

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

Date: Thursday 6 September 2018
Time: 9.30 am
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)

Contact Telephone: 03 543 8855
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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, 26 July 2018, be confirmed as a true and correct record of the meeting.

7 REPORTS OF COMMITTEE

Nil

8 PRESENTATIONS

8.1 Rural Connectivity Group Presentation to Environment and Planning Committee 5

9 REPORTS

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8 PRESENTATIONS

8.1 RURAL CONNECTIVITY GROUP PRESENTATION TO ENVIRONMENT AND PLANNING COMMITTEE

Information Only - No Decision Required

Report To:	Environment and Planning Committee
Meeting Date:	6 September 2018
Report Author:	Glenda Crichton, Executive Assistant - Environment & Planning
Report Number:	REP18-09-07
File Reference:	

PRESENTATION

The Engagement Manager of Rural Connectivity Group (Caitlin Metz) will make a presentation to the Environment and Planning Committee. The Group is rolling out the Government's Rural Broadband Initiative Phase 2 and the Mobile Black Spots Programme. Ms Metz will outline the programmes of work and the specific plans for the Tasman District.

The presentation is attached.

Appendices

- | | |
|--|---|
| 1. Attachment 1 - Rural Connectivity Group's Presentation to EPC | 7 |
|--|---|



About the RCG



- The Rural Connectivity Group established in 2017 will build the 4G broadband and mobile infrastructure required under RBI2 and MBS funds.
- We partner with Crown Infrastructure Partners (CIP) to ensure the programmes meet the government targets.
- The infrastructure we build will be shared by NZ's mobile network operators – Spark, Vodafone, 2degrees.
- WISPs are encouraged to utilise the infrastructure also.
- CIP manage the funds provided by the RBI2 policy and the mobile network operators are also contributing capital.
- This unique funding model is an innovative way of providing further critical connectivity into rural NZ.
- Industry collaboration will see NZ as the first country in the world where all MNO's will share RAN and antenna on each tower.

Rural Broadband Initiative phase two (RBI2) and Mobile Black Spots Fund (MBSF)

Increased connectivity in the regions

- High-speed broadband to eligible rural end-users
- Similar level of broadband access across all regions
- Mobile services to support safety on state highways and to enhance visitor experience at key tourist destinations

Funding

- \$290 million (\$180 million from Telecomms Development Levy, \$110 million from UFB returned funds)
- A further \$100M under discussion

Target

- RBI2 targeted at end-users with less than 20 Mbps across all regions
- MBSF mobile coverage targeted at areas identified as having 'black spots' (no coverage from any operator)
- State highways and tourist sites in scope



Rural Programmes: RBI2/MBSF partners

Rural Connectivity Group

\$150m base contract in place – build planning now underway



- Improved broadband >20 Mbps
 - ~74,000 rural remote households/farms (including some commercial coverage from mobile operators)
 - 400 – 454 new mobile towers
- Improved mobile coverage
 - 1000 km across 32 state highways
 - 108 tourism sites nationally

Wireless Internet Service Providers (WISPs)

\$8m base contracts in place – deployment now underway



- Improved broadband >20 Mbps (9 WISPs)
 - ~7k rural end-users to be covered with RBI2 broadband
- \$5m committed expansion funding – CIP in discussions with existing and some additional WISPs

- Key regional industry focus**
- Tourism
 - Agriculture
- Public safety focus**
- Road accidents
 - Search & Rescue

What will RCG deliver?

- **Secure and build over 400 new sites operating with 4G network
~ 34,000 rural households covered**
- **Build a further 54 new 4G sites
~ 2500 more households covered**
- **100 Tourist locations provided with connectivity**
- **32 State Highways with mobile service
(islands of coverage and wide area coverage)**
- **A wholesale backhaul & co-location service**
- **Operate and maintain the new network**
- **Finish the build programme by 2022 for \$225M**



RCG Key Drivers

- **Innovation across all aspects of our operation**
- **Working out a fast and flexible programme to over deliver on our targets**
- **Collaboration with all who can contribute – especially with regard to existing infrastructure, backhaul, power**
- **Easy to do business with – for WISP’s and others - wholesale and co-location services**
- **Total lowest cost of ownership**
- **To stretch the funding as far as it can go**



RCG Progress



- Establishing the RCG – total start up company, first towers built in Haast and Lake Wahapo, Raurimu and Ruatapu.
- Building a great team, highly experienced and motivated to deliver this ambitious programme.
- Developing our approach around a fast, flexible, high volume, low cost programme.
- Commercial negotiations underway for equipment supply and support, and build services.
- Established new site acquisition approach with our teams now active across NZ.
- Engagement underway - we are working with all parties to ensure this funding builds as many sites as possible – infrastructure & network providers, communities, councils, Iwi, hapu, whanau, DoC, NZTA, land owners, businesses, our suppliers, the mobile network operators.

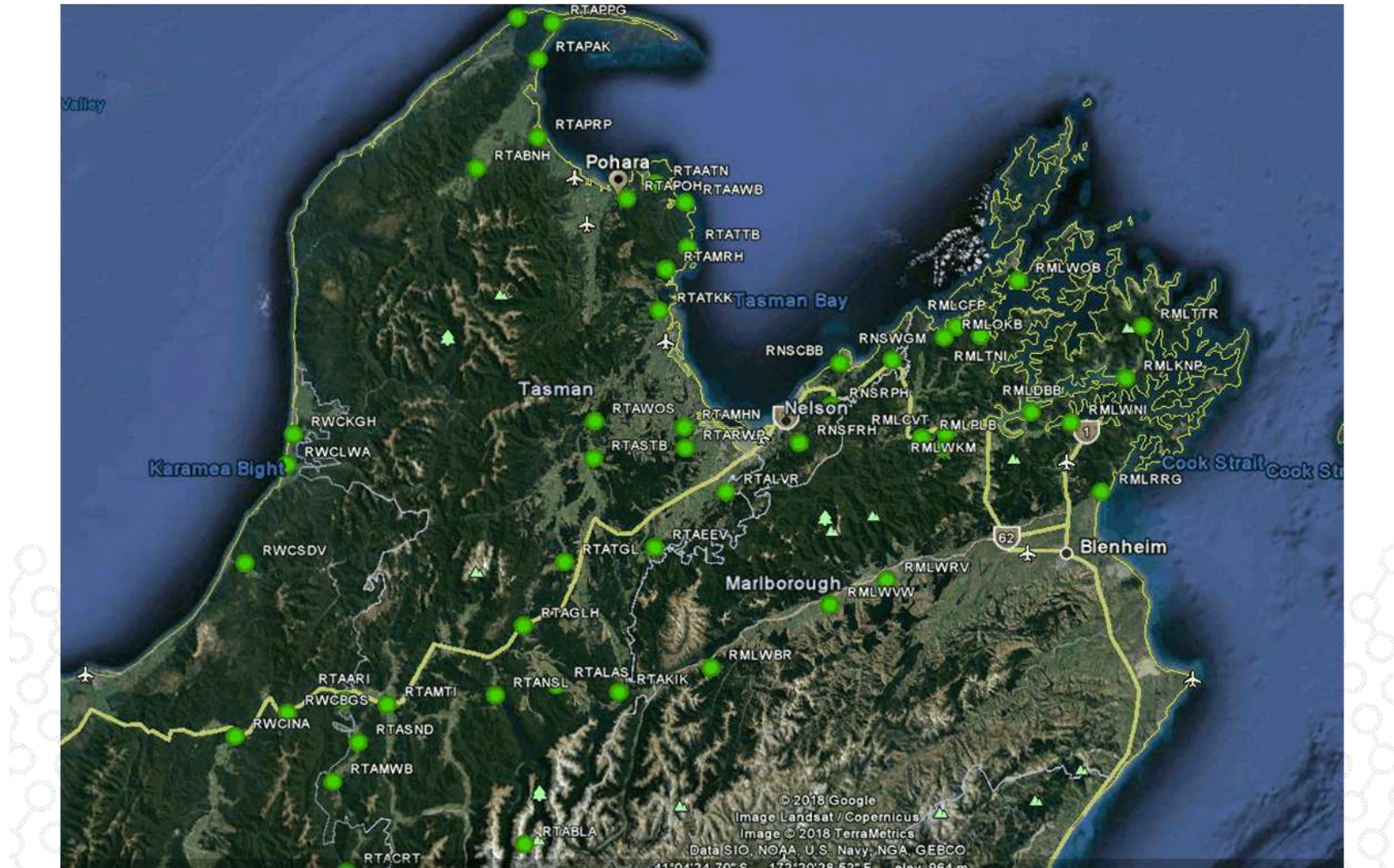
Tasman – 27 Proposed Sites

Site ID new	Site Name	Site Category	Site ID new	Site Name	Site Category
RTAMWB	Maruia West Bank	MBS+RBI2	RTAARI	Ariki	MBS+RBI2
RTABNH	Bainham	MBS+RBI2	RTASND	Shenandoah	MBS+RBI2
RTACRT	Creighton	MBS+RBI2	RTATKK	Takaka	RBI2
RTALVR	Lee Valley Rd	RBI2	RTAMHN	Mahana	RBI2
RTATTB	Torrent Bay	RBI2	RTAMTI	Matiri	RBI2
RTAATN	Abel Tasman National Park	MBS+RBI2	RTAPRP	Parapara	RBI2
RTAKIK	Kikiwa	MBS+RBI2	RTAPPG	Puponga	RBI2*
RTAPAK	Pakawau	RBI2	RTATGL	Tadmor Glenhope	RBI2*
RTANGU	Nguroa Bay	MBS+RBI2	RTAAWB	Awaroa Bay	RBI2*
RTAGLH	Glenhope	MBS+RBI2	RTAWOS	Woodstock	RBI2*
RTANSL	Nelson Lake	MBS+RBI2	RTASTB	Stanley Brook	RBI2*
RTALAS	Lake Station	MBS+RBI2	RTARWP	Redwood Park	RBI2*
RTAPOH	Pohara	RBI2	RTAEEV	Eighty Eight Valley	RBI2*
RTABLA	Blue Lake	MBS			

20 sites in Top 400

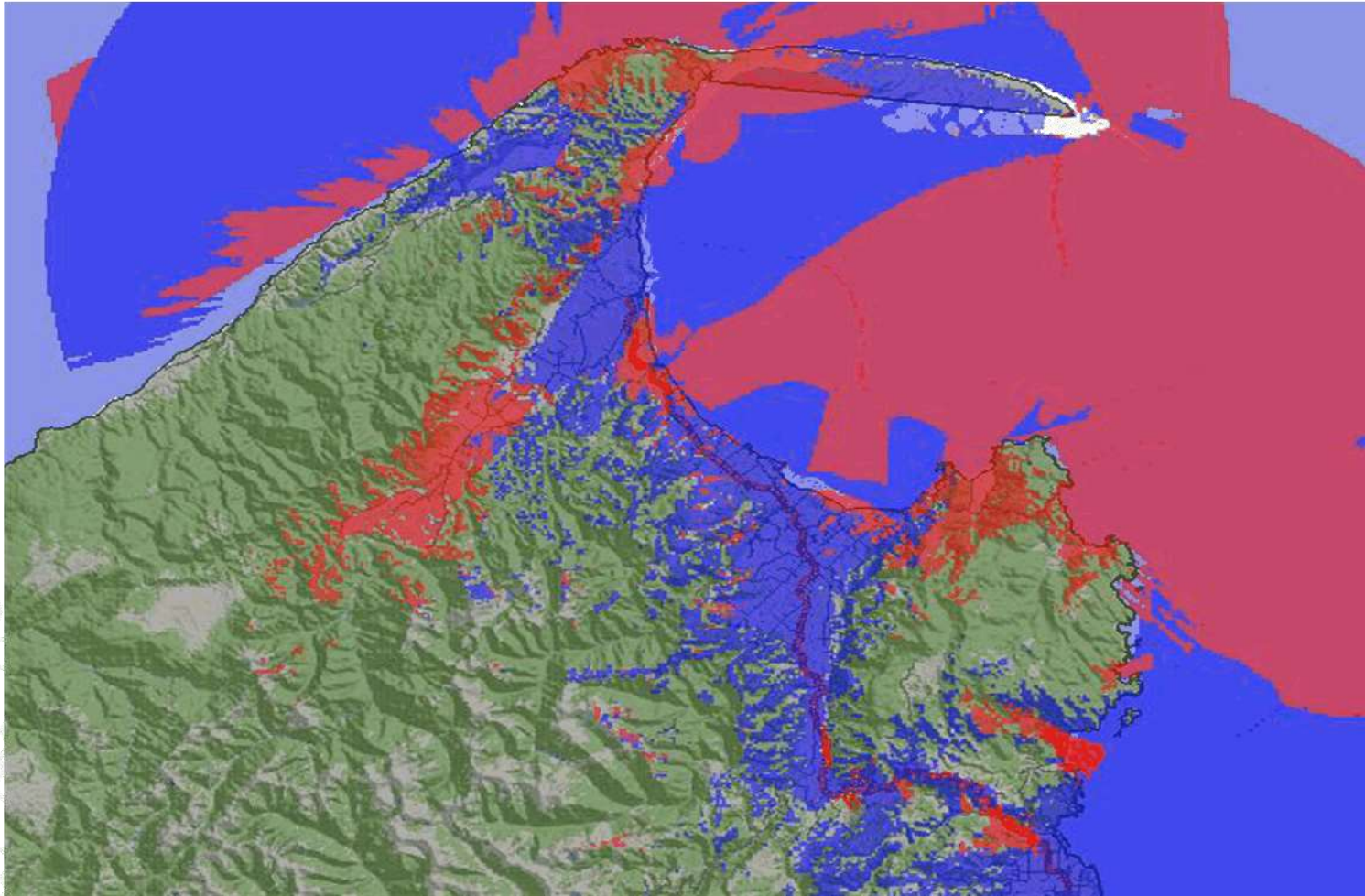
7 sites in stretch targets *

Proposed Tasman Sites – 27 in total



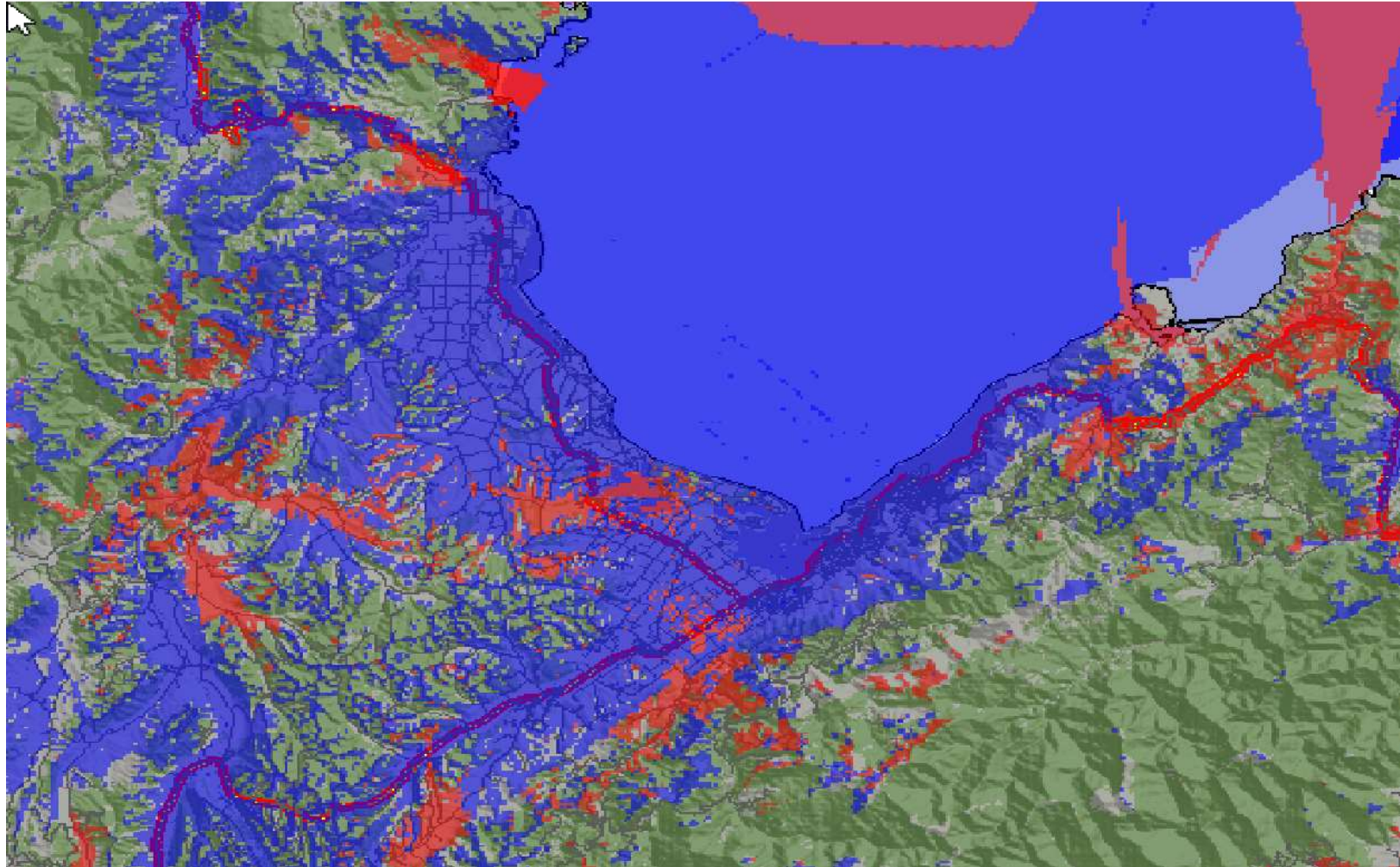
Predicted Coverage – Tasman

red is new coverage
blue is existing MNO coverage



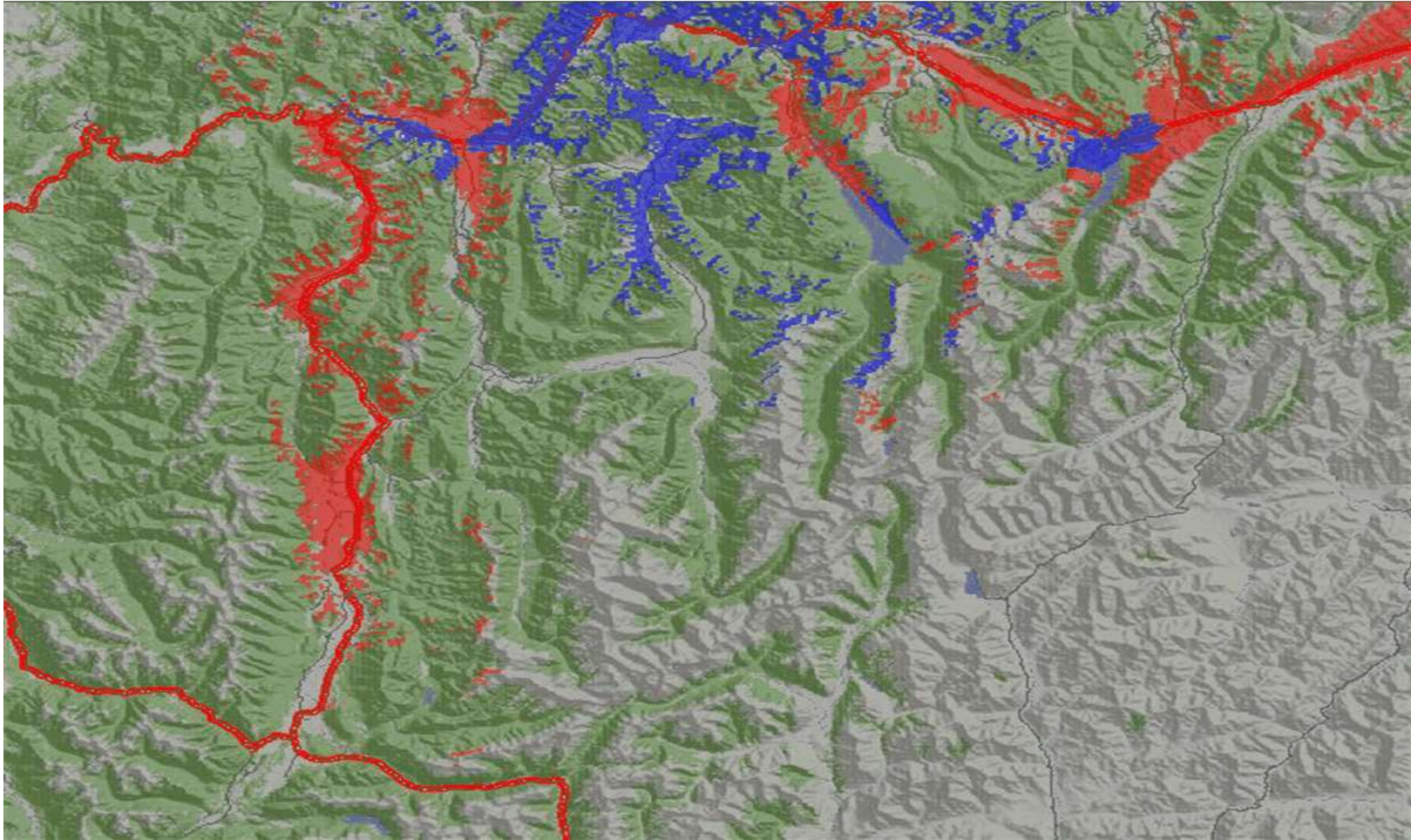
Predicted Coverage – Tasman

red is new coverage
blue is existing MNO coverage



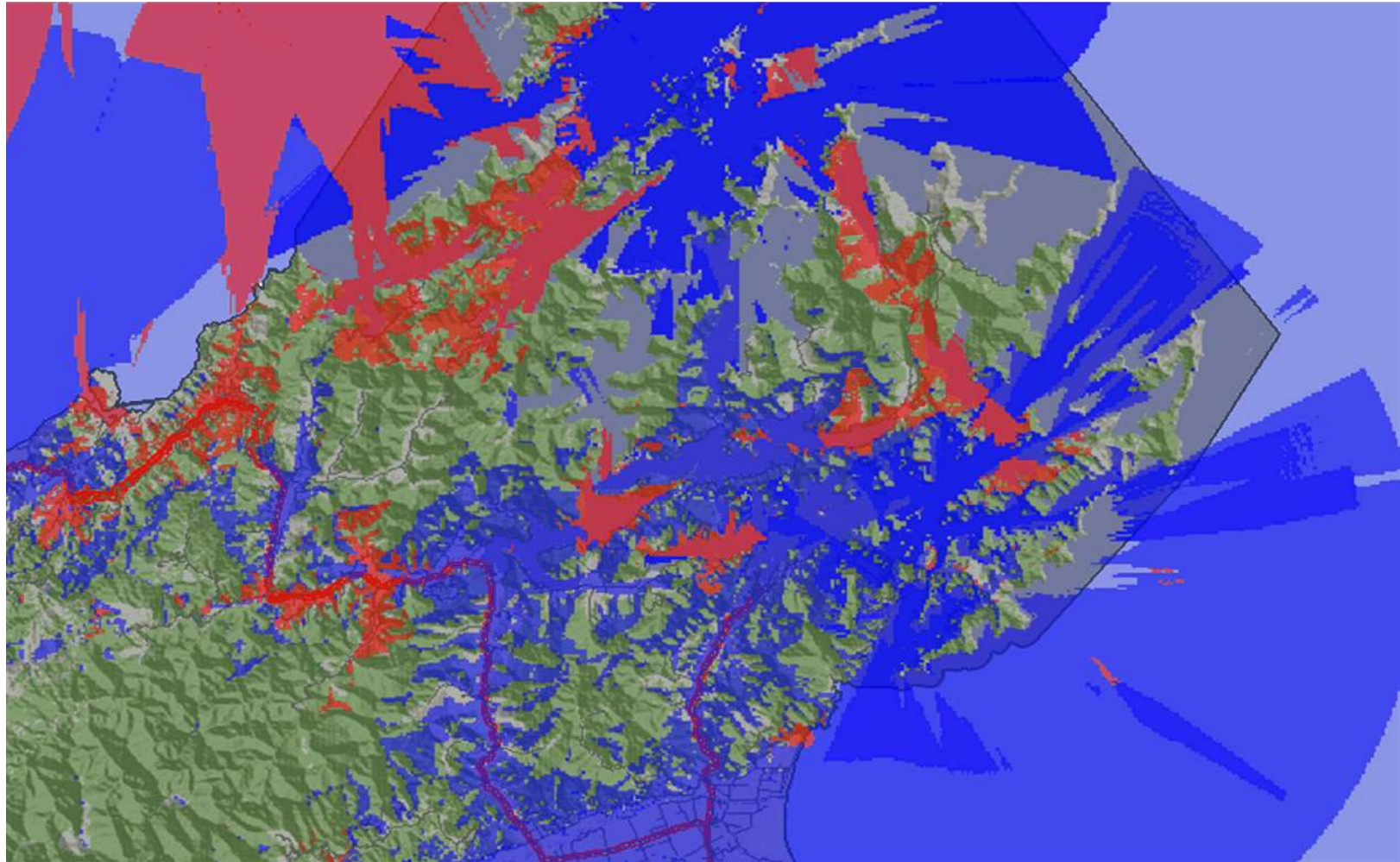
Predicted Coverage – Tasman

red is new coverage
blue is existing MNO coverage



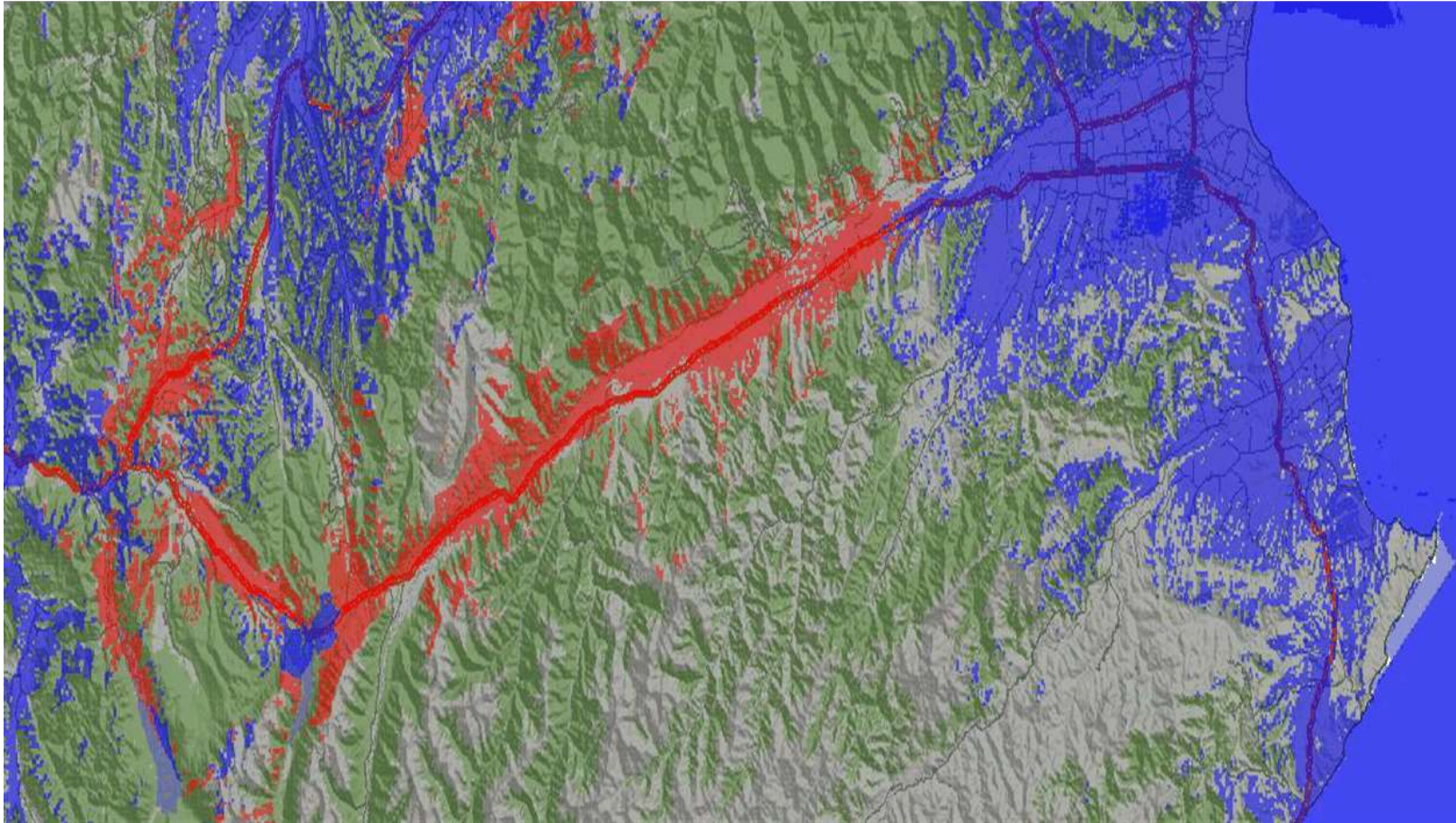
Predicted Coverage – Marlborough

red is new coverage
blue is existing MNO coverage



Predicted Coverage – Marlborough

red is new coverage
blue is existing MNO coverage



Kia ora koutou – patai?



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Caitlin.Metz@theRCG.nz

9 REPORTS

9.1 GAMBLING VENUES POLICY REVIEW

Decision Required

Report To:	Environment and Planning Committee
Meeting Date:	6 September 2018
Report Author:	Graham Caradus, Co-ordinator Environmental Health
Report Number:	REP18-09-1
File Reference:	E503

1 Summary

- 1.1 This report details the steps required for the Environment & Planning Committee to review the current Gambling Venues Policy.
- 1.2 Council is obliged by statute to have a Gambling Venues Policy and to review it every three years. This report initiates a review one year ahead of that three yearly deadline. At the time of the last review in September 2016, The Environment and Planning Committee requested that this matter be brought back within two years.
- 1.3 The Council may review the Policy and leave it unchanged, or it may amend or replace the Policy.
- 1.4 During the review process the statutes require the Council to have regard to the social impact of gambling.
- 1.5 The current policy for non-casino gaming machines is based on a “capped” number of gaming machines and has been ‘fit for purpose’, but is now well out of date when compared to the number of gaming machines in the district. The current policy for New Zealand Racing Board venues is unrestricted.
- 1.6 There are a number of options available if it is decided to amend the Policy, and the guidance of the Committee is sought to establish a direction for the proposed Policy.

Draft Resolution

That the Environment and Planning Committee:

1. receives the Gambling Venues Policy Review; and
2. resolves to amend the Tasman District Council’s Gambling Venues Policy 2010, to include:
 - 2.1 A sinking lid policy for gaming machines in the district; and

- 2.2 Confirmation that relocation of gaming machines will not be permitted within the district; and**
 - 2.3 An unrestricted policy in relation to the number of New Zealand Racing Board venues within the district; and**
- 3. Instructs staff to prepare a Draft Gambling Venues Policy and an associated Statement of Proposal and Summary of Information based on resolution 2 above, for further consideration of the Environment and Planning Committee.**

2 Purpose of the Report

- 2.1 This report commences the review of the Tasman District Council Gambling Venues Policy September 2010, as last reviewed 1 September 2016. This report provides the Environment & Planning Committee with data and options to consider during the review process.

3 Background and Discussion

- 3.1 Tasman District Council's Gambling Venues Policy (Policy) results from the mandatory requirement for Councils to have a Class 4 venue policy pursuant to section 102 of the Gambling Act 2003 (the Act) and a New Zealand Racing Board venue policy pursuant to section 65E of the Racing Act 2003.
- 3.2 Council is required by the Act and the Racing Act to review its Gambling Venues Policy every three years and in that process, to produce a policy that has regard to the social impact of gambling within the District. The existing policy was made operative in August 2010 and remained unchanged after reviews on 15 August 2013 and 1 September 2016. That Policy is attached as **Attachment 1**.
- 3.3 A class 4 venue established under the Act relates to a premises at which non-casino gaming machines (gaming machines) are operated.
- 3.4 A Board venue established under the Racing Act are premises on which the New Zealand Racing Board (NZRB) operates a business providing racing betting and sports betting. These are more commonly recognised as TABs.
- 3.5 Council's Gambling Venues Policy had been unrestricted until August 2010. That resulted in no Council imposed limit on the number of gaming machines or NZRB venues that could be operated in the District. During the review of the policy in 2010, Council considered a sinking lid policy for Class 4 venues, and undertook consultation on a draft sinking lid policy. After consulting and deliberating, the Council decided to adopt a capped Policy for Class 4 venues and to leave NZRB venues unrestricted. The cap was set at 220 gaming machines which was the number permitted by existing licences in the District at that time. The Policy remained unrestricted for NZRB venues.
- 3.6 A "section 103" report dated 6 August 2018 has been produced by the Department of Internal Affairs (DIA) for Class 4 gambling venues. Salient information from that report has been extracted and included along with data from the previous DIA report of 30 June 2016, and is shown as **Attachment 2**.
- 3.7 The DIA report details that the number of gaming machines, including those currently in use, and those that are permitted without any sanction from Council, has reduced from 220 in August 2010 to 182 at the time of the most recent DIA report on 6 August 2018.
- 3.8 Prior to the 2016 review, an amendment of the Act came into effect that deals with the relocation of existing licences to a different location within the district. A relocation policy, as defined in the amendment, is a policy setting out if and when the Council will grant consent for a new Class 4 gambling venue to replace an existing Class 4 gambling venue within the district.
- 3.9 The amendment to the Act required Council to consider if it would adopt a relocation policy for Class 4 venues as part of the Gambling Venues Policy during that review. That

consideration may also occur during the current review. When considering a relocation policy, the Act requires that Council must consider the social impact of gambling in high-deprivation communities within the district. A relocation policy would allow up to 18 gaming machines to be relocated to a new venue. If no relocation was permitted by the policy, the maximum number of gaming machines that could be given consent in a new venue is nine.

3.10 The deprivation indices within the district are as set out in **Attachment 3** to this report.

3.11 Two areas of the district are shown as having the highest level (quintile 5) of deprivation, namely parts of Motueka and Tapawera. In considering the social impact of gambling in high-deprivation communities, it follows that Motueka and Tapawera areas should be studied.

3.12 The following data is generated from population projections contained in the TDC growth Model 2017. The data should be tempered with the knowledge that 20% of Tasman District's population is under 15 years of age, and the minimum age for playing gaming machines is 18 years old.

3.13 The density of gaming machines in those areas of highest deprivation are:

- **Tapawera:** Population 296; Deprivation index 5 (most deprived); Total of four gaming machines, equating to one machine per 74 persons in that community (deteriorating from 1:92 last review due to increasing number of gaming machines) as follows:

Tapawera Hotel: four gaming machines.

- **Motueka:** Population 7469; Deprivation index 4 and 5: Total of 45 gaming machines equating to one machine per 166 persons in that community (improving from 1:143 last review due to decreasing number of gaming machines) as follows:

Motueka RSA: nine gaming machines;

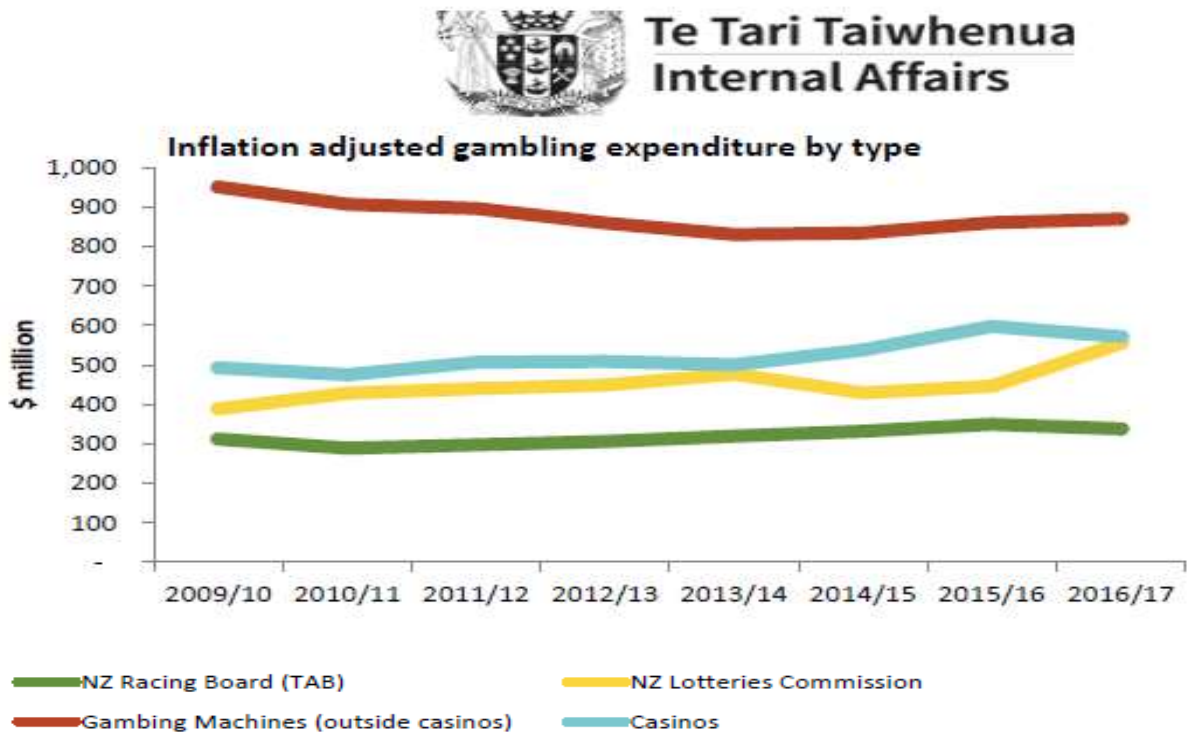
Post Office Hotel: 18 gaming machines;

Motueka Hotel: 18 gaming machines;

3.14 For completeness, the density of gaming machines in other townships are as follows:

- **Richmond** (including Hope, Ranzau): Population 15112; Deprivation index 2: Total of 86 gaming machines equating to one machine per 176 persons in that community (improving from 1:168 last review due to increasing population);
- **Takaka:** Population 1299; 112 Deprivation index 2: Total of 10 gaming machines equating to one machine per 130 persons in that community (deteriorating from 1:140 last review due to increasing number of gaming machines);
- **Collingwood:** Population 246; 112 Deprivation index 3: Total of four gaming machines equating to one machine per 62 persons in that community (improving from 1: 58 last review due to increasing population);
- **Brightwater:** Population 2180; 112 Deprivation index 1: Total of nine gaming machines equating to one machine per 242 persons in that community; (deteriorating from 1:650 last review due to increasing number of gaming machines);
- **Wakefield:** Population 2181; 112 Deprivation index 1: Total of eight gaming machines equating to one machine per 273 persons in that community (improving from 1: 256 last review due to increasing population);

- 3.15 The number of gaming machines including those currently in use, and those that are permitted without consent of Council, as reported by DIA, has reduced to 182 in Tasman District. That number is made up from the total number of gaming machines that are currently in operation in the district (166) plus the number of machines that may be installed by current gaming venue operators (due to “grandfathered” licence conditions) without the permission of Council (16).
- 3.16 When the Policy was reviewed in 2010 the number of machines in use at that time, and those that are permitted without any sanction of Council was 220. The “capped” limit set at that time reflected that position. The Policy was reviewed, but not amended in 2013, and 2016. That limit of 220 gaming machines is increasingly out of step with the current decline in the number of gaming machines in the District, and allowed seven additional gaming machines to be provided with Council consent during 2017.
- 3.17 The decline in gaming machines within the district is reflected in the gradual reduction in expenditure on gaming machines nationally, which according to the data published by the DIA in 2018, has been trending generally downwards for the last five years. The graph that follows is copied from information provided on the DIA web site. Note the relative spend on gaming machines compared with other forms of gambling.



- 3.18 The DIA web site identifies the following risk factors and consequences of some gambling as follows:
- *Problem gambling is most commonly associated with gaming machines. Approximately two in five regular gamblers on gaming machines can be classified as “moderate risk” or “problem” gamblers.*
- The harmful effects of problem gambling can include:*
- *Financial problems*
 - *Problems at work (ranging from poor performance to fraud)*

- *Poor parenting and other relationship problems*
- *Family violence*
- *Alcohol abuse*
- *Mental health problems*
- *Suicide*

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

- 62 percent of adults had bought a Lotto ticket at least once in the previous year, but only:
 - 14 percent had played a non-casino gaming machine (gaming machine) at least once
 - 12 percent had bet on a horse or dog race at least once
 - 8 percent had played a casino gaming machine in New Zealand at least once
 - percent had bet on a sports event at least once
 - percent had played a casino table game in New Zealand at least once.

And...

- the 2012 *National Gambling Study* (NGS) estimated that 17 percent of adults bought a Lotto ticket at least once a week, but that only 1.5 percent played a (gaming machines) this frequently.
- ... only a small percentage of adults in New Zealand currently gamble online with overseas operators.
- ... the number of people gambling online is likely to increase to at least some extent in future as smartphone access and broadband speed and capacity increase, and as online methods of transferring funds become more secure and more trusted. The likely impacts of such changes are difficult to forecast.
- ... the 2012 NGS estimated that:
 - 0.7 percent of adults in New Zealand (approximately 24,000 people) were current problem gamblers; (Extrapolated for Tasman's population: potentially 260 problem gamblers in Tasman);
 - 1.8 percent (60,000 people) were current moderate-risk gamblers; (Extrapolated for Tasman's population: potentially 660 moderate-risk gamblers in Tasman);
 - 5.0 percent (168,000 people) were current low-risk gamblers;
 - 92.6 percent (3.109 million people) were current non-problem ("recreational") gamblers or non-gamblers;
- As another measure of harm, the 2012 NGS asked respondents if someone in their wider family or household had ever gone without something they needed, or bills were not paid, because too much was spent on gambling by another person. It estimated that someone else's gambling had these harmful effects at some time in the wider

families or households of around 430,000 adults. In about a third of these cases someone else's gambling had these effects in the previous year;

- There is also compelling evidence from both New Zealand and international research that gambling harm is far more likely to be associated with gaming machine gambling (whether gambling on non-casino gaming machines or on machines in a casino) than with any other form of gambling.
 - ...estimates from the 2012 NGS suggested that close to 50 percent of problem gamblers and close to 40 percent of moderate-risk gamblers are Māori or Pacific people.
- 3.20 The positive side of gambling should also be considered. As well as the entertainment that the activity offers, the net proceeds gathered by the corporate societies that run gaming machines within the district are required to be distributed for the “...*authorised purpose specified in the... Licence.*” *In 2013 pokie machines in the pub and bar sector (excluding clubs) generated \$594 million of which \$249 million was returned to authorised purposes in communities by corporate societies. About a quarter of the proceeds is spent on fixed costs such as government duties, levies and licensing fees. Another portion of the proceeds is used by societies to meet “actual, reasonable and necessary” operating costs which they incur in running their Class 4 operations. (source: DIA Guide: Pokies in New Zealand)* This process results in gamblers, including those suffering from the harmful effects of gambling, contributing indirectly to sports clubs and other appropriate recipients. In previous reports reviewing the Gambling Venues Policy, I have cynically described that process as a reverse Robin Hood effect.
- 3.21 An example of the number and types of grants that are made are shown in **Attachment 4 Pub Charity Ltd Grants** made January, February and March of 2018 in the Nelson-Tasman areas. As can be seen from Attachment 2, Pub Charity Ltd operates 75 of the 166 (45%) of the gaming machines currently operating from six of the 13 premises (46%) licensed to have gaming machines in the district.
- 3.22 The provisions of the current Gambling Venues Policy will be repealed only if Council decides to amend or replace the current Policy. That existing policy remains in force during the period that the policy is under review.
- 3.23 Report REP17-04-03 as set out in **Attachment 5 Report to EPC 27 April 2017** to this report, resulted in Council consent for additional gaming machines in two venues, namely the Brightwater Motor Inn and the Tapawera Hotel.
- 3.24 An internet search provides the locations of TAB agencies in Tasman District as:
- Post Office Hotel, Motueka (PubTAB Full Service);
 - Telegraph Hotel, Takaka (PubTAB Self Service Only);
 - Club Waimea, Richmond (ClubTAB Self Service Only);
 - Star and Garter, Richmond (PubTAB Full Service).
- 3.25 The most recently available annual report (2017) of NZRB, on pages 15 and 16, makes the following observations:
- Digital channels make up 58% of betting turnover, up from 56% last year;
 - The TAB mobile application (app) is the fastest growing channel, where turnover grew by 63.5% this year and app customers were up 31.1%;
 - Of the \$579.3m “Sports Turnover”:

- ◆ 1% was by phone;
- ◆ 14% was by retail means;
- ◆ 85% was by digital means.

3.26 Given the suggestion that that NZRB betting turnover appears to be a lower risk activity than that generated by gaming machines, and the increasing preference for NZRB betting to be undertaken digitally, it is suggested that little may be achieved in considering any restriction on NZRB venues (TABs).

4 Options

4.1 Two broad options exist in relation to process, and that will be determined if policy replacement or amendments are proposed to be undertaken, or not. These are:

4.1.1 **Do nothing to the Policy:** If it is decided by Council to leave the Gambling Venues Policy totally unchanged, there is no statutory obligation to consult further as part of that decision making process. The 2010 Policy would remain in place unchanged. Consequently, the cap on gaming machines would remain somewhat outdated at 220, and the Policy would make no provision for the relocation of existing gaming licenses within the District. The part of the policy relating to NZRB venues would remain restricted.

4.1.2 **Make a change to the Policy:** If it is decided to alter, amend or replace the Policy to any extent, then the obligation to initiate consultation is triggered by section 102 of the Gambling Act 2003 and section 65E of the Racing Act 2003. Public consultation by way of Special Consultative Procedure as defined in section 83 the Local Government Act 2002 must then be undertaken.

4.2 Options to change the Policy that the Council may consider are:

4.2.1 The policy may change from its current “capped” philosophy, to:

4.2.1.1 A more permissive “unrestricted” policy with no limit on the total number of gaming machines in the District; or,

4.2.1.2 A more restrictive policy such as a “sinking lid”, where the number of permitted gaming machines or NZRB venues reduces each time a gaming machine license is surrendered or cancelled or expires. That would mean that new gaming machine venues or NZRB venues could not be developed, or the number of gaming machines run by any existing venue could not be increased.

4.2.2 Staying with a capped policy, but shifting the cap to recognise the lower number of gaming machines currently in the community. Such shift may, or may not allow for an increase over the existing 182 machines that are permitted to operate without further sanction from Council. The part of the policy relating to NZRB venues could be separately considered and remain unrestricted, or be capped or operate as a sinking lid.

4.2.3 Developing a “relocation policy” that prevents or allows relocation of gaming machines within the district. There are a variety of options, but the more obvious are:

4.2.3.1 Preventing any relocation of gaming machines within the district; or,

- 4.2.3.2 Allowing machines to move from high deprivation areas to more affluent, low deprivation areas; or,
- 4.2.3.3 Preventing relocation of gaming machines when that will cause the density in any particular area to exceed a predetermined concentration.
- 4.2.4 If a relocation policy is being considered for inclusion in this policy, Council is obliged to consider the social impact of gambling in high-deprivation communities within its district.

5 Strategy and Risks

- 5.1 Provided Council has a current gambling venues policy, the legislative obligations imposed by the Gambling Act 2003 and the Racing Act 2003 are met. The risks posed by gambling are carried by those members of the community that may be “at risk” or “problem” gamblers. There is no direct risk to Council imposed by the contents of the Policy.
- 5.2 It could be considered that a reputational risks exists ie by allowing Class 4 Gambling at a specific level when it has a direct influence on its prevalence, it could be seen that council is encouraging the activity.

6 Policy / Legal Requirements / Plan

- 6.1 Whilst the LTP, TRMP, and other Council Policy does not impact on this review, the Act is prescriptive as it relates to what Council may have regard to. Section 101 (2) of the Gambling Act 2003 states:

In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.

And, section 101(4) says:

In determining its policy on whether class 4 venues may be established in the territorial authority district, where any venue may be located, and any restrictions on the maximum number of gaming machines that may be operated at venues, the territorial authority may have regard to any relevant matters, including:

- (a) the characteristics of the district and parts of the district:*
- (b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities:*
- (c) the number of gaming machines that should be permitted to operate at any venue or class of venue:*
- (d) the cumulative effects of additional opportunities for gambling in the district:*
- (e) how close any venue should be permitted to be to any other venue:*
- (f) what the primary activity at any venue should be.*

And, section 102(5B) says:

Whenever a territorial authority is considering whether to include a relocation policy in its class 4 venue policy, it must consider the social impact of gambling in high-deprivation communities within its district.

- 6.2 Section 65D(2) of the Racing Act 2003 states:

In adopting a policy, the territorial authority must have regard to the social impact of gambling within the territorial authority district.

And, section 65D(4) of that Act states:

In determining its policy on whether Board venues may be established in the territorial district and where any Board venues may be located, the territorial authority may have regard to any relevant matters, including—

- (a) the characteristics of the district and parts of the district:*
- (b) the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities:*
- (c) the cumulative effects of additional opportunities for gambling in the district.*

7 Consideration of Financial or Budgetary Implications

- 7.1 For Council, the budgetary implications are limited to the cost of preparing and considering this report, and the administrative costs associated with formal consultation and development of an amended policy, if that is the desired outcome.

8 Significance and Engagement

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Medium/Low	The impact of harm from gambling significantly affects a few hundred persons within the district. Potential loss or reduction of grants from gaming societies affects a cross section of the district's residents.
Is there a significant impact arising from duration of the effects from the decision?	Low	Statutes impose a minimum frequency of review, but Council may review the Policy as often as it wishes.
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 Council's levels of service?	Low	
Does the decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N.A.	
Does the decision involve entry into a private sector partnership or contract to carry out the delivery of any Council group of activities?	N.A.	
Does the decision involve Council exiting or entering into a group of activities?	N.A.	

- 8.1 The provision of a gambling venues policy is a statutory responsibility that Council is obliged to comply with. The special consultative process is triggered if it is decided to alter or amend the policy in any way.

9 Conclusion

- 9.1 Based on the deliberation undertaken at the last full review of the Policy in 2010, and the continuing potential harm to those in the community that are subject to the harmful effects of problem gambling associated with gaming machines, it is recommended that the Committee agrees to a draft Gambling Venues Policy and associated Statement of Proposal, being brought back for consideration. The draft Gambling Venues Policy should include:

- 9.1.1 A sinking lid policy for gaming machines in the district;

9.1.2 Confirmation that relocation of gaming machines will not be permitted within the district;

9.1.3 An unrestricted policy in relation to the number of New Zealand Racing Board venues within the district.

10 Next Steps / Timeline

10.1 Other than giving notice of the review, no further steps are required if no change is intended for the Gambling Venues Policy.

10.2 If the Committee decides to amend or change the Gambling Venues Policy, a Draft amended Gambling Venues Policy and associated Statement of Proposal and Summary of information will be presented to EPC at the next meeting, on 8 October 2018

11 Attachments

1.	Attachment 1 - Gambling Venue Policy September 2010	35
2.	Attachment 2 _ Comparison NCGM numbers 2016-2018	45
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The Gambling Act 2003 and The Racing Act 2003

Gambling Venues Policy

September 2010

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1. PURPOSE

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

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

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

**Moved/seconded
CARRIED**

2. OBJECTIVES OF THIS POLICY

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

1

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

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

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

7. APPLICATION FEES

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

APPENDIX 1: Operators of non-casino gaming machines

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

Section 103 Class 4 Venues in Territorial Authority

Generated: 19-Aug-2010

TASMAN DISTRICT

Society Name	Venue Name	Venue Physical Address	GM Count	Maximum GM	TA Approved Maximum	GM on 22 Sept 2003	Expiry on 17 Oct 2001 (Y/N)	Off Schedule (Y/N)
MOTUEKA MEMORIAL R.S.A. INC	MOTUEKA MEMORIAL RSA INC	49 HIGH STREET, MOTUEKA, TASMAN DISTRICT	0	16		0	Y	N
PUB CHARITY	COLLINGSWOOD TAVERN	7 TASMAN STREET, COLLINGSWOOD, TASMAN DISTRICT	4	16		4	Y	N
PUB CHARITY	JUNCTION HOTEL (TAKAKA)	15 COMMERCIAL STREET, TAKAKA, TASMAN DISTRICT	14	16		16	Y	N
PUB CHARITY	BRIGHTWATER MOTOR INN	1 LIGHTBAND ROAD, BRIGHTWATER, TASMAN DISTRICT	3	16		3	Y	N
PUB CHARITY	WAKEFIELD HOTEL	46 EDWARD STREET, WAKEFIELD, TASMAN DISTRICT	10	16		16	Y	N
CLUB WAIMEA INC	CLUB WAIMEA	345 QUEEN STREET, RICHMOND, NELSON	16	16		16	Y	N
OUR RESCUE SERVICES LIMITED	ROBBIES BAR & BISTRO (RICHMOND)	301 QUEEN STREET, RICHMOND, NELSON	9	9	9	14	Y	Y
NEW ZEALAND COMMUNITY TRUST	EL TAVERN	183 QUEEN STREET, RICHMOND, NELSON	13	16		16	Y	N
NEW ZEALAND COMMUNITY TRUST	TAPAWERA HOTEL	64 MAIN ROAD, TAPAWERA, TASMAN DISTRICT	3	16		3	Y	N
NEW ZEALAND COMMUNITY TRUST	MAPUA TAVERN	151 ARANUI ROAD, MAPUA, TASMAN DISTRICT	8	16		12	Y	N
NEW ZEALAND COMMUNITY TRUST	STAM AND CARTER TAVERN	1 POPE'S 255 QUEEN STREET, RICHMOND, NELSON	13	16		16	Y	N
THE LION TRUST	THE STABLES	1 MCCOY ASHBY AVENUE, RICHMOND, NELSON	13	16		16	Y	N
THE LION FOUNDATION (2006)	THE DOGGY DOG SPORTS BAR	121 HIGH STREET, MOTUEKA, TASMAN DISTRICT	6	9	9	9	N	N
THE LION FOUNDATION (2006)	RIWAKA HOTEL	MAIN ROAD, RIWAKA, TASMAN DISTRICT	4	16		0	Y	N
THE LION FOUNDATION (2006)	TELEGRAPH HOTEL	2 MOTUPHI STREET, TAKAKA, TASMAN DISTRICT	9	16	16	7	Y	N
THE LION FOUNDATION (2006)	MOTUEKA HOTEL	77 HIGH STREET, MOTUEKA, TASMAN DISTRICT	16	16		16	Y	N
THE LION FOUNDATION (2006)	POST OFFICE HOTEL	122 HIGH STREET, MOTUEKA, TASMAN DISTRICT	14	16		16	Y	N

Gaming machines currently operating at venues: 190

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

JUNCTION HOTEL (TAKAKA)	4
WAKEFIELD HOTEL	6
ROBBIES BAR AND BISTRO (RICHMOND)	5
MAPUA TAVERN	4
RIWAKA HOTEL	2
TELEGRAPH HOTEL	0

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

No venues currently within 6 months of surrender date

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

Explanation of s103 report numbers

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

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

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

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

APPENDIX 2: Application for Territorial Authority Consent for Gambling Venue

Application for Territorial Authority Consent for Class 4 Gambling Venue

FORM NUMBER: RG3

30 September 2010

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

Section 1: Details of Applicant

Full Name of Society/Trust:

Postal Address:

Post Code:

Contact Person:

Phone:

Fax:

E-mail:

Section 2: Details of Gaming Venue

Name of Venue:

Street Address:

Liquor Licence Number:

Expiry:

Contact Person:

Phone:

Number of Gaming Machines at Venue:

Current:

Proposed:

6.

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

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

New Class 4 Venues

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

Application Fees

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

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

Signature: _____

Date: _____

7.

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

FORM NUMBER: RG4

30 September 2010

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

Full Name of applicant: _____

Postal Address: _____

Post Code: _____

Contact Person: _____

Phone: _____

Fax: _____

E-mail: _____

Section 2: Details of Venue

Name of Venue: _____

Street Address: _____

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

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

New Board Venues

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

Application Fees

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

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

Signature: _____

Date: _____

8.

Attachment 2 Comparison NCGM number 2016 - 2018

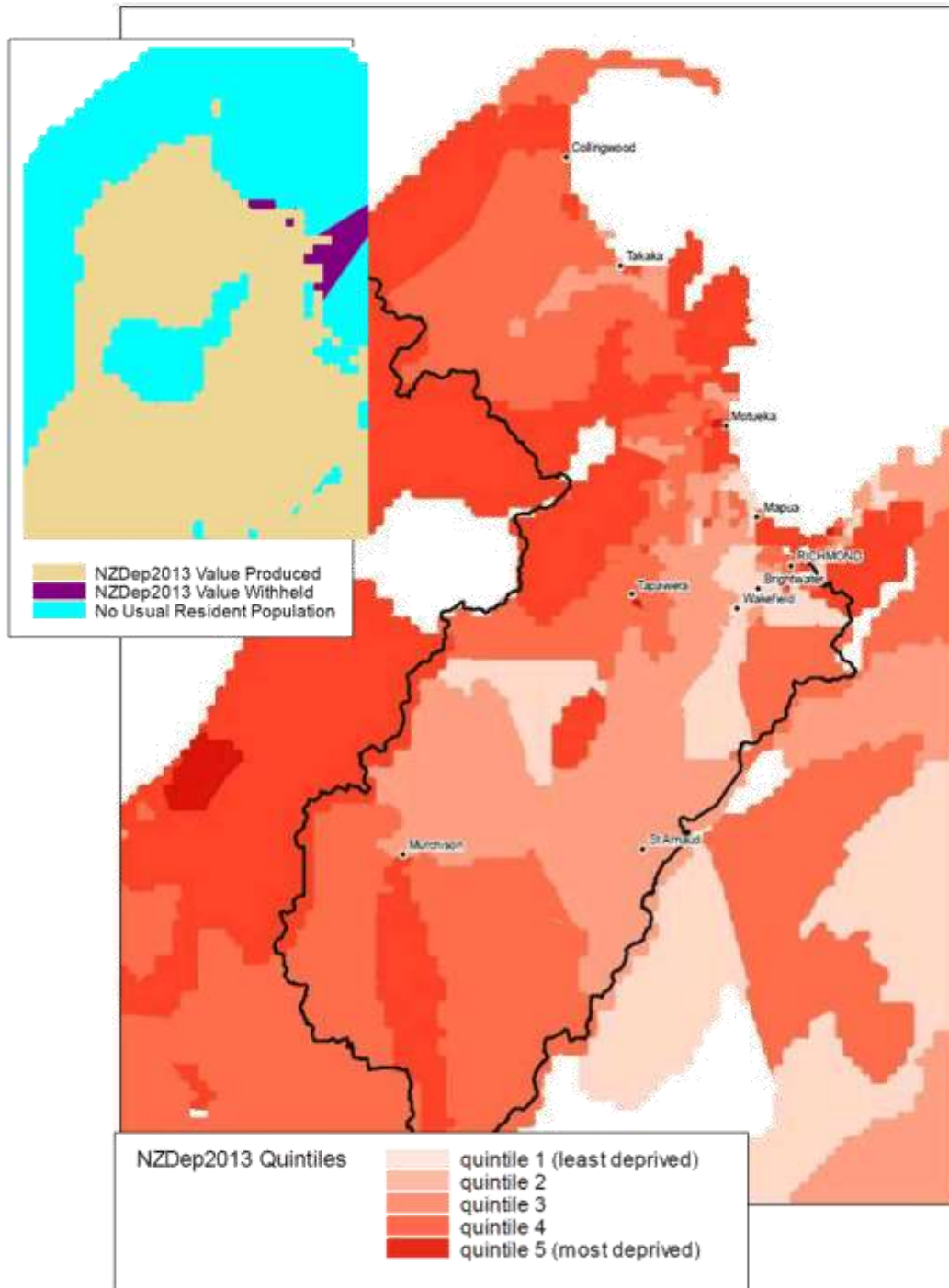
Society name	Venue Name	Venue Physical Address	GM Count 30 June 2016	GM Count August 2018	Change
AIR RESCUE SERVICES LIMITED	Railway Richmond	321 QUEEN STREET	14	14	0
CLUB WAIMEA INCORPORATED	CLUB WAIMEA	345 QUEEN STREET	18	18	0
	MOTUEKA MEMORIAL RSA	49 HIGH STREET	9	9	
MOTUEKA MEMORIAL R.S.A. INCORPORATED	INCORPORATED	MOTUEKA TASMAN DISTRICT 7120			0
New Zealand Community Trust	TAPAWERA HOTEL	84 MAIN ROAD TAPAWERA	3	4	1
PUB CHARITY LIMITED	Armadillos Bar & Grill	121 HIGH STREET MOTUEKA	9	0	-9
	Armadillos Bar Restaurant & Functions Centre	183 QUEEN STREET RICHMOND NELSON 7002	18	18	
PUB CHARITY LIMITED					0
	BRIGHTWATER MOTOR INN	1 LIGHTBAND ROAD BRIGHTWATER	3	9	6
PUB CHARITY LIMITED	COLLINGWOOD TAVERN	TASMAN STREET COLLINGWOOD	4	4	0
PUB CHARITY LIMITED	POST OFFICE HOTEL MOTUEKA	122 HIGH STREET MOTUEKA	18	18	0
	STAR AND GARTER TAVERN	LEVEL 1 252 QUEEN STREET RICHMOND	18	18	
PUB CHARITY LIMITED					0
	WAKEFIELD HOTEL	48 EDWARD STREET WAKEFIELD	8	8	
PUB CHARITY LIMITED					0
THE LION FOUNDATION (2008)	MOTUEKA HOTEL	77 HIGH STREET	12	18	6
	TELEGRAPH HOTEL	2 MOTUPIPI STREET TAKAKA	9	10	1
THE LION FOUNDATION (2008)					0
TRILLIAN TRUST	THE STABLES	1 MCGLASHEN AVENUE	18	18	0
0		Totals	161	166	5
		Plus NCGM available without TA consent	23	16	
		Grand total	184	182	

Gaming machines currently operating at venues:	166
Plus number of gaming machines the venues below can increase by without TA consent:	
WAKEFIELD HOTEL	8
TELEGRAPH HOTEL	8
Plus gaming machines and venues currently within 6 months of surrender date:	
No venues currently within 6 months of surrender date	
Total number of gaming machines that may operate without TA consent	182

Deprivation Indices for Tasman District

Attachment 3

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



Attachment 4 Pub Charity Ltd grants

Pub Charity Ltd
March 2018 donations

TLA 51 - Tasman District	Amount Requested	Amount Approved
Tasman Gymnastics Club Incorporated Two carpeted roll mats	\$4,410.00	\$4,410.00
Motueka High School New sport and school representation uniforms plus 3 projector and dropdown screens, a camera and tripod	\$18,711.42	\$18,711.42
Waimea College Board of Trustees Costs of the sailing team compete at the 2018 secondary schools team sailing national championships	\$2,250.00	\$2,250.00
Wanderers Rugby Football Club Incorporated Rugby playing strips, balls, first aid and training gear	\$18,000.00	\$10,000.00 A
SANZ Nelson Zone Richmond Group Kitchen cabinets \$1,470.99 \$1,470.99	\$15,000.00	\$10,000.00 A
No Child Left Inside Limited Cost of delivering a fundamental skills programme	\$2,207.83	\$2,207.83
SANZ - Tamaha Scout Group Bulkheads installed under the seat		
Total Approved	\$49,050.24	
	No: of applicants 7	

TLA 52 - Nelson City

Nelson Hockey Association Incorporated Travel and accommodation costs	\$10,000.00	\$4,120.00 J
Nelson Basketball Association (Incorporated) Sparks travel cost	\$9,780.00	\$3,000.00 J
Nelson Civic Choir Incorporated Promotion/printing for the Messiah concerts	\$5,000.00	\$5,000.00
Nelson Marlborough Rescue Helicopter Trust Board Ongoing helicopter operations	\$50,000.00	\$20,000.00 J
Saxton Sports Club Incorporated Venue hire, administration contract etc as per resolution	\$6,000.00	\$6,000.00
Adult Learning Support Nelson Incorporated Three laptops and one desk top computer plus other peripherals	\$8,665.74	\$8,665.74
Nelson Rugby Football Club Incorporated Playing strip kit	\$32,193.00	\$12,000.00 J
Federal Hockey Club Turf and Game fees for the 2018 Season.	\$26,692.25	\$12,084.25 A
Total Approved	\$70,869.99	
	No: of applicants 8	

February 2018 donations

TLA 51 - Tasman District

Volleyball Motueka - Golden Bay Incorporated Venue Hire, Competition management, Club Administration and Entry fees	\$4,000.00	\$4,000.00
The Motueka Senior Citizens' Association Inc Tasman Swim Club Inc Omega Touchpads set, Storage Trolley & Omegas OIT5 pushbuttons.	\$39,709.00	\$39,709.00
Nelson Bays Harmony Chorus Training workshop	\$782.00	\$782.00
Total Approved	\$45,181.00	
	No: of applicants 4	

TLA 52 - Nelson City

The Scout Association of New Zealand Theatre hire and costumes	\$6,000.00	\$3,000.00 F
Nelson School of Music Trust Board External lighting	\$9,161.25	\$9,161.25
Nelson Netball Centre Incorporated U17 and U19 representative teams travel	\$13,113.04	\$8,093.91 A
Hearing Association Nelson Incorporated Screening audiometer	\$2,926.00	\$2,926.00
Athletics Nelson Incorporated Accommodation and travel	\$2,600.00	\$2,600.00
Excelsior Marching Travel and accommodation	\$4,000.00	\$4,000.00
The Scout Association of New Zealand Travel and accommodation expenses	\$4,516.00	\$4,516.00
Nelson College For Girls Accommodation	\$16,449.90	\$10,000.00 A
Nayland College Accommodation and Travel	\$12,684.00	\$8,000.00 A
Total Approved	\$52,297.16	
	No: of applicants 9	

January 2018 donations

TLA 51 - Tasman District

Tasman Swim Club Incorporated Pool Lane Hire and Accommodation	\$5,682.95	\$5,682.95
Ranzau School Contribution towards purchase sports uniforms	\$5,000.00	\$5,000.00
Pigeon Valley Steam Museum (2013) Incorporated Renewal of the roofing and laying of the concrete floor	\$4,000.00	\$4,000.00
Waimea Old Boys Rugby Football Club Incorporated Player socks and playing shorts	\$20,927.45	\$10,000.00 A
Garin College Adventure transport trailer and equipment	\$6,965.22	\$6,965.22
Waimea Amateur Swimming Club Incorporated Accommodation	\$2,556.52	\$2,556.52

Waimea Intermediate	\$9,690.00	\$9,690.00
Athletics Richmond Track user fees and new marquee	\$10,070.91	\$10,070.91
Huia Rugby Football Club Inc Rugby balls,playing kits,boot bags etc as per the resolution	\$43,401.35	\$10,000.00 A
Tasman Blue Beats Leisure Marchers Flights and Accommodation	\$6,000.00	\$6,000.00

Total Approved \$69,965.60
No: of applicants 10

TLA 52 - Nelson City

Maitai School Playground equipment	\$10,581.00	\$10,581.00
Nelson City Brass Incorporated New Besson Sovereign Eb Tuba	\$11,000.00	\$11,000.00
NELSON SOUTH SWIMMING CLUB INCORPORATED Accommodation	\$3,000.00	\$3,000.00
Bowls Nelson Incorporated Accommodation and Van Rental	\$6,000.00	\$6,000.00
Nelson Environment Centre Incorporated Van	\$15,000.00	\$15,000.00
The Cawthron Foundation Scholarship for emerging scientist	\$1,000.00	\$1,000.00
Nelson Musical Theatre Incorporated Re-roofing of Nelson Musical Theatre's building.	\$15,000.00	\$15,000.00
Ashton Marching U16 Accommodation and Van Hire for Marching Competition March 2018	\$3,260.00	\$3,260.00
Tahuna Football Club Incorporated Playing Uniforms,equipment and safety gear	\$25,853.16	\$10,000.00 A
Maitahi Outrigger Canoe Club Incorporated Safety Support for annual regatta	\$1,730.00	\$1,730.00
Raupo Scout Group Camping gear	\$12,419.54	\$5,000.00 A
F C Nelson incorporated Four sets of nets	\$796.67	\$796.67
Ashton Marching Accommodation and Van Hire for New Zealand Marching Champs - March 2018	\$3,470.00	\$3,470.00
Kartsport Nelson Incorporated Track Resurfacing	\$40,000.00	\$40,000.00

Total Approved \$125,837.67
No: of applicants 14



9.1 APPLICATIONS FOR COUNCIL CONSENT TO INCREASE GAMING MACHINE NUMBERS

Decision Required

Report To:	Environment and Planning Committee
Meeting Date:	27 April 2017
Report Author:	Graham Caradus, Co-ordinator Environmental Health
Report Number:	REP17-04-03

1. Summary

- 1.1 Two corporate societies operating gaming machines have applied to have an increased number of gaming machines in businesses operated within Tasman District.
- 1.2 The Gambling Act 2003 states that a Council consent is required when any corporate society proposes to increase the number of gaming machines beyond the number they are licensed for, in an existing gaming venue.
- 1.3 Tasman District Council's Gambling Venues Policy establishes processes for applying for consent and for the granting of consent by Council.
- 1.4 This report sets out the relevant factors for each of the two applications for the Environment and Planning Committee of Council to consider.
- 1.5 Both applications met the legal obligations with a minor exception dealt with in the report. The Environment and Planning Committee of Council is entitled to grant either or both applications if it desires.

2. Draft Resolution

That the Environment and Planning Committee

1. receives the Applications for Council consent to increase gaming machine numbers report REP17-04-03; and
2. approves the minor variation from the required process by allowing the recently received Police reports on the applicants that are already on Council records to be used in support of these applications; and,
3. Gives consent to Pub Charity Limited pursuant to section 100(1)(b)(i) of the Gambling Act 2003 for the number of gaming machines operated at the Brightwater Motor Inn to be increased to a maximum of nine; and,
4. Gives consent to New Zealand Community Trust pursuant to section 100(1)(b)(i) of the Gambling Act 2003 for the number of gaming machines operated at the Tapawera Hotel to be increased to a maximum of four.



APPLICATIONS FOR COUNCIL CONSENT TO INCREASE GAMING MACHINE NUMBERS

3. Purpose of the Report

- 3.1 This report brings two applications to increase the number of gaming machines (commonly known as poker machines) in existing venues to the Environment & Planning Committee of Council (EPC).
- 3.2 Council consent is sought by the applicants pursuant to the requirements of the controlling legislation.
- 3.3 The legislative obligations and relevant information that may influence a decision is included in the report.

4. Background and Discussion

- 4.1 The licensing of gaming machines in Tasman District is primarily controlled by the Department of Internal Affairs through the Gambling Act 2003 (the Act). Related policy is contained in the Tasman District Council's Gambling Venues Policy (GVP) September 2010. The Act requires Council to establish and maintain the GVP with three yearly reviews. The GVP was first reviewed on 15 August 2013 and again on 1 September 2016 and remained unchanged on both occasions. The EPC requested that the GVP be reported back for further review in the next year or two and this action remains to be undertaken. The latest staff report to the EPC reviewing the GVP on 1 September 2016 is additional background to these applications and included as Attachment 1.
- 4.2 The GVP establishes a cap on the number of gaming machines that may exist in Tasman District at 220. The most recent section 103 (of the Act) report received by Tasman District is dated 30 June 2016, and is included as Attachment 2. This shows that the maximum number of gaming machines that can operate in the Tasman District without (additional) Council consent is 184. Within the limits set by the Act, 36 gaming machines could therefore be consented by EPC before the capped limit of gaming machines set in the GVP is reached.
- 4.3 The applications are appended as Attachment 3 and Attachment 4 and are discussed as follows.
- 4.4 Pub Charity Limited, for the Brightwater Motor Inn:
 - 4.4.1 The Brightwater Motor Inn is already operating as a gaming machine venue, so this application is not for a new venue, but for an increase in the number of machines within the venue from three to nine. That maximum number of gaming machines that can be operated at this venue pursuant to section 94(2)(a) of the Act is nine.
 - 4.4.2 The NZDep2013 Index of Deprivation published by Department of Health, University of Otago, Wellington Division of Health Sciences, University of Otago in May 2014 (NZ Deprivation Index) shows that Brightwater is one of the least deprived areas within Tasman District. For clarity, that implies that Brightwater is generally well off and that any obligation to consider the social impact of gambling in high deprivation communities during a GVP review is not relevant.



APPLICATIONS FOR COUNCIL CONSENT TO INCREASE GAMING MACHINE NUMBERS

- 4.4.3 In the GVP review in September last year, the density of gaming machines in various communities within the District was broadly defined. The density of gaming machines throughout the District ranged from one gaming machine to 58 persons (1:58) through to 1:650. The density in Takaka, Motueka and Richmond ranged from 1: 140 to 1:168.
- 4.4.4 Currently with three gaming machines in Brightwater, the density is 1:650. The addition of six machines will increase the density to 1:217.
- 4.5 New Zealand Community Trust, for the Tapawera Hotel:
- 4.5.1 The Tapawera Hotel is already operating as a gaming machine venue, so this application is not for a new venue, but for an increase in the number of machines within the venue from three to four. The number of gaming machines that can be operated at this venue pursuant to section 94(2)(a) of the Act is nine.
- 4.5.2 The NZ Deprivation Index shows that Tapawera is in the fifth (highest) quintile of deprivation. Tapawera shares this very low rating with one other small community in the District. The Act requires such high deprivation communities receive an assessment of the social impact of gambling when a GVP is reviewed, but no such legal obligation is imposed for this application as we are not reviewing the Policy.
- 4.5.3 The density of gaming machines in Tapawera is 1:94 and represents the second highest density for any community in the District. The addition of one new machine will increase the ratio to 1:71. That density ratio would remain the second highest in the District.

5. Options

- 5.1 The Act sets out both the process and the possible outcomes for any application for Council consent to increase gaming machines in any venue. The procedure defined by statutory requirements the EPC must follow is:
- 5.1.1 To... *consider and determine ... consent in accordance with the class 4 venue policy (section 100(1)(a) of the Act) ; and... then either-*
- 5.1.1.1 *...grant a consent with or without a condition specifying the maximum number of gaming machines that may be operated at a venue (but with no other condition) [section 100(1)(b)(i) of the Act]; or*
- 5.1.1.2 *...not grant a consent [section 100(1)(b)(ii) of the Act];.*
- 5.1.2 If granting the consent with a condition specifying the maximum number of gaming machines, the EPC *...may not include a condition specifying a maximum number of machines that may be operated at the venue that is fewer than the number of machines that may be operated currently at the venue. (section 100(2)(b) of the Act)*
- 5.1.3 This section of the Act limits the matters that EPC may consider when determining these applications to the requirements established in the GVP.
- 5.2 The objectives of the GVP are set out in Clause 2 of the GVP. Clause 2.3 talks about "the provision of new gambling in the District" which may include the gambling that occurs in any additional gambling machines permitted by the consents sought.



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- 5.3 Clause 2.6 of the GVP talks only about new gambling venues, and unfortunately narrows the intent of the GVP. However, the requirements of section 98 to 100 of the Act are clear. To increase the number of gaming machines in their respective venues, the applicants do need Council consent, and the Council has the range of options detailed above.
- 5.4 If the criteria established in sub-clauses (a); (b); and (d) of clause 3.2 of GVP are met (sub-clause 3.2 (c) does not come into play as it relates specifically to new venues) and the application criteria specified in clause 4 of GVP are met, there are no grounds specified in the GVP for EPC to refuse consents for these applicants.
- 5.5 In summary, the Act provides the EPC with the discretion to grant, refuse to grant, or in the case of the Brightwater Motor Inn, partially grant the application. However, the GVP appears to offer no such freedom of choice. Clause 3.2 of the GVP implies that the EPC's consent is only dependent on meeting the criteria specified in that clause.

6. Strategy and Risks

- 6.1 Strategy in relation to gaming machines and venues is established by the GVP.
- 6.2 Section 91 of the Act provides considerable protection for councils. It states: "*No compensation is payable by...a territorial authority to any person for any loss or damage arising from the enactment or operation of sections 89 to 101 or section 102(5A).*"
- 6.3 No appeal provisions are included in the Act, so with the exception of judicial review, no process of appeal or review exists for the applicants after EPC has determined these consents.

7. Policy / Legal Requirements / Plan

- 7.1 Two separate legislative controls exist that the EPC is requested to consider, as follows:
- 7.2 The GVP sets out a process that the applicants must follow. A summary of the various components in Clause 3 and 4, is as follows:
- 7.2.1 With the exception of the Police reports which are discussed in the following paragraph, application and fee requirements have been met.
- 7.2.2 Evidence of a police clearance for owners and managers of the venue is required with the application. This has not been provided, but both applicants note that Police clearances have been provided for recent alcohol licensing purposes and request that those clearances be used. The details are as follows:
- 7.2.2.1 Brightwater Motor Inn: The relevant Police clearances required are for the owner of the business; J K Pontiac Limited, and the managers, Tom and Susan Smith, who are the shareholders of the applicant company. A Police clearance in relation to alcohol licensing was obtained for the applicant company on 2 February 2017.
- 7.2.2.2 Tapawera Hotel: The relevant Police clearances required are for the owner of the business; Corazon Dennett and the manager Kevin Gilovitch. Ms Dennett's Police clearance for the alcohol licence renewal was



APPLICATIONS FOR COUNCIL CONSENT TO INCREASE GAMING MACHINE NUMBERS

received 10 February 2017, and Mr Gilovitch's Police clearance was obtained as part of his Managers Certificate renewal on 12 September 2016. The covering letter supporting the application from NZCT appears to confuse the role of the manager and owner of the business (licensee). However this confusion is not considered to be an error that is fatal to the application as the formal application required by the GVP is accurate.

7.2.3 Harm minimisation policies; site plans; evidence of capacity for the increase in gaming machines within the GVP imposed cap; and name and address details of both the applicant and premises have all been provided in the applications.

7.2.4 Both applicants have undertaken advertising of the proposed increase in gaming machines. Submission received within 10 working days of the posting of those advertisement are attached and labelled Attachment 5 Submissions received, and in summary are:

7.2.4.1 Brightwater Motor Inn: five submissions received within the specified period and one late submission received. All six submissions support the application.

7.2.4.2 Tapawera Hotel: No submissions received.

7.3 The legislative controls imposed by the Act are detailed in "Options" above.

8. Consideration of Financial or Budgetary Implications

8.1 There are no financial or budgetary implications for Council. Both applicants have paid the required application fee.

9. Significance and Engagement

9.1 This is a straightforward consent application. Both applicants placed public notices in the Nelson Mail newspaper inviting submission to Council within 10 working days. The result of that advertising is detailed in 7.2.4 above, and is summarised as supportive in relation to the Brightwater Motor Inn application, and no submission was received on the Tapawera Hotel application.

9.2 This is not a matter that triggers the

10. Conclusion

10.1 There are no grounds for Environment & Planning Committee to refuse consent for either application.

11. Next Steps / Timeline

11.1 The Environment & Planning Committee decision on these applications will be provided to the respective applicants as soon as it is available.



APPLICATIONS FOR COUNCIL CONSENT TO INCREASE GAMING MACHINE NUMBERS

11.2 If consent is granted, formal letters detailing that consent will be provided to the applicants and the Department of Internal Affairs.

12. Attachments

1. Attachment 1: Review of Gambling Venues Policy
2. Attachment 2: Section 103 Report 30 June 2016
3. Attachment 3: Pub Charity Ltd for Brightwater Motor Inn
4. Attachment 4: NZCT for Tapawera Hotel
5. Attachment 5: Submissions received.

9.2 REVIEW OF CONTROL OF LIQUOR IN PUBLIC PLACES BYLAW**Decision Required**

Report To:	Environment and Planning Committee
Meeting Date:	6 September 2018
Report Author:	Graham Caradus, Co-ordinator Environmental Health
Report Number:	REP18-09-02

1 Summary

- 1.1 The current Tasman District Council Consolidated Bylaw, Chapter 3, Control of Liquor in Public Places Bylaw 2012 (the expiring Bylaw) expires on 18 December 2018, a review of the expiring Bylaw is intended to be completed before that date.
- 1.2 It is proposed that the draft Bylaw will replace the expiring Bylaw
- 1.3 The draft bylaw is to the same effect as the expiring bylaw, with the only changes reflecting administrative changes i.e. the title and content to reflect the empowering legislation and should otherwise have the same content as the expiring Bylaw. The draft would be known as the Tasman District Council Consolidated Bylaw, Chapter 3, Control of Alcohol in Public Places Bylaw 2018 (draft bylaw).
- 1.4 No changes are intended to either the areas that the proposed bylaw will control, or the times during which those controls will apply. Changes made to the proposed draft bylaw are all of an administrative nature and reflect changes in the empowering legislation.
- 1.5 A recommendation is made to commence the special consultative procedure to renew the expiring bylaw.

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

1. **receives the Review of Control of Liquor in Public Places Bylaw REP18-09-02 report; and**
2. **approves the statement of proposal for the Draft Consolidated Bylaw- Chapter 3 – Control of Alcohol in Public Places 2018 for consultation ; and**
3. **approves the Summary of Information for the Draft Consolidated Bylaw- Chapter 3 – Control of Alcohol in Public Places 2018 for consultation ; and**
4. **agrees the commencement of the special consultative procedure to the draft *Consolidated Bylaw – Chapter 3 Control of Alcohol in Public Places 2018*, shall be by public notice in newspapers and Council Web site ; and**
5. **agrees that the submission period shall commence on 14 September 2018 and will end at 4.30pm on 15 October 2018: and**

6. **approves the hearing of submissions on the draft *Consolidated Bylaw – Chapter 3 Control of Alcohol in Public Places 2018* by a hearing committee on 1 November 2018.**
- 7 **appoints Councillor XXXX as the chairperson, and Councillors XXXX, XXXX, XXXX to the hearing committee**

3 Purpose of the Report

- 3.1 To facilitate the replacement of the expiring Tasman District Council Consolidated Bylaw, Chapter 3, Control of Liquor in Public Places 2012 (the expiring bylaw). The replacement bylaw, in recognition of the change in empowering legislation, will be known as the Tasman District Council Consolidated Bylaw, Chapter 3, Control of Alcohol in Public Places 2018 (the draft Bylaw).

4 Background and Discussion

- 4.1 The Council brought the expiring bylaw into effect on 14 December 2012. Previous iterations of the expiring bylaw had commenced in 2004, and been amended in 2007, 2008 and 2012. Each new iteration of the bylaw included additional areas and times within the control of the bylaw. All versions of the bylaw resulted from requests by Police to allow them to control perceived issues with alcohol related crime or disorder in the district.
- 4.2 The expiring Bylaw was made under the provisions of the Local Government Act 2002 (LGA) and care was taken to ensure that it was in place before the anticipated Local Government (Alcohol Reform) Amendment Act 2012 (LGA amendment) came into existence on 18 December 2012. That Act was given Royal assent on 18 December 2012, and the Act came into force on 18 December 2013.
- 4.3 The process in place when the expiring Bylaw was promulgated required the provisions of the Local Government Act 2002 (LGA) to be complied with. In very general terms, that required a specific process to be followed, and for the Council to have considered all practical options for achieving the desired objective, and to have considered the merits of those options.
- 4.4 The effect of the LGA amendment was three fold as follows:
- 4.4.1 Firstly, it established an additional and rigorous procedure for establishing any area that was to be controlled by an alcohol control bylaw. To introduce a new area of control into the expiring bylaw would require Council to: “...*be satisfied that – there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area...*” (The Writer’s underlining.)
- 4.4.2 Secondly, it caused the bylaw to expire well before its expected 10 year expiry date, by limiting the life of the expiring bylaw to five years after the commencement of the LGA amendment.
- 4.4.3 Finally the controls imposed by Local Government (Alcohol Ban Breaches) Regulations 2013 came into effect, and provided an infringement offence provision for Police to use in administering the bylaw.
- 4.5 The position to be reached by Council if a bylaw is to be replaced, is for Council to be satisfied that (quote S147A(3) LGA amendment)
- (a) *the bylaw can be justified as a reasonable limitation on people’s rights and freedoms; and*
 - (b) *a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and*

- (c) *the bylaw is appropriate and proportionate in the light of that likely crime or disorder.*

(The Writer's underlining.)

- 4.6 The subtlety is that to replace the existing bylaw, Council must be satisfied that alcohol related crime and disorder is likely to return, or is likely to arise in the identified areas if the bylaw is not made. Such conclusions may be drawn from Attachment 1 - Police Letter, relating to the review. The provision of evidence that there is a high level of alcohol related crime or disorder is a much more stringent test, but only required before a new area of control could be introduced into the bylaw, and that is not currently recommended.
- 4.7 No change is sought for any of the times of operation, or for the areas controlled by the draft Bylaw compared with the expiring bylaw. Other than changes that reflect the differences required by the LGA amendment and new infringement regulations, no change to the expiring bylaw is recommended.
- 4.8 In general, the advice received from Police is that the expiring bylaw is one of the most useful tools they have to control alcohol related crime.
- 4.9 Feedback from the public is consistently positive on the effects of the expiring bylaw, with the only complaint about its effects being that it could be wider spread in its controls. Service requests received since the commencement of the expiring bylaw in December 2012 have been:

Date of complaint	Nature of complaint or enquiry	Status of the complainant
23/04/2014	Enquiry about obtaining an exemption	Organizer of a wedding
3/12/2014	Complaint about persons breaching the liquor ban	Local resident
5/12/2014	Question about transporting liquor through a ban area	Local resident
25/05/2015	Request for inclusion in liquor ban area	Local resident
13/07/2015	Complaint about persons breaching the liquor ban	Local resident
30/11/2015	Question re location of liquor ban area at Rabbit Island	Local resident
26/12/2015	Complaint about persons breaching the liquor ban	Local resident
30/12/2016	Request for additional signs in liquor ban area	Police
09/02/2018	Request for additional signs in liquor ban area	Police

- 4.10 The exemption provisions provided for in the bylaw are not frequently sought, but every legitimate application received has been granted.
- 4.11 Police state that they have little concern with people making low risk technical breaches of the liquor bans if they are doing so in a manner that is not likely to result in alcohol related crime or disorder. For example, a couple sharing a bottle of wine during a picnic lunch in Washbourn Gardens is unlikely to attract Police attention. Conversely, a car in the adjacent car park, which is the focal point of a group who are just socializing and drinking alcohol is likely to be considered a higher risk behaviour, and likely to attract Police attention that may result in some level of enforcement.

- 4.12 During hearings for the expiring bylaw, some submitters expressed concern that the Police may be overly zealous in administering the bylaw in circumstances that may not warrant their involvement. No such complaint has been received since the commencement of the original version of the expiring bylaw in 2004, which suggests that Police are responding only on occasions that are appropriate.
- 4.13 As with previous iterations of the expiring bylaw, exemptions are provided for the transporting of unopened containers of alcohol, and reflect the provisions contained in the LGA.

5 Options

- 5.1 If the controls imposed by the expiring bylaw are intended to remain in effect, a replacement bylaw must be enacted prior to its expiry on 18 December 2018.
- 5.2 If the existing Bylaw is allowed to expire, the controls imposed on consumption of alcohol in public places is lost, and it could be anticipated that the rates of crime and disorder related to alcohol consumption that existed prior to the bylaw, would return.
- 5.3 If rates of crime and disorder related to alcohol consumption returned, Council could then consider a new bylaw under the new criteria detailed in paragraph 4.4.1.
- 5.4 The proposed draft bylaw is identical to the expiring bylaw in terms of the time and location controls imposed. The expiring bylaw has been in place for more than five years. Only positive comment has been received about the provisions of the expiring bylaw. Frequent comment is received from people wanting to see signs repainted.

6 Strategy and Risks

- 6.1 The effective replacement of the current bylaw is dependent on the entire process being completed prior to 18 December 2018.

7 Policy / Legal Requirements / Plan

- 7.1 The LTP is not impacted by the replacement of the bylaw.
- 7.2 The TRMP does not link in any way to the effects of the draft bylaw.
- 7.3 No Council Policies are directly impacted by the effects of the draft bylaw, however, it does compliment the Local Alcohol Policy in that it assists in reducing alcohol related harm.
- 7.4 The mandated process defined in the LGA for making the draft bylaw has been followed, and the approval sought by this report to commence a special consultative process is the first step in the review process. A copy of the Statement of Proposal including the draft bylaw is appended as **Attachment 2** and Summary of Information as **Attachment 3**.

8 Consideration of Financial or Budgetary Implications

- 8.1 Whilst the draft bylaw is produced by Council, and administrative processes associated with giving the bylaw legal effect are undertaken by Council, enforcing the practical and coercive aspects of the bylaw is undertaken entirely by Police.

- 8.2 Similar bylaws have been in place since 2004. The main costs to Council relates to the administration processes involved in making the bylaw, and maintaining signage. Sign maintenance is typically achieved by part time summer students, but some signage will need to be brought up to date with the details of the proposed draft bylaw. It is anticipated this can be managed within existing budgets.

9 Significance and Engagement

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low	The only change is to exchange the word "liquor" with the word "alcohol" throughout the Bylaw. No change is made to effect.
Is there a significant impact arising from duration of the effects from the decision?	Low	Council may review the bylaw at anytime.
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 Council's levels of service?	Low	
Does the decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N.A.	
Does the decision involve entry into a private sector partnership or contract to carry out the delivery of any Council group of activities?	N.A.	
Does the decision involve Council exiting or entering into a group of activities?	N.A.	

- 9.1 Whilst Council is required to promulgate this bylaw and provide warning signs for those areas defined in the bylaw, the complex and potentially risky function of enforcing the provisions of the bylaw is the sole domain of the Police. The Police are very supportive of the Bylaw as it provides them with a very practical tool to prevent alcohol related crime or disorder from occurring.

10 Conclusion

- 10.1 Police state that there is a high correlation between alcohol consumption and crime and disorder. The expiring bylaw is reported by Police to have been one of the most useful tools available to them to use as a pre-emptive means of preventing alcohol related crime or disorder.
- 10.2 For these reasons, the replacement of the expiring bylaw with the proposed draft bylaw is recommended to occur as set out in the timeline below.

11 Next Steps / Timeline

- 11.1 14 September 2018 - Commencement of the public consultation procedure on the draft bylaw ;
- 11.2 16 October 2018 - Close of public consultation;
- 11.3 1 November 2018 – Hearing of submissions on the draft bylaw;
- 11.4 13 December 2018 – Adoption of Tasman District Council Consolidated Bylaw, Chapter 3, Control of Alcohol in Public Places 2018.

12 Attachments

- | | | |
|----|---|-----|
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| 2. | Attachment 2 - Draft Consolidated Bylaw - Chapter 3 - Statement of Proposal | 69 |
| 3. | Attachment 3 - Summary of Information | 113 |



19 August 2018

Mr Graham CARADUS
Environmental Health
Tasman District Council

RE: Submission for consideration in the review of the Tasman District Council Control of Liquor in Public Places Bylaw 2012.

My name is Sergeant Kyle BRUNING. I have been in the Police for 12 years, all of which has been spent in the Nelson Bays area. For the past 2 years I have been the Alcohol Harm Prevention Officer for Nelson Bays Police.

My role, essentially, is to ensure the object of the Sale and Supply of Alcohol Act 2012 is met.

Section 4 of the Sale and Supply of Alcohol Act 2012 states;

(1) The object of this Act is that—

(a) the sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and

(b) the harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

(2) For the purposes of subsection (1), the harm caused by the excessive or inappropriate consumption of alcohol includes—

(a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and

(b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).

As mentioned in the Tasman District Council, Control of Liquor in Public Places Bylaw 2007, *“The purpose of this bylaw is to enhance the safety of the public and allow their responsible enjoyment of public places in the District. It provides for liquor control in specified public places, at specified dates and times, with the aim of reducing alcohol related behaviour and offences.”*

Clearly this is directly in line with the object of the Sale and Supply of Alcohol Act 2012.

The bylaw is an extremely valuable tool for Nelson Bays Police. It enables police to adopt a proactive and preventative approach to alcohol consumption within the specified areas therefore reducing alcohol related harm to the community.

Previously, in 2007, 2008 and 2012 Police requested additional areas and times to be included in the bylaw which had initially commenced in 2004.

These additional areas and times were requested as Police were continuing to experience issues with alcohol related crime, disorder and harm within the Tasman District.

Sergeant Steve SAVAGE who previously held the Alcohol Harm Prevention Officer role for Nelson Bays Police stated in a previous report that *“the implementation of local liquor ban bylaws had an almost immediate affect on the areas included in the bylaw. Soon after implementation the identified trouble spots were transformed, alcohol related harm decreased, and the community was a lot safer”*.

Police believe the existing Tasman District Council Control of Liquor in Public Places Bylaw 2012 contains the specified areas and times of concern for Police. There are currently no further areas within the Tasman District in which police are experiencing a high level of alcohol related crime or disorder.

I have recently received some alcohol related crime data for the Tasman District from Police National headquarters in Wellington. This data is difficult to analyse but clearly shows some crime is still occurring within the area.

What the data does not show is the number of crimes, disorder or amount of alcohol related harm that has been prevented as a result of the Bylaw. Whilst it is difficult to show how much alcohol related harm has been prevented, it is accepted by Police nationally that Control of Liquor in Public Place Bylaws significantly reduce alcohol related harm within those specified public places.

As a police officer of 12 years experience in the Nelson Bays area, including the last 2 years as the Alcohol Prevention Officer, I, and the Nelson Bays Police, believe the Control of Liquor in Public Places Bylaw 2012 is one of the best tools police have to keep our community safe.

Police believe it is in the best interests of the general public to continue the Bylaw. This will allow the Police to maintain the proactive, preventative approach and allow the continuance of responsible enjoyment of public places within the Tasman District.

Further to that Police believe that a high level of alcohol related crime, disorder and harm will likely arise in the area to which the bylaw is intended to apply if the Bylaw is not continued.

Nelson Bays Police recommend and request that the Tasman District Council, Control of Liquor in Public Places Bylaw 2012 is continued without amendment.

Yours sincerely



Kyle BRUNING
Sergeant KBBA98
Alcohol Harm Prevention Officer
Nelson Bays Police



Draft Consolidated Bylaw – Chapter – Control of Alcohol in Public Places 2018

Statement of Proposal

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1. Introduction

Tasman District Council is replacing its expiring Consolidated Bylaw - Chapter 3 - Control of Liquor in Public Places 2012 and is seeking your views on a proposed draft Consolidated Bylaw - Chapter 3 — Control of Alcohol in Public Places 2018 (draft bylaw). The proposed draft Bylaw contains exactly the same areas and times of control as the expiring bylaw. When adopted the draft Bylaw will repeal the existing 2012 Bylaw. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 and the Bylaws Act 1910, and includes:

- The reasons for the proposal, and
- The proposed draft Consolidated Bylaw —Chapter 3—Control of Alcohol in Public Places 2018 (draft bylaw), and
- Information on how to make a submission and the associated forms.

2. Reason for the Proposal and Determinations

The Local Government (Alcohol Reform) Amendment Act 2012 compels Council to undertake this replacement of the Bylaw if it is to be retained as a functional bylaw.

Police have advised Council that there is a high correlation between alcohol consumption and crime or disorder in public places. The previous version of the bylaw has been in effect for over five years, and is reported by Police to be one of the most useful tools available to them as a pre-emptive means of deterring alcohol related crime or disorder.

Factors assessed have been:

- The reasons that the control of the consumption of alcohol in public places is desirable;
- Other means by which similar results may be achieved;
- The period over which identical controls have been in place with no relevant complaint;
- The acceptance and general support for the existing bylaw provisions;
- The provisions in the draft bylaw, which include exemptions including a simple, no cost, quick exemption when needed for low risk events.

Having assessed the effects of Council's previous bylaws and the means available to us to protect the community from the effects of alcohol related crime and disorder, the Council considers that:

- (a) the bylaw can be justified as a reasonable limitation on people's rights and freedoms; and
- (b) a high level of crime or disorder (being crime or disorder caused or made worse by alcohol consumption in the area concerned) is likely to arise in the area to which the bylaw is intended to apply if the bylaw is not made; and
- (c) the bylaw is appropriate and proportionate in the light of potential alcohol related crime or disorder.
- (d) That the proposed draft Consolidated Bylaw — Chapter 3 Control of Alcohol in Public Places 2018 is not inconsistent with the New Zealand Bill of Rights Act 1990 in regard to the rights of people to move freely.

3. Background

A series of Bylaws have controlled the consumption of alcohol (previously described as liquor) in public places in Tasman District since the first iteration of the Consolidated Bylaw — Chapter 3 — Control of Liquor in Public Places 2004.

The initial Consolidated Bylaw — Chapter 3 — Control of Liquor in Public Places 2004 was made after Police concerns relating to crime and disorder associated with consumption of alcohol in public places were discussed with Council. Possible means of control were examined, and it was eventually decided that a bylaw would offer the most pragmatic and effective solution.

That Bylaw has been amended in 2007, 2008 and 2012 and on each occasion it has been as a result of Police submission requesting assistance to control alcohol related crime or disorder in additional areas, or for additional periods of time. It is thought that the last review of the bylaw in 2012 achieved an appropriate level of control, at times that are appropriate.

Administrative changes and a revised expiry date for the existing bylaw have been brought in by Local Government (Alcohol Reform) Act 2012 and the Local Government (Alcohol Ban Breaches) Regulations 2013. To comply with the changes that Act and Regulations brought in, it is necessary to replace the existing Consolidated Bylaw — Chapter 3 Control of Liquor in Public Places 2012.

Areas where the Bylaw will Apply

The proposed draft bylaw is limited in the locations to which it will have effect as described in the schedule of the draft bylaw. Those areas controlled are all specifically prescribed in the schedule to the

draft bylaw in words, and marked on aerial photographs. Only those locations within the prescribed areas that fit the draft bylaw's description of a public place will come under the control of the draft bylaw. Private land, to which the public do not have access, and premises licensed for the sale of alcohol are excluded from the control imposed by the draft bylaw.

If Council wished to include new areas of control in the draft bylaw, it would need to provide evidence that those areas have experienced a high level of crime or disorder that is caused or made worse by alcohol consumption in that area. As no such evidence has been provided at the time of this review, legislation prevents new areas of control from being included in the proposed bylaw.

Manner in which the draft bylaw will be administered and enforced.

Process to Date

In order to ensure we have the most effective Bylaw, Council has:

- Assessed the effectiveness of the expiring Bylaws in controlling alcohol related crime and disorder by talking to Police.
- Analysed complaints and other service requests relating to the previous Liquor ban bylaws.
- Noted informal feedback from the public.
- Considered the administrative changes necessary to comply with the Local Government (Alcohol Reform) Act 2012 and the Local Government (Alcohol Ban Breaches) Regulations 2013.

Through this process the effects of the previous liquor ban bylaws have been considered, and Council now seeks to replace the bylaw without changing any of the areas or times controlled. Your feedback on what is proposed is sought. If you wish to make a submission please see the relevant information below on how you can do this.

4. Who We Will Consult With

The harm and disorder that may be contributed to by the consumption of alcohol in public places impacts on the entire community. In this review process, Council will consult with:

- The entire community;
- NZ Police;
- The Medical Officer of Health.
- Hospitality NZ

5. How to Provide Feedback

Submission forms are available at the end of this document and online at:
www.tasman.govt.nz

[.nz/alcoholbanreview](http://www.tasman.govt.nz/alcoholbanreview) The submission form

is a guide so that you can tell us:

- what aspect of the draft bylaw you would like to comment on;
- what decision you would like made;
- the reasons for your submission; and,
- whether you wish to be heard by Council.

Important note about this bylaw making process:

If Council wished to include new areas of control in the draft bylaw, it would need to provide evidence that those new areas have experienced a high level of crime or disorder that is caused or made worse by alcohol consumption in that area. As no such evidence has been provided by Police during this current process, legislation prevents new areas of control from being included in the proposed draft bylaw.

You can make a submission by:

- entering it online at: <http://www.tasman.govt.nz/alcoholbanreview>
- or by sending your written submission to:

Executive Assistant - Environment & Planning
 Draft Consolidated Bylaw - Chapter 3 - Control of Alcohol in
 Public Places 2018 Tasman District Council
 Private Bag 4
 Richmond 7050

- or drop your written submission into the Council Offices at:
 - o 189 Queen Street,
Richmond
 - o 7 Hickmott Place, Motueka,
 - o 78 Commercial Street, Takaka
 - o 92 Fairfax Street, Murchison
 - o or your local library
- or you could email your submission to:

info@tasman.govt.nz

- or you could fax your submission to 03 543 9524.

Submissions close at 4.30pm on Tuesday, 16 October 2018

6. Proposed Draft Consolidated Bylaw - Chapter 3 - Control of Alcohol in Public Places.

Below is a full copy of the Council's proposed Draft Consolidated Bylaw — Chapter 3 - Control of Alcohol in Public Places 2018.

Proposed Changes

The only changes proposed from the expiring Consolidated Bylaw - Chapter 3 - Control of Liquor in Public Places 2012 to the proposed draft Consolidated Bylaw - Chapter 3 - Control of Alcohol in Public Places 2018 relate to administrative matters imposed by the Local Government (Alcohol Reform) Amendment Act 2012 as well as the Local Government (Alcohol Ban Breaches) Regulations 2013. For example, the word "liquor" is replaced by the word "alcohol", and infringement fine provisions replace the previous offence provisions. All of the times and public places that alcohol consumption is controlled remain unchanged from the 2012 Bylaw.

Considerations

The Council considers that the proposed draft Consolidated Bylaw — Chapter 3 - Control of Alcohol in Public Places 2018 (draft Bylaw) is necessary to control alcohol related crime or disorder in those public places for the times and locations defined in the draft bylaw. Council also considers that the proposed draft bylaw is appropriate and proportionate in the light of the likely crime or disorder if the effect of the bylaw was to cease.

Council has received comment from Police that the expiring bylaw is effective in reducing alcohol related crime or disorder in the areas it controls. If Council wished to include new areas of control in the draft bylaw, it would need to provide evidence that those areas have experienced a high level of crime or disorder that is caused or made worse by alcohol consumption in that area. As no such evidence from Police was presented during initial consultation, legislation prevents new areas of control from being included in the proposed bylaw.

Additionally, the Council considers that the proposed draft bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990, and does not unlawfully interfere with the rights of people to move around the Tasman District.



Tasman District
Council Draft
Consolidated
Bylaw

Chapter 3

CONTROL of ALCOHOL IN PUBLIC
PLACES

2018

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The Tasman District Council in pursuance of the powers contained in the Local Government Act 2002, the Bylaws Act 1910, and any other authority enabling it in this behalf hereby makes the following Bylaw.

1 TITLE AND COMMENCEMENT

- (a) This Bylaw shall be known as the Consolidated Bylaw —Chapter 3 - Control of Alcohol in Public Places 2018.
- (b) The Bylaw shall come into effect on 18 December 2018

2 INTERPRETATION

Act means the Local Government Act 2002 as amended, including by the Local Government (Alcohol Reform) Amendment Act 2012.

Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Alcohol ban means a bylaw made under section 147 of the Local Government Act 2002

A limited amount of alcohol means no more than three standard drinks per person.

Chief Executive means the person for the time being exercising the functions of the Chief Executive of the Council.

Council means the Tasman District Council.

Enforcement Officer has the same meaning as the definition in section 243 of the Act, and in relation to an alcohol ban, means a constable.

Hours means:

- (a) For the Kaiteriteri and environs Alcohol Ban Area; from 1 December until 1 March the following year inclusive every year, between 4.00 pm and 7.00 am the following day, and; from 2 March to 30 November inclusive every year, between 7.00 pm and 7.00 am the following day.
- (b) For Motueka CBD Area Alcohol Ban, Richmond CBD Alcohol Ban Area, and Takaka and environs Alcohol Ban Area, 24 hours per day.
- (c) For the Riwaka and environs Alcohol Ban Area from 1 December until 1 March the following year inclusive every year, 24 hours per day, and; from 2 March to 30 November inclusive every year, between 7.00 pm and 7.00 am the following day.
- (d) For all other areas in which an alcohol ban is established by this bylaw between 7.00 pm and 7.00 am the following day.

licensed premises has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012

Low risk activity means those situations, occasions, activities or events that Council or Council Officers consider are unlikely to lead to alcohol related harm.

1.

Infringement offence

- (a) means an offence specified as such by regulations under section 259(a) of the Act; and
- (b) includes a breach of an alcohol ban.

Public Place

- (a) means a place that is open to or is being used by the public, whether free or on a payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
- (b) does not include licensed premises.

Schedule A Public Place means a public place within the area described in Schedule A hereto.

3 PROHIBITED ACTS

No person shall:

- (a) bring alcohol into;
- (b) possess alcohol in; or
- (c) consume alcohol in;

any Schedule A Public Place at any time during the hours specified in respect of that public place, within that schedule.

4 ADDITION OR DELETION OF PUBLIC PLACES**4.1 Resolution of the Council**

The Council may from time to time by resolution adopted following the use of the special consultative procedure in accordance with Section 83 of the Act, add to Schedule A hereto other public places to which the provisions of this Bylaw shall then apply for any period specified in the resolution, or amend the period applying in respect of any listed public place, or in like manner may delete from Schedule A those public places in respect of which it considers this Bylaw should no longer apply.

4.2 Public Notice of Resolution

Every resolution made pursuant to Clause 4.1 above shall be publicly notified at least 14 days before it shall take effect.

5 EXEMPTIONS**5.1 Taking Alcohol To or From Premises**

This Bylaw does not prohibit, regulate, or control, in the case of alcohol in an unopened container,—

2.

- (a) the transport of the alcohol from licensed premises next to a public place, if—
 - (i) it was lawfully bought on those premises for consumption off those premises; and
 - (ii) it is promptly removed from the public place; or
- (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
- (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- (d) the transport of the alcohol from premises next to a public place to a place outside the public place it
 - (i) the transport is undertaken by a resident of those premises; and
 - (ii) the alcohol is promptly removed from the public place.

5.2 Licensed Premises

This Bylaw does not prohibit the possession of or consumption of alcohol in any public place, or part of a public place, where such is authorised by a licence issued under the Sale and Supply of Alcohol Act 2012.

5.3 Council Permission

- 5.3.1 Any person may apply to the Council for prior written permission for any low risk activity involving a limited amount of alcohol that would be in breach of any prohibition under clause 3 of this Bylaw.
- 5.3.2 The process for obtaining the Council's permission is by application on the form contained in Schedule B to this Bylaw.
- 5.3.3 Written permission in accordance with this section of the Bylaw may be granted by Council, the Chief Executive of Council, or any Tasman District Council staff member that holds a current appointment as a Licensing Inspector pursuant to section 197 of the Sale and Supply of Alcohol Act 2012.
- 5.3.4 Written permission granted in accordance with this section of the Bylaw may include conditions relating to:
 - (i) The date and time the exemption applies;
 - (ii) The person or number of persons that are required for running the activity during the period the exemption applies;
 - (iii) The nature of the activity associated with the exemption;

- (iv) The numbers of persons that may attend the event while the exemption applies;
- (v) What controls may be required to ensure anyone under the age of 18 will not have access to alcohol at the activity;
- (vi) How much alcohol will be available;
- (vii) What host responsibility provisions will apply, including provision of food, low or non-alcoholic drinks, and alternative transport options.

6 POWERS OF ARREST, SEARCH AND SEIZURE

Powers of arrest, search and seizure are provided to Police by section 169 of the Act.

7 SPECIFIED EVENTS

Prohibition of Vehicles and Consumption or Possession of Alcohol

The Council may, where it considers it appropriate for the safe and effectual holding in any public place or part of a public place of any public event, function or gathering, by resolution publicly notified no less than 14 days before the event:

- (a) prohibit the consumption of alcohol in the specified public place during that period or periods, the bringing of alcohol into the specified public place during that period or periods, and the possession of alcohol in the specified public place during that period or periods;
- (b) and may also in conjunction with the prohibition relating to alcohol in (a) above prohibit the presence or use of any vehicle in a public place.

8 CONSTABLES MAY REQUIRE CERTAIN INFORMATION

A constable who believes on reasonable grounds that a person is committing or has committed an infringement offence may direct the person to give the constable his or her name, address, and date of birth.

9 BREACH OF BYLAW AND PENALTY

Any person who acts in breach of any provision of this Bylaw commits an offence against this Bylaw and is liable to an infringement fine as set out in the Local Government (Alcohol Ban Breaches) Regulations 2013

4.

10 REPEAL

On the day on which this bylaw shall come into operation, the Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places Bylaw 2012 shall be deemed to be repealed.

11 DATE BYLAW MADE

This Bylaw was made by the Tasman District Council at a meeting of the Council 13 December 2018

The common seal of the Tasman District Council is attached in the presence of:

Mayor

Chief Executive

Advice Note

The following powers, definitions and processes relating to a bylaw controlling alcohol in public places, are copied and pasted from the Local Government Act 2002, as amended by the Local Government (Alcohol Reform) Amendment Act 2012 and the Local Government (Alcohol Ban Breaches) Regulations 2013. This advice note does not form part of the Bylaw, but is included to assist with the interpretation of this Bylaw.

Relevant Provisions of the Local Government Act 2002

169 Powers of arrest, search, and seizure in relation to alcohol bans

(1) In this section and in sections 169A and 170,—

alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012

alcohol ban means a bylaw made under section 147

offence means a breach of an alcohol ban

restricted place means a public place (within the meaning of section 147(1)) in respect of which an alcohol ban is in force.

(2) A constable may, without warrant,—

(a) for the purpose of ascertaining whether alcohol is present, search—

(i) a container (for example, a bag, case, package, or parcel) in the possession of a person who is in, or entering, a restricted place; or

(ii) a vehicle that is in, or is entering, a restricted place:

(b) seize and remove any alcohol (and its container) that is in a restricted place in breach of an alcohol ban:

(c) arrest any person whom the constable finds committing an offence:

(d) arrest any person who has refused to comply with a request by a constable—

(i) to leave a restricted place; or

(ii) to surrender to a constable any alcohol that, in breach of an alcohol ban is in the person's possession.

(3) Alcohol or a container seized under subsection (2)(b) is forfeited to the Crown if the person from whom the alcohol or container is seized pays the infringement fee.]

6.

[Matters of proof in relation to bylaws prohibiting alcohol in public place]

169A Proving substance is alcohol in relation to alleged breach of alcohol ban

- (1) In this section, labelled trade container means a container that is of a type sold in the ordinary course of trade, and is labelled to the effect that it contains 1.15% or more ethanol.
- (2) This subsection applies to a substance in respect of which a breach of alcohol ban is alleged to have been committed if the substance was in a container at the time the offence is alleged to have been committed, and—
 - (a) the container was a labelled trade container; or
 - (b) the container was not a labelled trade container but appeared to contain alcohol, and when it was opened the substance smelled like alcohol; or
 - (c) the defendant has at any time made to a constable an admission to the effect that the substance was alcohol.
- (3) If, in any proceedings for a breach of alcohol ban, it is proved that subsection (2) applies to the substance in respect of which the breach is alleged to have been committed, the substance must be presumed to be alcohol unless the defendant—
 - (a) proves that it was not; or
 - (b) has [[served on the prosecution]] notice in writing at least 20 working days before the hearing that he or she disputes that the substance was alcohol.]

239A Breaches of alcohol bans

- (1) Section 21 of the Summary Proceedings Act 1957 applies to a breach of a bylaw made under section 147 as if—
 - (a) the breach were an infringement offence within the meaning of that Act; and
 - (b) the person who has committed the breach has committed the offence; and
 - (c) the references in subsection (9) of that section to a defendant's being found guilty of, or pleading guilty to, an infringement offence for which an infringement notice has been issued were references to the person's being found to have committed, or admitting to having committed, the breach;— and Part 3 and section 208 of that Act apply accordingly.
- (2) Proceedings in respect of a breach of a bylaw made under section 147 cannot be commenced by filing a charging document under section 14 of the Criminal Procedure Act 2011.
- (3) Subsection (2) overrides subsection (1) and section 21(1)(a) of the Summary Proceedings Act 1957.]

7.

243 Interpretation

(1) In this subpart,—

alcohol ban means a bylaw made under section 147

enforcement officer, in relation to an alcohol ban, means a constable

infringement fee,—

...

(b) in relation to a breach of an alcohol ban, means the amount prescribed by regulations under section 259(b) as the infringement fee for the breach

infringement offence

(a) means an offence specified as such by regulations under section 259(a); and

(b) includes a breach of an alcohol ban.

(2) The definition in subsection (1) of "enforcement officer" overrides the definition of that term in section 5.]

244 Proceedings for infringement

offences

(1) ...

(2) A person who is alleged to have committed a breach of an alcohol ban—

(a) may be served with an infringement notice under section 245; and

(b) must not be proceeded against under the Criminal Procedure Act 2011.]

245 Issue of infringement notices

(1) An infringement notice may be served on a person if an enforcement officer—

(a) observes a person committing an infringement offence; or

(b) has reasonable cause to believe that an infringement offence is being or has been committed by that person.

[(2A) An infringement notice relating to a breach of an alcohol ban may be served—

(a) by a constable personally delivering it to the person alleged to have committed the breach; or

(b) by a constable personally delivering it, at a time after the person alleged to have committed the breach has been arrested for committing it, to the person; or

- (c) by post addressed to the last known place of residence or business of the person alleged to have committed the breach.]
- (3) [An] infringement notice sent to a person under subsection (2)(b) must be treated as having been served on that person when it was posted.

...

245A Constables may require certain information

A constable who believes on reasonable grounds that a person is committing or has committed an infringement offence may direct the person to give the constable his or her name, address, and date of birth.]

Relevant Provisions of the Local Government (Alcohol Ban Breaches) Regulations 2013

- 4 Infringement fee for alcohol ban**
The infringement fee for breaching an alcohol ban is \$250.

SCHEDULE A

PUBLIC PLACES

1. Brightwater and environs: 7pm to 7am Alcohol Ban (Map 1)

The public places located in, or adjacent to, or encompassed by Brightwater Deviation, Lord Rutherford Road North including Ernest Place, Hollybush Drive including Threepenny Place, Wanderers Avenue, Malthouse Crescent including Lord Rutherford Park, Waimea West Road from the western end of Snowdens Bush to Ellis Street, Bryant Road to and including Snowden Place, Ellis Street including Somerville Lane, Fairfield Street and Spencer Place, River Terrace Road from Ellis Street to the eastern end of the Cattle Yards Brightwater, and;

Waiiti Recreation Reserve, and;

Spring Grove School Reserve and Spring Grove Hall Reserve.

2. Collingwood: 7pm to 7am Alcohol Ban (Map 2)

The public places located in, or adjacent to those areas in the Collingwood township in the Residential Zone, Commercial Zone, Open Space zone, including Collingwood Cemetery.

3. Kaiteriteri and environs: 4pm to 7am Alcohol Ban during the period 1 December to 1 March the following year and 7pm to 7am Alcohol Ban for the remainder of the year. (Map 3.1, 3.2, 3.3)

The public places located in, or adjacent to, and the area encompassed by Rowling Road, Riwaka-Kaiteriteri Road, Inlet Road, Kaiteriteri-Sandy Bay Road to and including Breaker Bay including Martin Farm Road and the mean low water mark around Kaka Point to the Torlesse Rocks, and;

The public places on or adjacent to the foreshore north of Breaker Bay, including Honeymoon Bay, Ngaio Bay, Towers Bay, Split Apple Rock and Sandy Bay through to the boundary with the Abel Tasman National Park and;

The public places located on or adjacent to the foreshore south and west of Torless Rocks to Dummy Bay, Stephens Bay and Tapu Bay to the mean low water spring tide and, Stephens Bay Road, Cook Crescent, Anarewa Crescent, and Tapu Place

4. Mapua and environs: 7pm to 7am Alcohol Ban (Map 4)

The public places located in, or adjacent to, or the area encompassed by the coastline at mean low water, and McKee Memorial Recreation Reserve, Stafford Drive, Aranui Road,

and Langford Drive, but excluding Mapua Leisure Park. For clarity, this area includes McKee Memorial Scenic Reserve, McKee Memorial Recreation Reserve, Aranui Park, and Grossi Point Recreation Reserve.

5 Motueka and environs

5.1 Motueka CBD Area: 24 hour Alcohol Ban (Map 5.1a and 5.1b)

The public places located in the central business area and other areas on or encompassed by Vosper Street, Wilkinson Street, Taylor Avenue/Avalon Court, the walkway to Thopes Bush, Thorp's Bush, Woodlands Avenue, Whakarewa Street, Manoy Street, Rugby Park, Talbot Street, Pah Street, Motueka Memorial Park including the walkway to Poole Street, Poole Street, High Street, Inglis Street, and;

The public places located on or adjacent to North Street Reserve, including the saltwater baths, and;

The public places located on or adjacent to Everett Street, Massey Street, George Quay, and East Quay including the Motueka Beach Reserve, and;

The public places located on or adjacent to the skateboard park on Old Wharf Road.

5.2 Motueka Urban Area 7 pm to 7 am Alcohol Ban (Map 5.2)

Except for those places included in Motueka CBD Area 24 hour Alcohol Ban above, the public places on, adjacent to, or encompassed by Fearon Street, Thorp Street, Tudor Street, Taylor Avenue/Avalon Court, Thorp's Bush, Woodlands Avenue, Whakarewa Street, Grey Street, Pah Street, Atkins Street and Parker Street, and;

The public places located on or adjacent to, High Street, south of the intersection with Fearon Street, and;

The public places located on or adjacent to State Highway 60, (The Coastal Highway) up to a distance of 200 metres south of the intersection with Wharf Road, and;

The public places located on or adjacent to the Inlet walkway within 200metres of Wharf Road, and;

The public places located on or adjacent to Old Wharf Road between High Street and Thorpe Street, including the Goodman Recreation Park and Motueka Recreation Centre, and;

The public places located on or adjacent to the fore shore between the salt water baths and Staples Street including the public walkway and Motueka Quay, as well as Staples Street, between the intersection with Thorp Street and the seaward end of Staples Street.

6. Murchison: 7pm to 7am Alcohol Ban (Map 6)

The public places located in, or adjacent to, or the area encompassed by Waller Street east of Street number 138 for a distance of 1,520 metres to a point on the bridge over the Matakītaki River, then generally south 625 metres to a point on the unformed section

of Hotham Street where it meets the Matakiki River, then east along Hotham Street for a distance of 710 metres to the start of the Rural 2 Deferred Residential Zone, then north for a distance of 280 metres along the boundary of the Residential zone, then east towards and including the southern boundary of the Murchison Recreation Reserve, then north along the eastern boundary of the Murchison Recreation Reserve to Waller Street, and;

The public places located on or adjacent to Waller Street to the intersection with Kawatiri-Murchison Highway, and Kawatiri-Murchison Highway for a distance of 260 metres from the intersection with Waller Street, and;

The public places located in and adjacent to Fairfax Street, north of Waller Street.

7 Pohara and environs: 7pm to 7am Alcohol Ban (Map 7)

The public places located in or adjacent to the areas encompassed by the coastline at mean low water and, Nees Road, Rototai Road from the junction with Nees Road through to the intersection with Abel Tasman Drive, and Abel Tasman Drive to intersection with Tata Heights. For clarity, this area includes Rototai Beach Esplanade Reserve, Rototai Recreation Reserve, Clifton Recreation Reserve, Pohara Recreation Reserve, Tarakohe Harbour reclamation, Ligar Bay Esplanade Reserve, Tata Heights Reserve, Cornwall Place Reserve and Tata Beach Reserve.

8. Richmond and environs

8.1 Richmond CBD Area: 24 hour Alcohol Ban (Map 8.1)

The public places located in the central business area and other areas encompassed by Oxford Street, Gladstone Road/State Highway, McGlashen Avenue, Talbot Street and Salisbury Road, with extensions to include Washbourn Garden, all of Jubilee Park and the railway reserve from Queen Street to the southern boundary of Jubilee Park.

8.2 Richmond Urban Area: 7pm to 7am Alcohol Ban (Map 8.2)

The public places not included in Richmond CBD Area: 24 hour Alcohol Ban above, and located in or adjacent to the area encompassed by the northern boundary of Tasman District along the length of Champion Road and continuing on that line to the coast, and following the coast to Headingly Lane, Headingly Lane to Lower Queen Street, Lower Queen Street between Headingly Lane and the railway reserve, including those sites on the south side of the road and adjacent to that part of Lower Queen Street, south east of and including street number 375, to the railway reserve between Lower Queen Street and Ranzau Road, Ranzau Road from the railway reserve, to the south-eastern end of the legal road, including those sections of Ranzau Road that are unformed, then from the south-eastern end of Ranzau Road, a straight line to the south-eastern end of Champion Road.

8.3 Aniseed Valley: 7pm to 7am Alcohol Ban (Map 8.3)

The public places located on or adjacent to Aniseed Valley Road from the point where that road crosses Aniseed Hill, to a point 700 metres past the turn off to the car park at the Hackett Reserve.

- 9 Riwaka and environs: 24 hour Alcohol Ban during the period 1 December to 1 March the following year and 7pm to 7am Alcohol Ban for the remainder of the year. (Map 9)

The public places located on or adjacent to; Main Road Riwaka north of street number 453, including Riwaka Memorial Reserve, Riwaka Recreation Reserve and Riwaka Rugby Grounds, and;

The public places located on or adjacent to Riwaka-Kaiteriteri Road from Main Road Riwaka to Tapu Bay, Factory Road, Swamp Road from Factory Road to Main Road Riwaka, School Road, Wharf Road and Green Tree Road.

10. Takaka and environs: 24 hour Alcohol Ban (Map 10)

The public places located in or adjacent to the areas encompassed by; Motupipi Street from the intersection with Commercial Street for a distance of 422 metres to the boundary between the Industrial and Residential Zones, the northern boundary of that Industrial zone and the adjoining Commercial zone on Commercial Street, to Reilly Street and along its length to the Takaka River, then from that point, upstream for a distance of approximately 400 metres on the true left bank, then from that point, through to and including Willow Street to a point 240 metres from the intersection with Motupipi Street, including the block of Commercially zoned land near the corner of Willow and Motupipi Streets, and;

The public places located on or adjacent to; Commercial Street north of the intersection of Reilly Street, Meihana Street between the intersection with Commercial Street and the intersection with Motupipi Street, and Motupipi Street from the intersection with Meihana Street for a distance of 680 metres.

- 11 Tapawera and environs: 7pm to 7am Alcohol Ban (Map 11)

The public places located in or adjacent to all those places in the Tapawera Village within the Residential Zone Open Space Zone, Recreation Zone, Industrial Zone and Commercial Zone, and;

The public places located on or adjacent to the Old Railway Land Tapawera, Local Purpose Reserve Tapawera, and;

The public places located on or adjacent to Tadmor Valley Road from Main Road Tapawera to the Intersection of Tapawera-Baton Road.

- 12 Wakefield and environs: 7pm to 7am Alcohol Ban (Map 12)

The public places located in or adjacent to the Wai-iti Recreation Reserve, and;

The public places located in or adjacent to, Wakefield—Kohatu Highway, northwards from the entrance to Edward Baigent Reserve to Clifford Road, and all of Clifford Road, and ;

The public places located in or adjacent to Wakefield Domain and Faulkners Bush, and ;

The public places located on or adjacent to the urban area of Wakefield including all that land in the Residential Zone, Open Space Zone, Recreation Zone, Commercial Zone, and;

The public places located on or adjacent to Edward Street adjacent to the St John's Wakefield Church grounds and cemetery, including those church grounds and cemetery, and;

The public places located on or adjacent to the residential zone south west of Faulkners Bush and in 88 Valley, including Robson Reserve

Brightwater Alcohol Ban Area Map 1

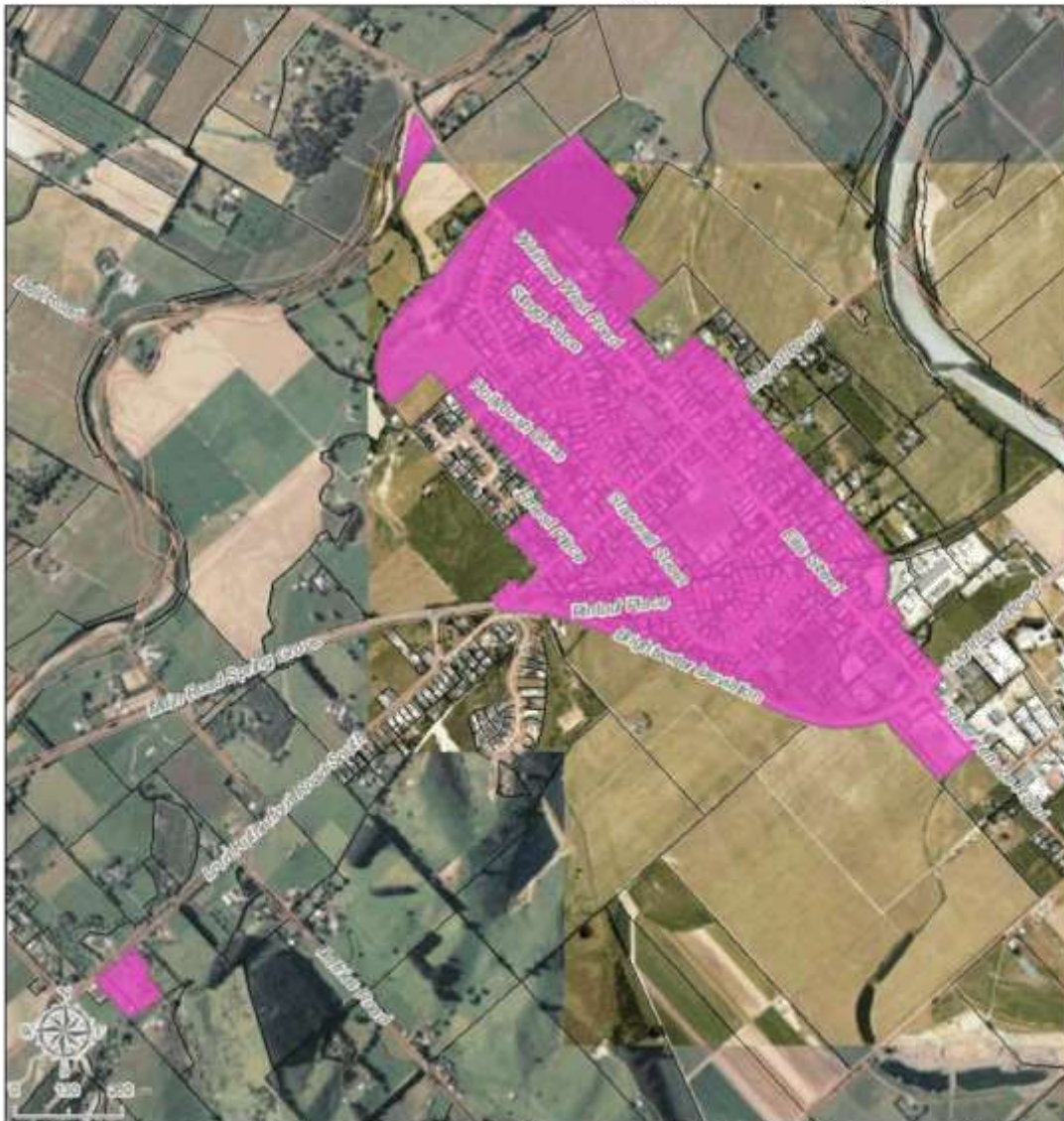
Location: Brightwater
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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**Collingwood Alcohol Ban Area
Map 2**

Location: Collingwood
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am
- 7pm to 7am
- Other Alcohol Ban Areas

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Kaiteriteri Alcohol Ban Area Map 3.1

Location: Kaiteriteri
Ban Duration: 7pm to 7am*



* Alcohol Ban Starts at 4pm - During the period 1st December and 1st March the following year, inclusive every year.

Legend

-  24 Hour
-  7pm to 7am*
-  7pm to 7am
-  Other Alcohol Ban Areas



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Kaiteriteri Alcohol Ban Area Map 3.2

Location: Marahau
Ban Duration: 7pm to 7am*



* Alcohol Ban Starts at **4pm** - During the period 1st December and 1st March the following year, inclusive every year.

Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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Kaiteriteri Alcohol Ban Area Map 3.3

Location: Stephens Bay
Ban Duration: 7pm to 7am*



* Alcohol Ban Starts at **4pm** - During the period 1st December and 1st March the following year, inclusive every year.

Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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Mapua Alcohol Ban Area Map 4

Location: Mapua
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am
- 7pm to 7am
- Other Alcohol Ban Areas

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Motueka Alcohol Ban Area Map 5.1a

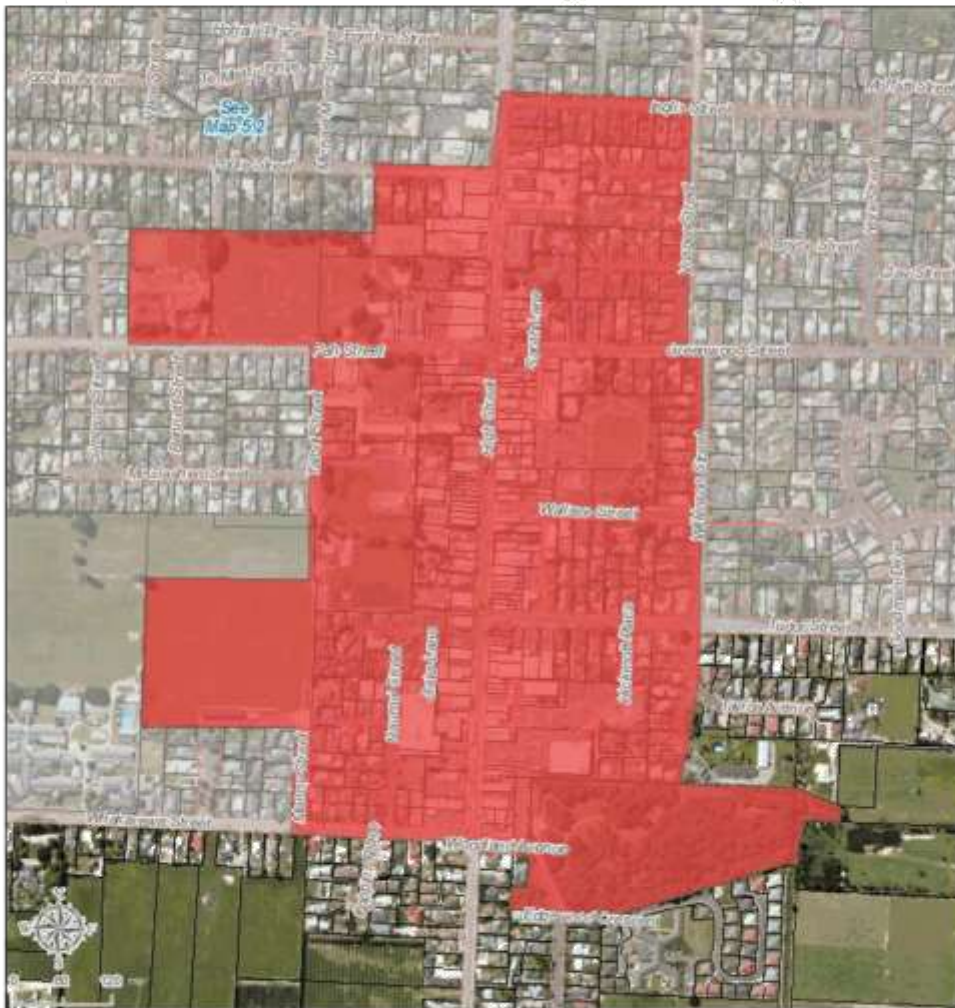
Location: Motueka
Ban Duration: 24 Hour



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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Motueka Alcohol Ban Area Map 5.1b

Location: Motueka
Ban Duration: 24 Hour



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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Motueka and environs Alcohol Ban Area Map 5.2

Location: Motueka Urban Area
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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**Murchison Alcohol Ban Area
Map 6**

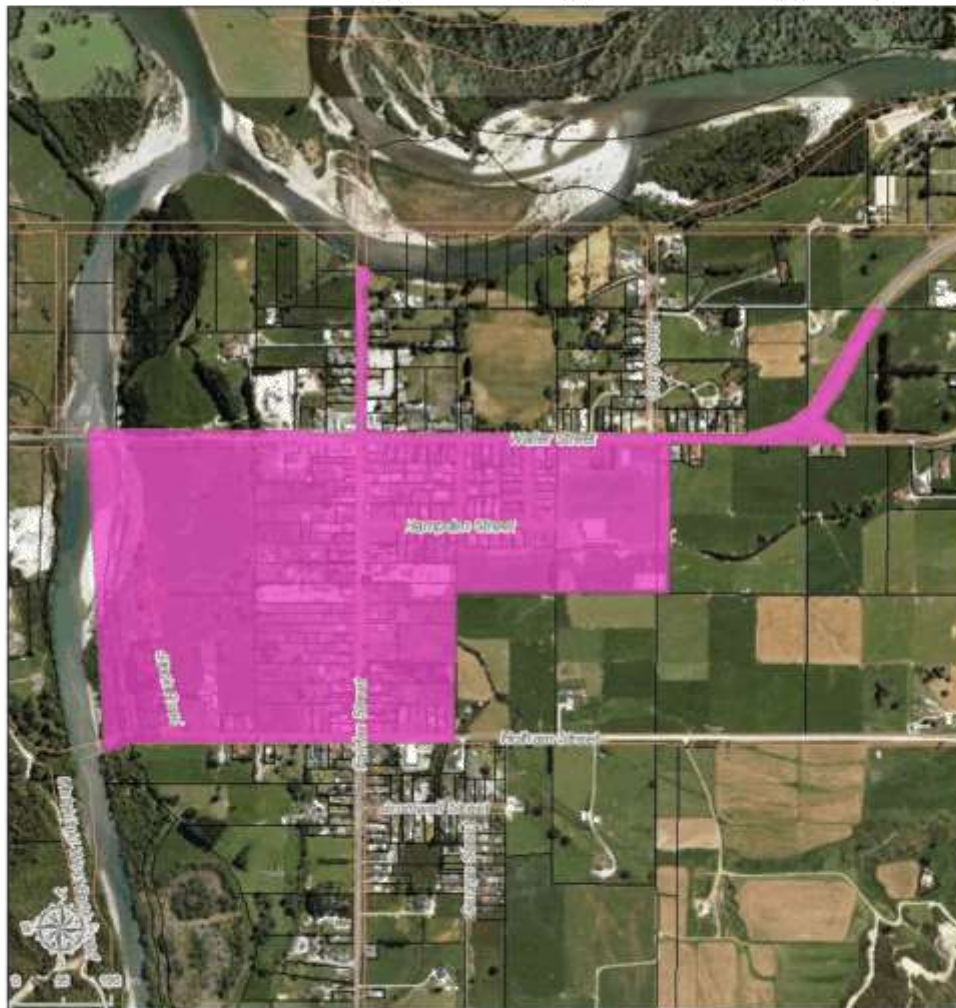
Location: Murchison
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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Pohara Alcohol Ban Area Map 7

Location: Pohara to Tata
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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Richmond Alcohol Ban Area Map 8.1

Location: Richmond CBD Area
Ban Duration: 24 Hour



Legend

- 24 Hour
- 7pm to 7am
- 7pm to 7am
- Other Alcohol Ban Areas

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**Richmond Alcohol Ban Area
Map 8.2**

**Location: Richmond Urban Area
Ban Duration: 7pm to 7am**



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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**Richmond Alcohol Ban Area
Map 8.3**

Location: Aniseed Valley
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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Riwaka Alcohol Ban Area Map 9

Location: Riwaka
Ban Duration: 7pm to 7am*



* Alcohol Ban Starts at **24 Hour** - During the period 1st December and 1st March the following year, inclusive every year.

Legend

-  24 Hour
-  7pm to 7am*
-  7pm to 7am
-  Other Alcohol Ban Areas



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Takaka Alcohol Ban Area Map 10

Location: Takaka
Ban Duration: 24 Hour



Legend

- 24 Hour
- 7pm to 7am
- 7pm to 7am
- Other Alcohol Ban Areas

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Tapawera Alcohol Ban Area Map 11

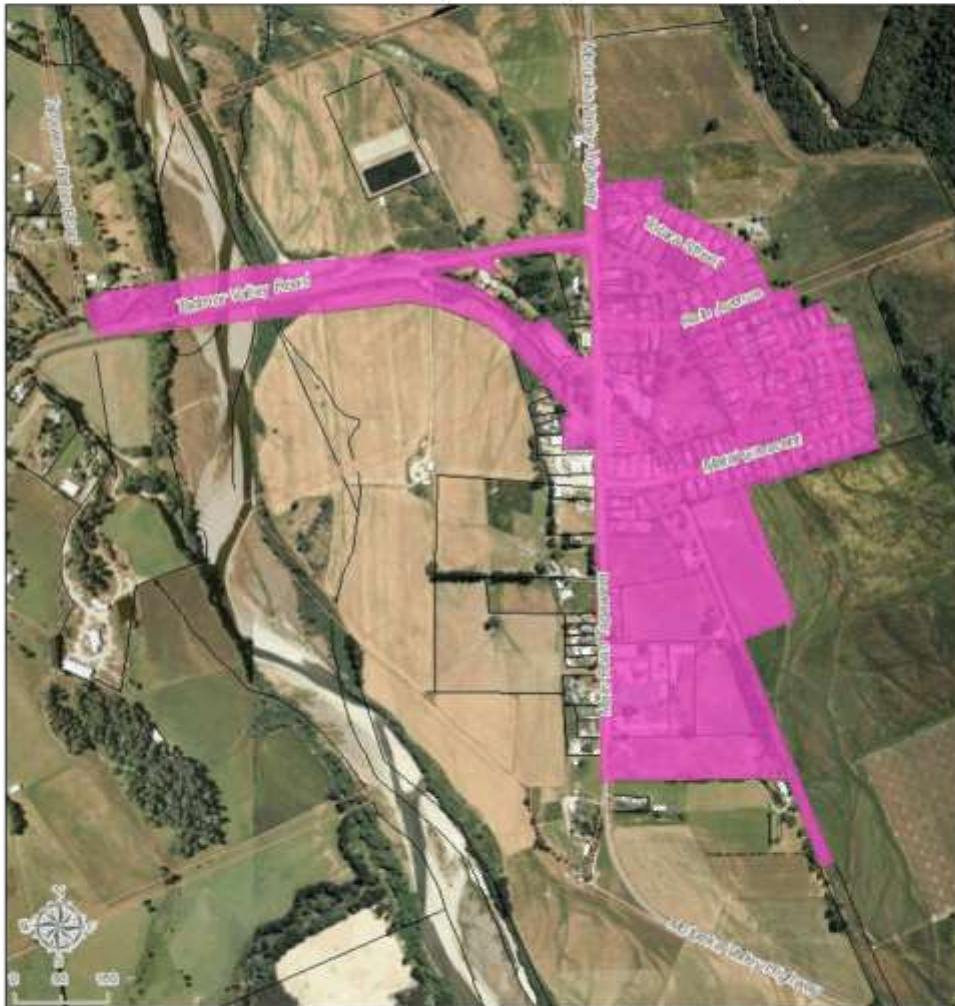
Location: Tapawera
Ban Duration: 7pm to 7am



Legend

-  24 Hour
-  7pm to 7am
-  7pm to 7am
-  Other Alcohol Ban Areas

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Wakefield Alcohol Ban Area Map 12

Location: Wakefield
Ban Duration: 7pm to 7am



Legend

- 24 Hour
- 7pm to 7am*
- 7pm to 7am
- Other Alcohol Ban Areas

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Schedule B

Application for written permission from Tasman District Council to consume alcohol in a public place

In accordance with section of the Tasman Consolidated Bylaw Chapter 3 Control of Alcohol in Public Places Bylaw 2018, Tasman District Council can authorise low risk* activities that would otherwise breach the alcohol ban. This form can be used to seek permission to hold an event where a limited* amount of alcohol will be consumed in a public place (*See notes on reverse for definitions).

The application can be sent to: Tasman District Council
 Phone: 03 543 8400
 Environmental Health Services
 Fax: 03 543 9524
 Private Bag 4
 Richmond 7050

Or emailed to : Regulatory.Admin@tasman.govt.nz

Applicant details	
Full name/s: _____	Date of birth: _____
Address: _____	
Phone: Home _____	Mobile _____ Email: _____
Activity, event or occasion details	
Who will be responsible for the activity, occasion or event?	
Full name/s: _____	Date of birth: _____
Address: _____	
Phone: Home _____	Mobile _____ Email: _____
Date of activity, event or occasion: _____	
Nature of the activity, event or occasion (street party, wedding, fundraiser, sporting event): _____	
Address and if necessary map showing location (where the activity, event or occasion is taking place):	

Duration (what time it will begin and end): _____	
Number of people attending: _____	
Will anyone under the age of 18 be in attendance? <input type="radio"/> Yes <input type="radio"/> No	
If yes, what controls are in place to manage access to alcohol? _____	

How much alcohol will be available? _____

Host responsibility details (provision for food, non-alcoholic drinks and alternative transport options): _____

Printed name of applicant: _____ Signature: _____ Date: _____



- "Low risk" situations are those occasions, activities or events that officers' consider are not likely to lead to alcohol-related harm.
- A "limited" amount of alcohol is interpreted as no more than three standard drinks per person.
- The applicant will need to provide a copy of the written permission issued by the Council if requested by a Council officer or member of NZ Police.
- Nothing in the written permission provided by the Council precludes action from NZ Police in the event of inconsistencies with event conditions and/or behaviour deemed offensive to the public, disruptive to the community or constituting an offence.
- If any details are incorrect or have changed, please contact the authorising officer as soon as possible.
- This application form is for permission for activities, events or occasions where there is no sale and supply of alcohol. The sale and supply of alcohol would require a special licence in accordance with the Sale and Supply of Alcohol Act 2012.
- Events that may require a special licence include sporting events, wine tastings, bus trips and parties on hired premises where alcohol is being sold or supplied, or where alcohol is complimentary and tickets are being sold for the event.

Public Place -

- (a) means a place that is open to or is being used by the public, whether free or on a payment charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it, but
- (b) does not include licensed premises

**Submission Form for
Draft Consolidated Bylaw - Chapter 3 Control of Alcohol in Public
Places
(Publicly notified 12 September 2018)**

Your name: _____

Your postal address:

Your daytime phonenumber:

Your Email address:

Would you like to speak to your submission at a Hearing Panel meeting held for this purpose? (Dates and Locations will depend on the number and origin of submissions) YES/NO

Are you writing this submission as an individual or on behalf of an organisation? YES/NO

If an organisation, please name the organisation:

Your comments (please continue on a separate sheet if you require more space):

*Please Note:
All written submissions will be made available to Councillors and the public.
Please write clearly, as all submissions are photocopied.*

Tasman District Council	Email info@tasman.govt.nz	Website www.tasman.govt.nz	24 hour assistance
Richmond	189 Queen street, Private Bag 4, Richmond, Nelson 7050, New Zealand	Phone 03 543 8400	Fax 03 543 8524
Murchison	92 Fairfax Street, Murchison 7007, New Zealand	Phone 03 523 3013	Fax 03 523 1012
Motueka	7 Hickmott Place, PO Box 123, Motueka 7143, New Zealand	Phone 03 528 2022	Fax 3 528 9751
Golden Bay	18 Com-merial Street, P O Box 74, Takaka 7142, New Zealand	Phone 03 525 0020	Fax 03 525 7672



Tasman District Council Consolidated Bylaw

Chapter 3 – Control of Alcohol in Public Places 2018

Summary of Information

In accordance with Section 83 of the Local Government Act 2002, this summary of information is provided for a proposed Consolidated Bylaw - Chapter 3 – Control of Alcohol in Public Places 2018 (draft bylaw)

Summary of Information

The draft Bylaw provides a mechanism to have an appropriate level of control over consumption or carriage of alcohol in public places in the district. Whilst the draft Bylaw is administered by Council, the enforcement of breaches is undertaken by Police.

The proposed draft Bylaw makes no changes from the effects of the existing Consolidated Bylaw – Chapter 3 – Control of Liquor in Public Places 2012 (existing bylaw). The times and locations that consumption or carrying of alcohol is prohibited remain unchanged. However, changes that reference or reflect the legislative changes brought in by the Local Government (Alcohol Reform) Amendment Act 2012 are included in the draft Bylaw. These changes are now reflected in sections 147, 147A and 147B of the Local Government Act 2002.

Exemption provisions in the existing Bylaw will also be carried over into the draft Bylaw. The effect is to reduce incidences of alcohol related crime and that benefits both residents and visitors to our District.

The draft bylaw meets a need to renew the existing bylaw to continue the Police powers to enforce the alcohol ban in defined public places.

The draft bylaw will repeal the previous Bylaw

A statement of proposal is available for viewing on the Council website at: www.tasman.govt.nz/feedback or during normal Council hours at the following Council offices and libraries:

Main Office, 189 Queen Street, Richmond
Motueka Service Centre, 7 Hickmott Place, Motueka
Golden Bay Service Centre, Junction Street, Takaka
Murchison Service Centre, 92 Fairfax Street, Takaka
Tasman District Library, Queen Street, Richmond
Motueka Library, Pah Street, Motueka
Takaka Library, Commercial Street, Takaka

Submissions Close at 4.30pm on 18 October 2018

9.3 DOG CONTROL ACT SECTION 10A REPORT**Information Only - No Decision Required**

Report To:	Environment and Planning Committee
Meeting Date:	6 September 2018
Report Author:	Ross Connochie, Administration Officer - Regulatory
Report Number:	REP18-09-03

1 Summary

- 1.1 The Dog Control Act 1996 (DCA) Section 10A requires territorial authorities to publicly report on dog control policies and practices for each financial year. This report contains the information required under the DCA for the year 1 July 2017 to 30 June 2018. It is a requirement of the DCA that a copy of this report be made publicly available and be sent to the Secretary for Local Government.

2 Draft Resolution

That the Environment and Planning Committee receives the Dog Control Act Section 10A Report REP18-09-04.

3 Purpose of the Report

- 3.1 This report constitutes the annual report that the Council has to prepare in administering its obligations under the Dog Control Act 1996 (DCA).

4 Dog Control Policy and Enforcement Practices

- 4.1 The Council reviewed its Dog Control Policy and Bylaw in 2014 adopting the Dog Control Policy 2014 and Dog Control Bylaw 2014 on the 18 September 2014.

- 4.2 The objectives of the Dog Control Policy are:

- To promote responsible dog ownership
- To minimise any danger, distress or nuisance created by dogs
- To have regard to the welfare, exercise and recreational needs of dogs, and
- To identify required means of dog control in all public places.

- 4.3 Control Services (Nelson) Ltd is contracted to implement the Council's dog control policy and bylaw. Compliance is achieved by:

- Responding to dog related incidents
- Targeted property visits and patrols of areas with specific issues
- Close liaison and cooperation with external agencies
- Conducting dog safety and bite prevention programs.

- 4.4 The Council uses various media to inform the public of dog-related issues. The Council's website provides dog-related information, online forms, and links to relevant legislation and other websites of interest.

5 Dog Registration and Enforcement Statistics for July 2017 to June 2018

5.1	Number of dog owners in the district	7403
	• Probationary owners	0
	• Disqualified owners	1
5.2	Number of registered dogs in the district	11178
	• Rural dogs	5900
	• Urban dogs	5278

5.3	Number of dogs classified as Dangerous under DCA Section 31	
	• Sec 31 1(a) due to owner conviction	2
	• Sec 31 1(b) due to sworn evidence	12
	• Sec 31 1(c) due to owner admission	0
5.4	Number of dogs classified as Menacing under DCA Section 33	
	• Sec 33A (Observed or Reported Behavior)	36
	• Sec 33C (By Breed)	34
5.5	Infringement Notices Issued	
	• Failure to comply with effects of classification	2
	• Failing to register dog	105
	• Failure to keep dog under control	3
	• Failure to keep dog control or confined	1
	• Failure to comply with barking abatement notice	5
5.6	Prosecutions. Nil	
5.7	Complaints	
	• Unregistered dog	14
	• Attack domestic pet	34
	• Attack stock	19
	• Attack human	41
	• Barking	394
	• Fouling	5
	• Rushing	30
	• Lost/found	750
	• Wandering	226
	• Welfare	16
	• Dog in restricted area	11
	• Dog not on leash	4
	• Dog not under control	24
	• Unfenced property	6
	• Excessive number of dogs on a property	2

6 Strategic Challenges / Risks

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

7 Policy / Legal Requirements / Plan

- 7.1 This report achieves compliance with the DCA.

8 Consideration of Financial or Budgetary Implications

- 8.1 This report creates no financial burden that is not already covered under the Dog Control budget and which is separately reported on through the Annual Report. The Dog Control activity is entirely funded from user charges with no general rate contribution.

9 Significance and Consultation

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

10 Conclusion

- 10.1 The Council's current level of enforcement meets the requirements of DCA and the expectations of the public.

11 Next Steps / Timeline

- 11.1 On adoption, give public notice of Report REP18-09-04
- 11.2 Within one month of adoption provide a copy of Report REP18-09-04 to the Secretary for Local Government.

6 Attachments

Nil

9.4 ENVIRONMENT AND PLANNING MANAGER'S REPORT**Decision Required**

Report To: Environment and Planning Committee

Meeting Date: 6 September 2018

Report Author: Rob Smith, Environmental Information Manager

Report Number: REP18-09-04

File Reference:

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 26 July 2018.

2 Draft Resolution

That the Environment and Planning Committee

1. receives the Environment and Planning Manager's Report EPC18-09-06; and
2. agrees to amend (as underlined) an existing delegation allowing the initiation of a prosecution, to also allow for a subsequent withdrawal of that charge:

In consultation with the Deputy Chair or Chair of the Environment and Planning Committee, the power to initiate, conduct and dispose of prosecution proceedings (including an application for leave to withdraw a prosecution) for offences under any Act, Regulation or Bylaw which involves the Criminal Procedure Act 2011, and to issue injunctions to restrain continuing breaches of the Building Act (under section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under section 162 of the Local Government Act 2002). Any proceeding will be reported to the next available Committee meeting.

3 Old Man's Beard Submission

- 3.1 Staff on behalf of Council have submitted in support of an application to the Environmental Protection Agency, by Horizons Regional Council. The application is to release the leaf-galling mite, *Aceria vitalbae*, as a biological control agent for old man's beard (*Clematis vitalba*).
- 3.2 Tasman District Council staff submission is that Old man's beard (*Clematis vitabla*) is a widespread pest plant in Tasman invading tree lands and scrublands and smothering both indigenous and exotic vegetation. It is particularly prevalent along the sides of roads and rivers where its seed is spread in the gravels. In much of the District Old man's beard is in such dense infestations that it is beyond our ability to control. Tasman District Council considers that biological control is the only feasible method for control of widespread high infestation areas.
- 3.3 The submission is attached to this report for your reference (**Attachment 4**).

4 High Court Proceedings – Water Permit Lapse Extension

- 4.1 Regarding a water permit for a proposed water bottling venture in Golden Bay Mohua, as has been reported earlier by the Resource Consents Manager, a second decision was made to grant an extension of the lapse period to 31 May 2018 (one year before the consent expiry date). That second decision was also challenged by Ngati Tama ki te Waipounamu Trust. Preparations were being made for another High Court hearing on the matter, however Council applied to strike out the proceedings given that the consent did in fact lapse on 31 May 2018 because it wasn't given effect to by that date.
- 4.2 A High Court hearing of Council's strike out application was held on 3 August 2018. The principal submission made in support of Council's application was that the judicial review was highly fact dependent, meaning it would have limited precedent value going forward. The principal counter argument for Ngati Tama was that were valid matters to be considered, mostly relating to changed circumstances since the consent was granted in 2005, including the Treaty Settlement, Ngāti Tama's change in position regarding the water permit, and other matters that mean the objectives and policies of the Tasman Resource Management Plan now have a different context.
- 4.3 The Judge's decision was released on 22 August. The Judge concluded that the proceedings no longer have any utility (because the consent at issue had lapsed) and should be struck out. Further, there will be no order for costs either on the strike out application, or on the Judicial Review proceedings generally.

5 Hunters Prosecution

- 5.1 Hunter Laminates 2014 Ltd appeared at the Nelson District Court on 22 August 2018 in connection with an offence of air pollution of the Richmond Airshed by burning Copper Chrome and Arsenic (CCA) treated timber in a boiler on their site on Beach Road, Richmond. The Court found that:
- 5.1.1 Hunters was the only source of an industrial CCA signature identified in the Council's air quality monitoring.

- 5.1.2 The duration of the offending was for approximately two years from June 2014 to 18 August 2016.
- 5.1.3 During that period of time there had been 113 instances where the level of Arsenic in the air had been greater than the annual average allowed in the National Guidelines - 113 instances where Arsenic was recorded above 5.5ng/cubic metre.
- 5.1.4 During that above period the burning of CCA treated timber waste in the boiler and resultant discharges of contaminants, predominantly Arsenic had presented a public health risk to people in the Richmond Airshed.
- 5.1.5 The judge accepted that the offending was deliberate and duly convicted the company of the offence but as the company had been put into liquidation during the prosecution proceedings he saw no point in awarding a financial penalty as the company did not have the ability to pay the fine.
- 5.1.6 The judge considered the offending to be one of the most serious cases he has had to deal with.
- 5.1.7 The Judge indicated that the level of offending in this case was such that it would have warranted a fine of \$270,000 if the company had the ability to pay.
- 5.1.8 Despite the actions of the company preventing the collection of the fine, this case has set a judicial precedent and will be available to be used in case law. More importantly, the health of the affected people in Richmond is no longer being negatively impacted upon by these illegal discharges.

6 Building Assurance Resource Sharing/Go Shift

- 6.1 Go Shift is a national initiative aimed at improving consistency and the overall service delivery to customers. Go Shift is re-branding at the moment to Simpli and is redefining the work streams. Using Simpli as a vehicle for sharing technical resources is in the Quality System work plan for 2019.
- 6.2 TDC already have arrangements in place for sharing technical resources with Nelson City Council (NCC) and have utilised this during 2018 for processing commercial consents and undertaking building inspections. Sharing of a resource though on a Building Consent Authority (BCA) is reliant having excess resource capacity. This is not the case for either NCC or Tasman on an on-going basis.
- 6.3 We are extending our networks to other councils using the AlphaOne digital consenting system to understand our opportunities in this space.
- 6.4 Just to clarify that the cost of work sharing with another BCA is similar on an hourly rate with contractors for processing and we still have to enter into a contract with the other BCA. So they are in reality just another contractor and not likely to reduce our contractor costs.

7 Tasman District Council Submission on National Planning Standards

- 7.1 The Ministry for the Environment recently released a draft set of national planning standards for consultation. Submissions closed on 17 August. The draft standards focus on aligning the structure, form, e-delivery and some common content of RMA plans (definitions). The standards will have a significant impact on the TRMP through requirements to restructure

and reword both the TRMP and the Regional Policy Statement (RPS). It will also have a significant resourcing impact on the Council. The timing of the standards, that will need to be implemented within five years of gazettal, coincides with a review of both the RPS and the TRMP. This will provide both challenges and opportunities. A submission on the draft standards was made on behalf of the Council.

- 7.2 In summary, the Council supports the intention of the proposed standards to make plans simpler and cheaper to prepare and easier to navigate for users of multiple plans. It also supports improved plan accessibility through E-planning requirements. The submission identifies that the Ministry has significantly underestimated the resourcing implications of implementing the proposed standards. The proposed standards will add to the volume of national direction the Council is required to implement. The Council cannot implement all of the national directives at once and will have to prioritise. The submission requests the Government indicate the relative priority of national direction for implementation.
- 7.3 **Attachment 1** -TDC Submission on Draft National Planning Standards - August 2018

8 Forest and Bird Survey

- 8.1 Just a quick note to say a very well done to staff and acknowledge Council support for our monitoring programme, following the "A" Grade awarded by Forest and Bird from their "regional council compliance, monitoring and enforcement performance survey". We would all like to do more and with additional staff coming we will be able to soon, however, it is pleasing to get the recognition for the programme to date.

9 Updated Delegation Allowing for Diversion or Other Remedies to be Used

- 9.1 On 24 May 2018, full Council ratified the Environment and Planning Committee's decision to replace item 326 on the Delegations Register with the following delegation:
- 9.2 That the Full Council
- "In consultation with the Deputy Chair or Chair of the Environment and Planning Committee, the power to initiate prosecution proceedings for offences under any Act, Regulation or Bylaw which involves the Criminal Procedure Act 2011, and to issue injunctions to restrain continuing breaches of the Building Act (under section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under section 162 of the Local Government Act 2002). Any proceeding will be reported to the next available Committee meeting."***
- 9.3 The reason for this amendment was to refer to the Criminal Procedure Act 2011 instead of the Summary Proceedings Act 1957, which had been repealed. It also enabled a prosecution to be brought under the Water Supply Bylaw 2016, which was not specifically listed in the Delegations Register.
- 9.4 The Council has since commenced prosecution procedures under the Water Supply Bylaw and the defendant has requested Council to consider alternative avenues to avoid a possible criminal conviction if found guilty. The company have acknowledged their guilt and have been cooperating with Council staff to achieve resolution.
- 9.5 Staff considers that withdrawal of the charge in the context of a diversion type scheme is a reasonable option, however, the current delegation only allows the Environment and

Planning Manager to commence prosecutions. While the exercise of prosecutorial discretion to seek the Court's leave to withdraw a charge is arguably inherent in the power to commence a prosecution, for the avoidance of doubt it is considered prudent to have the delegation expressly address the power to conduct and dispose of a prosecution without approval of Council.

- 9.6 It is a distinct possibility that an option for diversion, or other remedies, will become more common in the future and therefore Staff recommends that item 326 of the delegations register be replaced to reflect this change as follows:

That the Environment and Planning Committee:

In consultation with the Deputy Chair or Chair of the Environment and Planning Committee, the power to initiate, conduct and dispose of prosecution proceedings (including an application for leave to withdraw a prosecution) for offences under any Act, Regulation or Bylaw which involves the Criminal Procedure Act 2011, and to issue injunctions to restrain continuing breaches of the Building Act (under section 381 of the Building Act 2004) or of the Local Government Act or of any Bylaw (under section 162 of the Local Government Act 2002). Any proceeding will be reported to the next available Committee meeting.

- 11.7 The Council does not currently have a formal diversion scheme as part of its enforcement policy. It is intended that the diversion scheme operated by the Council will use eligibility criteria similar to that of the Police Adult Diversion Scheme, with some adjustments to align the criteria to the nature of the offences prosecuted by the Council. These criteria include that the defendant must be a first offender, admit guilt, meet the Council's reasonable costs of investigation and prosecution, and undertake a community work activity as an alternative to conviction/sentence).

10 Tasman-Nelson Regional Pest Management Plan Update

- 10.1 The Regional Pest Management Plan Proposal was notified for public submissions at the beginning of November 2017. Around 80 submissions were received, most with multiple parts. As a number of new matters were raised in the submissions, further submissions were called during early 2018. Twenty three were received, again mostly with multiple parts.
- 10.2 Staff undertook analysis of submissions in accordance with the requirements of the Biosecurity Act 1993 and its associated National Policy Direction 2015. The Regional Pest Management Joint Committee met four times between April and early August 2018 to consider the submissions and the staff advice. Central to these deliberations was balancing of the requirements of Sections 72 and 74 of the biosecurity Act which require the Councils to appropriately consult and adequately fund the proposal.
- 10.3 As a consequence of the resolutions of the joint committee, some additional site led programmes requested by submitters will be subject to an additional period of consultation with directly affected landowners in order to ensure that those landowners are fully aware of the proposal and have had the opportunity to submit before a final decision is made. The additional consultation period will delay the notification of final decisions by a further two to three months. It is anticipated the draft decisions and final Plan documents will be ready for consideration by the full council's early in 2019.

11 Ministry for the Environment At Risk Catchment Template

11.1 The Minister for the Environment and Minister of Agriculture recently asked the Land And Water Forum (LAWF) to provide advice on what can be done between now and 2020 to stop further decline in water quality and ecosystem health in the country's rivers and lakes. In response the LAWF made the following recommendations:

1. The Minister should consult with regional councils and urgently identify 'at-risk' catchments:

- *that exhibit a clear decline in water quality; or*
- *where water quality is likely to decline as a result (direct or indirect) of existing or anticipated future land use change and/or intensity of use (including urban growth); or*
- *where a catchment or sub-catchment is vulnerable to irreversible detrimental change.*

2. The Minister is to require regional councils to report on how existing plan provisions, the current suite of community, industry and council plans and programmes, and council planning timeframes will manage the decline, with the primary objective of reversing it.

3. Following receipt of this report, the Minister shall:

- *identify the extent and severity of the water quality decline*
- *identify the contaminant(s) and activities that are the key contributors*
- *assess the extent to which existing actions are sufficient to manage the decline*
- *assess the capacity of the regional council to reverse the decline and its likely timeframe for doing so*
- *determine the action that is necessary to ensure that the decline is halted as quickly as practicably possible.*

11.2 As a first step each council was provided with a template and asked to provide a list of all 'at risk' catchments for their region and the actions being taken or planned to stop the decline and reverse it. The criteria LAWF put forward for identifying 'at risk' catchments were taken from the recommendations:

- that exhibit a clear decline in water quality or ecosystem health; or
- where water quality or ecosystem health is likely to decline as a result (direct or indirect) of existing or anticipated future land use change and/or intensity of use (including urban growth); or
- where a catchment or sub-catchment is vulnerable to irreversible detrimental change.

11.3 The next steps will be a facilitated workshop of experts from councils and other parties such as iwi, NGOs, DOC, MPI, scientists and industry to review the lists of 'at risk' catchments to compile a draft national list. A later facilitated workshop is planned by MfE to help assess what additional actions might be necessary to ensure the decline is halted in the identified catchments. Indications are that a smaller set of 'at risk' catchments will be identified as priorities for targeted investment and interventions.

- 11.4 Identifying 'at risk' catchments links to a priority expressed by regional council leaders to Minister Parker and MfE around the need to better target national and regional effort to get best value from investments in improving water outcomes. As well as identifying all 'at risk' catchments, the next step would be to prioritise those that would provide the 'best bang for buck' for investment from central government and others. Minister Parker has asked for a draft list of 'at risk' catchments by end of September and proposals for non-regulatory and regulatory actions by the end of the year to stop decline in these catchments.
- 11.5 Please refer to the **Attachment 2** template to view our response.

12 Building Amendment Bill

- 12.1 Managing buildings after an emergency This Bill amends the Building Act 2004 (the Building Act), and proposes 2 new sets of powers to improve the system for managing buildings after an emergency and to provide for investigating building failures.
- 12.2 A new scheme of powers under the Building Act is required to manage risks to people and property during and after an emergency. This is because existing business-as-usual powers under the Building Act to manage dangerous and insanitary buildings are inadequate for this purpose. The Canterbury and Kaikōura earthquakes highlighted gaps in current legislation for managing buildings after an emergency, including the need to better manage the transition from civil defence emergency management powers to business-as-usual powers under the Building Act.
- 12.3 The Bill introduces into the Building Act an end-to-end process for managing buildings from response to recovery following an emergency.
- 12.4 The NCC and TDC Building teams are working together with CDEM to align building emergency responses to ensure consistency of process and language e.g. non-declared response versus declared response as we often work side by side in an event. A particular area that can be confusing for people generally is what an initial rapid building assessment is made up of.

13 Financial Accounts

- 13.1 The financial reports are attached as **Attachment 3** – Financial Statement for Year to June 2018. For ease of reading, hard copies of these reports will be provided at the meeting.
- 13.2 Additional commentary can be provided to the Committee at the meeting. The high level message is that while the Department finished up the year in surplus, losses were recorded within the Building area (consultancy and leaky home settlement), the Policy area (consultancy, especially the likes of the Water Conservation Order) and Consents area (legal and consultancy). Shortfalls were managed within the Department as other areas finished with a modest surplus.
- 13.3 Capital was underspent due to delayed engineering works related to Challies Wetland (roading and picnic area development), within the Waimea River Park (a closed account). These were put on hold due to a funding shortfall and a lack engineering capacity following ex-tropical cyclone Fahi and Geta. The project will be picked up again following the next gravel extraction and associated income that it generates.

14 Action Sheet

14.1 **Attachment 5** is the Action Sheet which updates Councillors on action items from previous Environment & Planning Committee meetings.

15 Attachments

- | | | |
|----|--|-----|
| 1. | Attachment 1 - TDC Submission on Draft National Planning Standards - August 2018 | 127 |
| 2. | Attachment 2 - Tasman District Council at Risk Catchment Template | 139 |
| 3. | Attachment 3 - Financial Statement for Year to June 2018 | 143 |
| 4. | Attachment 4 - Submission form for HSNO - Applications | 155 |
| 5. | Attachment 5 - Action Sheet - September 2018 | 157 |



Tasman District Council

Submission on Draft National Planning Standards

August 2018

1 INTRODUCTION

Tasman District Council thanks the Ministry for the Environment for the opportunity to make this submission in relation to the suite of Draft National Planning Standards. The Council supports the intention of the proposed standards to make plans simpler and cheaper to prepare and easier to navigate for users of multiple plans. Council welcomes the drive for improved accessibility through E-planning requirements. Our analysis shows that the vast majority of plan users access Tasman's plans online. However, the imposition of a large number of prescriptive structure standards that are founded on a paper based system are archaic and unnecessarily costly given the functionality, efficiency and user focussed nature of the proposed electronic standards.

The scale of change that the suite of standards will introduce represents the most significant changes to planning since the introduction of the RMA in 1991. The standards come at a time when there is a large volume of national direction in the form of National Policy Statements that require timely implementation.

As a small unitary authority Tasman District Council does not have the capacity to implement the suite of planning standards at the same time as implementing current National Policy Statements, including the National Policy Statement for Freshwater Management and the National Policy Statement for Urban Development Capacity. In the absence of any clear guidance from Government, the Council will have to make a choice about which national direction it should prioritise.

The lack of testing of the text standards on any existing plans by MFE is perplexing. The complexity of this exercise and the simplistic assumptions that underpin the policy analysis means it is certain the costs and time for compliance with the proposed standards have been substantially under-estimated.

2 TIMING

Tasman District Council (TDC) is about to commence a review of its Tasman Regional Policy Statement and the district plan part of its combined resource management plan. It is likely the associated plan changes will be notified in approximately three to four years. The Council accepts the proposed plans will need to be compliant with the National Planning Standards when they are notified. However, if there is a time requirement to convert the existing plan and policy statement content into the planning standards format, this would be a huge and costly exercise for limited benefit. Producing a revised version of the existing plan just before notifying a proposed plan will create significant confusion for existing plan

users and the community. In addition, if TDC is required to convert its existing plan into the new format then it will have to delay the review of the RPS and district plan (and implementation of national policy statements) as there is not the capacity or budget to achieve both at the same time.

Given the significance of some of the required changes, particularly around structure of chapters, the co-location of rules in each chapter and some definitions, combined with the narrow scope of consequential changes allowed by s58I(3)(d), a Schedule 1 process will be required alongside consequential amendments to translate existing plans to comply with the planning standards.

This will mean it is unlikely that the planning standards can be fully implemented within the expected five year time frame.

As an example, a recent change to the Tasman Resource Management Plan that also involved moving plan text without change resulted in a significant number of submissions to Council that were considered out of scope. This was despite Council being very clear that moving text was out of scope of a plan change. It is likely the same thing would happen with implementing the planning standards on existing plans given the need to use a schedule 1 process for some changes. Submissions that are out of scope still require significant work within the Schedule 1 process, due to the need to report on them prior to decisions being made.

Relief sought:

1. Government provide clear guidance on the relative order of priority for implementing national direction including Planning Standards and National Policy Statements.
2. To reduce the costs and litigation risks of having to use a schedule 1 process to implement the planning standards, it is recommended that the mandatory requirements for plans are aligned with the plan review cycle and transitional provisions provided for (refer section 11 below). This would align with the findings of the cost-benefit analysis. Or alternatively, amend the RMA to allow greater use of consequential amendments [s58I(3)(d)].

3 COMBINED PLAN STRUCTURE STANDARD C-PS

Tasman District Council is a unitary authority. It currently has a separate Tasman Regional Policy Statement (TRPS) and a combined Tasman Resource Management Plan (TRMP). A review of the TRPS and the District plan parts of the TRMP is scheduled to commence in late 2018. The intention is to completely integrate the RPS with the Regional, Coastal and District components into one unitary combined plan. The Coastal components of the TRMP will require review (s79) in three years' time. The fresh water components of the TRMP are currently being changed as the National Policy Statement for Freshwater Management is progressively implemented.

The layering of the draft planning standards in the Combined plan structure, including a separate RPS chapter, make a unitary combined plan subject to significant duplication between higher level plan provisions and district and regional plan provisions. As currently drafted, this issue is an example of where the planning standards have focused on a paper-based structure of plans, rather than fully embracing how electronic plans can and should function in the future.

For an integrated single plan for a unitary authority, scope should be provided to allow RPS level objectives and policies to sit alongside regional and district level objectives and policies for any particular theme or issue. This approach will reduce duplication, and provide clear line of sight for these tiers of provisions. Objectives and policies can easily be identified as either RPS, regional or district level through simple coding and an extension of standard F-6. This approach has been adopted effectively in the proposed Marlborough Environment Plan and is the preferred approach for the next generation Tasman plan.

Further, the standard indirectly prescribes content packaging (eg. infrastructure and energy; not all energy issues are relevant to infrastructure, especially in a unitary plan context); which may lead to further duplication. In addition, there are several mutually conflicting prescriptions on structure and spatial layers where there are unitary jurisdictions in the plan. For Example: (S-VEV) The Coastal Environment section **must** include objectives, policies and methods including rules (if any) to give effect to the NZCPS. Policies 24, 25, 26 and 27 of the NZCPS concern coastal hazards. The Environmental Risks chapter requires the objectives, policies, and methods, including rules (if any) for natural hazards to be located in that chapter.

In short, content should drive structure, not a blanket hierarchy that may not be relevant, so that RPS content should be able to be co-located with RP/DP level content.

Relief sought:

3. Provide flexibility in the combined plan structure to allow complete (vertical) integration of RPS, Regional and district objectives, policies and methods. Put simply, provide an option within the standard to allow RPS provisions to sit alongside Regional and district objectives, policies and methods rather than in a separate chapter.
4. Further clarify where issues are to be addressed within the combined plan standard to avoid duplication of provisions and legal challenge.

4 COASTAL ENVIRONMENT

The Planning Standard provides for the Coastal Environment as a specific chapter/section or even as a separate plan. There is ambiguity as to how councils should deal with regional/district matters that occur both within and outside the Coastal Environment, for example landscape, buildings and land use activities. There is also uncertainty as to how plans should

address land use matters within the Coastal Environment that are separated between land and the CMA, for example, S-ASM requires the Port Zone to be located within Part 6 of the Plan but it is assumed that the seaward portion of the Port Zone should be located in Part 4. There are other coastal uses which straddle the boundary including; marinas, jetties, boatsheds and coastal protection structures. The Planning Standard enables this issue to be addressed in a separate Coastal Environment Plan, but provides no further guidance as to what form the plan will take.

There are no regional zones specified in the Planning Standard; there may be some benefit in providing for common zones, like coastal marine area and marina. Common mapping colours and symbols may also be useful.

Relief sought:

5. That coastal provisions from an existing unitary plan be worked through the draft Planning Standards to evaluate the ease of transfer and the outcome regarding usability. Suggest the Proposed Marlborough Environment Plan would be a useful test plan.
6. Clarity is given regarding where provisions are to be located for the coastal environment, particularly where they straddle the boundary for the coastal environment and between the CMA/land (Part 4/Part 6).
7. Consider including mapping/symbology for commonly used zones (CMA)/areas (Aquaculture)/features (CMA/River boundaries).

5 INTEGRATION

The standards require co-location of rule sets within theme chapters containing objectives and policies where the rules are not zone, precinct or development area rules. As well, each zone, precinct and development area chapter appears to require all provisions from objectives to rules to be included. The consequence of this is that all rules that are overlays or specific controls will have to be forced into potentially competing chapter themes, where any one rule set implements provisions across more than one theme. As well, zone, precinct and development area rules cannot be grouped.

The lack of flexibility to horizontally integrate or group some or all rule sets as a separate structural element whether they apply to any of the spatial planning tool categories in the menu for combined plans as well as regional and district plans, is a needless and arbitrary prescription. Further, there is inconsistency between the listing of allowed spatial planning tools for district and regional plans (F3, F4) and the menu given in the combined plan structure standard (S-CP) under area-specific standards, where overlays and specific controls are not listed.

Where rules are required to be placed next to related objectives, policies and methods, this ignores the networked relationship between sets of rules and the higher plan provisions, and ignores the functionality available in E-plan format. This will lead to arbitrary and misleading packaging where rules implement several sets of higher provisions. There is no

choice provided to allow the best expression of linkages by co-location of provisions. This highlights the weaknesses of the paper-based thinking behind the plan structures that do not reconcile with the ability of E-plans to provide a clear and consistent user experience.

The principle that related objectives, policies and rules should appear together so users can see line-of-sight is a good policy outcome – however this needs to be achieved within the E-Plan functionality – rather than through a specific structural standard as to where any specific rule ‘lives’ within the (paper based) document.

The multiple linkages between modules or single hierarchies of plan provisions at all levels of content can be shown easily by E-plan systems.

Relief Sought:

8. Provide greater horizontal integration flexibility where rules that implement more than one theme can be grouped together – this appears to be rules that are overlay and specific control rules, as these are not listed as separate structural elements in the structure standards under area-specific matters (S-CP, S-RP and S-DP).
9. Provide flexibility in the plan structure standards to allow the best expression of linkages by co-location of rule provisions.

6 URBAN GROWTH AS A SIGNIFICANT ISSUE

The theme of ‘land’ for region-wide matters is huge, when compared with other discrete matters such as air quality, historic heritage, etc. There is a mandatory section for ‘Infrastructure and energy’, but no section relating to urban growth.

The recent insertion of S30(1)(ba) that requires regional councils to establish, implement and review objectives policies and methods to ensure there is sufficient housing and business land capacity has elevated the importance of growth. In addition, all councils are required to meet the requirements of the National Policy Statement on Urban Development Capacity (NPS-UDC) and establish a policy framework within their policy statements and plans to address the matters in this particular national policy statement. TDC is currently a medium growth council on the cusp of the high growth threshold under the NPS-UDC. The absence of a separate Growth theme is a shortcoming given the significance of this issue for councils with growth pressures. To locate this topic, as a special topic, at the end or buried within the ‘land’ section (as implied by the Standard) does not reflect the priority central government and Council, have given this issue.

Relief sought:

10. Allow for further themes or chapters to address urban growth and other significant land issues.

7 DRAFT AREA SPECIFIC MATTERS STANDARD S-ASM

7.1 ZONE FRAMEWORK (INDIVIDUAL AND RANGE)

The draft standard does not provide sufficient choice for the complexity of zones that exists. The number of zones that will be lost will require the Council to re-visit its policy framework that underlies these zones at significant time and cost. It is likely to create a significant reliance on special purpose zones or overlay/precinct provisions to address the limited zone choices. For example Tasman has industrial zones in the rural environment that have specific controls that allow only industries that service the rural sector and production sector to operate. This allows appropriate services for the rural environment while encouraging non-rural industry to locate within the urban environment.

Relief sought:

11. Provide a greater suite of zoning options across residential, rural and industrial.

8 F1: DRAFT ELECTRONIC ACCESSIBILITY AND FUNCTIONALITY STANDARD

8.1 GENERAL SCOPE AND APPLICABILITY OF E-PLANNING FUNCTIONALITY

The vast majority of plan users access plans online. Many councils no longer produce paper based plans. It is vital that the Ministry's thinking around E-plans and E-plan functionality considers what E-plan platforms could and should be capable of in the future, rather than what current E-plans can do. This field is in its relative infancy and new functionality is being created with each new version released by the current range of providers.

In addition, given there are several providers in the industry and the potential for new ones in the future, this may be a source of divergent planning in the future, which may need further consideration in the E-plan accessibility and functionality standard.

It is also important to consider that the efficacy of E-planning is not just about the end user interface for one type of plan end-user (eg resource applicants), but also for plan making processes and policy developers. A single nationally-based E-platform could provide ongoing plan and user-interface consistency, but also the ability for assessment and interrogation of the underlying national database of plan provisions. This could greatly improve the efficiency of the plan making process for every council, and provide the Ministry with means to rapidly assess the efficiency of plans at a national scale. This would be a significant improvement on the current National Monitoring System's reliance on large spreadsheets that are laborious and time consuming for councils to complete for limited value. It could also provide the means for direct implementation of relevant provisions of National Environmental Standards and Policy Statements that do not require Schedule 1.

There are also clear benefits from a cost efficiency perspective of a single platform, compared to every council doing this.

Relief sought:

12. Consider the E-plan and planning functionality in the context of all plan and plan cycle users, and consider the national context and potential benefits of a nationally provided and supported platform.

8.2 PLAN ACCESSIBILITY AND FUNCTIONALITY

The draft standards require a copy of all previous plans under the RMA both at the time they first became operative and the final version before being superseded by the replacement plan to be available from the local authority website (in PDF format).

It is unclear whether this includes a requirement to hold a copy of all data at every plan change stage of the TRMPs life. In Tasman there are several plans that were prepared in the 1990s and which are now of no legal effect as they are superseded by later generation operative plan provisions in the TRMP. In addition the current TRMP since first operative is up to plan change 68 and plan update 60. The draft standard F-1 could be interpreted to mean that there is a requirement to have all historical inoperative plans as well as 68 PDF versions of the plan or 68 plan changes, online. This seems to be largely unnecessary and time consuming to re-create this information for little apparent benefit. The Council is required to hold only operative and proposed plan records (RMA s 35). We have historical plan records in print form to deal with resolving such matters as existing uses and buildings. The very small number of such matters does not justify the requirement in the draft standard F-1 to store electronically all these historical documents.

Relief sought:

13. Clarify the text and mapping requirements and scope for previous plan versions or limit to currently operative and proposed plans not historical, inoperative plans.

8.3 STANDARD BASELINE REQUIREMENTS

The draft standards require the upload of publically accessible, existing digital plan data such as plotted features, polypoints and polygons to www.data.govt.nz in machine readable format in accordance with Open Data principles 2. Setting this up will involve a lot of staff time and it is unclear where the ongoing responsibility for that data resides.

Relief sought:

14. Clarification as to which datasets need to be uploaded, and who has overarching responsibility for data uploaded to this site.

9 MAPPING STANDARD F-2

9.1 ZONE COLOUR PALETTE

The colour palette used for 'low density residential' and 'medium density residential' are too similar.

9.2 HAZARDS SYMBOLOGY

Hazards (coastal, flood, volcanic, fault) are lumped into one generic category which is problematic when displayed spatially. One generic category means that it is impossible to distinguish multiple hazards on one site when overlaid together.

Relief sought:

15. Each hazard should have its own symbology, and recognise that there are several types of hazards within each category of hazard. For example, 'flood hazard' could include freshwater pluvial flooding, seawater inundation, or secondary flow paths.

9.3 ZONES

Councils use different methods for applying zones to roads. This varies from zoning roads separately to extending any particular zone boundary to the centreline of any road.

Relief sought:

16. Confirm that the standard enables discretion for plans to show zones to the centreline of any road, or to show road whether formed or unformed as a separate zone or other spatial planning tool such as an overlay.

10 DEFINITIONS

The definitions standard introduces mandatory definitions that will replace the current plan definitions. This will change the interpretation and application of plan rules that currently rely on those definitions.

This will lead to re-writing plan provisions resulting in repetition and changes to policy and rules in order to comply with the required definitions. The changes required to incorporate definitions will fall outside the scope of consequential amendments and will require a schedule 1 process.

For example the definition of land disturbance applies to soil or clean fill. The current TDC land disturbance definition includes destruction or removal of vegetation, soil disturbance, or earthworks.

Relief sought:

17. Further review and testing of new definitions is undertaken before inclusion in the standards. This is particularly important for regional relevant definitions. Ensure that changes to rules to incorporate plan definitions can be considered as a consequential amendment.

11 IMPLEMENTATION

Greater clarification on how MfE will support local government to implement the proposed standards is essential.

E-Planning implementation

The draft standard requires councils to comply with the initial electronic accessibility standard within one year and further E-plan and E-planning requirements within five years.

Implementation of E-plan will require significant commitment from a large number of key staff within the organisation.

Baseline accessibility and functionality within 12 months of the standards being gazetted is achievable but will draw resources away from the more significant and comprehensive job associated with the full E-plan functionality requirements.

Relief sought:

18. Given the scale and cost of the E-plan task, the 12-month baseline accessibility requirement is withdrawn to allow the resources to be dedicated to the full functionality requirements of the proposed standard.

11.1 TRANSITIONAL PROVISIONS

As requested in Section 2 Council's preferences is for the planning standards to be implemented in alignment with the council's plan review cycle to avoid unnecessary costs and confusion for plan users. This would necessitate the provision for transitional arrangements for both the structure of plans and use of E-plans until the planning standards are fully implemented.

Additionally the financial impact of planning standards has not been accounted for in the current LTP period due to uncertainty of requirements and timing of consultation coming after LTPs had been finalised. This creates difficulties for Councils to find additional funds to implement the proposed standards under current LTPs.

Relief sought:

19. Allowances in implementation time frames should be made to align Planning Standards implementation with the LTP planning cycle so Councils can plan for and obtain the additional funds that will be required to implement the standards.

12 FUTURE CONTENT FOR STANDARDS

The consultation document "draft national planning standards" talks about the draft standards being the first set of planning standards (page 14). Future sets of planning standards could be content based and some are identified e.g. method to identify outstanding natural features and landscapes. How would local authorities be expected to incorporate any future standards where they have operative plans? What would the timing be for those? Are councils going to go through a huge process incorporating the standards and then be faced shortly after with plan changes to incorporate new standards? Or worse still future standards coming out while we are notifying the proposed plan?

Relief Sought:

20. A clear timetable for future standards is provided and a commitment from Government that adequate time will be provided for implementation of future standards that will not lead to continuous changes to plans as standards are rolled out.

13 CONCLUSION

The paper based thinking of the standards requirements are an out of date, misplaced imposition on all local communities with costs vastly greater than benefits. Government as an alternative could invest in future-oriented support for faster and better development of electronic data systems to manage plan text and spatial datasets as E-plans and linked E-planning (development process) functionalities. Instead all councils will spend significant money to rewrite their current plans to comply with the layered, prescriptive requirements of the planning standards. The purpose of "national consistency" in the RMA is vague and is likely to mean only small benefits of slightly reduced consent processing time for some users. By contrast, the costs are significant for all councils whether or not the re-writing of plans can be done within the 5-year window in association with plan reviews.


If the drivers of the standards are greater consistency and usability for plan users then the focus should be on a design led approach that specifies a nationally consistent set of accessibility and usability requirements for electronic based plans that meet users' expectations and needs.

Tasman District Council
 Submission on Draft National Planning Standards

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	Central government	<input type="checkbox"/>
	Iwi	<input type="checkbox"/>
	Other (please specify)	<input type="checkbox"/> Click here to enter text.

TASMAN DISTRICT COUNCIL AT RISK CATCHMENT TEMPLATE			
Name and location of the at risk catchment	Reason for inclusion	Please provide high level descriptions of existing plan provisions, council planning timeframes and council, community and industry non-regulatory programmes that are addressing the decline.	
		Current and proposed planning provisions	Non-regulatory approaches
<p>Insert map of the catchment or attach a geodatabase in an ArcGIS friendly format.</p> <ul style="list-style-type: none"> Please include coordinates of the centre of the catchment (NZTM2000), or preferably as a vector in the geodatabase Please identify on the map where the major pressures are in the catchment, and the land use types and where the actions to protect the catchment noted above take place 	<p>Why is the catchment at risk?</p> <ul style="list-style-type: none"> Does the Catchment exhibit a clear decline in water quality or ecosystem health; or Is water quality or ecosystem health likely to decline as a result (direct or indirect) of existing or anticipated future land use change and/or intensity of use (including urban growth); or Is the catchment or sub-catchment vulnerable to irreversible detrimental change? <p>You could also refer to:</p> <ul style="list-style-type: none"> current state compared to the desired values for the catchment; extent and severity of the decline; and what contaminants and activities are the key pressures on the catchment? 	<ul style="list-style-type: none"> What RMA plans are in place or are planned to address the issues in the catchment? What is the proposed timing for council planning to address the issues in the catchment? Provide comment on how adequate the planned response is to stop decline in the catchment. 	<p>What non-regulatory approaches are in place or proposed including funding, catchment groups, plantings, and fencing etc?</p>
<p>Water quality monitoring in Tasman District Council indicates that for the majority of sites water quality trends are either stable or improving. MfE modelling indicates 97.5% of rivers and 100% of lakes in Tasman are of swimmable quality. However, there is evidence of degraded habitat values, particularly in lowland streams in both urban and rural areas, which is impacting on water body and ecosystem health.</p> <p>Excerpt from 2015 SOE report: <i>There are several small streams that are demonstrating a decline in water quality. Macro-invertebrate communities are poor in many of the small lowland streams that drain the intensively developed parts of the District (e.g. Motupipi, Watercress, lower Reservoir, Waiwhero, Little Sydney, Borck, Neimann, Moutere, Seaton, Tasman, and Murchison) as indicated by low macroinvertebrate metric scores (MCI, %EPT taxa and SQMCI).</i></p> <p><i>Models used to predict water quality across all streams in the district (not just at monitoring sites) show that 3% of pastoral streams (an estimated 100 to 150km of stream length) were predicted to have macro-invertebrate community index (MCI) scores below the bottom line (in attribute state D4). However, over all streams in the district, it is predicted that only 1% of streams are below this bottom line. These models correlate well with sample data. Water clarity models show that only 1% of streams overall had water clarity within the 'D' band.</i></p> <p><i>Periphyton cover and scores (growth on the stream bed, mostly algae) were indicative of good ecosystem health (in band A or B) at the majority of sites. However, about 25% of small lowland streams draining intensively developed land often had excessive accumulations of nuisance algae in summer (Borck, Neimann, Pearl, Powell, Watercress, Kaituna, Motupipi).</i></p> <p>Exceptions aside, the reason for the generally excellent water quality results are two fold; a relatively high proportion of the headwaters of the regions catchments are in national parks and secondly through good environmental management and an ongoing council programme of environmental enhancement working with landowners to educate and provide financial support for fencing of waterways. Our Riparian Management Programme sees about 27 kilometres of waterways fenced annually. All of this sits alongside the current programme to implement the NPS-FM across the region by 2025.</p> <p>The work council plans to do over and above existing work:</p> <ul style="list-style-type: none"> Help farmers in the few key catchments that do not meet the NPS-FM (eg Sherry River) to update or implement farm environmental plans. This involves a partnership with NZ Landcare Trust to facilitate this work. Budget for improving water quality has increased from \$110,000 to \$210,000 per annum from July 1, 2018. To date the council invests approximately \$110,000 per year, mostly on fencing materials and stream bank erosion prevention. The new budget will allow a wider range of interventions on the ground to improve water quality such as establishing wetlands or grass swales at pasture runoff funnel points. Stormwater upgrades in urban areas to avoid sewage overflows into waterways. <p>Funding from Central Government would enable more work to be done to address water quality issues and in particular riparian and aquatic habitat effects on ecosystem health.</p> <p>Council also recognises that there is always residual risk to water quality from future changes to land use or land use practice and that these cannot always been anticipated or easily monitored. TDC is investigating options for a more mobile and randomised sampling programme across the district in the future to assist in picking up problems, particularly transient issues, to complement those areas captured by the State of the Environment monitoring programme. Council also undertakes targeted localised sampling programs to better understand issues, such as localised elevated nitrate on the Waimea plains.</p>			

Name and location of the at risk catchment	Reason for inclusion	Please provide high level descriptions of existing plan provisions, council planning timeframes and council, community and industry non-regulatory programmes that are addressing the decline.	
<p>All urban catchments (especially Richmond catchments)</p> 	<p>Why is the catchment at risk?</p> <p>Increased urbanisation to meet growth demands, including requirements under the NPS-UDC is driving conversion of rural land to urban land uses. This can result in a corresponding decline in habitat and water quality associated with urbanisation of catchments.</p> <p>Evidence of habitat loss and sedimentation plus the usual urban contaminants of E.coli, and metals is present for the existing urbanised catchments.</p> <p>Tasman has high growth rates in Richmond/Nelson urban area, Brightwater, Wakefield, Mapua and Motueka.</p>	<p>The NPS-FM has not been implemented in these catchments yet. Target date is by 2025. A process to confirm specific values/outcomes with the community and tangata whenua as required by the NPS-FM is currently underway through a Catchment Management Strategy and Plan development project. This will yield a Tasman wide strategy and individual catchment management plans for each urban area.</p> <p>The Tasman Regional Policy Statement and Resource Management Plan includes several lists of values and uses for water in the district and it is anticipated that the NPS-FM compliant exercise will reconfirm and refine the values and uses that have already been identified.</p> <p>Council also has a multi-layered non-regulatory programme to address risk (refer column right) and following the Land Development Manual consultation, will consult on a draft Plan Change to the Tasman Resource Management Plan (TRMP). The package (inter alia) sets out mandatory requirements and best practice requirements for earthworks and stormwater design and management.</p> <p>The performance outcomes for the design and construction of stormwater systems sought by the standards and good practice matters in the LDM include the following:</p> <ul style="list-style-type: none"> a) A management solution that is based on a holistic catchment-based assessment, including consideration of topography, soil and slope, vegetation, built development, existing drainage patterns, freshwater resources, stormwater network infrastructure, natural values and natural hazards; b) An integrated design approach to stormwater management, which accommodates stormwater functions including access for maintenance and operations, as well as amenity, recreation and ecological values <p>In addition, implementation of the NPS-FM in these catchments, including consenting of Council stormwater discharges will contribute to a sound framework for freshwater management.</p>	<p>Council has recently released a new Nelson-Tasman Land Development Manual for feedback, including guidance and standards around green and brown field development.</p> <p>Council's engineering department is also developing further guidance documents on the appropriate design and ongoing maintenance of urbanised waterbodies to seek improved outcomes for habitat and water quality.</p> <p>Alongside the land development manual new Erosion and Sediment Control guidelines have also been released for comment to help with earthworks and sediment control during land development.</p> <p>Council has held successful workshops in 2018 on sediment and stormwater management and water quality with developers and contractors involved in earth works and development.</p> <p>Council is also initiating a new process under the Building Act to ensure erosion and sediment controls are undertaken during site works and monitored through building compliance processes. This will include workshops with local building companies to ensure expectations for erosion and sediment control during building projects are fully understood.</p>

Tasman District Council

Name and location of the at risk catchment	Reason for inclusion	Please provide high level descriptions of existing plan provisions, council planning timeframes and council, community and industry non-regulatory programmes that are addressing the decline.	
<p>Catchments with forestry that will be clear felled</p>	<p>Tasman has a large number of catchments that have plantation forestry within them. The effects of clear felling forestry on sedimentation and water quality in the three to five years following harvest are well known and understood.</p> <p>Long term water quality trends across Tasman District Council are stable or improving however the cyclical variation due to forestry harvesting is causing adverse effects.</p>	<p>Council is currently reviewing district wide slope instability and land disturbance rules and erosion and sediment control guidelines. Areas of separation point granite are likely to see revised rules relating to earthworks, sediment control and forestry operations to manage water quality impacts. This is likely to override NES-PF controls as they are not adequate to address water quality management in this type of country.</p>	<p>Council is also working with iwi landowners and forestry managers to apply for funding from the 2018 round of the MPI - Hill Country Erosion Fund for an alternative replanting strategy in Marahau and Otuwhero which will achieve multiple benefits to stream health, financial viability and addressing issues following recent storm events.</p>

Environment & Planning Department
Departmental Financial Statement
For the year to June 2018

Actual 2017		Actual 2018	Total Budget 2017/18	Total Variance
OPERATING ACTIVITIES				
Operating Income				
8,255,262	General Rates	9,018,997	9,019,001	(4)
203,790	Targeted Rates	191,917	185,132	6,785
6,957,132	Fees & Recoveries	7,183,814	6,463,068	720,746
614,979	Share of Investment Income	630,357	630,357	0
16,031,162	Total Operating Income	17,025,085	16,297,558	727,527
Operating Expense				
7,248	Wage Related Expenses	10,634	10,210	(424)
5,290,351	Wage Timesheet Allocation	5,473,217	5,875,211	401,994
60,987	Maintenance	66,786	76,438	9,652
1,199,037	General Operating Costs	1,439,102	1,489,097	49,995
2,893,260	Professional Fees	3,725,594	2,612,051	(1,113,543)
3,320	Operations	6,071	25,210	19,139
1,306	Employment Related Expenses	6,549	60,750	54,201
5,956,012	Overheads	6,497,409	6,511,857	14,448
49,635	Loan Interest	24,146	28,473	4,328
237,413	Depreciation	227,268	334,448	107,180
15,698,570	Total Operating Expense	17,476,775	17,023,745	(453,030)
332,592	SURPLUS (DEFICIT) FROM OPERATIONS	(451,689)	(726,187)	274,498
CAPITAL FUNDING				
Source of Capital Funds				
6,897	Loans Raised	0	0	0
82,044	Reserve Transfers	440,605	672,813	(232,208)
599,513	Internal Transfer	7,482	0	7,482
688,453	Total Source of Capital Funds	448,087	672,813	(224,726)
Application of Capital Funds				
375,300	Capex Additions	388,679	555,004	166,125
134,020	Principal Repaid	110,211	113,530	3,319
557,729	Reserve Transfers	(275,426)	17,615	293,041
7,777	Internal Transfer	0	0	0
1,074,826	Total Application of Capital Funds	223,665	686,149	462,484
(386,373)	SURPLUS (DEFICIT) OF CAPITAL FUNDING	224,422	(13,336)	237,758
237,413	Non-Funded Depreciation	227,268	334,448	(107,180)
183,633	SURPLUS (DEFICIT) FUNDING BALANCE	1	(405,075)	405,076

Environment & Planning Department
Summary of Operating Activities
For the year to June 2018

Actual 2017	ENVIRONMENT & PLANNING	Actual 2018	Total Budget 2017/18	Total Variance
ENVIRONMENTAL MANAGEMENT				
Operating Income				
1,734,172	Environmental Policy	1,711,808	1,728,483	(16,675)
4,240,079	Environmental Information	4,385,859	4,403,754	(17,895)
2,933,470	Resource Consents	2,937,148	2,873,651	63,497
1,249,659	Compliance	1,388,237	1,448,938	(62,701)
10,157,380	Total Operating Income	10,421,053	10,454,826	(33,773)
Operating Expense				
1,581,798	Environmental Policy	2,163,347	1,975,561	(187,786)
3,831,618	Environmental Information	3,882,300	4,330,865	448,585
2,795,436	Resource Consents	3,262,311	2,873,653	(388,658)
1,296,147	Compliance	1,300,809	1,448,949	148,140
9,505,000	Total Operating Expense	10,608,767	10,629,028	20,261
652,380	TOTAL ENVIRONMENTAL MANAGEMENT	(187,715)	(174,202)	(13,513)
PUBLIC HEALTH & SAFETY				
Operating Income				
3,254,526	Building Control	4,257,376	3,630,526	626,850
516,808	Emergency Management	500,592	500,593	(1)
2,102,448	Regulatory Services	1,846,064	1,711,613	134,451
5,873,782	Total Operating Income	6,604,033	5,842,732	761,301
Operating Expense				
3,844,681	Building Control	4,632,115	3,627,337	(1,004,778)
291,020	Emergency Management	465,856	508,165	42,309
2,057,869	Regulatory Services	1,770,036	2,259,215	489,179
6,193,570	Total Operating Expense	6,868,007	6,394,717	(473,290)
(319,788)	TOTAL PUBLIC HEALTH & SAFETY	(263,975)	(551,985)	288,010
332,592	TOTAL ENVIRONMENT & PLANNING	(451,689)	(726,187)	274,498

Environment & Planning Department
Activity Financial Statement
For the year to June 2018

Actual 2017	BUILDING CONTROL	Actual 2018	Total Budget 2017/18	Total Variance
	OPERATING ACTIVITIES			
	Operating income			
283,641	General Rates	642,346	641,657	689
2,849,442	Fees & Recoveries	3,490,550	2,864,389	626,161
121,443	Share of Investment Income	124,480	124,480	0
3,254,526	Total Operating Income	4,257,376	3,630,526	626,850
	Operating Expense			
1,480,586	Wage Timesheet Allocation	1,468,032	1,559,281	91,249
133,800	General Operating Costs	329,347	113,619	(215,728)
693,571	Professional Fees	1,208,974	287,230	(921,744)
1,306	Employment Related Expenses	6,549	60,750	54,201
1,535,418	Overheads	1,619,214	1,606,457	(12,757)
3,844,681	Total Operating Expense	4,632,115	3,627,337	(1,004,778)
(590,155)	SURPLUS (DEFICIT) FROM OPERATIONS	(374,739)	3,189	(377,928)
	CAPITAL FUNDING			
	Source of Capital Funds			
599,513	Internal Transfer	0	0	0
599,513	Total Source of Capital Funds	0	0	0
	Application of Capital Funds			
9,358	Capex Additions	8,070	3,190	(4,880)
0	Reserve Transfers	(382,808)	0	382,808
9,358	Total Application of Capital Funds	(374,739)	3,190	377,929
590,155	SURPLUS (DEFICIT) OF CAPITAL FUNDING	374,739	(3,190)	377,929
0	Non-Funded Depreciation	0	944	(944)
(0)	SURPLUS (DEFICIT) FUNDING BALANCE	(0)	943	(943)

Environment & Planning Department
Activity Financial Statement
For the year to June 2018

Actual 2017	EMERGENCY MANAGEMENT	Actual 2018	Total Budget 2017/18	Total Variance
	OPERATING ACTIVITIES			
	Operating Income			
497,593	General Rates	480,897	480,898	(1)
19,215	Share of Investment Income	19,695	19,695	0
516,808	Total Operating Income	500,592	500,593	(1)
	Operating Expense			
12,486	Wage Timesheet Allocation	9,903	17,310	7,407
123	Maintenance	118	4,261	4,143
188,625	General Operating Costs	359,341	383,145	23,804
86,094	Overheads	93,070	99,918	6,848
(3,884)	Loan Interest	(4,151)	(4,041)	110
7,576	Depreciation	7,575	7,572	(3)
291,020	Total Operating Expense	465,856	508,165	42,309
225,788	SURPLUS (DEFICIT) FROM OPERATIONS	34,736	(7,572)	42,308
	CAPITAL FUNDING			
	Application of Capital Funds			
49,732	Reserve Transfers	42,311	0	(42,311)
49,732	Total Application of Capital Funds	42,311	0	(42,311)
(49,732)	SURPLUS (DEFICIT) OF CAPITAL FUNDING	(42,311)	0	(42,311)
7,576	Non-Funded Depreciation	7,575	7,572	3
183,633	SURPLUS (DEFICIT) FUNDING BALANCE	0	0	0

Environment & Planning Department
Activity Financial Statement
For the year to June 2018

Actual 2017	ENVIRONMENTAL POLICY	Actual 2018	Total Budget 2017/18	Total Variance
OPERATING ACTIVITIES				
Operating Income				
1,396,957	General Rates	1,637,995	1,637,996	(1)
275,637	Fees & Recoveries	10,696	27,370	(16,675)
61,578	Share of Investment Income	63,117	63,117	0
1,734,172	Total Operating Income	1,711,808	1,728,483	(16,675)
Operating Expense				
3,000	Wage Related Expenses	0	0	0
474,763	Wage Timesheet Allocation	641,005	636,226	(4,779)
33,231	General Operating Costs	41,994	101,691	59,697
520,400	Professional Fees	723,576	526,088	(197,488)
552,808	Overheads	761,684	714,058	(47,626)
(2,405)	Loan Interest	(4,913)	(2,502)	2,411
1,581,796	Total Operating Expense	2,163,347	1,975,561	(187,786)
152,374	SURPLUS (DEFICIT) FROM OPERATIONS	(451,539)	(247,078)	(204,461)
CAPITAL FUNDING				
Source of Capital Funds				
(152,374)	Reserve Transfers	451,539	247,073	204,466
(152,374)	Total Source of Capital Funds	451,539	247,073	204,466
(152,374)	SURPLUS (DEFICIT) OF CAPITAL FUNDING	451,539	247,073	204,466
0	SURPLUS (DEFICIT) FUNDING BALANCE	0	(5)	5

Environment & Planning Department
Activity Financial Statement
For the year to June 2018

Actual 2017	ENVIRONMENTAL INFORMATION	Actual 2018	Total Budget 2017/18	Total Variance
	OPERATING ACTIVITIES			
	Operating Income			
3,087,271	General Rates	3,278,366	3,278,367	(1)
203,790	Targeted Rates	191,917	185,132	6,785
789,529	Fees & Recoveries	752,069	776,777	(24,678)
159,490	Share of Investment Income	163,478	163,478	(0)
4,240,079	Total Operating Income	4,385,859	4,403,754	(17,895)
	Operating Expense			
0	Wage Related Expenses	6,500	0	(6,500)
1,196,050	Wage Timesheet Allocation	1,160,691	1,264,494	103,803
19,254	Maintenance	41,274	47,954	6,680
589,001	General Operating Costs	493,191	685,724	192,533
487,259	Professional Fees	569,393	614,948	45,555
3,320	Operations	6,071	25,210	19,139
1,384,406	Overheads	1,456,430	1,476,235	19,805
45,265	Loan Interest	30,122	28,055	(2,067)
107,064	Depreciation	118,626	188,245	69,619
3,831,618	Total Operating Expense	3,882,300	4,330,865	448,565
408,460	SURPLUS (DEFICIT) FROM OPERATIONS	503,559	72,889	430,670
	CAPITAL FUNDING			
	Source of Capital Funds			
195,621	Reserve Transfers	(10,934)	355,740	(366,674)
195,621	Total Source of Capital Funds	(10,934)	355,740	(366,674)
	Application of Capital Funds			
341,843	Capex Additions	364,825	532,675	167,850
88,909	Principal Repaid	84,216	84,216	0
272,617	Reserve Transfers	162,209	0	(162,209)
7,777	Internal Transfer	0	0	0
711,145	Total Application of Capital Funds	611,250	616,891	5,641
(515,524)	SURPLUS (DEFICIT) OF CAPITAL FUNDING	(622,184)	(261,151)	(361,033)
107,064	Non-Funded Depreciation	118,626	188,245	(69,619)
(0)	SURPLUS (DEFICIT) FUNDING BALANCE	0	(17)	17

Environment & Planning Department
Activity Financial Statement
For the year to June 2018

Actual 2017	RESOURCE CONSENTS	Actual 2018	Total Budget 2017/18	Total Variance
OPERATING ACTIVITIES				
Operating Income				
1,064,303	General Rates	1,197,973	1,197,972	1
1,759,387	Fees & Recoveries	1,626,650	1,563,154	63,496
109,780	Share of Investment Income	112,525	112,525	0
2,933,470	Total Operating Income	2,937,148	2,873,651	63,497
Operating Expense				
1,100,367	Wage Timesheet Allocation	1,239,844	1,286,922	47,078
28,840	General Operating Costs	10,298	32,715	22,417
436,521	Professional Fees	622,521	197,065	(425,456)
1,229,708	Overheads	1,392,309	1,356,951	(35,358)
0	Loan Interest	(2,661)	0	2,661
2,795,436	Total Operating Expense	3,262,311	2,873,653	(388,658)
138,034	SURPLUS (DEFICIT) FROM OPERATIONS	(325,163)	(2)	(325,161)
CAPITAL FUNDING				
Application of Capital Funds				
138,034	Reserve Transfers	(325,163)	0	325,163
138,034	Total Application of Capital Funds	(325,163)	0	325,163
(138,034)	SURPLUS (DEFICIT) OF CAPITAL FUNDING	325,163	0	325,163
0	SURPLUS (DEFICIT) FUNDING BALANCE	0	(2)	2

Environment & Planning Department
Activity Financial Statement
For the year to June 2018

Actual 2017	COMPLIANCE	Actual 2018	Total Budget 2017/18	Total Variance
OPERATING ACTIVITIES				
Operating Income				
974,528	General Rates	1,105,016	1,105,705	(689)
217,910	Fees & Recoveries	222,570	284,581	(62,011)
57,221	Share of Investment Income	58,652	58,652	(0)
1,249,659	Total Operating Income	1,386,237	1,448,938	(62,701)
Operating Expense				
562,751	Wage Timesheet Allocation	526,828	617,777	90,949
12,961	General Operating Costs	20,828	29,160	8,532
122,664	Professional Fees	147,011	147,824	813
600,064	Overheads	607,331	656,574	49,243
(2,294)	Loan Interest	(989)	(2,386)	(1,397)
1,296,147	Total Operating Expense	1,300,809	1,448,949	148,140
(46,488)	SURPLUS (DEFICIT) FROM OPERATIONS	85,428	(11)	85,439
CAPITAL FUNDING				
Source of Capital Funds				
0	Internal Transfer	7,482	0	(7,482)
0	Total Source of Capital Funds	7,482	0	(7,482)
Application of Capital Funds				
0	Capex Additions	2,522	0	(2,522)
(46,488)	Reserve Transfers	90,388	0	(90,388)
(46,488)	Total Application of Capital Funds	92,910	0	(92,910)
46,488	SURPLUS (DEFICIT) OF CAPITAL FUNDING	(85,428)	0	(100,392)
0	SURPLUS (DEFICIT) FUNDING BALANCE	0	(11)	(14,953)

Environment & Planning Department
Activity Financial Statement
For the year to June 2018

Actual 2017	REGULATORY SERVICES	Actual 2018	Total Budget 2017/18	Total Variance
	OPERATING ACTIVITIES			
	Operating Income			
950,969	General Rates	676,405	676,406	(1)
1,065,227	Fees & Recoveries	1,081,250	946,797	134,453
86,253	Share of Investment Income	88,410	88,410	(0)
2,102,448	Total Operating Income	1,846,064	1,711,613	134,451
	Operating Expense			
4,248	Wage Related Expenses	4,134	10,210	6,076
463,347	Wage Timesheet Allocation	426,913	493,201	66,288
41,611	Maintenance	25,393	24,223	(1,170)
212,579	General Operating Costs	184,302	143,043	(41,259)
632,846	Professional Fees	454,118	836,896	384,778
567,513	Overheads	567,371	601,664	34,293
12,952	Loan Interest	6,737	9,347	2,610
122,773	Depreciation	101,067	138,631	37,564
2,057,869	Total Operating Expense	1,770,036	2,259,215	489,179
44,579	SURPLUS (DEFICIT) FROM OPERATIONS	76,028	(547,602)	623,630
	CAPITAL FUNDING			
	Source of Capital Funds			
6,897	Loans Raised	0	0	0
38,796	Reserve Transfers	0	70,000	(70,000)
45,693	Total Source of Capital Funds	0	70,000	(70,000)
	Application of Capital Funds			
24,099	Capex Additions	13,463	19,139	5,676
45,111	Principal Repaid	25,995	29,314	3,319
143,835	Reserve Transfers	137,637	17,615	(120,022)
213,045	Total Application of Capital Funds	177,095	66,068	(111,027)
(167,352)	SURPLUS (DEFICIT) OF CAPITAL FUNDING	(177,095)	3,932	(181,027)
122,773	Non-Funded Depreciation	101,067	137,687	(36,620)
0	SURPLUS (DEFICIT) FUNDING BALANCE	(0)	(405,983)	405,983

Department
Overhead Expenditure Statement
For the year to June 2018

Actual 2017		Actual 2018	Total Budget 2017/18	Total Variance
OVERHEAD EXPENSES				
7,475,601	Wage Related Expenses	7,924,892	8,035,396	110,504
143,613	Maintenance	141,176	174,101	32,925
442,560	General Operating Costs	386,687	434,725	48,038
67,687	Professional Fees	53,034	26,650	(26,384)
330,476	Employee Benefits	350,373	342,065	(8,308)
89,814	Employment Related Expenses	64,326	77,465	13,139
1,304,559	Overheads	1,592,636	1,592,636	0
617	Financial Expenses	0	906	906
200,800	Depreciation	211,964	238,258	26,294
10,055,726	TOTAL OVERHEAD EXPENSES	10,725,089	10,922,202	197,113
189,504	Capex Additions	159,710	247,588	87,878
10,245,229	TOTAL OVERHEAD EXPENDITURE	10,884,799	11,169,790	284,991
OTHER ITEMS				
(9,874,661)	Overhead Recoveries	(10,381,355)	(10,683,941)	(302,586)
(169,768)	Income	(272,712)	(247,588)	25,124
200,800	OVERHEAD ACCOUNT BALANCE	230,732	238,261	7,529



SUBMISSION FORM

For Hazardous Substance and New Organism Applications



Once you have completed this form

Send by post to: Environmental Protection Authority, Private Bag 63002, Wellington 6140

OR email to: submissions@epa.govt.nz

Once your submission has been received the submission becomes a public document and may be made publicly available to anyone who requests it. You may request that your contact details be kept confidential, but your name, organisation and your submission itself will become a public document.

Submission on application number:	APP203313
Name of submitter or contact for joint submission:	Paul Sheldon
Organisation name (if on behalf of an organisation):	Tasman District Council
Postal address:	Private Bag 2 Richmond 7050
Telephone number:	03 543 8432
Email:	paul.sheldon@tasman.govt.nz

I wish to keep my contact details confidential

The EPA will deal with any personal information you supply in your submission in accordance with the Privacy Act 1993. We will use your contact details for the purposes of processing the application that it relates to (or in exceptional situations for other reasons permitted under the Privacy Act 1993). Where your submission is made publicly available, your contact details will be removed only if you have indicated this as your preference in the tick box above. We may also use your contact details for the purpose of requesting your participation in customer surveys.

The EPA is likely to post your submission on its website at www.epa.govt.nz. We also may make your submission available in response to a request under the Official Information Act 1982.

New Zealand Government

www.epa.govt.nz

-
- I support the application
- I oppose the application
- I neither support or oppose the application

The reasons for making my submission are¹: (further information can be appended to your submission, see footnote).

Old man's beard (*Clematis vitalba*) is a widespread pest plant in Tasman District (a unitary council) invading tree lands and scrublands and smothering both indigenous and exotic vegetation. It is particularly prevalent along the sides of roads and rivers where its seed is spread in the gravels. In much of the District Old man's beard is in such dense infestations that it is beyond our ability to control. Within Tasman District we have two distinct geographic areas where Old man's beard is still in sufficiently low density to make control feasible. These are Golden Bay to Kaiteriteri and the Upper Buller Catchment where the Regional Pest Management Plan objective is to reduce its distribution and density. Beyond these areas it is considered too widespread to justify the imposition of control rules. Even within the restricted areas where control is still feasible Tasman District Council incurs significant control costs as do the numerous volunteer groups or individuals also trying to control this pest.

Tasman District Council has previously been involved with attempts to establish effective biological control agents for Old man's beard in New Zealand as we consider that biological control is the only feasible method for the widespread high infestation areas. Council welcomes this opportunity to submit in support of this important application and recognises the value of this rigorous process in order to ensure the safety and suitability of releasing new biological control agents into New Zealand.

All submissions are taken into account by the decision makers. In addition, please indicate whether or not you also wish to speak at a hearing if one is held.

- I wish to be heard in support of my submission (this means that you can speak at the hearing)
- I do not wish to be heard in support of my submission (this means that you cannot speak at the hearing)

If neither box is ticked, it will be assumed you do not wish to appear at a hearing.

I wish for the EPA to make the following decision:

Grant the applicant's approval to introduce into New Zealand the gall-forming mite *Aceria vitalbae*, for the biological control of Old man's beard (*Clematis vitalba*)

¹ Further information can be appended to your submission, if you are sending this submission electronically and attaching a file we accept the following formats – Microsoft Word, Text, PDF, ZIP, JPEG and JPG. The file must be not more than 8Mb.

Action Sheet - Environment & Planning Committee

Meeting Date:	Minute/Action	Minute or CSR or Email request	Accountable Officer	Status
1 November 2012	REP12-11-06 NPS on Renewable Electricity Generation	Requests staff to identify opportunities to amend the TRMP to improve the process for installing mini and micro hydro and photovoltaic energy systems	Lisa McGlinchey	No action yet. Programmed for later 2018 as part of RPS/plan review
8 February 2018	EPC18-02-03	Staff report back on primary contact sites within urban areas including Templemore Pond in Richmond.	Trevor James/Lisa McGlinchey	Work to commence
14 June 2018		The Regulatory Services Manager agreed to talk to the Nelson Tasman Chamber of Commerce's Richmond Unlimited Group to float some ideas on how to promote better parking in Richmond	Adrian Humphries	Have not been able to make contact yet, but a meeting is hopeful in the near future.
		The Regulatory Services Manager agreed to speak to the Engineering and Community Development Departments and would report back to the Environment and Planning Committee at the next meeting on ways of improving Martin Farm Road accessibility.	Adrian Humphries	Completed. This has been reported through the Engineering Committee.
		Team Leader – Compliance to investigate a new APP which Nelson City Council had started using for Service Requests to see if it would be suitable for Tasman to adopt.	Carl Cheeseman	Completed, TDC technology would not support this APP
		Regulatory Manager to investigate further with the Engineering and Community Development Departments the prospect of using the old tip site at Mariri as a freedom camping option.	Adrian Humphries	Still to conclude but at this stage action is still with other departments.
26 July 2018		In the Public Forum Mr Garnet referred to the building commonly known as the 'Red Barn' that was sited in Aniseed Valley and asked whether there was any finance available to restore heritage buildings of this type.	Barry Johnson	Completed. Not listed as a historical building, no finance available. However

Meeting Date:	Minute/Action	Minute or CSR or Email request	Accountable Officer	Status
				the heritage provisions in the TRMP will be reviewed in the next couple of years and as part of this we will be seeking new items for inclusion in the TRMP.
		A request was made that the Regulatory Manager connect with the dairy industry to understand the data they have collected on water use and in particular, milk shed washdowns. He was also asked to report back with additional information on likely set up and running costs for an in-house telemetry service for water metering.	Adrian Humphries	This is being worked on by staff at present
		The meeting discussed shared arrangements for resourcing and systems and reference was made to the Building Assurance scheme 'Go Shift'. The Acting Environment and Planning Manager noted that Council requested feedback on how well this scheme is working.	Rob Smith	Completed and in E&P Managers Report
		Cr Wensley had requested information on water bottling plants within the District.	Phil Doole	Relevant information has been supplied via email

9.5 ENVIRONMENT AND PLANNING COMMITTEE CHAIR'S REPORT 6 SEPTEMBER 2018

Information Only - No Decision Required

Report To: Environment and Planning Committee
Meeting Date: 6 September 2018
Report Author: Tim King, Environment & Planning Committee Chair
Report Number: REP18-09-05

1 Summary

1.1 The Chair will provide a verbal report at the meeting

2 Draft Resolution

That the Environment and Planning Committee

- 1. receives the Environment and Planning Committee Chair's Report 6 September 2018 REP18-09-05 report;**

3 Attachments

Nil