

River Stopbank Recompense Policy

POLICY REFERENCES

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| • Sponsor: | Group Manager – Information, Science and Technology |
| • Effective date: | 24 October 2024 |
| • Review due: | (3 years from effective date) |
| • Legal compliance: | <ul style="list-style-type: none"> • Soil Conservation and Rivers Control Act 1941 • Local Government Act 2002 |
| • Associated Documents/References | • Council's Delegation Register |
| • Adopted by Council | 24 October 2024 |

Purpose

1. This policy sets out criteria and procedures for the annual recompense payment to eligible private landowners who ensure the stability of Council Maintained Stopbanks on their properties, and the basis for calculating the payment amount.

Objective

2. The policy aims to provide financial recognition to private landowners for their contribution to flood protection by managing their land in a responsible way around the Council Maintained Stopbanks on their property. By supporting landowners who adhere to good practice standards, we incentivise behaviour that supports these critical structures remaining in sound operational condition.
3. This policy benefits all parties by enhancing flood protection, safeguarding community assets, and fostering a collaborative approach to environmental stewardship and infrastructure maintenance.

Definitions

Eligible Private Landowner in this policy refers to the person/s that holds legal title to private land which is occupied in part by a Council Maintained Stopbank.

Council Maintained Stopbank in this policy refers to a constructed embankment, intended to keep floodwater away from flood prone land. The embankment must be owned and maintained by Tasman District Council, and shown as such in the Council's River Activity Management Plan or Asset Management Systems.

Private land in this policy means rated land owned by an individual, group or organisation in the Tasman District Council region.

Recompense Annual Payment in this policy means the total amount of recompense available each year to any eligible private landowners under this policy.

Scope

4. The Recompense Annual Payment is for Eligible Private Landowners who meet the criteria within this policy.
5. Recompense payments for any other reason or to any other type of landowner other than those defined in this policy are out of scope.

Policy

6. Good practice in relation to the maintenance and protection of stopbanks ensures they are more effective during flood events. This protects not only Eligible Private Landowner properties, but also nearby communities who would be impacted by flood events should the stopbanks not be maintained in accordance with good practice standards.
7. While there is no legal obligation for the Council to compensate landowners with Council Maintained Stopbanks on their properties, this payment serves to acknowledge the public safety benefits these stopbanks provide and encourages landowners to adhere to good practice standards for their protection and maintenance.
8. Council inspections, likely conducted using Council staff and assistive technologies such as drones, will assess stopbank condition, erosion control, and overall effectiveness annually, with advance notification to landowners to ensure

transparency and cooperation. If drones are used as part of the inspection operators will comply with all Civil Aviation Authority rules and responsibilities.

9. Where Eligible Private Landowners are also the ratepayer, they will automatically receive the recompense payment as outlined in this policy, with no additional application required.
10. Following the provision of a recompense in accordance with this policy, no additional payment or recognition will be made or should be expected in relation to the Council Maintained Stopbanks on the property of an Eligible Private Landowner.
11. This policy can be discontinued at any time and is not intended to create any expectation of future or additional payments to an Eligible Private Landowner.

Eligibility

12. Eligible Private Landowners are those who, to the best of the Council's knowledge, have protected the Stopbanks in accordance with Stopbank good practice standards in the previous 12-month period.

Stopbank Good Practice Standards

13. Tasman District Council provides guidance on how stopbanks on private property should be protected by the landowner. In addition, the Council undertakes specific maintenance tasks each year.
14. To remain eligible, private landowners must adhere to the guidelines set out in the Council's Stopbank Responsibilities and Requirements document, available on the Council's website. The guidelines are currently provided at <https://www.tasman.govt.nz/my-region/environment/environmental-management/water/river-water-quality/river-management/stopbanks/>

Recompense Annual Payment Calculation

15. The Recompense Annual Payment is calculated by determining a value for the approximate area that the Council Maintained Stopbank occupies on the property of an Eligible Private Landowner. The value is calculated as \$500 per hectare of land that is occupied by a Council Maintained Stopbank.
16. For the purposes of calculating the Recompense Annual Payment amount, the following nominal widths are assumed for stopbanks on these rivers:

- Brooklyn Stream: 10m (5m either side of the embankment centreline)
 - Riuwaka River: 10m (5m either side of the embankment centreline)
 - Motueka River: 20m (10m either side of the embankment centreline)
17. Where a given section of a Council Maintained Stopbank occupies two or more properties the nominal width shall be proportionately divided between each property.
18. Council will measure the length of all eligible Council Maintained Stopbanks on each Eligible Private Landowner property, using available mapping software, and this data will be used to calculate the recompense annual payment.
19. Recompense annual payment is therefore:
- $\text{area of stopbank (m}^2\text{)} / 10,000 \times \500 ; where the area of stopbank is nominal width (m) x measured length (m).
20. A minimum annual payment amount for eligible landowners, regardless of the above calculation, will be \$100.
21. Eligible private landowners will receive whichever is the greater amount of:
- 19.1 the annual payment amount as calculated by the Council for their property using the method above, or
 - 19.2 the minimum annual payment amount.

Review of Annual Payment Amount

22. The Recompense Annual Payment amount and process will be reviewed at the end of one full financial year following commencement of this policy, and then considered alongside review of the policy every three years.

Payment Process

23. The Group Manager – Environmental Science will authorise any Recompense Annual Payment to the Eligible Landowners. The payments are ex gratias – meaning that there is no legal obligation to make a payment but they are made out of a sense of a moral obligation or goodwill.
24. **When the landowner and the ratepayer are the same:** Recompense Annual Payments will be applied as a credit to the rates assessment for the property where the stopbank is located.

25. **When the landowner and the ratepayer are different:** The payment will be made to the landowner. In this case the Council will contact the landowner via email to arrange a direct payment.
26. The Legal authority to make the Recompense Annual Payment as outlined in the policy is given under s12 of the Local Government Act 2002.
27. Delegated authority will be given to the Group Manager – Environmental Science to authorise Recompense Annual Payments.
28. The Recompense Annual Payment will be made on or about the end of each financial year.

Ineligibility for payment

29. Eligible Private Landowners who do not protect stopbanks to good practice standards will become ineligible for the next scheduled Recompense Annual Payment.
30. The recommendation regarding whether stopbanks are being adequately protected by the Eligible Private Landowner will be made by the Team Leader – Rivers and Coastal Structures or other suitably qualified person employed by the Council. Should there be any disagreement with the recommendation, the Group Manager – Environmental Science will make the final decision.
31. If a landowner is determined ineligible, they are encouraged to take appropriate action to become eligible for the following year.

Variation of Process

32. Any changes to eligibility criteria or the annual payment calculation will be decided by Council.

Policy Termination

33. This policy has been adopted at the discretion of the Council and may be withdrawn at any time. If the policy is withdrawn, recompense payments will not be made after 1 July following the decision to withdraw the policy.

Authorised at: Tasman District Council Meeting

Date of approval: 24 October 2024