

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

Date: Thursday 18 April 2019
Time: 9.30am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Environment and Planning Committee

AGENDA

MEMBERSHIP

Chairperson	Cr T King	
Deputy Chairperson	Cr S Brown	
Members	Mayor R G Kempthorne	Cr S Bryant
	Cr P Canton	Cr M Greening
	Cr P Hawkes	Cr K Maling
	Cr D McNamara	Cr D Ogilvie
	Cr P Sangster	Cr T Tuffnell
	Cr A Turley	Cr D Wensley

(Quorum 7 members)

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AGENDA

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 PUBLIC FORUM

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 CONFIRMATION OF MINUTES

That the minutes of the Environment and Planning Committee meeting held on Thursday, 7 March 2019, be confirmed as a true and correct record of the meeting.

7 REPORTS OF COMMITTEE

Nil

8 PRESENTATIONS

Nil

9 REPORTS

- 9.1 Request for Special Housing Area - 115 Main Road Hope..... 5
- 9.2 Approval to make Operative: Plan Change 60 - Rural Land Use and Subdivision, including Variations 1 and 2; Plan Change 67- Waimea Water Technical Amendments; Plan Change 68 - Omnibus Amendments 13
- 9.3 Draft Moorings and Coastal Structures Plan Change and Moorings Bylaw 19
- 9.4 Environmental Policy Manager's Report 27
- 9.5 Public Consultation on Dangerous, Insanitary and Affected Buildings Policy 39
- 9.6 Environment and Planning Committee Chair's Report 7 March 2019 47
- 9.7 Environment and Planning Manager's Report 49

9 REPORTS

9.1 REQUEST FOR SPECIAL HOUSING AREA - 115 MAIN ROAD HOPE

Decision Required

Report To:	Environment and Planning Committee
Meeting Date:	18 April 2019
Report Author:	Barry Johnson, Environmental Policy Manager
Report Number:	REP19-04-1

1 Summary

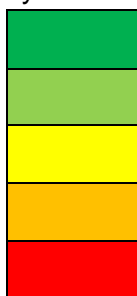
- 1.1 This report provides an analysis for consideration by the Committee of an application to establish a Special Housing Area (SHA) at 115 Main Road Hope (Photo1 below). The application has been assessed against the criteria in the Housing Accord and Special Housing Areas Act 2013 (HASHAA) and the Council's Lead Policy for SHAs.
- 1.2 The report provides an analysis of advantages, disadvantages and risks of the proposed SHA to be considered, along with identification of the permitted baseline (i.e. what could currently be allowed through the Tasman Resource Management Plan) for the site. This information is provided to aid the Council's consideration of the SHA. On balance, the staff position is to decline the application.
- 1.3 The primary reason for recommending the application is declined is because the location is not zoned for residential purposes and it is on productive soils. These are considerations under the Council's Lead Policy. However, the location is identified as a possible future urban growth area in the proposed Future Development Strategy that is currently open for public feedback. A full assessment is outlined in the Assessment Report (Attachment 1).
- 1.4 The applicants have been invited to make a short presentation to Council on their proposed SHA.
- 1.5 Housing and Urban Development Ministry officials have informed Councils that any new requests for SHAs must be with the Minister by 30 April. S.18 of HASHAA that enables SHAs is not being extended beyond its current expiry date of 16th Sept 2019. Any requests received after 30 April will not be taken further by the Minister.

3 Purpose of the Report

- 3.1 To consider and decide a request for a Special Housing Area at 115 Main Road Hope

4 Background and Discussion

- 4.1 On 19 May 2017, the Mayor and the Minister for Building and Construction (the Minister) signed the Tasman Housing Accord (the Accord) in accordance with the Housing Accord and Special Housing Areas Act 2013 (HASHAA). At the Environment and Planning Committee meeting on 1 June 2017, the Committee approved the adoption of the Lead Policy that sets out the Council's assessment criteria for consideration of Special Housing Areas (SHAs) under the Accord. The lead policy was updated by resolution on 22nd March 2018.
- 4.2 In the Accord, the Council can consider recommending SHAs to the appropriate Minister as a tool under HASHAA in order to meet its obligations under the Accord.
- 4.3 The first tranche of SHA applications considered by Council under an Accord were heard on 22 June 2017. Eight of the ten applications were recommended by Council to the Minister and then gazetted by the Governor General on 14 August 2017. A minimum of 1,281 dwellings were approved through this process and resource consenting for some of the SHAs is underway.
- 4.4 The Council has adopted a Lead Policy to provide a framework alongside the very limited assessment criteria under HASHAA for the consideration of applications for SHAs.
- 4.5 An assessment report for the SHA is provided as an attachment to this report. The assessment report outlines the following matters:
- 4.5.1.1 Recommendation;
- 1.1.1.1 Land Parcel Information;
- 1.1.1.2 Development Proposal;
- 1.1.1.3 SHA Establishment Criteria as per HASHAA and the Lead Policy;
- 1.1.1.4 Ownership Information per Parcel;
- 1.1.1.5 TRMP Provisions;
- 1.1.1.6 Other Comments;
- 1.1.1.7 Decision Implications; and
- 1.1.1.8 An Aerial Site Photo and District Plan Map.
- 4.6 Within the section of the assessment titled '*SHA Establishment Criteria as per Lead Policy*', staff have provided an evaluation of infrastructure availability, including available capacity for each of the primary services provided by Council, namely: stormwater, wastewater, potable water, transport and reserves. In order to illustrate readiness for each service a traffic light system has been adopted and the following assessment criteria used.



- Adequate infrastructure capacity exists to support the full proposal
- Adequate infrastructure capacity exists to support the minimum number of dwellings
- The Developer or Council will provide the works so that adequate infrastructure capacity is likely to exist to support the minimum number of dwellings
- There is insufficient information to determine that adequate infrastructure capacity is likely to exist to support the minimum number of dwellings
- Adequate infrastructure capacity does not and is unlikely to exist to support the minimum number of dwellings

Discussion

- 4.7 The application is considered to be consistent with seven of the nine assessment criteria in the Tasman Housing Accord Lead Policy. The following discussion covers the two criteria the application does not meet and also highlights the affordability criteria.

Consistency with Council Plans and Strategies

- 4.8 Criteria 2.1 of the Lead Policy requires consideration of planning related matters including alignment with the Tasman Resource Management Plan and other Council plans and strategies:

2.1 Location

The proposed area shall be generally consistent with the pattern of urban growth as described in the TRMP, the Tasman District Council Long Term Plan and Council's Asset Management Plans. The preference is for areas that are zoned Residential or deferred Residential for development in the TRMP. Proposals on land zoned other than residential must demonstrate that the loss of land for the zoned purpose is sustainable.

Proposal should seek to avoid development over high-class soils or productive land and where significant geotechnical issues or hazards may arise.

- 4.9 The application is considered to be inconsistent with the Lead Policy's preference to focus on areas that are zoned Residential or deferred Residential for development in the TRMP.
- 4.10 The site is zoned Rural 1 due to the high quality soils. However, due to its proximity to Richmond and degree of fragmentation of ownership of the land the area is identified in the draft Future Development Strategy (FDS) consultation as a possible development area for both business and residential use. The FDS consultation identifies all the land between the current southern extent of Richmond and Ranzau road as possible future development area.
- 4.11 The applicant's land in particular, together with some adjoining land to the east and south is identified in the draft FDS for business use, likely to be commercial and light industrial. There is however a decision for Council to make regarding whether it wants to signal the provision of additional business land through the FDS.
- 4.12 A recent survey of business land in Tasman (Dec 2018) has identified 75 hectares of potentially available land either zoned for business or zoned deferred business in Richmond. This takes account of the 50 ha of zoned business land recently lost to special housing areas in Richmond West.
- 4.13 Vacant business land supply exists in Richmond town centre and the surrounding central business zone, sites zoned commercial with unimplemented resource consents for supermarkets, McShane Road, Lower Queen Street and Appleby Highway, Headingly Lane area and the Beach Road industrial area. There is a range of different types of business zoned land available in Richmond.
- 4.14 When account is taken of the vacant business land available, there is plenty of supply in comparison with demand, even for a high growth scenario. However if Council wished to provide a new prime business area in Richmond, then the land identified in Richmond South, (part of which is subject to this SHA application) would be most appropriate. It is flat land, adjoins the State Highway, is free from constraints, has high visibility and is close to Richmond. It is not serviced but could be serviced in the longer term with investment.

- 4.15 From a planning perspective, if the wider area between Richmond and Ranzau Road is confirmed as a future development area, then it would first need to proceed through the District Plan review and would ideally benefit from some structure planning before development started. This would ensure there is a cohesive vision for the area that includes provision of adequate services and facilities rather than allowing incremental ad hoc development.

Consultation

- 4.16 Criteria 2.9 of Lead Policy provides a mechanism for Council to consult with the community on SHA requests if it decides there is reason to do so. However, given the Government's deadline of 30 April for any new SHA recommendations, there is not enough time available to seek community views on the SHA. This is somewhat at odds with the current consultation seeking views on the future development of this area through the FDS.

Affordability

- 4.17 The application has a strong focus on affordability and providing sections to the market that are relatively affordable. The applicants indicate they would look to sell sections for between \$240,000.00 and no more than \$300,000.00 if the SHA was approved. They also propose a number of other measures to support affordability including maximum house sizes, covenants to avoid rapid on-selling of sections at a profit and vetting of purchasers to ensure sections go to people looking to live on the property.
- 4.18 This is the first SHA application that has provision of affordable housing (or sections in this case) as its primary driver.

5 Options

- 5.1 The options for the Committee are: 1. Approve the application, or 2. Decline the application. Staff recommend declining the application. Given the Government's deadline of 30 April, there is no scope for the Council to seek community feedback on the proposed SHA before making a decision. The application contains adequate information to enable the Council to make a decision.
- 5.2 Pros and cons of the two options are listed below:

	Pros	Cons
1. Approve	<p>Will provide 40-47 "affordable" sections to market</p> <p>Sections will not be bound to house and land package sales</p> <p>Quick process to bring land to market</p> <p>Will help to meet current market demand for sections</p>	<p>Inconsistent with current planning provisions including zoning</p> <p>Lacks high level planning vision for the location (ad hoc)</p> <p>Unable to seek views of community (Note- adjoining landowners must be consulted for resource consents)</p> <p>In conflict with FDS proposals and consultation</p>

2. Decline	<p>Allows for strategic decisions on growth to occur first</p> <p>Allows for coherent planning of the wider area to occur to avoid ad hoc development</p> <p>FDS consultation will allow community feedback on future growth options including the application site.</p>	<p>Affordable sections will not be realised at this location in the near future</p> <p>Development costs for the site will increase over time pushing up sale prices</p>
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6 Strategy and Risks

- 6.1 The fast track resource consent process includes a requirement to consult with all adjoining property owners. However, there is a risk that the Council will be criticised for not consulting the community at the SHA establishment stage.
- 6.2 The consideration of the SHA comes in ahead of strategic decisions on the location of future growth that the Council will be asked to make as part of the Future Development Strategy process. Approving the SHA would pre-empt the FDS decisions on whether this site should be identified for future growth and also the type of growth.

7 Policy / Legal Requirements / Plan

- 7.1 If approved, the SHA will require a Plan Change to correct zone boundaries to reflect the change to residential activity.
- 7.2 If approved, the applicants will need to prepare and submit resource consent applications before 16 September 2019 to use the HAASHA fast track consenting process.

8 Consideration of Financial or Budgetary Implications

- 8.1 There are no financial or budgetary implications for Council if this application is approved. The site would require re-zoning and this would be done as part of a larger plan change that will re-zone all SHA land in the district that is currently not zoned appropriately.

9 Significance and Engagement

- 9.1 The proposal for a 40-47 lot development that is out of zone is of moderate significance. Criteria 2.8 of the Council's Lead Policy gives scope for Council to consult or seek the views of the community where a proposed SHA is not currently zoned residential or deferred residential. However there is insufficient time to seek community views before the Government imposed deadline for receiving new SHA recommendations. Staff consider this SHA application would be of interest such that there should be prior consultation.

10 Conclusion

- 10.1 Staff recommend the application is declined. The application meets seven of the nine assessment criteria under the Lead Policy and meets the qualifying criteria under HAASHA. The application is not consistent with assessment criteria 2.1 of the Lead Policy in that the site is not zoned residential (or deferred residential) and it is on productive soils. Also assessment criteria 2.9 (Consultation) cannot be considered due to time constraints.
- 10.2 The proposal raises questions regarding the best use of this land. The area has fragmented ownership and it has been identified as a potential location for future urban expansion of Richmond. A decision on this site comes in ahead of strategic decisions that Council will be asked to make regarding growth and land supply at a regional scale for the Future Development Strategy.
- 10.3 However, approving the SHA would provide affordable housing and bring bare sections onto the market at a price point that does not appear to be readily available anywhere else in the region.
- 10.4 If the Committee is minded to approve the SHA, it will need to be certain that benefits of doing so are enough to offset some of the challenges this would create.

11 Next Steps / Timeline

- 11.1 If the Committee approves the SHA, the Mayor will formally write to the Minister advising her of the recommendation. The Minister then assesses the recommendation under Section 17(3) of HASHAA. If approved by the Minister, the SHA will be established by gazettal through an Order in Council.
- 11.2 If the Committee approves the SHA, staff will work with the applicants to establish a binding agreement that the commitments to infrastructure, reserves and affordability in the SHA application are carried through to the resource consent stage.
- 11.3 Once an area is gazetted as a SHA, then the applicants may apply for resource consents for a qualifying development within the SHA and benefit from the fast track consenting process under HAASHA.
- 11.4 Council would also need to amend the current FDS consultation to reflect a decision on the land in question.
- 11.5 If Council declines the SHA, no further action is required.

12 Attachments

1. Att 1. T02-11 115 Main Road Hope Council Assessment Report
2. Att 2. SHA Application
3. Att 3. SHA Application Attachment 1 - Site Locality
4. Att 4. SHA Application Attachment 2 - Master Planning
5. Att 5. SHA Application Attachment 3 - Ecoflow EOne Product Brochure
6. Att 6. SHA Application Attachment 4 - Stormwater Report
7. Att 7. SHA Application Attachment 5 - Roading Report
8. Att 8. SHA Application EOI

9.2 APPROVAL TO MAKE OPERATIVE: PLAN CHANGE 60 - RURAL LAND USE AND SUBDIVISION, INCLUDING VARIATIONS 1 AND 2; PLAN CHANGE 67- WAIMEA WATER TECHNICAL AMENDMENTS; PLAN CHANGE 68 - OMNIBUS AMENDMENTS

Decision Required

Report To: Environment and Planning Committee

Meeting Date: 18 April 2019

Report Author: Maxine Day, Team Leader - Urban and Rural Development Policy

Report Number: REP19-04-2

1 Summary

- 1.1 This report seeks approval under Clause 17 of Schedule 1 under the Resource Management Act 1991, to make operative the following Tasman Resource Management Plan (TRMP) changes:
 - 1.1.1 Plan Change 60 (PC60): Rural Land Use and Subdivision, including Variations 1 and 2.
 - 1.1.2 Plan Change 67 (PC67): Waimea Water Technical Amendments
 - 1.1.3 Plan Change 68 (PC68): Omnibus Amendments
- 1.2 Following hearings for each plan change, decision versions were publicly notified.
- 1.3 For Plan Change 60, seven appeals were lodged. All but one appeal to the Environment Court were resolved through mediation. One was dismissed by the Environment Court and then taken to the High Court, with the decision again being to dismiss the appeal. The resolved appeals related to set backs from poultry farms, development of small rural lots and operation of heavy machinery (amongst others). The dismissed High Court appeal related to an individual who wished to rezone their land at Awaroa. The Environment Court and High Court both supported the Council's decision that the submitted request was out of scope of the plan change.
- 1.4 No appeals were lodged for PC60 Variations 1 and 2; or for PC 67 and PC68.
- 1.5 All provisions are beyond further legal challenge and Council may now complete the plan change process by making operative the decisions versions of all three plan changes, except where PC60 has been amended by the decisions of the Environment Court.
- 1.6 The operative provisions will be included in the next TRMP update, likely to be early June. Details of the plan changes are included in the current version of the Tasman Resource Management Plan viewable on the Council website.

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

- 1) receives the report ‘Approval to make Operative: Plan Change 60 - Rural Land Use and Subdivision, including Variations 1 and 2; Plan Change 67- Waimea Water Technical Amendments; Plan Change 68 - Omnibus Amendments REP19-04-02; and**
- 2) approves the decision versions for Plan Changes 67 - Waimea Water Technical Amendments; and Plan Change 68 – Omnibus Amendments under Clause 17 of Schedule 1 of the Resource Management Act 1991, as Operative from the notification date of the next update, expected to be in June 2019.**
- 3) approves the decision versions for Plan Change 60 Rural Land Use and Subdivision (noting that where amended by Consent Order from the Environment Court it is already operative), and the decisions version for PC60 Variations 1 and 2 under Clause 17 of Schedule 1 of the Resource Management Act 1991, as Operative from the notification date of the next update, expected to be in June 2019.**

3 Purpose of the Report

- 3.1 The purpose of this report is to seek approval for making operative the following TRMP changes: PC60, including Variations 1 and 2; PC 67 and PC68.

4 Background and Discussion

Rural Land Use and Subdivision

- 4.1 PC60 reviewed and updated the policy and rules for rural land use and subdivision. The proposed plan change was notified on 30 January 2016, following a review of the rural planning framework. The review commenced as far back as 2004 and re-continued from 2012 following an evaluation of the framework's effectiveness, definition of issues and evaluation of options and three community engagement processes, including with a draft change in 2014-15.
- 4.2 The changes to the plan sought greater protection of productive capacity, while allowing for flexibility of use and maintenance of rural character.
- 4.3 Council received 151 submissions on most aspects of the plan change. Hearings were held on the 16, 17 and 19 of August 2016 and decisions publicly notified on 10 December 2016.
- 4.4 Seven appeals were received. Six were resolved by way of mediation and subsequent Consent Orders from the Environment Court. One appeal was heard and dismissed by the Environment Court. The Appellant took the Environment Court decision to the High Court, with the decision of the Court to again dismiss the appeal. The resolved appeals related to boundary setbacks for poultry farms, boundary setbacks for new houses on small rural lots, the parking and operation of trucks in the rural zone and the definition of some horticultural structures. The dismissed High Court appeal related to an individual who wished to rezone their land at Awaroa to allow further subdivision. The land is currently zoned Rural Residential Closed. The Environment Court and High Court both supported the Council's decision that the submitted request was out of scope of the plan change.
- 4.5 Variation 1 to Plan Change 60 was notified on 14 July 2018 and related to corrections to the activity status for the subdivision rule cascade for Rural 1 and 2 Zones. Variation 1 received one submission and no hearing was held.
- 4.6 Variation 2 to Plan Change 60 was also notified on 14 July 2018 and related to a small set of corrections to rural land use rules. Two submissions were received and no hearing was held.
- 4.7 There were no appeals to PC60 Variations 1 or 2.
- 4.8 No further challenges to PC 60 can be made and the plan change can be made operative.

Waimea Water

- 4.9 PC67 was notified on 14 July 2018. PC67 proposed mainly technical amendments to a number of existing provisions concerning Waimea Plains water management in Chapters 30 and 31, to update them, clarify their effect, and correct errors. The amendments affected provisions for managing the transitional decisions concerning the Waimea Community Dam.
- 4.10 Council received two submissions and a hearing was held on 19 November 2018. Decisions were publicly notified on 15 December 2018. No appeals were received on PC67.

- 4.11 No further challenges to PC67 can be made and the decision version can now be made operative.

Omnibus Amendments

- 4.12 PC68 was notified on 14 July 2018. The plan change introduced minor amendments to outdated text, the correction of errors or anomalies, and simple adjustments to improve clarity of jurisdiction, interpretation or enforcement. Other changes related to zoning and overlays to correct errors or anomalies that had generally been created through other changes to the TRMP; or through sale, subdivision, or development of the affected land.
- 4.13 Council received 17 submissions. The majority of submissions related to the rezoning of two pieces of privately owned land in Tapawera and Brightwater from Open Space/Conservation to Residential to allow the privately owned land to be developed. A hearing was held on 19 November 2018, and decisions notified on 15 December 2018.
- 4.14 No appeals were received.
- 4.15 No further challenges to PC68 can be made and the decision version can now be made operative.

5 Options

- 5.1 The options are limited to making a decision to make operative the plan changes, or withholding the decision.
- 5.2 There is no good reason to withhold the decision. Reasons to approve the plan changes include efficient administration of the TRMP, timely decision making, and natural justice for those parties involved in the processes.

6 Strategy and Risks

- 6.1 There are no risks associated with this decision as any rights to appeal have expired.

7 Policy / Legal Requirements / Plan

- 7.1 These plan changes have been prepared in accordance with Schedule 1 of the Resource Management Act 1991 (RMA).
- 7.2 The provisions have been notified, submitted on, heard and determined by a Hearing Panel of elected representatives.
- 7.3 The provisions must already be 'treated as operative' under s.86F of the RMA, following decisions on submissions and decisions of the Environment Court.
- 7.4 No further substantive changes to the provisions can be made. Clause 17 enables the Council to approve the plan changes as Operative. This is essentially an administrative step.

8 Consideration of Financial or Budgetary Implications

- 8.1 Plan changes are prepared as part of the Environment and Planning department's operating costs. There are no additional budget implications from making this decision.

9 Significance and Engagement

- 9.1 The Plan Changes have both been consulted on and notified under the Resource Management Act. This decision does not involve the sale of any strategic assets; and does not require any further consultation under the Significance and Engagement Policy as it represents the end of the statutory plan change process.

10 Conclusion

- 10.1 The plan change processes for PC60, 67 and 68 are now complete and a Council resolution is required to approve the Tasman Resource Management Plan Changes as Operative.

11 Next Steps / Timeline

- 11.1 The next step is to update the Tasman Resource Management Plan, likely to be undertaken in June 2019.

12 Attachments

Nil

9.3 DRAFT MOORINGS AND COASTAL STRUCTURES PLAN CHANGE AND MOORINGS BYLAW

Decision Required

Report To:	Environment and Planning Committee
Meeting Date:	18 April 2019
Report Author:	Tania Bray, Policy Planner
Report Number:	REP19-04-3

1 Summary

- 1.1 The draft Moorings and Coastal Structures plan change and draft Moorings Bylaw has been prepared by staff and is ready for public consultation. Staff have consulted with statutory bodies following directions given at workshops and it is appropriate to now release the draft documents for wider public consultation.
- 1.2 The plan change and accompanying moorings Bylaw seeks to update the way in which sea space is managed in relation to moorings and structures. The current legacy regime does not work well for either mooring and structure owners or Council. It is proposed that consultation be undertaken by staff during May 2019.
- 1.3 Following consultation and amendment, the proposed plan change and Bylaw will be revised and submitted for Committee's approval. Notification will occur at the next update following approval, expected in June.

2 Draft Resolution

That the Environment and Planning Committee

- 1) receives the Draft Moorings and Coastal Structures Plan Change and Moorings Bylaw report REP19-04-03; and**
- 2) approves the Draft Moorings and Coastal Structures Plan Change, including supporting information and Moorings Bylaw for release for public consultation as provided for in Attachments A to H of report REP19-04-03.**

3 Purpose of the Report

- 3.1 This report seeks approval to publicly consult on the attached draft Moorings and Coastal Plan Change and Moorings Bylaw (Attachments A1 to A2). This report also seeks approval to make publicly available the supporting information contained in Attachments C to H of this report.

4 Background and Discussion

- 4.1 The current regional coastal plan was first drafted and then notified in 1996. Since then a number of issues regarding moorings and coastal structures within the coastal marine area have arisen and two key documents which influence the management of the coastal marine area have been created - the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) and New Zealand Coastal Policy Statement 2010 (NZCPS). In 2013 the Committee resolved to undertake a plan change to resolve some of these issues.

- 4.2 The review commenced with consideration given to issues and options for moorings. The review and plan change subsequently widened to cover additional matters identified within the coastal marine area. The key drivers identified in the draft plan change are as follows;

- 4.2.1 **Strategic Planning:** Under the NZCPS there is a need to strategically plan for coastal uses to ensure development is located in appropriate places and the effects on the environment are minimised. Over the years a large number of moorings have been established to provide storage for recreational and commercial craft. Only 1/3 of the current moorings are authorised by a resource consent in appropriate locations, with the remaining 2/3 unauthorised. The unauthorised moorings have been established prior to the mid-1990's without formal considerations of their impact on the environment and other coastal users. There is a need to identify appropriate locations for moorings and provide for them.

Network utilities like power, water and sewage are essential for community wellbeing. In the past these utilities' have proven to be vulnerable to damage from other coastal uses. Once damage has occurred it can be expensive and difficult to repair and the impacts from the loss of services can be significant. Care is needed when establishing new uses that those uses do not adversely affect existing network utilities and are located away from important infrastructure.

- 4.2.2 **Equity:** The cost of owning an unauthorised mooring is often negligible when compared to a consented mooring. Most consented moorings have conditions attached requiring regular maintenance and monitoring. Often the types of boats which are moored in the district are entry level recreational craft and the cost of obtaining and maintaining a consented mooring can be disproportionate to the value and use of the boat under the current planning framework. The current situation provides a perverse outcome with significant inequity between authorised and unauthorised mooring owners. There is a need to provide a framework that enables the establishment and use of moorings, in appropriate locations, at a reasonable cost.

- 4.2.3 **Obsolete, Abandoned and Unauthorised Structures:** The MACA requires Council to maintain an accurate record of the ownership of all coastal structures. While this is easy for coastal structures with resource consent, many structures are historic and

predate the current legislation; some are permitted with no recorded owner, others have been abandoned once they were no longer required. Council needs a process for determining the ownership of permitted, obsolete, abandoned and unauthorised structures to meet the requirements of the MACA.

The NZCPS also requires Council to promote the efficient use of space by removing abandoned and redundant structures in the coastal marine area. Under the current planning framework there is no rule providing for the removal of coastal structures. While MACA and the Resource Management Act 1991 (RMA) permit Council to remove some structures, it is currently easier and cheaper to leave structures where they are. There is a need to require and provide for the removal of abandoned, obsolete and unauthorised structures.

- 4.2.4 **Efficient Use of Space:** During times of high use there can be significant and often unmet demand for anchoring space in popular areas of the coast. Anchoring is a right of navigation but encouraging the provision of and use of moorings (especially public moorings) can help meet demand as well as providing safer and more space efficient use of the coastal marine area. Making changes to the size or location of the mooring under the current provisions can be time consuming and expensive, there is also no requirement for the mooring to be used. The Plan currently provides for swing moorings as a discretionary activity, and all other types of moorings default to non-complying. Swing moorings are the least efficient form of mooring and in high demand locations it may be more appropriate to use alternative and more efficient forms like fore and aft moorings which occupy a smaller area.

The NZCPS requires Council to promote efficient use of occupied space: by requiring structures be made available for multiple or public use; and consent conditions requiring the use of the space within a certain timeframe. There is a need to review the current planning framework and introduce provisions which enable effective and efficient management of space for moorings.

- 4.2.5 **Navigation and Safety:** There are a number of homemade moorings used in the district which often are not regularly maintained. During storm events it is not uncommon for these moorings to fail and for the moored boat to drift free. These boats then become a navigational hazard and the recapture of these boats during bad weather can be particularly hazardous to water users and those involved in retrieval, as well as causing considerable damage to other boats and structures in the area. There is a need for all moorings to be built and maintained to a standard that ensures navigational safety for all coastal users, which is not currently the case.

4.2.6 **Minor Amendments:**

The Plan was drafted in the early 1990's and gives effect to the previous New Zealand Coastal Policy Statement (1994) which was in place at the time. Since then a new NZCPS has been gazetted and Council is required to give effect to the new policy statement. The plan change provides an opportunity to update some of the wording in the Plan to better align with the wording 2010 NZCPS. Similarly, out of date references to Ministers, Ministries, and Acts also need to be updated.

- 4.2.7 **Integrated Planning:** Various sections within the RMA and NZCPS require Council to consider other planning documents when drafting plan changes to ensure the proposed plan change is not developed in isolation from other relevant policy documents. The plan

change provides an opportunity to give effect to policy within the Abel Tasman Foreshore Reserve Management Plan (2012) which requires existing unauthorised structures within the reserve areas be authorised or removed by 30 June 2014. There is also an opportunity through the plan change to authorise some existing public use structures by providing for them as permitted activities.

- 4.3 There has been a lengthy process in developing the draft plan change including an issues and options paper with community feedback, several Council workshops and numerous consultation with Iwi and key groups. See Attachment A(3) (draft Section 32 report, Section 3) of this report for details of the process and consultation. There has also been a thorough assessment of the environmental effects of the changes proposed in the plan change. The assessments can be found in Attachments B-H of this report.
- 4.4 Since the initial issues and options paper was released back in 2014, the scope of the plan change has broadened and the proposed framework for the management of moorings now includes greater detail than initially proposed in the issues and options paper. For this reason it is proposed by staff that a draft plan change be released for consultation before formally notifying the plan change.

The key components of the draft plan change are summarised as follows:

- Establishment of Mooring Areas at Mapua, Motueka Tapu Bay, Stephens Bay, Kaiteriteri, Otuwhero Inlet (Marahau), Torrent Bay, Boundary Bay, Milnthorpe and Mangarakau Wharf.
- Protection of Mooring Areas from the adverse effects of other coastal activities.
- Minimisation of space used for moorings by providing appropriate areas, enabling management within, encouraging public moorings, removing unauthorised, abandoned, redundant or obsolete moorings and requiring the use of space efficient mooring systems, where practical and appropriate.
- Require the removal of unauthorised, abandoned, obsolete or redundant structures affecting natural character, habitats and ecosystems, natural features and public access, except where the removal would have adverse effects, including on historic heritage.
- Encourage moorings to locate in appropriately located Mooring Areas.
- Amendments to the policy for Kaiteriteri regarding the number of structures within the Bay.
- Amendments to the public access policy to require regard to be had to the functional need for occupation in the coastal marine area.
- New policy supporting public and multi-use structures and public access in the coastal marine area.
- New condition for permitted activities within 20m of an existing network utility.
- A new condition for the maintenance, repair or replacement of existing structures (relating to craft).
- A rule providing for moorings in Mooring Areas as permitted activities subject to conditions being met and the mooring owner holding a mooring licence issued by the Harbourmaster under a Moorings Bylaw.
- Require owners of permitted activity structures to provide contact details.
- Require structures be maintained free from any biosecurity risk organisms.
- Provide for moorings in locations outside of Mooring Areas as a discretionary or prohibited activity.
- New conditions and assessment matters regarding biosecurity.
- Permit the removal of coastal structures, subject to conditions.

- 4.5 As summarised above and in conjunction with the draft plan change, it is proposed that the day to day management of moorings be regulated through a new Moorings Bylaw and conditions on Mooring Licences issued by the Harbourmaster (see Attachment A(2) of this report). A Bylaw has been drafted by staff and the key components are summarised as follows:
- Information requirements for applications.
 - Circumstances that a Licence will not be granted.
 - Conditions on the Licence.
 - Moorings Management.
 - Mooring Allocation.
 - Waitlist
 - Fees
- 4.6 The draft Moorings and Coastal Structures and Moorings Bylaw has proceeded to the stage where public consultation is required before final consideration of the content by Council and notification.

5 Options

- 5.1 There are three options:
- Option 1)** Do nothing;
- Option 2)** Consult on the draft and then amend and notify a plan change/Bylaw;
- Option 3)** Notify the plan change and Bylaw.
- 5.2 **Option 1-** The costs and benefits of doing nothing are considered in detail in Attachment A(3) – (draft Section 32 evaluation report - Section 5). In essence, the issues identified above in 4.2 of this report remain unchanged unless a plan change and bylaw are undertaken. This option is not preferred by staff.
- 5.3 **Option 2** - the community has been consulted on the broad framework of the moorings review. However, that was in 2014 and since then a significant number of changes have been made to the framework. It is anticipated that the changes will be of interest to the community and there is benefit in consulting with the community and commercial operators on those details before notifying. In addition, a significant number of new provisions have been drafted by staff in response to the new issues identified. The community has not been consulted on these new provisions. This is the preferred option by staff.
- 5.4 **Option 3** - Council could go straight to notification and bypass the draft consultation phase. The benefits of this are immediate cost savings with one less stage of consultation. However, from the experience of staff, it is much more difficult to address issues raised in formal submissions than it is to address issues raised in feedback. Often the issue raised in formal submissions ends up being resolved in the Environment Court at a far greater cost, and with potentially sub optimal outcomes. If the Council were to proceed straight to notification then an updated Section 32 evaluation, the 165H report and the documentation needed to initiate the Bylaw, would need to be approved by Council first. For this reason this option is unlikely to reduce the time to notification. This option is not favored by staff.

6 Strategy and Risks

- 6.1 The changes proposed for the management of moorings has previously been consulted on with the community and did not strike significant opposition. The majority of the issues raised in the first round of consultation have been addressed by staff in the draft Plan change and Bylaw. The general method proposed for the management of moorings is a common method used around New Zealand and is typically accepted/expected.
- 6.2 The draft plan change has amended the boundaries of some of the proposed mooring areas with some in slightly different or slightly enlarged locations. This may lead to opposition by adjoining communities and boaties.
- 6.3 The draft plan change introduces allocation methods for moorings other than first in first served. The Bylaw allocates mooring space first to those with authorized moorings, then to public moorings and then on a “first in first served/wait list” basis. This was not particularly opposed during the first round of consultation. The draft Bylaw proposes a slightly different method of allocation for Kaiteriteri. The inner shore mooring area is proposed to be restricted to public moorings only and the outer mooring area is proposed to be restricted to commercial operator moorings only. There may be community and or commercial operator concern for this proposal. The commercial operators have been consulted on this on a number of occasions. The moorings at Port Tarakoe are not proposed for inclusion in a Mooring Area and will remain provided for through resource consent.
- 6.4 The remaining changes proposed have not been discussed with the community yet, but staff do not believe there are any particularly controversial issues arising from the plan change. The benefits of consulting on a draft is that it enables unidentified issues to be identified and resolved before the formal process commences.
- 6.5 Attachment A of this report (draft Section 32 report – Section 5.2) discusses the costs and benefits of the specific proposed changes in detail.

7 Policy / Legal Requirements / Plan

- 7.1 The Section 32 evaluation report under the RMA requires careful consideration of the statutory framework, including the roles and boundaries prescribed in the RMA, other policy statements and strategic policies. It also requires integrated planning with other resource management documents during the drafting of a plan change. Staff consider the draft plan change meets legislative requirements.
- 7.2 The Department of Conservation have been involved in the drafting of the plan change which is a change to a regional coastal plan. Any change to a regional coastal plan requires the Minister of Conservation’s involvement.
- 7.3 Maritime New Zealand has reviewed the draft Bylaw, which is a Bylaw under the Maritime Transport Act 1994. Changes were made by staff in accordance with recommendations.
- 7.4 Consultation will be carried out in accordance with the RMA and Local Government Act 2002.

8 Consideration of Financial or Budgetary Implications

- 8.1 There are no financial implications arising from the consultation. This project can be managed within existing budgets.

9 Significance and Engagement

- 9.1 This report seeks approval to consult and engage with interested members of the community about how the Council should regulate moorings and coastal structures in exercising powers under the Resource Management Act 1991 and Local Government Act 2002. The decision to consult on a draft plan change and bylaw is of low significance even though the matters will be of high interest to those impacted.

10 Conclusion

- 10.1 This report seeks approval from the Committee to release for consultation the draft Moorings and Coastal Plan Change and Moorings Bylaw. This report also seeks approval for the release of the supporting information as identified in the Attachments of this report.

11 Next Steps / Timeline

- 11.1 If approved at this meeting, then the draft Moorings and Coastal Structures and Moorings Bylaw are expected to be released by Staff for consultation in May 2019. Council will be undertaking consultation on the Future Development Strategy during this time, however, it is not thought to be in conflict. Consultation on coastal hazards will not commence until the middle of the year.
- 11.2 Following the completion of consultation, the draft plan change and Bylaw will be amended by staff and returned to committee for formal approval to notify. Subject to feedback, notification will occur at the next plan update.

12 Attachments

1. Attachment A Draft Moorings and Coastal Structures Plan Change
2. Attachment A(2) Draft Moorings Bylaw.
3. Attachment A(3) Section 32 Report
4. Attachment B Biological Report
5. Attachment C Assessment of Shorebirds
6. Attachment D Historic Heritage
7. Attachment E Assessment of the Seabed
8. Attachment F Assessment of Demand and for Recreation
9. Attachment G Assessment of Visual, Natural Character and Landscape
10. Attachment H Effects of Moorings.

9.4 ENVIRONMENTAL POLICY MANAGER'S REPORT**Information Only - No Decision Required**

Report To:	Environment and Planning Committee
Meeting Date:	18 April 2019
Report Author:	Barry Johnson, Environmental Policy Manager
Report Number:	REP19-04-04

1 Summary

- The report outlines milestones and progress made with the Environmental Policy programme for 2018 and invites the Committee to review the programme outlook for 2019. The main areas of focus for 2019 are:
 - Review of the Tasman Regional Policy Statement (RPS) and Part 2 of the TRMP (which deals with the Land domain)
 - National Planning Standards – including e-plan
 - Natural Hazards
 - Freshwater – including Water Conservation Order
 - Land disturbance (including sediment management and land stability)
 - Growth

2 Draft Resolution

That the Environment and Planning Committee

- receives the Environmental Policy Manager's Report REP19-04-04; and**
- notes the work programme and timings as listed in Table 1 and Table 2 of the report.**

3 Purpose of the Report

- This report notes achievements of the Environmental Policy work programme over the previous twelve months and sets out the work programme for 2019.

4 Background and Discussion

- 4.1 The Environmental Policy team has completed another busy year with six plan changes completed and made operative. This is an ongoing programme of work and the beginning of a transition from rolling plan changes to a comprehensive review of Tasman's planning documents that will be the major focus for the next 6 – 10 years. Of note, Steve Markham retired in September after nearly 30 years in the role of Environmental Policy Manager taking with him a huge amount of knowledge and experience. We have been unable to recruit a replacement for the vacant principal planner position that Steve left despite going out to market twice. This appears to be the result of a national shortage of experienced planners combined with high house prices in the region.
- 4.2 Plan change milestones for 2018 were:

Title	Change No. (where notified)	2018 milestones
Brightwater strategic review	57	Operative – appeals resolved
Rural land use & subdivision policy review	60	Operative – appeals resolved, including high court appeal
PPCR Wainui Bay	61	Environment Court decision released – awaiting Minister's approval to make operative
Wakefield re-zoning following Change 58	65	Operative
Richmond Housing Choice	66	Operative
Waimea Water technical amendments	67	Operative
Omnibus	68	Operative
Takaka FLAG		FLAG recommendations completed. Manawhenua iwi review FLAG work and Mātauranga Maori report completed
Nelson-Tasman land development manual (NTLDM)		NTLDM effectively complete. Draft plan change in progress
NPSET - electricity transmission lines		Consultation on discussion paper completed
Coastal occupation charges and Mooring management review		Draft plan change and bylaw with Iwi for comments (new RMA schedule 1 requirement)

Title	Change No. (where notified)	2018 milestones
Hazards		Preliminary work on coastal hazards completed and project is now gathering momentum

- 4.3 Alongside the programme of plan changes, other projects include the uplift of residential deferred zone status in several locations providing further residentially and commercially zoned land for development with more to come.
- 4.4 The Nelson Tasman Land Development Manual is now complete and will be adopted by Council over the coming months. The LDM includes practice notes relating to floor levels and stormwater management. A draft plan change to incorporate the LDM into the TRMP has been completed and Council will be asked to release it either as a draft or to notify it as a proposed change.
- 4.5 Growth and demand for new housing continues to put pressure on Council resources. The decision by the current government not to extend the Special Housing Area legislation has put an end to any new SHAs. The last request received by the Council will be considered at this meeting.
- 4.6 The National Policy Statement for Urban Development Capacity (NPS) has brought with it a number of monitoring and reporting requirements. There is an obligation under the NPS to work collaboratively with Nelson City to implement the NPS. The current project to develop a combined Future Development Strategy with Nelson City is well underway with a delivery date of July 2019. There is a requirement to publish three-yearly housing and business capacity assessments, with the first assessment published December 2018.
- 4.7 Other significant areas of work include implementation of the National Environmental Standards for Plantation Forestry. The team is also actively involved in a number of central government policy work streams including the biodiversity NPS, productive soils NPS, National Planning Standards, Air quality NES amendments and urban development.

Looking Forward

- 4.8 At the 29 November Environment and Planning Committee meeting, the Committee resolved to prioritise the review of Tasman's planning documents and a number of other key projects. This report doesn't propose any changes to the programme agreed by the Committee in November. The following is a summary of the projects for 2019 and subsequent years as agreed by the Committee in November:
- Review of RPS and Part 2 of the TRMP as it relates to land use and development
 - National Planning Standards
 - Natural Hazards
 - Freshwater (including the Waikoropupu Water Conservation Order)
 - Land disturbance (including sediment management and land stability)
 - Growth
 - New National Policy initiatives

Review of Part 2 of the TRMP and Tasman RPS

- 4.9 In November 2018 Council agreed to a review of the TRMP and Tasman RPS. Council chose a timeline that strikes a balance between the speed of the project to ensure it maintains momentum while also progressing within a reasonable financial envelope. The proposed timeline of 6-10 years reflects the actual time taken for Councils to complete a review such as this.
- 4.10 There are a series of pragmatic project goals to guide the project:
- A single plan that is easier to use for all
 - Better integrated management of Tasman's resources
 - Greater community understanding of the key issues in our District and the role of the RPS and TRMP
 - Tasman meets its legal requirements
- 4.11 The review will take a "need for change" approach. The first step is a review of the effectiveness of the current plan provisions. The content of the RPS and plan will not be changed unless there is evidence of a need for change. However the forthcoming planning standards will mandate a specific structure and format for all plans that is likely to require even current content to be re-written.
- 4.12 The following process objectives will guide the project:
- Realistic timelines and resources are set & met
 - Clear process agreed by Councillors
 - Appropriate level of community involvement
 - Agreed process for involvement with iwi
 - Efficient review of RPS & TRMP sections
 - Effective transition to an E-Plan
 - National best practice is applied, where possible
- 4.13 To ensure the review project maintains momentum and doesn't stall, it is important that only plan change projects that are currently underway are completed and new plan changes are started if they are critical or urgent.

National Planning Standards

- 4.14 The Minister for the Environment released the National Planning Standards on 5th April. The standards specify a structure and format for all plans and importantly timeframes for changing to the new formats. Further standards setting out requirements for Councils to have available electronic versions of plans (E-Plans), plan definitions and noise and vibration metrics have also been released.
- 4.15 The timeframes to comply with the new planning standards for a combined unitary plan are either within ten years or if undertaking a review, when the proposed plan is notified, whichever is the earlier. An information sheet on the new standards is attached to this report as Attachment 1.
- 4.16 The planning standards have the potential to create significant upheaval by requiring plans to change to meet new requirements. However, given timing will coincide with Council

reviewing both its Regional Policy Statement and TRMP, there is a real opportunity to minimize disruption and cost by combining the changes required by planning standards with any changes that are identified through the review. Staff will provide the Committee with a further briefing on the National Planning Standards and the implications for Tasman at a workshop in July.

Natural Hazards

- 4.17 In twelve months the district experienced torrential rain and major damage from ex-cyclone Gita, a significant drought, and one of the worst wildfires New Zealand has experienced in recent times. The combination of natural hazards and climate change hasn't been far from people's minds. Council's decision to progress policy work on natural hazards has been very timely.
- 4.18 There have been some focused plan changes in recent years where planning responses to natural hazards have been effective, for example closing coastal areas in Ruby Bay to further subdivision. However, there is a need to take a comprehensive cross-council look at natural hazards and how the Council can plan for and manage the risks from natural hazards in the future. Experience from other Councils shows that communities need to be at the centre of discussions about how to respond to natural hazards.
- 4.19 Coastal inundation and land disturbance are the current focus of the hazards work programme. Public engagement on coastal inundation is scheduled for mid-2019. Land disturbance is covered further below.

Freshwater

- 4.20 Freshwater continues to be a significant area of work for the Natural Resources team. The Te Waikoropupu Water Conservation Order application and hearings diverted a lot of effort away from the Council's own work in 2018. However, the Takaka FLAG has completed its recommendations alongside advice from iwi that was commissioned by Council late 2017. Those recommendations will be presented to Council in May and a draft plan change will follow.
- 4.21 The Environmental Protection Agency has indicated that a decision on the Te Waikoropupu Water Conservation Order is likely before the middle of 2019. The Special Tribunal's decisions are likely to have an impact on the content of the Takaka plan change. The Council has indicated that it will not notify a Takaka freshwater plan change until the Special Tribunal has released its decision on the WCO.
- 4.22 Meanwhile the Waimea FLAG is reconvening to work through the remaining water quality issues for the Waimea. Lessons learned from the Takaka FLAG process are being applied to the Waimea to reduce the length of time of the process and also the time commitment of FLAG members.

Land Disturbance

- 4.23 The Land Disturbance portfolio includes a number of related projects and also has key links to Freshwater and the Nelson Tasman Land Development Manual (NTLDM). The portfolio includes four key streams, namely: a review of the land disturbance rules; creation of a good practice Tasman Erosion and Sediment Control guideline; review of the Slope Instability Risk Area; and review of the NES for Plantation Forestry and any need for rules in Tasman that are more stringent than the controls imposed through the NES. The portfolio has experienced a number of delays due to geotechnical advice sought on thresholds for land instability and erosion and sediment transport risk. Upon completion of this work, the key

streams will be progressed. The Erosion and Sediment Control guideline will be released with the NTLDM in May.

Growth

- 4.24 The partial repeal of the Special Housing Area legislation in September this year has brought a close to the SHA pathway for development. The NPS-UDC driven joint Future Development Strategy will allow Council to take a more strategic approach to managing growth in the Nelson-Tasman region. The timing of the FDS means it will be a key input for the Review. The RPS and TRMP will be primary means to give effect to the high level direction the strategy will deliver.
- 4.25 Table 1 and table 2 outline the 2019 work programme and illustrate there is already a substantial number of projects underway. As the plan changes are completed, staff time will begin to free up to focus on the larger task of reviewing the RPS and TRMP. There is essentially two parts to a plan review, the review itself and secondly the subsequent plan change or changes to give effect to the review. It is possible to break a review up into manageable sized pieces without exposing the whole plan to challenge in one go. It is also possible that after reviewing plan provisions, the Council determines that no change is necessary. There is still an obligation to publicly notify the plan as if it were a proposed plan even if there are no changes.
- 4.26 Alongside the plan related projects in Table 1 there are a range of other projects that are currently underway. Table 2 outlines the additional projects and business-as-usual work of the team. Following the success of the 2018 omnibus plan change, staff are considering another omnibus change to tidy up a number of small loop holes and loopy rules type issues in 2019. Any proposal for another omnibus change would come to the Committee for approval of the scope and process.

Work Programme

Table 1. Tasman District Council – active plan change projects

Title (plan change project)	Change No. (where notified)	Next milestones (Council decisions)	Expected timing of next milestone
Review of Tasman Regional Policy Statement and combination with TRMP		Council approval to consult on findings of effectiveness review Council decisions on governance and decision making structures	Late 2019 Late 2019/Early 2020
Review of Part 2 of TRMP		Council approval to consult on findings of effectiveness review Council decisions on governance and decision making structures	Late 2019 Late 2019/Early 2020
E-Plan and National Planning Standards		Release of regulations	April 2019
Nelson-Tasman land development manual (NTLDM)	PC 69	Council adoption of NTLM and notification of plan change to incorporate by reference	Mid 2019

Land disturbance & slope instability area review		Issues and options report – following receipt of geotech advice.	Mid 2019
Takaka & coastal catchments water management (Takaka FLAG)		Council receipt of FLAG recommendations. Release of draft or proposed plan change	May 2019 After WCO decision
Waimea Plains water quality management (Waimea FLAG)		Waimea FLAG working through water quality	2019
Mooring management review Coastal occupation charges		Council approval to draft change (and draft bylaw amendment) for engagement	Early 2019
Programme of urban re-zonings arising from Tasman growth model and help give effect to NPS for Urban Development Capacity		Council approval to commence (appropriate scope and process)	Mid 2019 Subject to FDS
Brightwater rezoning following Brightwater strategic review		Advice on options	Mid 2019
Richmond greenway	37	For final decision on its fate.	Mid 2019
Natural Hazards		Public engagement on coastal inundation	Mid 2019

Table 2. Non-plan change work (including business-as-usual)

Title	Milestones	Comments
Future Development Strategy (FDS)	Completion of FDS.	Project deadline in July 2019 for completion of FDS
Te Waikoropupu WCO (note: not a Council process)	Special Tribunal decision Mid - 2019	Release of decision will allow progress of Takaka plan change. Decision likely to go to Environment Court. If Council chooses to be involved it will involve multiple staff and significant cost.

NPS UDC - regular monitoring and reporting	Quarterly monitoring updates	Quarterly monitoring updates via dashboard on website with annual report published jointly with NCC
Deferred Zone uplifts	Ongoing	Ongoing
Responses to proposals for national policy and legislation changes	Ongoing – consultation on multiple changes expected in 2019	Changes to RMA, NPS-FM, NPS-UDC, Air Quality NES, proposals for new national policy on Biodiversity and productive soils, new NESs for tyre storage, freshwater
Erosion and Sediment Control Guidelines	Release of Guidelines including publication of small site guide	Mid 2019 – linked to NTLDM timeframes
Review of implementation of existing or new national instruments	Review of ongoing implementation needs (eg NZCPS, NPS-FM, NES-DW, NES –CS, NES-TF) – subject to MfE review and release of updated or new instruments)	Ongoing

5 Strategy and Risks

- 5.1 The 2019 programme is intended to deliver on the strategy of:
1. Reviewing the TRPS and TRMP framework; and
 2. Responsiveness to national and legal policy directions as needed; and
 3. Giving effect to Council's strategic priorities, in particular enabling risk moderated decisions, digitization of services, improving service delivery to customers.
- 5.2 Timeliness with project priorities is reliant on straightforward processes and adequate resources. There is the internal risk of delays through constraints on the availability of other staff within Council who provide support on technical inputs.
- 5.3 The Government has signalled a number of new or amended national policy statements and national environmental standards over the next 12 months. The most recent update from MfE indicates we can expect consultation in the July – August period on approximately 17 different initiatives from legislation through to regulation. National direction invariably comes with requirements to change or amend regional policy statements and plans. The timeframes to implement the changes, including the National Planning Standards will have resourcing implications and has the potential to require changes to the policy work programme.
- 5.4 The 2019 year will be a busy year for the Environmental Policy team with several large and contentious projects. This requires active planning by project managers to ensure their time and other internal resources are available to progress the programme and to manage the risks to delivery.

6 Policy / Legal Requirements / Plan

- 6.1 Projects are at all stages of the plan change life-cycle. RMA Schedule 1 and good practice both prior to the formal legal process, as well as under it, require many process steps to deliver quality and timely policy proposals. The full programme of work will also mean a busy workload for the Committee through workshops and hearings over the next twelve months.

7 Consideration of Financial or Budgetary Implications

- 7.1 The review work programme is not business as usual and will come with financial implications. The extent of the financial implications will be better known once the project is fully scoped and process is developed and bought back to the committee for approval. Any requests for additional resourcing will come through either the annual plan or LTP processes.
- 7.2 Legal costs associated with plan appeals and the WCO can be significant and remain very difficult to budget for.
- 7.3 It is too early to determine the financial impact of new planning standards, however the scale of change that is likely to result from new requirements to change plans is likely to be significant.

8 Significance and Engagement

- 8.1 The table following is a qualitative assessment of significance of the recommendations in this report. The decisions requested in this report are of low significance but may be of high interest to certain sectors of the Tasman community. All legal duties together with following good practices will be incorporated in the recommendations for the next stages of all policy projects.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low	Some plan change projects may attract significant public attention, but these are consulted on via RMA statutory processes.
Is there a significant impact arising from duration of the effects from the decision?	Low	Some plan changes may have a significant impact on individual land owners and consultation with landowners will occur in accordance with RMA statutory requirements
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	

Does the decision create a substantial change in the level of service provided by Council?	Moderate	The review of the TRMP is not an inconsequential task. The review may result in a change in the policy settings within the TRMP in relation to the use, development, and protection of natural and physical resources.
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the delivery of any Council group of activities?	No	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	

9 Conclusion

- 9.1 The Environmental Policy work programme for 2019 seeks to strike a balance between progressing immediate priorities and transitioning to reviewing the RPS and Part 2 of the TRMP. There are some long running projects that will reach significant milestones in 2019 including the likely notification of the proposed plan change for Takaka freshwater and adoption of the Nelson – Tasman Land Development Manual.
- 9.2 High levels of growth highlight the need to continue to provide serviced land for development in the short term through rezoning. It also demonstrates the potential of a Future Development Strategy to take a long term view of how and where the Council plans for growth.

10 Next Steps / Timeline

- 10.1 Over the next 12 months the Committee will be asked to consider the content and process steps for the review and a number of plan change projects. This will involve both workshops and hearings. In May, there are workshops on the Takaka freshwater package and the Land Development Manual plan change. In June/July there will be joint workshops with Nelson City on the Future Development Strategy and further workshops on the Takaka freshwater plan change.

- 11 The Committee will also be provided with advice on options for carrying out the review of the RPS, Part 2 of the TRMP and implications of implementation of new planning standards.

12 Attachments

1. Attachment 1 - National Planning Standards - Information for Councillors

9.5 PUBLIC CONSULTATION ON DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY

Decision Required

Report To:	Environment and Planning Committee
Meeting Date:	18 April 2019
Report Author:	Phil Beck, Technical Lead - Building Assurance
Report Number:	REP19-04-5

1 Summary

- 1.1 The Committee resolved on 29 November 2018 to undertake a special consultative procedure (SCP) on the new Dangerous, Insanitary and Affected Buildings Policy.
- 1.2 The SCP was an important step towards complying with Sections 131, 132 and 132A of the Building Act 2004 regarding Council's statutory obligations to have a policy on Dangerous, Insanitary and Affected buildings.
- 1.3 The Council's previous policy on *Earthquake-prone, Dangerous and Insanitary Building Policy 2006 – 2011* which was adopted in 2006 is no longer current and needs to be replaced. In part this is because the *Building (Earthquake-prone Buildings) Amendment Act 2016* introduced a new national system for identifying and managing earthquake-prone buildings such that Councils were no longer required to have their own individual policies on earthquake-prone buildings.
- 1.4 The Council needs to have a policy which covers the approach, identification, assessment and action to be taken to deal with dangerous, insanitary and affected buildings. The proposed policy on "Dangerous, Insanitary and Affected Buildings" is included in this report as Attachment 1. There has been no substantive change to when the Council should intervene but the policy has been updated to reflect current best practice including when responding after a natural hazard event affecting dwellings.
- 1.5 The proposed policy was released for public submission using the SCP. One submission was received; this was in the form of a letter from the Chief Executive of the Nelson Marlborough Public Health Service and is attached to this report as Attachment 2. Staff's response to the submission is detailed in section 9 of this report, and the editorial suggestions have been incorporated into the final policy.
- 1.6 Once the policy has been adopted, Council is required to provide a copy to the Chief Executive of the Ministry of Business and Innovation (MBIE).

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

- 1) receives the Public Consultation on Dangerous, Insanitary and Affected Buildings Policy report REP-19-04-05; and**
- 2) accepts or rejects (delete one) the single submission received in response to the SCP from Nelson Marlborough Health Service attached as Attachment 2 to REP19-04-XX; and**
- 3) (if accepted) agrees to make editorial changes to the Dangerous, Insanitary and Affected Buildings Policy reflecting the submission received; and**
- 4) approves the Dangerous, Insanitary and Affected Buildings Policy attached as Attachment 1 to REP19-04-05.**

3 Purpose of the Report

- 3.1 The purpose of this report is to deliberate on the single submission received in response to the SCP; and to confirm the approval of Council's policy on Dangerous, Insanitary and Affected Buildings to meet its statutory obligations as set down in the Building Act 2004.

4 Background and Discussion

- 4.1 The previous *Earthquake-prone, Dangerous and Insanitary Building Policy 2006 - 2011*, which was adopted by Council in 2006, is no longer current and requires to be replaced with a new policy as set down in Sections 131, 132 and 132A of the Building Act 2004 ("the Act").
- 4.2 On 1 July 2017, the *Building (Earthquake-prone Buildings) Amendment Act 2016* came into force. This introduced a new national system for identifying and managing earthquake-prone buildings. This meant that Councils' were no longer required to have their own individual policies on earthquake-prone buildings.
- 4.3 Under Sections 131, 132 and 132A of the Act, Council has a statutory obligation to have a policy on dangerous, insanitary and affected buildings.
- 4.4 Section 131 of the Act confirms the policy must state: (a) the approach the Territorial Authority will take in performing its function under this Part; and (b) the Territorial Authorities priorities in performing those functions; and (c) how the policy will apply to heritage buildings.
- 4.5 Section 121 of the Act defines a **dangerous** building as one that in the ordinary course of events (excluding the occurrence of an earthquake) is likely to cause injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property, or damage to other property. A dangerous building is also one that in the event of a fire, is likely to cause injury or death to any persons in the building or to persons on other property.
- 4.6 Section 121A of the Act defines an **affected** building as one that is adjacent to, adjoining, or nearby to a dangerous building, or a dangerous dam. Section 153 of the Act defines a dangerous dam as one that is a high or medium potential impact dam that is likely to fail in the ordinary course of events, or in a moderate earthquake, or in a moderate flood (as defined in Regulations).
- 4.7 Section 123 of the Act defines an **insanitary** building as one that is offensive or likely to be injurious to health because of how it is situated or constructed, or it is in a state of disrepair. An insanitary building could also be one that has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building. It could also be a building that does not have a supply of potable water, or sanitary facilities, that are adequate for its intended use.
- 4.8 Depending on the individual circumstances being considered, a building could be assessed as being both dangerous and insanitary at the same time. For example, this was evident for a small number of buildings as a result of the extreme weather events across parts of Tasman District in February 2018.
- 4.9 Under Section 123A of the Act, 'part' of a building, rather than the whole building, could be assessed as being dangerous, insanitary or affected.

- 4.10 The presentation of the new policy is based, in part, on the *“Dangerous and Insanitary Building Provisions of the Building Act 2004 – Policy Guidance for Territorial Authorities”* published by the former Department of Building and Housing in 2005.
- 4.11 Further, although the format and presentation has changed slightly from Council’s previous *Earthquake-prone, Dangerous and Insanitary Building Policy 2006 – 2011*, essentially the information contained in the new policy in respect of dangerous and insanitary buildings has remained substantially unaltered. As a consequence, the new policy is now a much shorter document than the previous version, but includes a new section regarding affected buildings.
- 4.12 A section is included in the policy on how Council will deal with heritage buildings.
- 4.13 Sections 124 to 130 (inclusive) of the Act details the *“Powers of territorial authorities in respect of dangerous, affected or insanitary buildings”*. It is not the intention of this report to replicate or precis what are fairly extensive and detailed clauses. However, these sections do cover the issue of any notices to building owners, measures to restrict entry to or prohibit the use of buildings, building work the Council could undertake, and details of relevant offences. However, Section 129 does address measures to avoid “immediate” danger or to fix insanitary conditions. The policy states that when assessing a dangerous or insanitary building, priority will be given to those which pose an immediate risk.
- 4.14 Although Council has various statutory obligations when dealing with dangerous, insanitary and affected buildings, ultimately the responsibility for reducing or removing the danger, or preventing a building from remaining insanitary, rests with the building owner. However, this is different for the owner of an affected building. This is highlighted in that section of the policy entitled “Priorities”. Depending on individual circumstances that may prevail, the owner of an affected building may be disadvantaged by another building that is dangerous which is under separate ownership. As such, priority should be given to ensure that owners of a dangerous building must act immediately to reduce or remove any danger in an effort to limit the likely impacts on other owners of affected buildings.

5 Options

- 5.1 The Council is obliged to have a Dangerous, Insanitary and Affected Buildings Policy.
- 5.2 The Council can either:
- a) Accept the policy; or
 - b) Accept the policy with amendments; or
 - c) Reject the policy and ask staff to recommence the process.
- 5.3 As we are at the end of the process, staff recommend Option (b).

6 Strategy and Risks

- 6.1 The approach is to work with our communities and building owners in ensuring Council meets its statutory obligations in relation to dangerous, insanitary and affected buildings.
- 6.2 Specifically in relation to dangerous and insanitary buildings, Council and staff worked hard with building owners to deal with the results of the extreme weather events in February 2018, and this is still ongoing now (albeit to a lesser extent as time goes by). Regardless,

the overarching policy approach that prevailed in February 2018 remains, and is still embedded in the proposed new policy.

- 6.3 Although the style of presentation has changed moderately between the previous policy and the proposed new one, the technical aspects related to dealing with dangerous and insanitary buildings have remained substantially unchanged. Therefore, staff don't perceive any different or increased risks associated with the new policy in this regard.
- 6.4 However, it is not unreasonable to expect that the legislative requirements around "affected" buildings could have wider implications on communities, building owners, and possibly other parties who might live, visit, or be employed in those buildings. An "affected" building is one that is adjacent to, adjoins, or is nearby to a dangerous building or dangerous dam. In all cases, people who use buildings must be able to do so safely, without endangering their health, and can escape in the event of a fire. To this end, there are implications in the new policy on owners and people who are in buildings which adjoin or are nearby to dangerous buildings or dams and which may be affected as a result. The policy manages this risk by working closely with the building owners, tenants or occupiers, to try and limit the impacts on them, and the wider community, as soon as reasonably practicable. As such, the building owners who would be responsible for the actual dangerous building or dam are vitally important in the process to get them to reduce or remove the danger as quickly as possible.

7 Policy / Legal Requirements / Plan

- 7.1 The legal obligations on the Council have already been explained previously in this report.
- 7.2 It is not envisaged that the new "Dangerous, Insanitary and Affected Buildings Policy" will materially affect the Long Term Plan (LTP) or the Tasman Resource Management Plan (TRMP).

8 Consideration of Financial or Budgetary Implications

- 8.1 It is not anticipated that there will be any financial or budgetary implications at this stage as a result of adopting the new policy for Council as a Regulator.

9 Significance and Engagement

- 9.1 The SCP (Section 83 of the Local Government Act 2002) process was a statutory requirement on Council to comply with Section 132(1) of the Building Act. The SCP commenced on 10 December 2018, and concluded on 22 February 2019.
- 9.2 Council only received one submission as a result of conducting the SCP. The submission was from the Chief Executive of the Nelson Marlborough Public Health Service (**NMHS**).
- 9.3 A copy of the submission received from NMHS, dated 22 February 2019, is attached to this report as Attachment 2.
- 9.4 NMHS did not wish to be heard in support of the submission, and was in general agreement of the principles and overall approach of Council's proposed Dangerous, Insanitary and Affected Buildings Policy.
- 9.5 NMHS did raise two specific comments (items 5. and 6. of the NHMS letter):

(5.) NHMS highlighted the current provisions in the Health Act 1956 (i.e. sections 23, 29(f), 42 and 49) and how these relate to nuisance conditions, overcrowding and insanitary conditions (e.g. in a dwelling that is otherwise unfit for human habitation). NHMS suggested that “...*the Council may decide to use powers under the Health Act instead of or in addition to the Building Act therefore this should be acknowledged in the Policy...*”. In response, the Health Act is already referenced and acknowledged in Section 1.5 (Table 3) of the policy, and the Building Act requirements under section 124 are a totally separate piece of legislation. It’s also noted that implementation and enforcement of the Health Act and Building Act are administered by separate sections within Council, albeit they do work closely together. Therefore, staff consider the powers under the Health Act are not instead of the Building Act, but are in addition to each other.

(6.) NHMS suggested the policy could include reference to their Health Protection Officers. This suggestion was accepted, and has been included in section 1.3 (Table 2) of the policy.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is the decision likely to be controversial?	Low	<p>Unlike earthquake-prone buildings, there appears to be a low level of public interest at this stage related to dangerous, insanitary, and affected buildings. This is evident based on the lack of submissions received as part of conducting the SCP.</p> <p>Where interest has been generated recently, specifically around dangerous and insanitary buildings, this was as a result of the inspections undertaken, and notices issued to building owners, after the extreme weather events in February 2018.</p>
Is there a significant impact arising from the duration of the effects from the decision?	Low	A policy on dangerous and insanitary buildings is meant to be reviewed on five-yearly cycles. We have not carried out a review prior to now because the Government has been reviewing the legislation following major earthquakes in 2010 and 2011. The new legislation came into effect on 1 July 2017.
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	N/A	
Does the decision create a substantial change in the level of service provided by Council?	N/A	
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	N/A	
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N/A	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the delivery on any Council group of activities?	N/A	
Does the proposal or decision involve Council exiting from or	N/A	

Issue	Level of Significance	Explanation of Assessment
entering into a group of activities?		

10 Conclusion

- 10.1 In accordance with Sections 131, 132 and 132A of the Building Act 2004, there is a statutory obligation on Council to adopt a policy that deals with dangerous, insanitary, and affected buildings.
- 10.2 The previous *Earthquake-prone, Dangerous and Insanitary Building Policy 2006 - 2011*, which was adopted by Council in 2006, is no longer current and requires to be replaced.
- 10.3 People who use buildings must be able to do so safely, without endangering their health, and can escape in the event of a fire. To this end Council is committed to ensuring Tasman District is a safe place to live, visit and work in. The new policy on dangerous, insanitary and affected buildings is an important undertaking and a clear indication of Council’s commitment to meet its statutory obligations.

11 Next Steps / Timeline

- 11.1 Subject to the Committee’s acceptance of the draft resolution, Council’s policy on Dangerous, Insanitary and Affected Buildings will be made publicly available via Council’s website.
- 11.2 In accordance with section 132(3) of the Building Act 2004, a copy of the Dangerous, Insanitary and Affected Buildings Policy will be provided to the Chief Executive of MBIE.

12 Attachments

- 1. Attachment 1 - Dangerous Insanitary and Affected buildings policy - 05-03-19
- 2. Attachment 2 - NMPHS policy submission -22 Feb 2019

9.6 ENVIRONMENT AND PLANNING COMMITTEE CHAIR'S REPORT 18 APRIL 2019

Information Only - No Decision Required

Report To: Environment and Planning Committee
Meeting Date: 18 April 2019
Report Author: Tim King, Environment & Planning Committee Chair
Report Number: REP19-04-06

1 Summary

1.1 The Chair will provide a verbal report at the meeting. Items from members requiring brief discussion can also be raised but no decisions can be taken.

2 Draft Resolution

That the Environment and Planning Committee receives the Environment and Planning Committee Chair's Report 18 April 2019 REP19-04-06 report.

3 Attachments

Nil

9.7 ENVIRONMENT AND PLANNING MANAGER'S REPORT

Information Only - No Decision Required

Report To:	Environment and Planning Committee
Meeting Date:	18 April 2019
Report Author:	Dennis Bush-King, Environment and Planning Manager
Report Number:	REP19-04-07

1 Summary

- 1.1 This report covers a number of general matters concerning the activities of the Environment and Planning Department since our last meeting on 7 March 2019.

2 Draft Resolution

That the Environment and Planning Committee

1. receives the Environment and Planning Manager's Report REP19-04-07; and
2. receives and adopts the Kotahitanga mō te Taiao Strategy contained in Attachment 2 to Report REP 19-04-07.

3 National (RMA) Monitoring Results 2017/2018

- 3.1 Ministry for the Environment has released the national monitoring results which evaluate local authority performance under the Resource Management Act. Details can be viewed on the MfE website at this [link](#).
- 3.2 Tasman District Council's position is summarized in the following figures:
- Tasman was 8th busiest with plan changes
 - Tasman was 7th busiest in terms of consent processing workload (after Auckland, Christchurch, Marlborough, ECan, QLDC, Env BoP)
 - Tasman had the 4th highest number of notified applications (after Marlborough, Auckland, Env BoP)
 - 89% of Tasman's applications were processed on time - national average was 86%
 - Our average consent processing charge was \$1,575.74 - national average was \$3,389.39
 - TDC was the 13th busiest in terms of enforcement action taken
- 3.3 Perhaps as a measure of the activity level, Tasman accounted for 2% of the consent processing activity nationally whereas we make up only 1% of the population. Of course an alternative explanation is that the TRMP is in need of change! The other bit of trivia from the report is that a resource consent was granted every 13 minutes.

4 Environment Aotearoa 2019

- 4.1 The Minister for the Environment will be releasing the latest national State of the Environment Report on 18 April 2019 covering environmental trends over the last three years.

5 Drought Update – It's broken

- 5.1 Water restrictions have been uplifted for all areas now. Staff will be debriefing on the response to this year's drought and can report back and we will be discussing management of future droughts pending the release of water from the Waimea Dam. Attachment 1 shows the comparative rainfall figures received for this year. As advised last month the January-February period was the driest on record for parts of the district. The effects will become apparent over time. For instance Cobb Dam is only 9% full and the Wai-iti Dam 19% full. There will need to be plenty of rain to refill them so they can be effective next summer.

6 Kotahitanga mo te Taiao Strategy

- 6.1 Following the Joint Nelson and Tasman Council workshop on 26 March, the Kotahitanga mō te Taiao Alliance Strategy ("Collective action for our nature") is presented for receipt and adoption.

6.2 Following the update last year covering the establishment and signing of the Memorandum of Understanding, the cross-agency team has developed the attached Strategy (Attachment 2) as means to agree on the conservation measures we can sign up to to protect and nurture the biodiversity of the top of the South Island. Marlborough District Council has adopted the Strategy and other parties are in the process of adoptions. The collective comprises:

- Ngāti Apa ki te Rā Tō Trust
- Te Pātaka a Ngāti Kōata Trust
- Te Rūnanga o Ngāti Kuia Trust
- Te Rūnanga o Ngāti Rārua*
- Ngāti Tama ki Te Waipounamu Trust
- Te Rūnanga O Toa Rangatira Inc
- Te Atiawa o Te Waka-a-Māui Trust
- Rangitāne o Wairau Settlement Trust*
- Te Rūnanga o Ngāti Waewae
- Tasman District Council
- Nelson City Council
- Marlborough District Council
- Buller District Council
- Kaikoura District Council
- West Coast Regional Council
- Department of Conservation - Te Papa Atawhai

(* not yet signatories but are aware of the initiative)

6.3 Specifically the Kotahitanga mō te Taiao Alliance (“Collective action for our nature”) aims to achieve landscape scale conservation projects with wider social, cultural and economic outcomes across the Buller, Tasman, Nelson, Marlborough and Kaikoura regions. It seeks to align efforts already underway and, through collaboration, to maximise those efforts to achieve significant landscape scale biodiversity and conservation outcomes. We believe that the collective commitment to the strategy will help attract additional resources and partners to achieve shared outcomes, such as Te Uru Rākau One Billion Trees, MfE’s At Risk Catchment programme, The NEXT Foundation, and The Nature Conservancy.

6.4 The Kotahitanga mō te Taiao Strategy has identified the following core long term strategic outcomes to be achieved;

Native species, including those found nowhere else, are thriving

Naturally functioning ecosystems are protected and restored

Wilderness is sustained

People flourish in harmony with nature

Ecological **connections and resilience** are protected and restored

6.5 The core ‘places’ identified in Tasman include West Coast Marine, Northwest Nelson, Nelson Bays, Nelson Lakes, Nelson Motueka, and Mt Richmond. The strategy does not however commit Council to additional resourcing for biodiversity interventions over and above what we are already doing. Any future for biodiversity initiatives will require the approval of Council in the first instance. In terms of the strategic fit of the Kotahitanga mō te Taiao Alliance Strategy, Council has already a programme to develop a BioStrategy. Additionally the implementation of the TRMP sets out explicit policies, objectives and methods for managing terrestrial, freshwater and marine biodiversity ecosystems. A programme already exists for undertaking ecological surveys and providing landowner assistance for protection (Native Habitats Tasman and the Wetlands project), while we also have a broader role in the maintenance of biodiversity.

6.6 The Government has commissioned a review of the New Zealand Biodiversity Strategy (NZBS) and it proposes that a National Policy Statement for Indigenous Biodiversity (NPSIB) will be developed and aligned to the NZBS. It is expected that these reviews will be subject to public consultation later this year. Having this collaborative strategy positions us well and provides a very strong example of inter-regional leadership.

Recommendation

That the Environment and Planning Committee receives and adopts the Kotahitanga mō te Taiao Strategy contained in Attachment 2 to Report REP 19-04-xx

7 Review of Drinking Water National Environmental Standard

7.1 The Ministry for the Environment has completed the [review](#) of the National Environmental Standard for Sources of Human Drinking Water (NES - DW). Overall the report was critical of the standard of Regional Council monitoring of risks to drinking water prior to treatment.

7.2 Tasman was assessed as having a low level of implementation of the NES in relation to consents – on what basis this determination is made is unclear – most probably because we have not issued any consents for community water supply since the NES – DW came into force. In terms of plan provisions we have been assessed as achieving a medium level of compliance – again how this is determined is unclear and what does it mean – the NES – DW sets the standard that must be complied with and over-rides plan rules.

7.3 The Review is part of the work being done under the Three Waters work programme led by the Department of Internal Affairs. It is anticipated new regulatory arrangements, including a revised NES – DW will go before Cabinet in June this year.

8 Earthquake Prone Buildings

8.1 At the last meeting the Committee asked to receive updates on the progress towards identifying earthquake buildings. The following table identifies progress to date.

Item	Number(s) of buildings	Additional comments
Total number of “ priority ” buildings identified to date	392	Types of buildings: Hospitals, emergency services, schools, early childhood centres, Civil Defence welfare centres and shelters, buildings likely to block a strategic route, and parts of buildings constructed using unreinforced masonry.
Total number of “ other ” buildings identified to date	46	Types of buildings: Everything else {i.e. not “priority” buildings}, except those <i>excluded</i> under s133AA of the Building Act 2004 (e.g. detached residential dwellings)
Total number of buildings for potential assessment to date	438	
Total number of buildings assessed to date	86	
Total number of buildings found to be potentially earthquake-prone and the Owners notified accordingly	9	Owners have 12 months to obtain a seismic engineering assessment from the date they’re notified by Council in writing (but can apply for a one off extension if required).
Total number of buildings NOT potentially earthquake-prone and Owners notified accordingly	77	
Total number of buildings to date in the HIGH seismic risk area	84	HIGH seismic risk area is south of Wakefield and Tapawera, includes Foxhill and all points south.
Total number of buildings to date in the MEDIUM seismic risk area	354	MEDIUM seismic risk area includes Wakefield and Tapawera and all points north
Total number of earthquake-prone buildings notices issued	2	

8.2 Staff invite Councillors to advise whether this is the type of information they envisaged.

9 Looking Ahead

9.1 Elsewhere in the agenda is an update of the just released National Planning Standards but the Government will be busy making Local Government busy over the next few months prior to Local Government elections. Some of the things expected include:

- The Three Waters Review – will affect the regulation of drinking water as well as delivery
- Aquaculture National Environmental Standard (NES)
- National Policy Statement (NPS) on Biodiversity
- Review of National Biodiversity Strategy
- NPS – Freshwater Changes
- Stock Exclusion NES
- Mandatory Farm Environment Plans through NES
- NPS on Protecting High Quality Soils
- RMA amendments?
- Zero Carbon Bill?
- Building Act Review
- Freshwater Allocation – Discussion paper including resolution of Maori rights and interests in water
- NPS on Urban Intensification
- NES Plantation Forestry review
- Climate Change Adaptation Guidance???
- NZ ETS regulations
- Waste Disposal Levy review

9.2 The review of the long awaited Air Quality NES and Dam Safety Regulations have disappeared from the list. There may well be more, but with only just over one year left in the term of this Government the chances of getting legislation through will gradually diminish. The Public Health Bill remains moribund and the chances of an overall reform of the Resource Management Act will likely be left to party manifestos.

10 Financial Accounts

10.1 The financial reports for March, at 75% of the financial year, are attached as Attachment 3. Overall income is up (approx. \$159K) and expenditure down (approx. \$900K) so we are contributing to a Council surplus. Staff are currently undertaking a third quarter forecast but some investigative work has not been done over summer because staff were diverted on fire and drought.

11 Action Sheet

11.1 Attachment 4 is the Action Sheet which updates Councillors on action items from previous Environment & Planning Committee meetings.

12 Attachments

1. Attachment 1 - Rainfall Trends
2. Attachment 2 - Kotahitanga Strategy
3. Attachment 3 - Financial Accounts
4. Attachment 4 - Action Sheet