activity is a function of high visibility to the public and providing for the care and control of dogs contributes to achieving the community outcomes which promote safe and healthy communities.

7 Policy / Legal Requirements / Plan

- .7.1 This report achieves compliance with the DCA.

8 Significance and Engagement

- 8.1 This statistical report is of low significance and is prepared in accordance with an obligation under the DCA. There is no obligation to consult, although the availability of the report must be publicly notified

9 Conclusion

- 9.1 The Council's current level of enforcement meets the requirements of DCA and the expectations of the public, this is shown by the exceptional customer satisfaction results i.e. a Communitrak survey found that the community was 95% satisfied or very satisfied with our performance in dog control.

10 Next Steps / Timeline

- 10.1 On adoption, provide public notice of this report on the internet and in a public newspaper circulating in the District.
- 10.2 Notify the Secretary of Internal Affairs.

Attachments

Nil

8.2 RESOURCE CONSENTS MANAGER'S REPORT

Report To:	Regulatory Committee
Meeting Date:	9 September 2021
Report Author:	Tania Harris, Resource Consents Manager
Report Number:	RRC21-09-2

1 Summary

- 1.1 This report presents a summary of the activities of the Resource Consent Section for the period since the last report to the Environment and Planning Committee in April 2021, including compliance with statutory timeframes for the second half of the 2020-2021 financial year.
- 1.2 For the period 1 January 2021 to 30 June 2021, a total of 536 consent applications were processed including variations to existing consents, boundary adjustment etc. Of these with statutory timeframes, 430 were processed within the timeframe being a compliance of 87% for the period.
- 1.3 For the reporting year 2020/21 a total of 1,061 consent applications were processed with timeframes compliance of 84%.
- 1.4 There has been one new appeal lodged and one appeal resolved in the reporting period.
- 1.5 The section is carrying a large number of vacancies and is struggling to recruit consents planners due to a national shortage of planning staff.
- 1.6 There are a large number of outstanding objections to consent decisions, mainly with the water permits. As objectors can continue to operate under their expired permits until their objection is determined, these are not considered a priority at present.

2 Draft Resolution

That the Regulatory Committee receives the Resource Consents Manager's Report, RRC21-09-2

3 Purpose of Report

- 3.1 This report presents a summary of the performance of the Resource Consent Section relating to compliance with statutory timeframes for the second half of the 2020-21 financial year. It provides a status update for appeals to the Environment Court. It also summarises the current workload and notable jobs that have been progressed since the last report to the Committee in April 2021.

4 Summary of Resource Consent Processing to 30 June 2021 (Six Months)

- 4.1 We received 647 applications for resource consents and other matters during the six months up to 30 June 2021 (compared with 584 in the same period in 2020). The volumes of District land use and subdivision applications have continued at similar levels to last year reflecting the continuing surge in residential developments including the Special Housing Areas.
- 4.2 Tables 1 and 2 below summarise the various types of applications for which processing was completed (i.e., decisions made) during the six months January to June 2021, showing median processing days, and compliance with statutory timeframes.

Table 1: Timeliness Results (January - June 2021) Non-notified Applications

Type of Application	Number Complete 2018*	Number Complete 2019*	Number Complete 2020*	Number Complete 2021*	Percentage Within Time (Incl s37)	Median Processing Days**
District Land	276	237	248	244	90%	21
CN Variations	7	10	8	11	100%	20
Subdivision	83	65	59	56	55%	42
Coastal	3	8	27	1	100%	405
Discharge	55	59	85	66	79%	33
Regional Land	11	14	17	15	87%	36
Water Permit	78	362	72	101	100%	25
Total:	513	755	516	494	87%	26
SHA Consents	8	10	11	4	N/A	N/A
Boundary Notices	30	14	26	22	73%	10
Others	14	25	17	16	N/A	N/A
* The numbers shown include applications to change conditions of existing consents (variations)						
** Processing days are statutory working days including time extensions						

Table 2: Timeliness Results (January to June 2021) Notified Applications

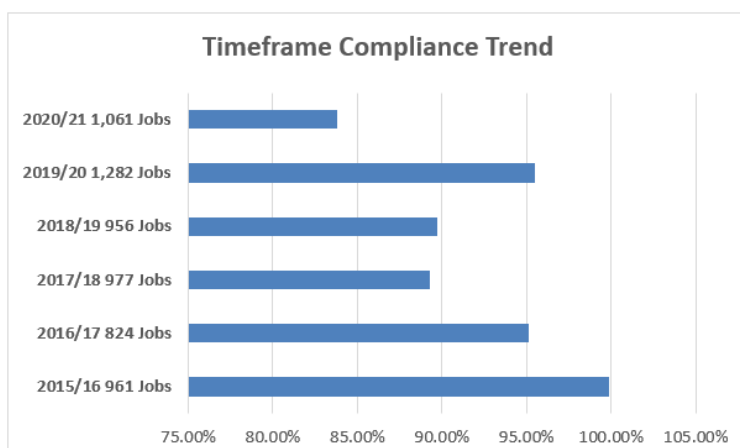
Type of Application	Number Complete 2018	Number Complete 2019	Number Complete 2020	Number Complete 2021	Percentage Within Time (incl s37)	Average Processing Days
Publicly Notified Applications (No Hearing)						
All	0	0	1	4	100%	405
Publicly Notified Applications (With Hearing)						
All	2	0	1	5	100%	282
Limited Notified Applications (No Hearing)						
All	10	8	38	8	50%	139
Limited Notified Applications (With Hearing)						
All	0	8	4	1	0%	269
Totals:	12	16	44	18	72%	245
* Processing days are statutory working days including time extensions. The timeframe for notified applications includes a variety of time extensions such as resolving issues with submitters, agreements for hearing dates and adjourned hearings.						

- 4.3 Table 3 shows a summary of the types of decisions on resource consent applications completed in the six-month period.

Table 3: Resource Consents Summary of Decisions

Type of Decision	Number
Granted by Independent Commissioners	10
Granted by Councillor Panel	0
Granted by Mixed Panel (Commissioner and Councillor)	0
Granted by Council staff under Delegated Authority	526

- 4.4 Table 4 shows the trends of annual timeframe compliance achieved from 2015/16 to 2020/21.

Table 4: Annual Timeframe Compliance Trends (2015-2021)

5 Discount Regulations

- 5.1 The discount regulations that apply to the Council's charges for processing resource consent applications require a "sliding scale percentage discount" of 1% for each day that processing goes over time, rising to a maximum 50% discount.
- 5.2 For the six-month period, there were 37 applications, involving a total of 72 consents that were completed out of time, resulting in 37 fee discounts ranging from 1% to 50%. These discounts total \$40,105.43 excluding GST (compared with \$25,000 total discounts for the same period in the 2019-20 year). The total discounts paid for the 2020/21 reporting year are \$79,000 compared with \$31,000 in 2019/20 and \$34,000 in 2018/19.
- 5.3 While the number of consents that have received discount has not varied greatly from the first half of the year, the time delays have resulted in a higher level of percentage payment made on those consents.
- 5.4 The discounts mainly result from the lack of planning staff and ability to process applications within timeframes with reduced resources. Unfortunately, the trend in discounting will continue and will continue to increase while the section is under resourced.
- 5.5 The provisions of s37 to extend timeframes are being applied where possible.

6 National Monitoring System

- 6.1 Details of our resource consent processing results are required to be sent annually to the Ministry for the Environment (MfE) as part of the National Monitoring System. The data is verified by MfE. Results of the national survey are publicly available on the MfE website. <https://www.mfe.govt.nz/rma/rma-monitoring>. Our results for the 2020-2021 year are due to be sent to MfE by 1 November 2021 after an extension to the timeframe was given due to the August 2021 lockdown.

7 Appeals

- 7.1 One appeal was decided, and one new appeal lodged during the reporting period. Refer to **Table 5** below for further details.

Table 5: Appeals

Appellant	Matter	Status
T & L Drach (Submitter)	Subdivision consent RM191100 was granted in November 2020 by a Mixed Panel for a 2-lot subdivision of Dawson Road in the Mapua Rural-Residential Zone.	Matter heard by Environment Court in May 2021 and interim decision issued confirming grant of consent with minor tweaks to conditions.
Integrity Care Group (Applicant)	Suite of consents for expansion of Olive Estate Lifestyle Village, Hill Street Richmond, which included a care facility unit.	Matter progressing to mediation.

8 Reviews of Consents

- 8.1 Two reviews were resolved during the period and no new reviews determined.
- 8.2 A review of a subdivision consent granted in May 2019 for a site in the Rural 3 Zone at Williams Road Tasman, was withdrawn by the Consents Manager at the hearing.
- 8.3 A review of a 2018 decision to authorise the keeping of four dogs on a residential property in Richmond, was heard and determined by an Independent Commissioner. The review resulted in changes to the consent.

9 Water Permit & Irrigation Dam Consent Renewals

- 9.1 **Waimea (water management) Zones:** All applications for either affiliated or unaffiliated water permits have been completed except for the Waimea East Irrigation Company. Processing of this awaits the applicant's response to our draft decision. All (fourteen) Waimea objections are outstanding.
- 9.2 **Redwood Zone:** All five objections are outstanding.
- 9.3 **Aorere/West Coast (water management) Zone:** The previously reported one objection is outstanding and one new objection has been received to the adopted soil/irrigation rate.
- 9.4 **Tākaka (water management) Zone:** Of the seventy-seven applications to replace permits in this zone that expired on 31 May 2018, approximately seventy of these are processed and decisions issued. Of these, objections have been received from sixteen applicants relating to soil/irrigation rate, and two objections relate to reduced (bona fide) allocated volume. The objections that relate to the soil/irrigation rate continue to be on hold awaiting completion of the external review of these rates. The Consent Manager has extended the period to allow late objections relating to this issue. Once the review is completed the most appropriate path for dealing with the objections will be determined.
- 9.5 Seven applications in the Takaka Zone that do not meet the Controlled Activity "renewal" criteria will be processed as new applications for new water, to be considered on their merits. Where irrigation is involved, these are also on hold.
- 9.6 **Dam related consents:** of the 70 applications for replacement dam consents (which were given the lowest processing priority), 21 bundled Dam applications from (2019) remain to be processed amounting to a total of 36 applications (dam water, take storage and use of riverbeds).
- 9.7 **Tapawera (water management) Zone:** All renewal applications have been processed. There are two outstanding objections on the granted permits.
- 9.8 **Upper Buller (water management) Zone:** All renewal applications have been processed. There are no outstanding objections on the granted permits.
- 9.9 All applicants including those who have lodged objections can continue operating under their expired water permit conditions including the rates of water take therein, until their replacement permit commences.

10 Special Housing Areas Consenting

- 10.1 Consent applications for the Special Housing Areas (SHAs) in Tasman District are processed in accordance with the provisions of the Housing Accord and Special Housing

Areas Act 2013 (HASHAA), which adopts much of the RMA consenting process but differs with regard to infrastructure and notification requirements. Progress made on SHA consent applications over the past seven months is summarised below.

- 10.2 The SHAs in Tasman District were formally disestablished per Section 18 of the HASHAA on 16 September 2019, and the Act allows a period of two years for consent applications that were lodged by that date to be processed. Progress made on SHA consent applications over the past eight months is summarised below. Of the 10 viable SHA proposals that submitted applications prior to that date, eight have been consented previously, with nothing to report other than as discussed below.
- 10.3 For SHA T1-02 in the Richmond West Development Area, “The Meadows” subdivision comprising 470 residential units to be located on the northwest side of Borck Creek with frontage to McShane Road was granted consent in July 2019. Several amendments to the subdivision and land use consents were granted in May 2020, including the allowable building coverage being increased to 45% on all allotments that will be 480m² or less. There is a variation to the consent currently being processed to recognise the area that the Ministry of Education is acquiring for a new primary school and amend the roading layout to accommodate the site.
- 10.4 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. This consent is currently under objection which looks to be near agreement. Several stages are close to being ready to be titled once this objection is resolved.
- 10.5 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. All outstanding elements of the amended application to reduce the development were received on 9 August 2021 and are currently being assessed in order to make a decision by 16 September 2021.
- 10.6 The consent application for SHA T01-04 at Marahau, for 52 residential allotments, has had requests for further information, particularly regarding natural hazards and wastewater management. The applicant has been advised that individual discharges of wastewater to land on each allotment is not supported by Tasman District Council staff because of the risk to the groundwater as the source of drinking water for many of the existing dwellings at Mārahau. The applicant has been unable to provide a proposal for wastewater management that can allow the Council to proceed with considering the application. The application under HASHAA will not proceed but the applicant can consider applying for consent under the standard RMA process. The land is Rural 1 Deferred Residential zoning, for which deferral could be uplifted if a sufficient wastewater solution can be provided.
- 10.7 Consent applications lodged under the HASHAA must be completed by 16 September 2021, when that Act expires. After that date, the Council will not have any authority to continue processing or to grant consents. The usual RMA consenting pathways will be available.

11 COVID-19 Recovery (Fast-track) Consenting

- 11.1 The COVID-19 Recovery (Fast track) Consenting Act commenced in July 2020. The purpose of this Act is to “urgently promote employment to support New Zealand’s recovery

from the economic and social impacts of COVID-19 and to support the certainty of on-going investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources.”.

- 11.2 One application relating to Tasman District has been made under this Act to date: that is for the proposed “The Vines” housing development on a site at Main Road, Hope which missed out on Special Housing Area status (T01-06). This application was accepted by the Environmental Protection Agency (EPA) on 12 March 2021.
- 11.3 An Expert Hearing Panel has been appointed by the EPA to decide the application. Tasman District Council has made comment on the application and responded to further information requests from the Panel. The application is still proceeding through the EPA managed process.
- 11.4 All information on the “The Vines” application and process is available on the EPA website at [The application | EPA](#).

12 Other Notable Application Work since July 2020

- 12.1 Other notable applications and proposals dealt with over the past eight months are:
- 12.1.1 **Pohara Flood Protection Works:** this application by Tasman District Council’s Engineering Services Department for flood protection works on Ellis and Barnett Creeks at Pohara was limited notified to affected landowners and others in December 2019. The submission period closed on 14 February, allowing an extended time over Christmas/New year for affected persons to consider the proposals. Three submissions were received. The consent was granted after a one-day hearing in Takaka by Commissioner Sharon McGarry.
- 12.1.2 **Global Stormwater Discharges:** this application by Tasman District Council’s Engineering Services Department for “global” consents to authorise discharges of stormwater from the stormwater drainage networks was publicly notified in October 2019 and attracted one submission in support. No party wished to be heard at a hearing and the decision was made by an Independent Commissioner to grant the consents with conditions.
- 12.1.3 **Airstrip at Awaroa:** an application for a second private airstrip at Awaroa on the Abel Tasman Coast has been put on hold, pending the outcome of Environment Court proceedings to determine what existing use rights pertain to the existing airstrip.
- 12.1.4 **Tasman Bay Asphalt Ltd:** multiple applications to construct and operate an asphalt plant at 272 Bartlett Road, Appleby, next to the Waimea River berm. Applications include discharge of contaminants to air and earthworks to the stopbank. The applications were publicly notified in June 2021 and 73 submissions received with 28 to be heard. Application will proceed to hearing.
- 12.1.5 **Nelson Regional Sewerage Business Unit’s (NRSBU):** application for replacement resource consents to continue applying biosolids to the forestry land at Moturoa / Rabbit Island. The biosolids come from the Bell Island Wastewater Treatment Plant. The activity also includes the operation and maintenance of their biosolids application facility, and all the activities and discharges associated with applying the biosolids to land. The applications were publicly notified in April 2021

and received four submissions (two in opposition). The applications are currently on hold while the applicant has discussions with the submitters.

13 Current Staffing, Contractors and Workloads

- 13.1 Staff recruitment and retention have been a challenge for the section for several years. Despite several reviews and approvals for increased staff numbers to manage workload, the required increase in staffing levels has never been achieved.
- 13.2 Since January 2021 to the time of this report, there have been eight planning officers either left their roles or are working out their notice period to leave their roles. Despite active recruitment the section has only been able to make one new appointment to a planning role in the same time. The land use and subdivision teams have seen the largest staff losses and no new recruitment.

Table 6: Consent Planner Resignations

Consents Planner – Land Use	January 2021
Consents Planner – Natural Resources	January 2021
Senior Consents Planner – Natural Resources	April 2021
Consents Planner – Land Use	May 2021
Consents Planner (.5 FTE) - Subdivision	May 2021
Consents Planner (transition to retirement-.5FTE) – Subdivision	August 2021
Consent Planner – Subdivision	Sept 2021
Consent Planner – Subdivision	Sept 2021
Consent Planner – Land Use	Sept 2021

Land Use team budgeted planners = 5 and will be 2 planners by end of September.

Subdivision team budgeted planners = 4 and will be 1 by end of September.

Natural Resources budgeted planners = 7 and is currently 6 planners.

- 13.3 Two staff left to join MfE, three to take on consultancy work, one is an internal movement and two for other opportunities. Until May 2021, the section was working overtime and using contractors to support the section to provide a consenting service. There were some delays for customers, discounts penalties and lack of ability to work on system improvements during this period. During May, with a further two resignations, the section could no longer continue to provide the level of service that we know the community expects. Since early June, customers have been advised to expect delays for consenting and the section is now managing an unallocated backlog of consent applications with no planning officers to assign the work to.
- 13.4 A very competitive market and a national shortage of planners is impacting the ability to recruit new planning staff. Retention offers have been given to exiting and current staff. Advertising for staff has continued since January 2021 but there are low numbers of candidates applying for roles and only one suitable and successful applicant hired.
- 13.5 Recruitment continues and contractors are taking on more Tasman District Council work where possible. Two part-time independent contractors have also joined the contractor pool in recent weeks and will be supporting the duty planning and subdivision team.

- 13.6 The re-organisation of Tasman District Council saw the Development Engineering Team of three staff join the Consents section on 5 July 2021.
- 13.7 The administration support team continue to manage a large workload and two temporary administration staff have been hired to support the administration team and the subdivision team.
- 13.8 The s223 and s224 approvals continue to be high and the dedicated Subdivision Approval role that was hired in December 2020 has meant this process has not been significantly impacted by the loss of planners in the section.

Attachments

Nil

8.3 COMPLIANCE AND ENFORCEMENT SUMMARY REPORT

Report To:	Regulatory Committee
Meeting Date:	9 September 2021
Report Author:	Carl Cheeseman, Team Leader - Monitoring and Enforcement
Report Number:	RRC21-09-3

1 Summary

- 1.1 Tasman District Council has a statutory obligation to monitor and enforce its legal duties and responsibilities under the Resource Management Act and other Acts it administers.
- 1.2 The Council operates a tailored monitoring programme which is underpinned by a strategic risk based priority setting framework. This identifies the range of activities seen as significant to the district and where the monitoring effort should be directed.
- 1.3 These tailored monitoring programmes not only allow for structured and consistent effects based monitoring but also allows the Council the ability to identify trends and respond appropriately to non-compliance and/or environmental effects with appropriate resources or enforcement strategies.
- 1.4 The need to take enforcement action may arise following routine monitoring or through complaint investigation. In either case, the need to take enforcement action will arise because a breach of rules or conditions of consent has occurred.
- 1.5 The process of undertaking enforcement is a staged one of promoting awareness and providing assistance, warnings, issuing of enforcement notices, infringements, and in serious cases, prosecution, depending on the nature of the offending. The purpose of this spectrum approach is to encourage positive behaviour change but also a strong deterrent message where appropriate.
- 1.6 This report summarises the Council's monitoring and enforcement activities for the period 1 July 2020 to 30 June 2021. It does not include details of subdivision compliance monitoring as that happens through the issue of Section 224 certificates and some land use monitoring is dealt with through the issue of building consents or the issue of Section 37 Notices under the Building Act.
- 1.7 Tasman District Council responded to 2,375 complaints or requests for service in the year. Compared to last years reported 2894 complaints, this end of year total indicates an 18% decrease in numbers. Unfortunately, this is not the case rather, it is the result of improved data reporting that has allowed the broader customer enquiry requests to be refined to only those directly linked to environmental matters. However, when a comparison was made to an equally corrected figure for last year it still shows an increase in total complaints or request for service under the environmental area.
- 1.8 For the main categories, water use, noise and discharges to land did see some increases in complaint numbers over the period and accounted for the upward trend. This was however, offset somewhat by a decrease in others. Abandoned vehicles, rubbish enforcement and discharges to air were examples. The decline in complaints around air was driven principally by a lower level of outdoor burning over the early winter. This was thought to be because of a reduction in orchard replacements as well as alternative methods of disposal being

employed. The decrease in the other categories is more difficult to quantify, particularly the rubbish.

- 1.9 Despite the demands on providing a 24 hour complaint response, effort is still put into consent and permitted activity monitoring. A total of 3,091 resource consents and targeted permitted activities received one or more inspections. This compares to 2,733 monitored last year.
- 1.10 This year a programme to deliver on compliance monitoring and enforcement under the National Environment Standard for Freshwater was developed and is now being implemented. The initial phase has been to identify key areas of action, information gathering and database requirements. The first direct on ground activity has been around intensive winter grazing surveying the district and direct on farm inspections.
- 1.11 Compliance with conditions or plan rules was generally high with 73% identified as fully compliant at time of inspection. Of those that failed to achieve a full compliance score at time of inspection, 47% of those were breaches determined as minor and not requiring further action. In these cases, the approach was to provide education or direction. The remaining 53% had non-compliance at a level sufficient to require some type of action given the circumstances and/or need to address actual or potential for adverse environmental effects.
- 1.12 The Council undertook a number of enforcement actions for breaches of consent conditions, plan rules or regulations. The type of response depended on the circumstances behind the offending and the level of adverse effect caused by those actions. Over the last year 37 abatement notices and 31 infringement notices were issued. This was down on last year's total.
- 1.13 Much like complaint response, the requirement to undertake enforcement actions to remedy adverse effects and address poor behavior does, in itself, have a direct impact on our resources and ability to proactively monitor and provide other key services. This is mainly due to the effort required to achieve compliance in many cases which can take a considerable amount of staff time.

2 Draft Resolution

That the Regulatory Committee receives the Compliance and Enforcement Summary Report RRC21-09-3.

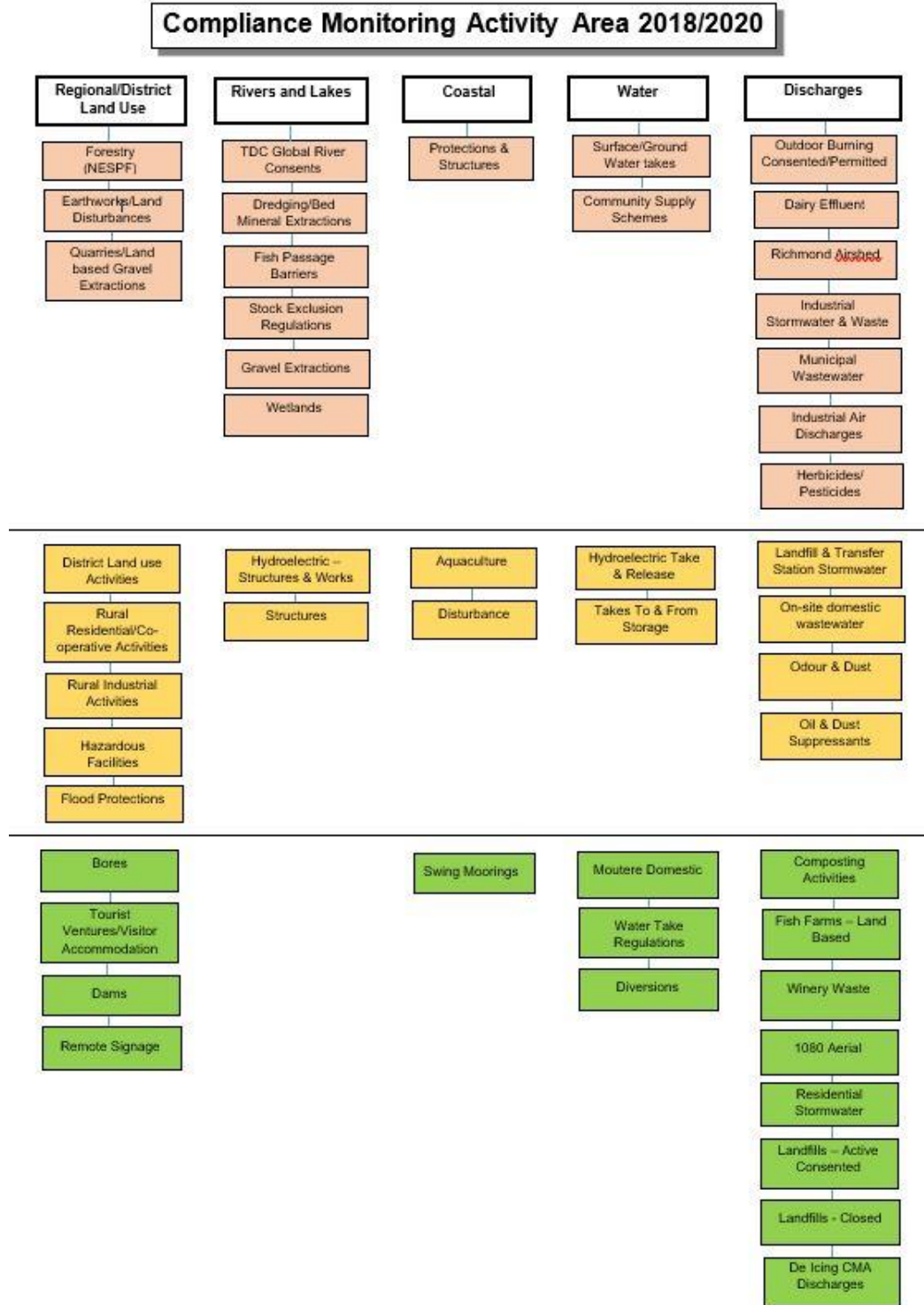
3 Purpose of the Report

- 3.1 This report summarises Tasman District Council's programme of work in the area of compliance monitoring and enforcement under the resource management act for the period 1 July 2020 to 30 June 2021. The report serves in part to meet the Council's obligations under section 35 of the Resource Management Act 1991.
- 3.2 This annual report does not attempt to report on effectiveness and implementation of the Tasman Resource Management Plan (TRMP) rules, resource consents, or state of the environment monitoring.
- 3.3 The structure of the report is as follows:
 - Section 4 Outlines current compliance structure and programmes
 - Section 5 Reports on performance with consent/permitted activity monitoring
 - Section 6 Reports on complaint response for the period
 - Section 7 Reports on enforcement activity for the period.

4 Compliance Monitoring Programmes

- 4.1 Tasman District Council's monitoring programme is determined using a strategic priority-setting framework to identify those activities that present the greatest risk to our environment and natural resources.
- 4.2 Targeting monitoring based on risk profile provides the strongest environmental outcomes and ensures effective use of our staff resources. It also provides ability to assess and understand not just an individual's compliance performance with rules or resource consents, but a particular sector as a whole.
- 4.3 This programme is reviewed every two years to allow us the flexibility to respond to trends with either a reduction or additional resourcing or enforcement strategies as required.
- 4.4 The current suite of prioritised monitoring programmes are listed below in Table 1: The review scheduled in 2020 was deliberately delayed to allow the changes coming through the essential freshwater reforms to be incorporated. This review is now underway and will be completed and published in the first quarter of this year.

Table 1: Current monitoring programme in Tasman District



4.5 The colour coding in the above table represents where the activity sits in the current priority-setting matrix. Monitoring intensity is determined by this priority status and associated monitoring policy.

Table 2: monitoring priority setting matrix

Aggregate total score	Priority *
Total score of 30 - 50	1 - High
Total score of 20 -29	2 - Moderate
Total score of 0 - 19	3 - Low

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

Compliance Grading

4.7 At the completion of any inspection, a grade is assigned to each condition monitored reflecting the level of compliance achieved at that time. This grading determines the level of enforcement response for those non-complying and also assists in mapping future monitoring through our monitoring strategy.

Table 3: Compliance gradings

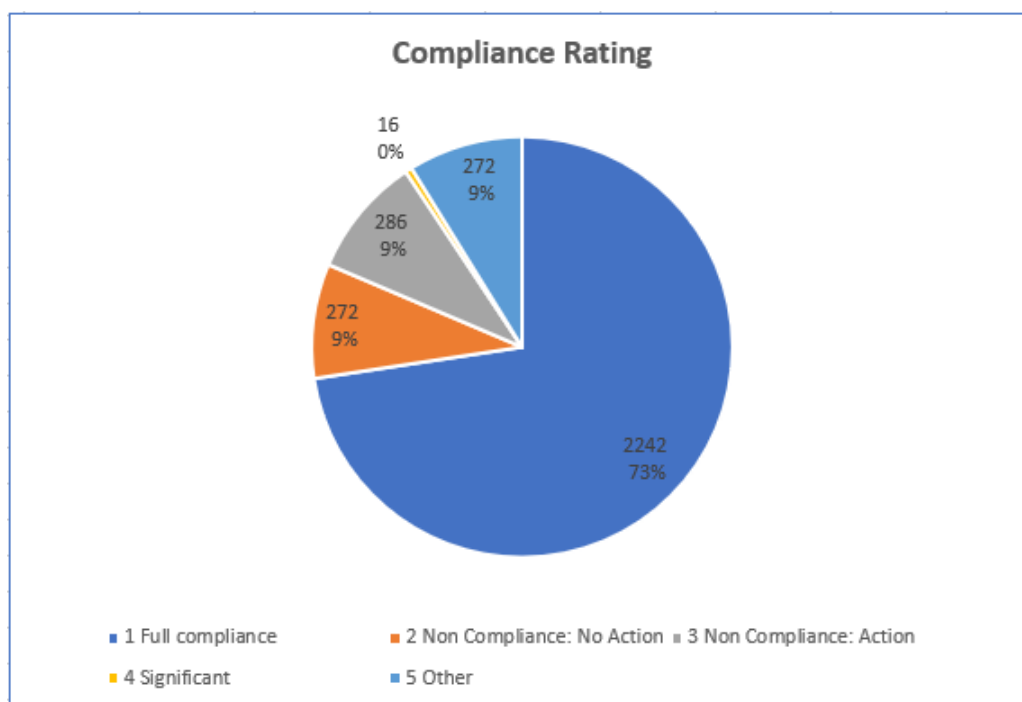
1	Full compliance	Compliance with all relevant consent conditions achieved at time of inspection or audit.
2	Non Compliance: No action	Non-compliance with consent conditions with no or minor actual environmental effects and no action required.
3	Non Compliance: Action	Non-compliance with consent conditions with minor to moderate adverse effects and where action is required.
4	Significant Non-compliance	Non-compliance with conditions where there is actual or potential <u>significant</u> adverse effects and action is required.

5 Summary of Consent and Permitted Activity Monitoring in Tasman District 2020/21

5.1 Over the 2020/21 year, a total of 3,091 resource consents and targeted permitted activities were monitored. This compares to the 2,733 of the previous year.

5.2 All consents monitored receive a grade depending on compliance with conditions at time of inspection. A summary of the compliance monitoring outcomes for consents that received monitoring is contained in the following graph.

Figure 1: Consent and targeted permitted activity compliance performance for monitoring period

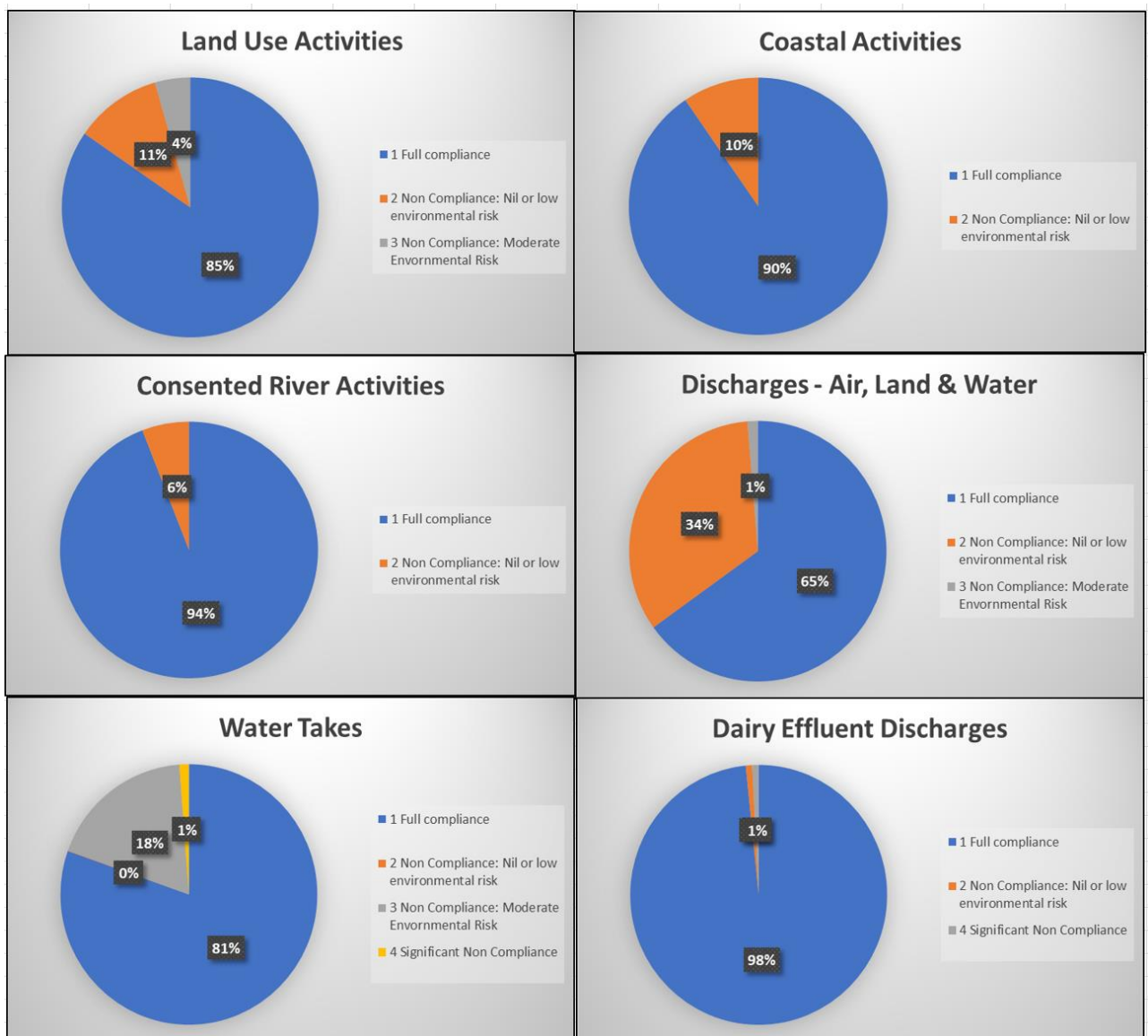


5.3 Compliance with conditions or plan rules was generally high, with 73% identified as fully compliant at time of inspection. Of those that failed to achieve a full compliance score at time of inspection, 47% of those were assigned a non-compliance grade, two having breaches determined as minor and not requiring further action. In these cases, the approach was to provide education or direction. The remaining 53% had non-compliance at a level sufficient to require some type of action given the circumstances and/or need to address actual or potential for adverse environmental effects. These activities received either a grade three or four. Depending on the circumstances, those receiving these grades were usually required to take action under a formal written direction or an abatement notice to address effects. They also received either a written formal warning and/or infringement fines where appropriate. Finally, there were also occasions where the activity was not operational at time of inspection or partially monitored. These were assigned grade five.

Monitoring Outcome summary for specific activity classes

5.4 The following graphs provide a visual representation of the compliance performance of key activity classes.

Figure 2: Monitoring activity for specific classes of consents



Summary of some Notable Regional Activities

5.5 The following section summarises the monitoring of some of the larger or more notable consented or permitted activities that occurred around the district during the period.

Forestry under National Environment Standard Plantation Forestry (NES-PF)

5.6 Forest companies continue to provide notifications and harvest plans as required under the regulations. During the period the following number of notices were received relating to activities controlled by the regulations.

Table 4: Summary of notifications received relating to activities where notices are required under regulations.

Activity	Earthworks	Forestry quarrying	Harvesting	Afforestation	River crossings	Slash traps
Number of notices	76	4 (*)	118	4	24	3

5.7 Monitoring was also undertaken on harvest and post-harvest activities around the district, with emphasis on those occurring on the Separation Point granites. 76 site audits were undertaken.

5.8 Compliance was generally high and no operators required formal enforcement action to address issues. A number of minor breaches required action mostly associated with surface water controls and slash within waterways.

Land Use under the National Environment Standard – Freshwater (NES – F)

5.9 The Council's compliance department is currently implementing the Freshwater regulations. At this stage the main focus has been on identifying the key tasks and developing a strategy to implement the various parts of the regulations as they take effect. A big part of this strategy is developing communications packages, connecting with the affected landowners and industry representatives. The following table demonstrates a summary of the strategy in relation to the various regulations.

Feedlots	Stockholding	Farming Activities					Farm Plans	Wetlands	Fish Passage
		Land conversion	Irrigation of dairy	Dairy support land	Intensive Winter Grazing	Synthetic Nitrogen			
Aerial flights are occurring, and a monitoring strategy has been developed. Targeted monitoring coming from that assessment. Developing a system to manage the information and data obtained. Liaison with industry to get engagement and key messaging out.	Aerial flights are occurring, and a monitoring strategy has been developed. Targeted monitoring coming from that assessment. Developing a system to manage the information and data obtained. Liaison with industry to get engagement and key messaging out.	Unlikely to be a significant activity as afforestation is occurring here. Key strategy is establishing a baseline understanding and get info on website and liaison with industry to ensure a consistent message is going out Utilise our existing knowledge and resources.	Most already consented for water take and require irrigation management plans. Use this data to assess baseline. It is anticipated an issue in this district given decline in dairy and water allocation regime. Liaise with industry to get key messages out.	Requirement to gather information and identify land used for this. Aerial surveys and information from the dairy monitoring programme to assist. Get any key info on website. Liaise with industry to ensure a consistent message is going out	Aerial flights undertaken and an on the ground follow up inspection has been occurring. Strategy of education and advice for the 20/21 winter. Web based information being developed and active liaison with industry to get message out.	Currently assessing what relevant data we already have and continue developing a strategy. Liaison with industry groups to ensure consistent messaging and comms going out. Develop capability in database to capture information. Web information and FAQ's	Waiting the final set of regulations before scoping and development of the comms package and strategy.	Enforcement follow up from site assessments where issues identified. Review of current data systems and opportunities to develop additional reporting/data capture requirements.	Enforcement follow up where issues are already identified. Comms update on web being developed to reflect NES requirements. I.T upgrades scoping occurring to allow additional reporting/data capture requirements.

5.10 While the intensive winter grazing regulations are themselves deferred until 2021/22 winter under ministerial direction, there was commitment by regional councils to use this season as an opportunity for engagement and education with the industry to prepare for the next season when the rules take effect

5.11 Two aerial flights were conducted in early winter covering approximately 70,000 hectares across the northern and southern areas of the district to observe intensive winter grazing

practices and respond on the ground where issues were identified. Workshops were also set up for the various sectors affected by these rules.

- 5.12 Overall, the monitoring showed most farms that practiced winter grazing were doing well and staff have visited 8 properties to discuss their on farms activities. There was no evidence of any significant discharges to waterways. Pugging is looking like the main issue, the feeding of swede crop showed the worst pugging, as the removal of the swede root automatically leaves a large 'hole' in the soil which a cow hoof will drop into. Discussions centred around Intensive Winter Grazing (IWG) alongside the use of sacrifice paddocks and standoff areas as well as stock utilising both crop and grassed areas within a 24hr period. Slope has also been raised as an issue in some areas and farmers have approached Tasman District Council to discuss this and the consenting processes that may need to be considered. There is also evidence that a number of farmers have stopped IWG for alternative methods. Compliance staff will continue to engage with farmers and attend workshops to provide advice and assistance.

Waimea Community Dam

- 5.13 The consent holder Waimea Water Limited holds 20 plus consents authorising the construction and operation of the Waimea Community Dam. There are over 120 conditions attached to the main suite of consents as well as associated resource consents for construction of the new access road, new forestry tracks and two bridges across the Lee River. As summary of the key activities monitored over this period is as follows;
- 5.14 All nine overarching environmental management plans, including a Biodiversity Management Plan (BMP) are now certified. This includes a further 15 Supplementary Construction Environmental Management Plans (SCEMPs) required for the construction phase. Biodiversity offset mitigation required in conditions including salvage, propagation and replanting of rare plants and the enhancement of a coastal wetland at Rough Island have been reviewed annually by the Biodiversity Technical Advisory Group while this has been implemented.
- 5.15 Regular monitoring of the site has occurred over the year. Attention has been on ensuring sediment retention ponds and associated chemical treatment processes are functional prior to discharge to the Lee River. Rapid stabilisation methods such as hydro-seeding and application of polymers along with traditional straw and bark mulching has been applied and maintained.
- 5.16 Fortnightly water quality environmental monitoring (above and below the construction zone) has been taking place. To date, monitoring of water clarity, turbidity, sediment bed, macro invertebrates, dissolved oxygen and pH all indicates the Lee River remains in good health.
- 5.17 To ensure fish migration is not interrupted, or in the case where not originally provided for, all culverts (including temporary crossings of the Lee River and tributaries) were required to be assessed by a freshwater ecologist and certified as providing for fish passage. These structures and their functioning are monitored and reported on annually. Fish migration up and downstream of the dam structure during the construction phase has also been undertaken via an approved fish trap and transfer process which is supervised by a suitably qualified ecologist. Reports are provided to Compliance. Ecologists supported by the Department of Conservation are currently devising a permanent fish trap and transfer process for when the dams becomes operational.

Global Herbicide Spraying Programmes

5.18 Both Tasman District Council and New Zealand Transport Agency undertook a range of roadside and river vegetation spraying operations around the district's roads. Both consent holders exercised these consents over the period and met all conditions.

Wastewater Treatment Plants (WWTP)

5.19 There are eight wastewater treatment plants operating in Tasman District. The largest is Bells Island, managing effluent from Nelson and Tasman. The consent holder is the Nelson Regional Sewage Business Unit (NRSBU), a joint venture between Nelson City Council and Tasman District Council. The remainder are Tasman District Council controlled community systems.

Table 4: Wastewater Treatment Plants compliance summary

Site (WWTP)	Consents	Fully Compliant	Comment if applicable
NRSBU Bells Island	Discharge to Waimea Estuary	N	Operated under Section 330 during high rainfall event in May when inflows overwhelmed capacity.
	Discharge to air	Y	
	Discharge of biosolids (Rabbit Island)	Y	
Collingwood	Discharge to land	N	Problems with UV treatment has meant consent holder failed to meet discharge quality measures
	Discharge to air	Y	
Takaka	Discharge to land	Y	
	Discharge to air	Y	
Upper Takaka	Discharge to land	Y	
	Discharge to air	Y	
Motueka	Discharge to Coast	N	Operating under section 330 emergency works to discharge
	Discharge to air	Y	

Timber Treatment Plants

5.20 There are a number of timber treatment plants in the district. All carry a suite of consents that impose discharge limits, environmental testing and reporting.

Table 6: Timber treatment site compliance summary

Site	Consents	Fully Compliant	Comment
Nelson Pine Industries Ltd	Discharge Air	Y	
	Discharge Stormwater	Y	
	Hazardous Facility	Y	
Carter Holt Harvey	Discharge Air	Y	
	Discharge Stormwater	Y	
	Hazardous Facility	Y	
AICA Limited	Discharge Air	N	One incident of vapour emission from site resulting from an operational incident recorded. Fugitive formaldehyde vapour was emitted from a vent as a result. Monitoring of the area immediately following the incident showed no high readings of formaldehyde.
	Discharge Stormwater	Y	
Goldpine Industries	Discharge Air	Y	Issue with Arsenic in sediment at one sampling site exceeding consent limits. Not elevated further down or at other sites. Not source from current treatment processing.
	Discharge Stormwater	N	
	Hazardous Facility	Y	
Prowood Limited	Discharge Air	Y	
	Discharge Stormwater	Y	
	Hazardous Facility	Y	

Dairy Processing Factories

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

Table 7: Dairy Factory compliance summary

Site	Consents	Fully Compliant
Takaka Plant	Discharge wastewater to land	Y
	Discharge wastewater to Takaka River	Y
	Discharge to air	Y
Brightwater Plant	Discharge Air	Y
	Discharge stormwater	Y
	Hazardous facility	Y

Fish Processors

5.22 There are several fish farming or fish processors operating within the district:

Talley's Port Motueka

Talley's operate a fish processing, fishmeal and ice cream factory at Port Motueka. They hold a suite of resource consents including to permits discharge to the coastal marine area and air. The consent holder met all conditions during the year

Anatoki Salmon

This company holds a raft of consents associated with the hatchery and fish farm as well as the associated onsite commercial business. The consents include discharge to land and to the river. The discharge of water from the farm is still in the renewal process. In the interim they operate under the existing consents. Non-compliance noted but no other action required at this stage.

New Zealand King Salmon Company Limited

This company holds a raft of consents associated with salmon farming adjacent to the Waikoropupu River. The consents include water takes and discharges from the farming operation. The consent holder has provided all required reporting however, there are issues identified with monitoring and reporting as required under certain conditions of these consents. The compliance department is currently working with the company to resolve these issues. No formal enforcement action has been required.

Aquaculture

5.23 There were 43 consents (including four seasonal spat consents) active in Golden Bay, in three aquaculture management zones. Each zone is divided into subzones which may hold more than one resource consent. The zones are:

- AMA1 – Waikato (off Collingwood) (1270ha divided into 4 subzones)
- AMA2 – Puramakau (4850ha divided into 16 subzones)
- Wainui (23.5ha)

5.24 In Tasman Bay there were 12 consents within the one zone.

- AMA3 (4230ha divided into 12 subzones)

5.25 Programmed monitoring occurred after seasonal gear was installed, and again after it came out (seasonal gear being spat catching structures over summer). Monitoring also occurred where permanent gear was installed, and/or after storm events.

5.26 Monitoring was predominantly to confirm farms were within permitted areas, properly indicated with appropriate coloured buoys, cardinal marks identified and visible at required distances, and all lights working, visible, and flashing in correct sequence. While onsite it was also necessary to confirm no loose rope, gear or other navigation hazards were present.

5.27 Over the period only small matters were identified, and these were responded to by the contractor, once notified. No other issues arose that required any enforcement action.

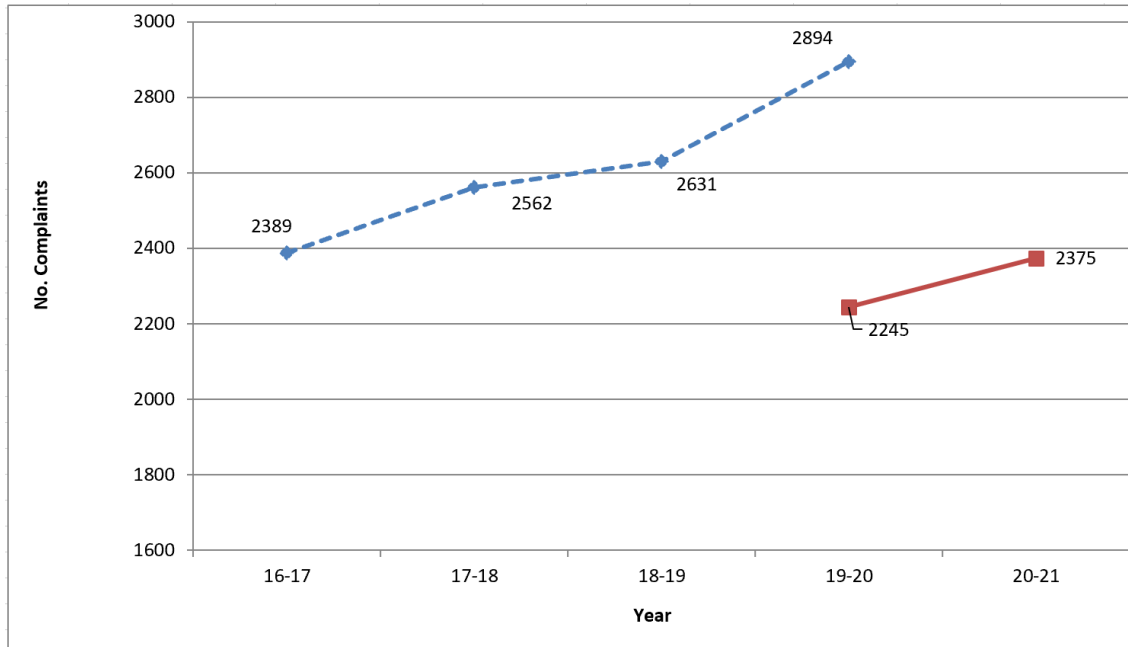
6 Complaints Action 2020/2021

6.1 The Compliance section provides 24-hour environmental complaint and incident response. Each year it investigates a wide range of activities as a result of complaints or public enquiries.

6.2 During the reporting period, 2,375 complaints or requests for service were received. Compared to last year's reported 2894, this end of year total indicates an 18% decrease. Unfortunately, this is not the case, rather it is the result of improved data reporting incorporated this year that has allowed the broader customer enquiry requests to be refined. However, when a comparison was made to an equally corrected set of data for last year, it still revealed an increase in complaints or requests for service under the environmental area.

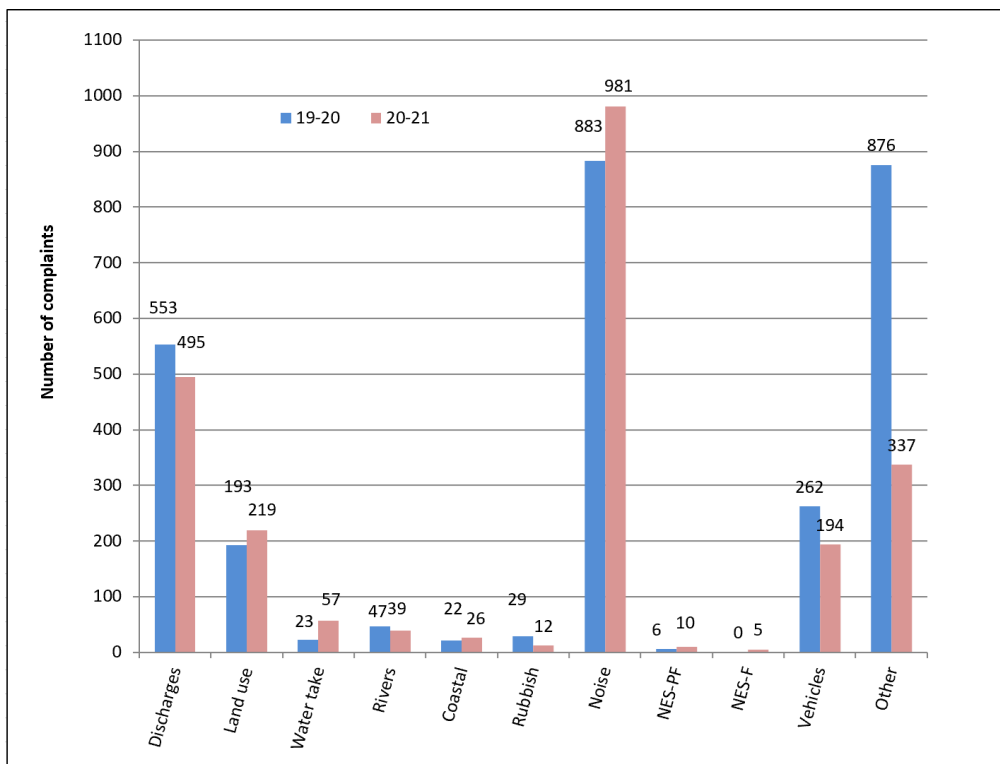
6.3 In the following graph, this year’s data has been plotted against an equally corrected data set of last year. As stated even with refined data it can be seen that there was still an overall increase in environmental complaints, from 2245 to 2375. This continues the trend of increasing numbers of complaints and requests around environmental matters seen in recent years. Also included in the graph is the old unrefined data (blue line) previously reported on, for reference.

Figure 3: Trend in complaint numbers in Tasman district over last 5 years



6.4 The following graph (figure 4) provides a breakdown summary of complaints against the eight broad complaint categories used in this annual report summary.

Figure 4: Number of complaints received in comparison to previous year by general category



- 6.5 For the main categories, water use, noise and discharges to land, did see some increases in complaint numbers over the period, however this was offset by equally noticeable decreases in others. Abandoned vehicles, rubbish enforcement and discharges to air were examples. The decline in complaints around air was driven principally by a lower level of outdoor burning over the early winter. This was thought to be because of a reduction in orchard replacements as well as alternative methods of disposal being employed. The decrease in the other categories is more difficult to quantify, particularly the rubbish.
- 6.6 Within the graph can be seen a new category of NES-F. With the enactment of the freshwater regulations and increasing public awareness of their obligations, this category has been included to capture and report on complaints associated with these activities. To date five have been recorded, mostly with regard to stock access to riverbeds but also one case about winter grazing practices.
- 6.7 All complaints were dealt with on a case-by-case basis and any action taken as and when it could be established that a breach had occurred.

7 Enforcement Action

- 7.1 One of the Council's measures of performance is timely resolution of significant non-compliance, with respect to breach of resource consent conditions or rules. Significant non-compliance is graded as a four. Timely resolution is defined as 80% of all significant non-compliance resolved within nine months and 95% resolved with 12 months.
- 7.2 During the 2020/21 year, a total of sixteen significant non-compliance grades were assigned to activities. Of these, fifteen were for water takes with a history of failing to provide water meter use returns. The other was a permitted activity dairy farm with an overland effluent discharge. There were no carryovers from the previous year that required calculation in this year's data. See note for definition.
- 7.3 All these matters were resolved within nine months with action being taken via warnings and abatement notices.

Table 8: Resolution of non-significant compliance with respect to breach of consent conditions

	Number of actions	Resolved (nine months)	Resolved (12 months)
Non compliances recorded and resolved this current period	16	16	N/A
Non compliances carried over from the previous year subject to measure*	N/A	N/A	N/A
Non compliances with nine and 12 month deadline beyond this reporting period**	N/A	N/A	N/A
Total	16	16 (100%)	N/A

NOTES:

**Significant non-compliances carried over from the previous year report. These are non-compliances identified in that period but resolution dates fell beyond period of reporting.*

***This represents significant non-compliances recorded in this reporting period, not yet resolved and where the 9 and 12 month measures will be captured in the next annual report.*

- 7.4 During the 2020/21 year, Tasman District Council compliance officers undertook a range of enforcement actions in response to detected non-compliance or breaches. Table 9 provides an overall summary of enforcement action taken and compares this to the same period in the previous year. It should be noted that enforcement action includes response to breaches of consent conditions, non-compliance with rules for a permitted activity in the Tasman Resource Management Plan (TRMP), or infringements against the Litter Act.

Table 9: Summary of Enforcement action during the 20/21 year including comparison to previous year.

Enforcement action	2019-20	2020-21
Abatement notices	30	37
Infringement notices	69	31
Enforcement orders	0	1
Prosecutions	1	0

Abatement Notices

- 7.5 There were 37 abatement notices issued by the over the period. A summary of these is contained in the following table 10. It should be noted that this data excludes those abatement notices issued under Section 16 of the Resource Management Act (RMA), (unreasonable noise), but does include those issued in relation to consent condition breaches where noise was the non-complying factor if applicable.
- 7.6 Abatement notices for outdoor fires creating adverse effects made up the majority of those issued under the category of discharge.

Land use breaches resulting in abatement notice responses were mostly associated with failure to comply with resource consent conditions where an adverse effects were occurring. Land owners using their property for activities outside of zone rule restrictions and breach of resource consents associated with building were predominant themes.

Table 10: Number of Abatement Notices relative to each section of the RMA (Sec 9 - 17).

RMA Section	Number issued
Section 9 - Land use	11
Section 12 - Coastal	0
Section 13 - Rivers/Lakes	0
Section 14 - Water	17
Section 15 - Discharges	8
Total	37

Infringement Fines

7.7 During the period, 31 infringement fines were issued for breaches against the RMA or Litter Act as outlined in the following table 11. The table includes a summary of the outcome of the fines process. The column headed outstanding are fines not paid in the statutory time frame and subsequently lodged in the Court for recovery.

Table 11: Infringement notices by type and outcome

Resource Management Act 1991	Number issued	Paid	Outstanding	Withdrawn
Contravention of section 9 - (Land use)	3	3	-	-
Contravention of section 12 - (Coastal)	2	1	-	1
Contravention of section 13 - (Rivers)	1	1	-	-
Contravention of section 14 - (Water)	1	1	-	-
Contravention of section 15(1) (a) or (b) (Discharge contaminant to water or land)	1	1	-	-
Contravention of section 15(2A) - (Discharge Air - breach rule or regulation)	3	2	1	-
Contravention of section 15(2) (a) or (b) - (Discharge Air - breach of NES)	1	1	-	-
Contravention of an abatement notice	5	3	-	2
Contravention of an excessive noise direction	1	1	-	-
Litter Act 1979				
Deposit and Leave Litter	13	3	3	7
Total	31	17	4	10

Enforcement Orders

7.8 One enforcement order was initiated during this period as part of a prosecution detailed in the next section. The enforcement order followed on the back of a prosecution for breaches of the RMA for discharges of a contaminant to land, namely dairy effluent.

7.9 The order required an upgraded dairy effluent system to be designed, installed and commissioned.

Prosecutions

7.10 No prosecutions were initiated in this period. One matter was resolved relating to a discharge of dairy effluent. This is associated with a farm in the southern area of the district in the Matakita Valley. Charges were laid against both the owner and the worker who faced two charges each.

- 7.11 This matter was heard in the Nelson District Court on 15 November 2020 where the two defendants pleaded guilty to the charges and were sentenced to fines of \$21,000 and \$5,000 respectively.

8 Future Strategies

- 8.1 The Resource Management (National Environment Standard – Freshwater) Regulations (NES-FW), and associated regulations are having a direct impact as we assess and implement the staged approaches of the regulations on the ground. It is already highlighted that data management systems are a requirement as we receive and manage required information, and report on achievements. Incorporating a compliance monitoring and enforcement strategy for some key regulations into its monitoring programmes where early action is required is essential, but the final shape of it can only be determined when all the regulations and amendments are landed. Engaging with Iwi to develop a strategic approach to delivery of the regulatory role under the freshwater regulations is also at scoping stage.
- 8.2 The review of the National Environmental Standards for Air Quality (NES-AQ) still looms as a potential for increased work demand around air quality for compliance and enforcement at some point in the future. Given what may eventuate, it is likely that additional resources will be required to effectively implement and monitor this.
- 8.3 The outcomes of the Three Waters, Resource Management and Local Government reforms will potentially all have future bearing on delivery of compliance monitoring and enforcement, and/or the structure of role.

9 Conclusion

- 9.1 Complaint response continues to be our first priority and a considerable amount of time is spent responding to the public and their concerns. This does have a detrimental impact on the more proactive consent monitoring work; however, it is essential that the Council responds to community concerns first and foremost.
- 9.2 This year, complaints (even with refinements in reporting), continued to track upwards as they have done over the last five years.
- 9.3 Tasman District Council has a defined pathway in respect to monitoring and enforcement to provide a consistent, fair and proportional approach. Fundamentally, that pathway is to promote awareness and encourage positive behavioural change, through a process of engagement, education and assisting wrongdoers to achieve best practice to meet their obligations. Enforcement, while an important part of this process, is usually reserved for those unwilling or unable to change. Tasman District Council's approach in this area is designed to be entirely objective and consistent with national regulatory enforcement protocols and practices.
- 9.4 This year we were busy in the area of enforcement, particularly as a response to those persisting with poor practice or showing complete disregard for the rules. For those where it was appropriate, abatement and infringement notices were used to try and gain compliance and provide deterrence where other methods had proven unsuccessful. Fortunately, Tasman District Council did not detect many cases of significant non-compliance and did not have to initiate any prosecutions. One enforcement order was granted at the conclusion of a prosecution from the previous year, which required significant system upgrades to an effluent disposal system to prevent any future breaches.

- 9.5 On the monitoring side, staff continued to inspect the consent and permitted activities identified as high risk through the strategic monitoring programme. Full compliance was generally high again this year, and where non-compliance was detected, it was largely of a minor nature and did not require any further action enforcement response. Where it did, the Council used the range of enforcement options available to gain compliance and remedy any adverse effects resulting from the breach.

Attachments

Nil

8.1 CHAIRPERSON'S REPORT

Information Only - No Decision Required

Report To: Regulatory Committee
Meeting Date: 9 September 2021
Report Author: Dana Wensley, Chairperson - Regulatory Committee
Report Number: RRC21-09-6

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 Chairperon's Report RRC21-09-6.

3 Attachments

Nil

2.3 ENVIRONMENT AND PLANNING MANAGER'S REPORT

Information Only - No Decision Required

Report To:	Regulatory Committee
Meeting Date:	9 September 2021
Report Author:	Dennis Bush-King, Group Manager - Environmental Assurance
Report Number:	RRC21-09-4

1 Summary

- 1.1 This report covers several general matters concerning the regulatory activities of the Council since meeting of the Regulatory Committee on 29 July 2021.

2 Draft Resolution

That the Regulatory Committee:

- 1. receives the Environment and Planning Manager's Report RRC21-09-4; and**
- 2. accepts the petition of Franz Alack and Sheila Beggs and 36 others but declines to take any further action whilst the activity remains compliant with the Tasman Resource Management Plan; and**
- 3. endorses the submissions made in respect of the Discussion paper on Farm Environment Plans and the Government Policy Statement on Housing and Urban Development, covered in items 7 and 9 of Report RRC21-09-4.**

3 Petition

- 3.1 The Council has received a petition from people concerned about the emergence of a motorcross track at Gardner Valley Road (**Attachment 1**). Under Standing Orders, the Council needs to decide whether to accept the petition or not.
- 3.2 Provided the activity of using the motocross track complies with the relevant rules in the Tasman Resource management Plan, no resource consent is needed. In this case, staff have advised the use is compliant. Staff will follow up with the landowner to ensure the scope of use is understood.
- 3.3 It is recommended that the Committee accepts the petition of Franz Alack and Sheila Beggs and 36 others but declines to take any further action whilst the activity remains compliant with the Tasman Resource Management Plan.

4 Natural and Built Environment Act – Exposure Draft

- 4.1 The Council's submission on the Government's [Exposure Draft](#) of the front end of the Natural and Built Environments Act (NBA) was lodged by the due date of 4 August 2021. The Mayor and Group Manager – Environmental Assurance attended the Select Committee meeting by Zoom on 27 August 2021 and can provide a verbal update at this meeting.

5 Building Consent Authority Accreditation

- 5.1 The Council will undergo its two-yearly accreditation review by IANZ on behalf of the Government from 26-29 October 2021. To carry on as a building consent authority the Council, at all times, is required to maintain its accreditation.

6 Rainwater Collection and Greywater Irrigation

- 6.1 In the interests of collecting rain water for potable use or other purposes and also using greywater for home irrigation, BRANZ the organization that assists with setting building standards in New Zealand, has released two new publications to assist in the design of systems to aid water reuse. [BU664 Residential rainwater systems | BRANZ](#) and [BU665 Residential greywater systems | BRANZ](#). We are looking at ways to promote use of these systems.

7 Essential Freshwater

Farm Plans

- 7.1 The Ministers of the Environment and Primary Industries have released a Freshwater Farm Management Plan (FWFMP) discussion document and proposed changes to the Low Slope maps included in the Stock Exclusion Regulations. Submissions on both will be received up until 12 September 2021.
- 7.2 Staff have prepared a submission on the Farm Plan paper and it will be circulated under separate cover. The new maps to accompany the Stock Exclusion Regulations cover a lesser area of Tasman District so staff are happy and have not submitted.

Synthetic Nitrogen Fertiliser Cap from 1 July 2021

- 7.3 From 1 July this year, a cap on the use of synthetic nitrogen fertiliser applies on any contiguous parcel of pastoral land. The cap has been set at 190 kg per hectare per year. This applies to all grazed land (including grass and annual forage crop) except for the grazing of livestock on the stubble of arable crops, with the following conditions:
- Each hectare of grass pasture has a limit of 190 kg/ha/yr – no area of pasture can exceed this level without a resource consent.
 - On land planted with fodder crops, the limit of 190 kg/ha/yr may be exceeded to meet the needs of some types of plants, but the average across the pastoral system must not exceed 190 kg/ha/yr.
- 7.4 We understand that dairy farmers monitor, and report fertiliser use to Fonterra and the expectation is that Fonterra has alerted farmers to their obligations. We will respond to individuals who disclose they may need consent, but it is difficult to know what we don't know as we do not have any monitoring capability on synthetic nitrogen fertiliser use. We will look to add this to our annual farm effluent monitoring inspection next year, but this will only capture dairy farms and the expectation is that compliance should not be an issue. It is our understanding that use by sheep and beef farmers will be much less. We will continue to discuss this item with primary sector representatives.

Intensive Winter Grazing

- 7.5 The Government is again proposing to change some of the [Regulations](#) applying to intensive winter grazing and submissions are open until 7 October 2021. Some of the changes include removing the date by which land must be resown, clarifying the obligation for “critical source” protection, amending the definition of “drain” and requiring farmers “to take reasonably practicable steps” to manage pugging effects.

8 Conservation Law Reform

- 8.1 The Minister of the Conservation has launched a publication by the Environmental Defence Society entitled *Conserving Nature: Conservation System Reform Issues Paper*. This publication sets out several problems with the present conservation management system and its outdated legal framework. This review includes some statutes that date back to the 1930s, the Wildlife Act 1953 and the Reserves Act 1977. Fortunately Minister Allan recognises that there is a lot of law reform underway at present and will take more time before seeking public feedback on options.

9 Government Policy Statement on Housing and Urban Development

- 9.1 A submission was lodged on the Government Policy Statement on Housing and Urban Development (GPS-HUD) and is attached for the Committee's endorsement (**Attachment 2**).

10 Intergovernmental Panel on Climate Change (IPCC) Report

- 10.1 The [AR6 Climate Change 2021 - Sixth Assessment Report from the Intergovernmental Panel on Climate Change \(IPCC\)](#), released on 9 August 2021 brings together years of research from climate scientists from around the world. The UN climate change body (IPCC) was created to provide regular scientific assessments on climate change, its

implications and potential future risks, as well as to put forward adaptation and mitigation options. The [Summary for Policymakers of the Working Group I \(WGI\)](#) contribution to the Sixth Assessment Report (AR6) as well as additional materials and information are available at <https://www.ipcc.ch/report/ar6/wg1/>.

10.2 Some headline statements from the report:

- It is unequivocal that human influence has warmed the atmosphere, ocean and land. Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred.
- The scale of recent changes across the climate system as a whole and the present state of many aspects of the climate system are unprecedented over many centuries to many thousands of years.
- Human-induced climate change is already affecting many weather and climate extremes in every region across the globe.
- Global surface temperature will continue to increase until at least the mid-century under all emissions scenarios considered. Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO₂) and other greenhouse gas emissions occur in the coming decades.
- Many changes in the climate system become larger in direct relation to increasing global warming. They include increases in the frequency and intensity of hot extremes, marine heatwaves, and heavy precipitation, agricultural and ecological droughts in some regions, and proportion of intense tropical cyclones.

10.3 For the first time, the Sixth Assessment Report provides a more detailed regional assessment of climate change, including a focus on useful information that can inform risk assessment, adaptation, and other decision-making, and a new framework that helps translate physical changes in the climate – heat, cold, rain, drought, snow, wind, coastal flooding and more – into what they mean for society and ecosystems. This regional information can be explored in detail in the newly developed [Interactive Atlas interactive-atlas.ipcc.ch](#) as well as regional fact sheets, the technical summary, and underlying report.

What does it mean for New Zealand?

10.4 New Zealand won't escape the effects of the warming climate. We're mentioned many times in the report, eg:

- Our mean temperature has increased about 1.1°C since records began ("with human influence the dominant driver" (page 3522).
- "Decreases in snow and ice or increases in pluvial/river flooding will affect sectors such as winter tourism, energy production, river transportation, and infrastructure" (page 132).
- "Snowfall is expected to decrease throughout the region at high altitudes in both Australia and New Zealand, with glaciers receding in New Zealand" (pages 136 and 3198).
- "Fire weather is projected to increase throughout Australia and New Zealand" (page 136).
- The south and west of the country will likely get wetter while the north and east dry up (page 3197).

- Rivers will be more likely to flood, marine heatwaves will become more common and last longer, particularly coming from the Tasman Sea (page 3197).
- The ocean around New Zealand has warmed more quickly than the global average, particularly around the South Island (page 3200).
- If temperatures rise more than 3°C New Zealand will likely lose all of its glaciers, the report says on page 2160, along with up to three-quarters of glaciers around the globe.
- There will be between 30 and 50 percent fewer 'frost days' than there used to be (page 3194).
- "Agricultural and ecological" droughts will be more common (page 3196).
- Landslides will be more likely in the South Island and eastern half of the North Island thanks to "total precipitation rates, precipitation intensity, mountain permafrost thaw rates, glacier retreat and air temperature" (page 3195) and there will be a "continuing reduction in snowfall during the 21st century" (page 3198).
- "As mean sea-level rise is projected to continue for at least several more centuries, there is very high confidence that this will lead to large increases in the frequency of extreme sea-level events in Australia and New Zealand" (page 3518).

10.5 For further information about what the IPCC report means for New Zealand's climate response see this [RNZ article](#) and an article from Taituarā providing a [local government perspective](#).

11 Responsible Camping Funding

- 11.1 Since 2018, the Government through MBIE has invested \$24.5m in Responsible Camping initiatives for local councils. Funding has been used for freedom camping infrastructure and management, including addition enforcement. The funding stream is now coming to a close and at this stage no further contestable funding rounds are planned for Responsible Camping initiatives.
- 11.2 Accordingly, we will have around \$15,000 less funding to allocate for enforcement. The Regulatory manager will consider our options and report back in October but we will either have to downscale our efforts to fit the budget or seek agreement to overspend.
- 11.3 MBIE advises that it continues to progress work on Freedom Camping reform to provide a long-term solution to some of the challenges faced locally with freedom camping, experienced by local government. Whether this will happen this coming season remains to be seen. We have still not received any reply from the Minister around the enforcement issue previously reported.

12 Action Sheet

- 12.1 **Attachment 3** is the Action Sheet which updates Councillors on action items from previous Committee meetings relevant to the Regulatory portfolio.

13 Attachments

1. ↓	Attachment 1 - Gardner Valley Road Motocross Petition	43
2. ↓	Attachment 2 - Submission on GPS	50
3. ↓	Attachment 3 - Action Sheet	54

To Tasman District Council

Compliance Committee

att: Team Leader



PETITION against a MX-Training track on 71 Gardener Valley Road, UMO

Handed in on 28 July 2021

Page 1 of 7

To Tasman District Council

Petition against a moto x training track at 71 Gardner valley road, Upper moutere

We the residents in and around the lower end of Gardner valley road are very concerned about the moto x track that has been built at 71 Gardner valley road, This area is a small community of people with houses all along the valley a lot of which have lived in the area for a number of years.

This track is being used as a training track which at the moment is being used on the weekends and some week days, the noise coming from the track is like a continuous drone through the valley which goes on for hours, this noise creates a lot of stress and anxiety for a number of people and has already caused health issues for one resident.

We the community of people would like the Tasman District Council to Enforce that the landowner will be required to get a resource consent so we can deal with this in a legal manner. The ways in which the right to have a moto x track in rural 1 has been exceeded is the bikes being riden on the track have after market exhausts and the noise produced by the bikes is very unreasonable in a small community.

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To Tasman District Council

PETITION against a MX-Training track on 71 Gardener Valley Road, UMO

We, the residents in and around lower Gardener Valley Road, request TDC to prevent the construction and all year round use of a MX-Training track on 71 Gardener Valley Road, UMO.

Such track will cause:

- the loss of productive land (1/3 of property)
- the loss of rural character in our community (amenity effect)
- unreasonable and unnecessary noise, dust and pollution
- the devaluation of our properties.

Full Name <i>print</i>	Address	Contact	Signature
<i>Symond</i>	<i>181 Gardener Valley Rd</i>	<i>5432760</i>	<i>[Signature]</i>
<i>Friedr. Mahro</i>	<i>63 Gardener Vly</i>	<i>5432979</i>	<i>[Signature]</i>
<i>Dorothea Oetzer</i>	<i>63 Gardener Valley Rd</i>	<i>5432979</i>	<i>[Signature]</i>
<i>Elizabeth Eggers</i>	<i>100 Gardener Vly Rd</i>	<i>5432223</i>	<i>[Signature]</i>
<i>John Dippie</i>	<i>186 Gardner Vly</i>	<i>5432203</i>	<i>[Signature]</i>
<i>Ellen Dick</i>	<i>186 Gardner Vly</i>	<i>5432203</i>	<i>[Signature]</i>
<i>Rachel Dippie</i>	<i>186 Gardner Valley</i>	<i>5432205</i>	<i>[Signature]</i>
<i>Lynay Glover</i>	<i>172 Gardner "</i>	<i>5432698</i>	<i>[Signature]</i>
<i>Mer Stevens</i>	<i>227 Gardner</i>	<i>5432238</i>	<i>[Signature]</i>
<i>Janette Stevens</i>	<i>227 Gardner V.R.</i>	<i>5432238</i>	<i>[Signature]</i>

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To Tasman District Council

PETITION against a MX-Training track on 71 Gardener Valley Road, UMO

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- the devaluation of our properties.

Full Name (print)	Address	Contact	Signature
John Ruckman Gundala	1856 Moutere Highway	0279051932	
Pauline-Peter Harakeke	"	0221634224	
Pascal Pascal	"	"	
Scott Sutherland Lynda Sutherland	9 Gardener Valley Rd "	0274375755 0275471418	
Shane Kemp Lee Ann Kemp	1837 Moutere Hwy "	0274375450 0274473576	
Rick AAP Kennedy Jacqui Kennedy	1855 Moutere Highway "	0274233677 0273464071	
Gerry Nadder Justin Nadder	35 Gardener Vly Rd 35 Gardener Vly Rd	0279510364 (03) 543-2889	
Matthew Woodcote	189 Moutere Highway	0274895549	

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To Tasman District Council

PETITION against a MX-Training track on 71 Gardener Valley Road, UMO

We, the residents in and around lower Gardener Valley Road, request TDC to prevent the construction and all year round use of a MX-Training track on 71 Gardener Valley Road, UMO.

Such track will cause:

- the loss of productive land (1/3 of property)
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- unreasonable and unnecessary noise, dust and pollution
- the devaluation of our properties.
- see other notes

	Full Name <i>print</i>	Address	Contact	Signature	
	<i>Matthew Rutherford</i>	<i>Tasman Bay W. near Best Rd Gardener</i>	<i>Matt Rutherford</i>	<i>[Signature]</i>	
	<i>Kate Eggers</i>	<i>Flaxmore Rd</i>	<i>Kate Eggers</i>	<i>[Signature]</i>	
	<i>Simon Leg</i>	<i>Main Hwy / Flaxmore Rd</i>	<i>Simon Leg</i>	<i>[Signature]</i>	
<i>Martin</i>	<i>Douglass</i>	<i>1969 Montrose Highway</i>	<i>Martin</i>	<i>[Signature]</i>	<i>832322</i>
	<i>Keesley Eggers</i>	<i>95 WILLS Roland</i>	<i>Kem</i>	<i>[Signature]</i>	
	<i>Adalmeora Isabela</i>	<i>Wills road</i>	<i>Isabela</i>	<i>[Signature]</i>	
	<i>Mike Eggers</i>	<i>1166 Montrose Hwy</i>	<i>Mike</i>	<i>[Signature]</i>	<i>0274432526</i>
	<i>Sue Eggers</i>	<i>1966 Montrose Highway</i>	<i>Sue</i>	<i>[Signature]</i>	
	<i>Pauline Anderson</i>	<i>24 Flaxmore Rd.</i>	<i>Pauline</i>	<i>[Signature]</i>	
	<i>Don L. Goette</i>	<i>18 Gardnerully Rd.</i>	<i>0275403455</i>	<i>[Signature]</i>	

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To Tasman District Council

PETITION against a MX-Training track on 71 Gardener Valley Road, UMO

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- the loss of rural character in our community (amenity effect)
- unreasonable and unnecessary noise, dust and pollution
- the devaluation of our properties.

Full Name	Address	Contact	Signature
Brend Brooks	Gardner Valley	0274962988	
Gina Brooks	Gardner Valley	0211139227	Gina Brooks

Further to the Petition against MX-training track on 71 Gardner Valley Road UMO, as affected nearby residents, we wish to add our support and to have this matter addressed.

CODE OF PRACTICE FOR RECREATIONAL USE OF MOTOR-CYCLES

Motor-cycling activity nearby has a serious negative effect upon the peaceful enjoyment of other residents at their own properties.

The quanta of both the time and the number of machines permitted by the Tasman District Council's Code of Practice are excessive.


People other than the owners of any particular property are allowed to use that property for motor-cycling activities.

There are no "rules" prohibiting the use of motorcycles on the property in the intervening days if that use can be purported to be for other than recreation.

Noise is now recognised as causing physiological harm. By allowing the amount of motor-cycling activity that it does the TDC can be seen to be consciously permitting the health of residents to be endangered.

Continued subdivision of rural land increases the impacts of activities on surrounding residents and properties and thus the TDC's rules should be amended and strengthened in order to give protection to the wider community from the consequences of such subdivision.

Franz Alack and Sheila Beggs
1828 Moutere Highway
RD 2 Upper Moutere 7175



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Dennis.Bush-King@tasman.govt.nz
Phone 03 543 8430

29 July 2021

Ministry of Housing and Urban Development
E mail: hud_gps@hud.govt.nz

Tēnā koe

Submission on Tauākī Kaupapa here a Te Kāwanatanga Mō Te Whakawhanake Whare, Tāone anō Hoki (Government Policy Statement on Housing and Urban Development - discussion document)

Thank you for the opportunity to provide comments on the above discussion document. We support the Government recognising that it needs to take the lead in this challenging area of housing and urban development, acknowledging the importance of housing to individuals and community well-being.

We wish to make a short submission focussing on the absence of our District in the 'place base' focus section of the Government Policy Statement (GPS) discussion document and on the issue of housing affordability.

Place base focus

The very end of the discussion document indicates that Government activity and investment will be focused on prioritising cities and regions *“experiencing the greatest growth-related pressures, or the most acute housing-related need. Many of these places are projected to continue to grow strongly over the longer- term, while others, particularly smaller regional centres – are experiencing the spill over consequences of wider dysfunction in the housing and urban system.”*

We are extremely surprised that Tasman is not shown on the accompanying map as an area that MHUD and Kāinga Ora are prioritising effort and investment. In other words, Tasman District is not a part of New Zealand where effort and investment will be prioritised by Central Government and its agencies. Tasman has been experiencing high population growth for the past 5 years and is one of the least affordable regions in the country, second only to Auckland according to Massey University's Home Affordability Index, for the past 2 years. This is not through inaction by the Council as we enable zoned and serviced land and to the year ending 30 June 2021, we accommodated a 30% increase in new dwellings – 633 compared to 488 in the previous year.

Population growth projections and dwelling demand

Tasman District is part of the tier 2 Nelson Tasman Urban Environment in the National Policy Statement on Urban Development.

Tasman's population continues to grow, outstripping predictions by Stats NZ, with average annual growth between 2015-2020 averaging 2.2%. In the year ending 30 June 2020, the population grew by 2.4%. Most of this growth is from net migration gains and, importantly for



Tasman, a sizable proportion of this is from internal migration, therefore expected to continue despite international borders remaining closed. Population is projected to increase in Tasman by 7,700 residents between 2021 and 2031, from 56,600 to 64,300 (13%) and then by a further 11,810 residents to 2051 (18%), totalling 76,110. Population growth projections in the tier 2 urban environment are slightly higher at 18% for the first 10 years and 18% for the following 20 years, remaining constant over the 30 year period.

Statistics NZ had previously projected that the Nelson Urban Area's population was likely to grow by not more than 9.95% in the ten years between 2013 and 2023, meaning it was classified as 'medium growth', according to the former National Policy Statement on Urban Development Capacity, falling just below the ten percent threshold defining 'high growth' urban areas. We have exceeded this by some margin, growing by over 15% in the seven years between 2013 and 2020. The Tasman part of the Urban Area grew by 20%, Nelson's by 10%.

For the Tasman Urban Environment which includes the towns of Richmond, Wakefield, Brightwater, Mapua and Motueka, dwelling demand remains constant over the next 30 years. 67% of the dwellings required in the District are needed in the Urban Environment, demonstrating the role these towns are playing in providing locations to live within commutable distance to the major employment areas of Richmond and Nelson.

Tasman District Council has been experiencing strong growth pressures for over 5 years. Of the approximately 11,800 new dwellings required over the next 30 years, 60% of these homes will need to connect to Council's infrastructure. Council plans to enable growth within Tasman by investing \$317 million in growth related infrastructure over the next 30 years. Council has increased its growth investment significantly compared with the LTP 2018-2028, which had a growth-related infrastructure spend of \$100m.

Housing related need

In terms of type of providing for housing capacity, while the Council is striving to meet demand for the District as a whole, it cannot provide for all demand in all towns and this includes Motueka. Motueka is the worst mismatch according to the Housing Preferences Survey in terms of double the amount of people wanting to live there than can actually afford to. Affordability is an issue for the whole District but is worse in Motueka and Golden Bay due to lower incomes. Additionally, seasonal worker accommodation is needed in the Motueka area where campground facilities are smaller and fewer. Motueka particularly also needs to try and meet the needs of housing for Māori residents, since 15% of the population identify as Māori, compared with 8% in the rest of Tasman.

A recent Housing Preferences survey undertaken by Market Economics and Research First for the Council, found from a sample of 300 residents in the District, 80% of which live in the Urban Environment, 34% could not afford to purchase any dwelling and only 5% of these could afford to rent.

Housing Affordability

As at May 2021, the Massey University Home Affordability Index listed Tasman as the second least affordable region in the country behind Auckland. Tasman and our Nelson neighbours have consistently ranked as second or third least affordable local authority areas for nearly two years.



According to the Ministry of Housing and Urban Development's (MHUD's) dashboard, house prices have increased by 64% in Tasman since 2015. The Real Estate Institute of NZ (REINZ) also monitors house prices in the region, and it finds that the median house price in Tasman was a record \$850,000 in May 2021, an increase of 21% since May 2020. According to REINZ, there are only two regions in the country currently with higher median house prices – Auckland and Wellington.

Housing affordability is exacerbated in Tasman with lower than national average household incomes, which are at least 13% below the New Zealand (NZ) average and have only caught up by 2% in the last 20 years. Nelson Tasman is second lowest in NZ.

This is against a backdrop of record high consents being issued – including 633 building consents for new dwellings for the year ending May 2021.

We acknowledge that Tasman is not currently part of any Urban Growth Partnership with Central Government, but request that in the forthcoming GPS, Tasman is part of a place-based partnership and Government housing activity and investment will be focused in Tasman.

Focus areas - housing affordability

The GPS discussion document includes 6 focus areas and number 1 is *“ensuring that more affordable houses are being built,”* by seeking to create a housing and urban land market that is affordable. Affordable is not defined in the document. The discussion document does not propose any new methods for providing affordable housing, other than the recently introduced methods by Central Government to try and curb speculative demand, or simply ensuring that supply of housing meets demand. It is unlikely that the measures in the draft GPS will therefore improve housing affordability. Page 39 (koru diagram) simply states *“ensure that more affordable houses are being built”*. While this is an objective that most New Zealanders seek, there are no methods in the discussion document that will achieve this.

There are many factors that affect the price of a house. Cost of building materials is just one. According to Infometrics, building cost pressures are becoming very pronounced, with the most recent quarterly increase of 5% being the highest quarterly increase since 1986 when GST was introduced. Even though the discussion document seeks medium and high density housing options, these do not translate into affordable options. In our District some small townhouses currently under construction, of between 100-110 sq m each are currently selling for over \$750,000. On an adjacent site similar properties yet to be built are being marketed at over \$990,000.

Page 40 of the discussion document recognises that current land use planning and regulation provides windfall gains to land bankers and page 41 comments that these gains need to be captured and redirected. Page 43 refers to value-uplift capture tools but does not elaborate further. Recouping betterment will not be straightforward (and is already provided in the Statute Book but invariably has not been recovered because of difficulties in administration) and land value rises even before any rezoning takes place.

No mention is made of inclusionary zoning. This would be a direct measure that Central Government could enable Local Authorities to use that would improve the provision of affordable housing, as has occurred in other countries such as the UK over the past 30 years. Inclusionary zoning requires a share of dwellings in new developments to be affordable (retained by restrictive covenant on title) to people on low to medium incomes.



The Auckland Unitary Plan in 2013 suggested the Plan should cover inclusionary zoning, but this was not supported by the independent hearings panel, which felt it is difficult to say the "tax" arises from effects of Plan and therefore may not hold up under RMA. The reform of the RMA, already well underway could introduce legislation that enables Local Authorities to seek inclusionary zoning in new housing developments. This would be an important tool to provide affordable housing in perpetuity. We suggest that this method is included within the forthcoming GPS as a way of providing affordable housing in the future.

In summary we request that Tasman is acknowledged as a region experiencing high growth related pressures and acute housing-related need and that Government activity and investment is focused in our District. We also request that inclusionary zoning is proposed as a valuable tool in the draft GPS and is introduced through the RMA reform, to ensure affordable housing is provided in New Zealand, in perpetuity.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dennis Bush-King', enclosed in a thin black rectangular border.

Dennis Bush –King
Group Manager – Environmental Assurance

CC. Rob Hall – Kāinga Ora

Action Sheet - Regulatory Committee – September 2021

Meeting Date:	Minute/Action	Description	Accountable Officer	Response	Status
6 May 2021	8.2	To further report on the reasons for not installing an AED on the HM Vessel 'The Sentinel'	Adrian Humphries	Response sent to Councillors	Sent to Councillors on 1 September 2021
29 July 2021	8.1	Application to become a recognised agency for verifying food businesses – provide a further report to Regulatory Committee on a possible increase in staff numbers required to do this work and the list of fees and charges that will be made.	Dennis Bush-King		Work in progress
	8.3	Annual District-wide Water Monitoring Report – options around enforcing telemetry for water users. Also, how can the Council gain efficiencies on the current water use monitoring process.	Dennis Bush-King		Work in progress
	8.5	Provide update on the Pakawau residents group's current resource consent	Dennis Bush-King		Still awaiting lodgement of application following discussions with staff
	8.5	Include Council's submission to the GPS on Housing and Urban Development in next Manager's report to the Committee	Dennis Bush-King		Included in this agenda
	8.5	Provide confidential report to Regulatory Committee meeting	Dennis Bush-King		Included in this agenda

Meeting Date:	Minute/Action	Description	Accountable Officer	Response	Status
		on 9 September regarding asbestos in a building in Motueka			

9 CONFIDENTIAL SESSION

9.1 Procedural motion to exclude the public

The following motion is submitted for consideration:

That the public be excluded from the following part(s) of the proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

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

9.2 Manager's Report - Legal Matters

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(g) - The withholding of the information is necessary to maintain legal professional privilege.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.