

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

**Date:** Thursday 25 July 2019  
**Time:** 9.30am  
**Meeting Room:** Tasman Council Chamber  
**Venue:** 189 Queen Street  
Richmond

---

## Environment and Planning Committee

### AGENDA

---

#### MEMBERSHIP

<b>Chairperson</b>	Cr T King	
<b>Deputy Chairperson</b>	Cr S Brown	
<b>Members</b>	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  
Email: [julie.jar@tasman.govt.nz](mailto:julie.jar@tasman.govt.nz)  
Website: [www.tasman.govt.nz](http://www.tasman.govt.nz)

---



## **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, 30 May 2019, be confirmed as a true and correct record of the meeting.**

### **7 REPORTS OF COMMITTEE**

Nil

### **8 PRESENTATIONS**

Nil

### **9 REPORTS**

- 9.1 Draft Gambling Venues Policy for Commencement of Public Consultation ..... 5
- 9.2 Takaka FLAG Recommendations and Process Report..... 29
- 9.3 2018-2019 Farm Dairy Compliance Survey ..... 33
- 9.4 Annual District Wide Water Monitoring Report ..... 57
- 9.5 Resource Consents Manager's Annual Report ..... 69
- 9.6 Environment & Planning Committee Chair's Report ..... 79
- 9.7 Environment and Planning Manager's Report ..... 81

### **10 CONFIDENTIAL SESSION**

Nil



## 9 REPORTS

### 9.1 DRAFT GAMBLING VENUES POLICY FOR COMMENCEMENT OF PUBLIC CONSULTATION

Decision Required

<b>Report To:</b>	Environment and Planning Committee
<b>Meeting Date:</b>	25 July 2019
<b>Report Author:</b>	Graham Caradus, Team Leader - Environmental Health
<b>Report Number:</b>	REP19-07-1

#### 1 Summary

- 1.1 The Council is able to regulate the number of gambling machines (eg pokie machines) within the district through its Gambling Venues Policy. At the meeting of 18 October 2018, the Environment and Planning Committee of Council (EPC) instructed staff to draft a Gambling Venues Policy that reflected a sinking lid policy, in preference to the current capped policy.
- 1.2 This report provides a Draft Gambling Venues Policy based on a sinking lid, as well as a draft Statement of Proposal and Summary of information to give effect to this change.
- 1.3 A timeline to allow the required special consultative procedure to be undertaken, followed by hearing of submissions by a hearing committee has been recommended.
- 1.4 The proposed timeline would see a new Gambling Venues Policy adopted on 28 November 2019 by the EPC, allowing for the intervening election cycle.

#### 2 Draft Resolution

**That the Environment and Planning Committee:**

1. receives the Draft Gambling Venues Policy 2019 report; and
2. approves the statement of proposal for the Draft Gambling Venues Policy 2019 for consultation as included in Attachment 1 to REP19-07-1; and
3. approves the Summary of Information for the Draft Gambling Venues Policy 2019 for consultation as included in Attachment 1 to REP19-07-1; and
4. agrees the commencement of the special consultative procedure to the draft Gambling Venues Policy 2019 shall be commenced by public notice in newspapers, including Newsline, and on Council's Website on 9 August 2019; and
5. agrees the submission period shall commence on 9 August 2019 and will end at 4.30pm on 13 September 2019; and
6. agrees to the hearing of submissions on the draft Gambling Venues Policy 2019 by a hearing committee on 6 November 2019 with a date for deliberation to be decided by the hearing panel ; and

**Item 9.1**

- 7. notes that appointment of a Councillor as the chairperson, and Councillors to the hearing committee will be undertaken at the full Council meeting of 31 October 2019; and**
- 8. notes staff will report to the Environment and Planning Committee on 28 November 2019 with a recommendation for adoption of a Gambling Venues Policy.**

**3 Purpose of the Report**

- 3.1 This report presents a draft Gambling Venues Policy to EPC in accordance with the resolution of 18 October 2018 (see para 4.5 of this report).
- 3.2 The EPC is requested to approve the commencement of the special consultative procedure on the draft Gambling Venues Policy. This will start a process that will allow a new Gambling Venues Policy that will reflect a sinking lid on the number of Class 4 gaming machines in Tasman District and which is programmed to be adopted at the EPC meeting of 28 November 2019.

**4 Background and Discussion**

- 4.1 Tasman District Council's Gambling Venues Policy (the 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 (NZRB) Venue Policy pursuant to section 65E of the Racing Act 2003.
- 4.2 Council's Gambling Venues Policy was 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.
- 4.3 The EPC has decided to consult on a sinking lid for the current review in relation to gaming machines with NZRB venues remaining unrestricted.
- 4.4 Factors that had been assessed included those detailed in the staff report to the EPC at meetings of 6 September 2018 (REP19-09-01) and 4 October 2018 (REP18-10-02). The following were included:
  - A brief history of the controls imposed by the Gambling Venue Policies;
  - The impact of the amendment of the Gambling Act 2003 relating to a relocation policy.
  - Details of the deprivation indices for the district and details of the number of gambling machines in each relevant community.
  - Information provided by the Department of Internal Affairs (DIA) on the downward trend in the inflation adjusted gambling expenditure associated with gaming machines.
  - Risk factors associated with gambling identified by DIA and Ministry of Health publications.
  - The positive benefits provided by gambling, including the entertainment value and the positive results of net proceeds distributed for community good.
  - The changing trend for sports betting through NZ Racing Board Venues to occur digitally.
- 4.5 The Committee considered the options of making no change to the existing capped Class 4 Gambling Venues Policy, or making changes that may be less or more restrictive. The possibility of developing a relocation policy was also considered. The matters the Gambling

Act 2003 and the Racing Act 2003 requires the EPC to consider before making a decision on adopting a policy were defined.

- 4.6 The EPC instructed staff to prepare a draft Gambling Venues Policy that reflected a sinking lid, passing the following resolution:

**Moved Cr Wensley/Cr Canton  
EP18-10-1**

**That the Environment and Planning Committee**

- 1. receives the Gambling Venues Policy Review - Supplementary Report REP18-10-08; 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 to commence consultation; and**
  - 3.1 an associated Statement of Proposal; and**
  - 3.2 a Summary of Information based on resolution 2 above, for further consideration of the Environment and Planning Committee.**

**CARRIED**

- 4.7 The Draft Gambling Venues Policy 2019, along with a Statement of Proposal and a Summary of Information are attached to this report and labelled Attachment 1.
- 4.8 A sinking lid policy on Class 4 gambling venues in large cities such as Auckland, Christchurch, Dunedin and Tauranga, plus smaller districts like Gisborne and Whanganui results in nearly half of New Zealand's population living in an area where Class 4 Gambling Venues are subject to a sinking lid policy.
- 4.9 Nearby Councils' (Nelson, Marlborough and Grey) all have capped Class 4 Gambling Venues policies, whilst the policy in Buller is relatively unrestricted.

<b>5 Options</b>
------------------

- 5.1 **Do nothing to the Policy:** If it is decided by Council to leave the Gambling Venues Policy 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, by virtue of being silent on the matter, 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.



- 5.2 **Adopt the Proposed Policy:** The Council can decide to put the proposed policy as proposed in Attachment 1 out for public consultation as drafted. Because this is a change to the current policy there is an obligation to consult under section 102 of the Gambling Act 2003 and section 65E of the Racing Act 2003, using the Special Consultative Procedure as defined in section 83 of the Local Government Act 2002.
- 5.3 **Make a change to the Proposed Policy:** If it is decided to alter, amend or replace the proposed Policy in some other way than provided for above, the Council is able to do that but may need to seek further staff advice.
- 5.4 The Draft Gambling Venues Policy presented at this meeting reflects instructions provided by EPC to staff, and may proceed to the special consultative procedure stage as presented, or as modified by this meeting.

## 6 Strategy and Risks

- 6.1 Provided Council has a 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.
- 6.2 The current Gambling Venues Policy does not cease to have effect because it is due for review or being reviewed.

## 7 Policy / Legal Requirements / Plan

- 7.1 The review of the Gambling Venue Policy is compliant with Council’s legal obligations in the Gambling Act 2003, the Racing Act 2003, and no other Council policies are impacted by the effects of the Draft Policy.
- 7.2 The prescribed obligation on the Council is contained in section 101(2) of the Gambling Act 2003 which states:

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

- 7.3 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.*

- 7.4 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.*

7.5 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.*

7.6 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.*

7.7 The mandated process defined in the Local Government Act 2002, for replacing the Gambling Venues Policy, is being followed. The approval sought by this report to commence a special consultative process is the first step in the Gambling Venues Policy replacement process.

## **8 Consideration of Financial or Budgetary Implications**

8.1 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. Such costs are met within existing budget.

## **9 Significance and Engagement**

9.1 The decision requested of this report is of low significance as it is giving effect to a prescribed legal obligation. Engagement with the community will occur through the Special Consultative Process.

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 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. The existing Policy does not cease to have effect while the current review is occurring.
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	The sinking lid policy proposed will reduce the future demands on Council resources to the lowest level possible.
Does the decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	N.A.	
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	N.A.	
Does the 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.	

## 10 Conclusion

10.1 Council must have a Gambling Venues Policy. The proposed sinking lid policy presented in draft form in this report aligns with the EPC's previous direction to staff.

## 11 Next Steps / Timeline

11.1 **9 August 2019:** Newline publication date - will include formal notification of commencement of period of public consultation on the Draft Gambling Venues Policy 2019 with closing date for consultation being 4.30pm **Friday 13 September 2019.**

**Item 9.1**

- 11.2 **31 October 2019:** The Environment and Planning Manager will request full Council to appoint a chairperson and establish a hearing committee for hearing submissions on the Draft Gambling Venues Policy 2019.
- 11.3 **6 November 2019:** Hearing of submissions by the Hearing Committee on Draft Gambling Venues Policy 2019 commences at 1.30pm in Council Chambers, with deliberations to take place at a time to be appointed by the Hearing Committee.
- 11.4 **28 November 2019:** Report to EPC with recommendation for adoption of a Gambling Venues Policy 2019.

<b>12 Attachments</b>
-----------------------

1. [↓](#)

Statement of Proposal GVP 2019

13



# **Draft Gambling Venues Policy 2019**



## **Statement of Proposal**

---

## Contents

1. Introduction.....	3
2. Reasons for the proposal and determinations .....	3
3. Background.....	4
4. Who we will consult with.....	5
5. Proposed Draft Gambling Venues Policy .....	5
6. How to view the Draft Policy and provide your feedback .....	6
7. Submission form for Proposed Draft Gambling Venues Policy.....	7

DRAFT

3.  
Draft Gambling Venues Policy 2019

## 1. Introduction

Tasman District Council is replacing its Gambling Venues Policy 2010 and is seeking your views on a proposed draft Gambling Venues Policy 2019 (draft policy). The proposed draft Policy contains exactly the same controls for New Zealand Racing Board venues as the expiring Policy. However, it adopts a more restrictive “sinking lid” policy in relation to Class 4 Venues, which typically exist as taverns or other licensed premises which contain gaming machines, commonly known as poker machines or “pokies”. When adopted the draft policy will repeal the existing 2010 policy. This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 and includes:

- The reasons for the proposal, and
- The proposed draft Gambling Venues Policy
- Information on how to make a submission and the associated forms.

## 2. Reason for the Proposal and Determinations

The Gambling Act 2003 and the Racing Act 2003 require Council to maintain a Gambling Venues Policy. Council has maintained a current Gambling Venues Policy since 2004. The current Gambling Venues Policy was established by Council in 2010.

A review was initiated in 2018, to ensure that the review or amendment of the Policy was completed within the necessary timeframe. At the Environment and Planning meeting of Council on 4 October 2018 it was moved by Councillors Wensley and Canton:

That the Environment and Planning Committee

1. *receives the Gambling Venues Policy Review - Supplementary Report REP18-10-08;*  
*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 to commence consultation;*  
*and*
  - 3.1 *an associated Statement of Proposal;*  
*and*
  - 3.2 *a Summary of Information based on resolution 2 above, for further consideration of the Environment and Planning Committee.*

4.  
Draft Gambling Venues Policy 2019

---

Factors that had been assessed are those detailed in the staff report to the Environment and Planning Committee (The Committee) at meetings of 6 September 2018 and 4 October 2018. The following were included:

- A brief history of the controls imposed by the Gambling Venue Policies;
- The impact of the amendment of the Gambling Act 2003 relating to a relocation policy.
- Details of the deprivation indices for the district and details of the number of gambling machines in each relevant community.
- Information provided by the Department of Internal Affairs (DIA) on the downward trend in the inflation adjusted gambling expenditure associated with gaming machines.
- Risk factors associated with gambling identified by DIA and Ministry of Health publications.
- The positive benefits provided by gambling, including the entertainment value and the positive results of net proceeds distributed for community good.
- The changing trend for sports betting through NZ Racing Board Venues to occur digitally.

The Committee considered the options of making no change to the existing capped Class 4 Gambling Venues Policy, or making changes that may be less or more restrictive. The possibility of developing a relocation policy was also considered. The matters the Gambling Act 2003 and the Racing Act 2003 requires the Committee to consider before making a decision on adopting a policy were defined.

### 3. Background

The Gambling Act 2003 and the Racing Act 2003 both require Councils to develop gambling venue policies. Those policies were required to be reviewed every 3 years, at which stage the Council had the option of rolling over the existing policy, or introducing a new or changed policy. If a new or changed policy is introduced, both the Gambling and Racing Acts require the Council to undertake the special consultative procedure defined in the Local Government Act 2002.

Tasman District Council introduced its first iteration of a Gambling Venues Policy in May 2004. That original policy was permissive, and imposed no restriction on the number of gaming machines that may be licensed by DIA in the district beyond those controls already existing in the respective Acts. No significant change occurred to that permissive policy until September 2010, at which stage a capped policy was introduced. That capped policy identified the number of gambling machines in the district at 220, and required Council to withhold consent for any more licences that would allow that capped number to be exceeded in the District. No restrictions were placed on Racing Board venues.

That same capped policy was reviewed and rolled over unchanged in 2013 and 2016. In 2018 the Committee asked staff (as detailed in 2 above) to proceed with drafting a policy that has a sinking lid.



5.  
Draft Gambling Venues Policy 2019

**Manner in which the proposed Policy will be administered and enforced.**

A gaming machine must be licensed by DIA to operate. Premises with existing licences for gaming machines have some flexibility in giving effect to those licences. That is, DIA records may allow a greater number of gaming machines to operate in some premises than currently exist.

When an increase in the number of gaming machines licensed by DIA in any premises is sought by a corporate society (the entity that runs gaming machines) an application must be made to the relevant Council for consent. In considering such an application, the Council is obliged to consider the application for the consent in accordance with its gambling venues policy. A sinking lid gambling venues policy has the effect of preventing the Council from consenting to more gambling machines in the district. Such an application would therefore be declined.

**4. Who We Will Consult With**

The Gambling and Racing Acts both place a number of obligations relating to consultation on Councils, including:

- A policy on class 4 venues and NZ Racing Board venues must be adopted in accordance with the special consultative procedure in section 83 of the Local Government Act 2002.
- the territorial authority must give notice of the proposed policy, in a manner that the territorial authority considers appropriate, to—
  - (a) each [corporate] society that holds a class 4 venue licence for a venue in the territorial authority district; and
  - (b) the Racing Board; and
  - (c) organisations representing Maori in the territorial authority district.

To that end, Council will notify:

- the public by producing a public notice in a newspaper distributed in Tasman District;
- Iwi groups identified in the District;
- Each society operating gaming machines in the district;
- The New Zealand Racing Board;
- The Public Health Service of Nelson Marlborough Health;
- Problem gambling services operating in the district.

**5. Proposed Draft Gambling Venues Policy.**

Below is a full copy of the Council's proposed Draft Gambling Venues Policy

**Proposed Changes from existing Policy**

The significant change is that the Draft Policy adopts a sinking lid on the number of gaming machines and class 4 venues in the district, compared with the existing policy which has a capped number of gaming machines in class 4 venues in the district. Additionally, the proposed Draft Policy continues the existing prohibition on the relocation of gaming machines within the district. The proposed Draft Policy continues to allow the New Zealand Racing Board to apply for venues on which racing and sports betting may be undertaken.

6.  
Draft Gambling Venues Policy 2019

### Considerations

The Council considers that the proposed draft Gambling Venues Policy (draft Policy) will produce the best outcome for the community by balancing the positive outcome associated with the value of the grants that are made by the gaming societies to benefit the community, against the negative social effects experienced by those members of the community that are impacted by the behaviour of at-risk gamblers.

Council also considers that the proposed draft policy is appropriate and proportionate in the light of the likely effect if the draft Policy was to be less restrictive. Additionally, the Council considers that the proposed draft Policy is not inconsistent with the New Zealand Bill of Rights Act 1990.

## 6. How to view the Draft Policy and Provide Feedback

As well as the copy of the Draft Policy attached to this report, it can be viewed at the Council offices listed below.

Submission forms are available at the end of this document and online at:

[www.tasman.govt.nz/feedback](http://www.tasman.govt.nz/feedback)

The submission form is a guide so that you can tell us:

- what aspect of the draft policy 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.

You can make a submission by:

- entering it online at: [www.tasman.govt.nz/feedback](http://www.tasman.govt.nz/feedback)
- or by sending your written submission to:

Executive Assistant - Environment & Planning  
Draft Gambling Venues Policy  
Tasman District Council  
Private Bag 4  
Richmond 7050

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

[info@tasman.govt.nz](mailto:info@tasman.govt.nz)

- or you could fax your submission to 035439524.

Submissions close at 4.30pm on **Friday 13 September 2019**

7.  
Draft Gambling Venues Policy 2019

**Submission Form**  
for Draft Gambling Venues Policy

(Publicly notified 9 August 2019, and submission period closing at 4.30pm on 13 September 2019)

Your name: \_\_\_\_\_

Your postal address:  
\_\_\_\_\_  
\_\_\_\_\_

Your day time phone number: \_\_\_\_\_

Your e-mail 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](mailto:info@tasman.govt.nz)  
Website [www.tasman.govt.nz](http://www.tasman.govt.nz)  
24 hour assistance

**Richmond**  
189 Queen Street  
Private Bag 4  
Richmond 7050  
New Zealand  
Phone 03 543 8400  
Fax 03 543 9524

**Murchison**  
92 Fairfax Street  
Murchison 7007  
New Zealand  
Phone 03 523 1013  
Fax 03 523 1012

**Motueka**  
7 Hickmott Place  
PO Box 123  
Motueka 7143  
New Zealand  
Phone 03 528 2022  
Fax 03 528 9751

**Takaka**  
78 Commercial Street  
PO Box 74  
Takaka 7142  
New Zealand  
Phone 03 525 0020  
Fax 03 525 9972

## Tasman District Council Draft Gambling Venues Policy

### Summary of Information

In accordance with Section 83 and 89 of the Local Government Act 2002, this summary of information is provided for a proposed Draft Gambling Venues Policy (draft policy).

#### Summary of Information

The proposed Draft Policy is intended to provide a level of control that will minimise harmful gambling associated with class 4 gaming machines (sometimes called pokies) in the district. The draft Policy is administered by Council.

The proposed draft Policy changes the control provided in the Gambling Venues Policy 2010 (existing Policy) in relation to gaming machines. The existing Policy controls gaming machine numbers with a capped policy. The draft Policy intends to control gaming machine numbers with a sinking lid policy. In practice, the draft Policy prohibits the gaming societies that own and operate the gaming machines, from increasing the number of gaming machines they are licensed to operate. The policy also continues the prohibition on transferring of any class 4 venue licence within the District.

The proposed draft Policy does not alter the existing process for the New Zealand Racing Board to obtain the Council's consent for permitting Racing Board Venues on which racing and sports betting is undertaken.

When the Draft Policy is adopted it will repeal the existing Policy.

A statement of proposal which contains details about how submissions can be made to Council on the proposed draft Policy is available for viewing on the Council website at: [www.tasman.govt.nz/feedback](http://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, 78 Commercial 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 will be received by Tasman District Council on the Draft Gambling Venues Policy from 9 August 2019 until the submission period closes at 4.30pm on Friday 13 September 2019.



Tasman District  
Council Draft

Gambling Venues Policy

2019

**DRAFT**

**TABLE OF  
CONTENTS**

	<b>Page No.</b>
1. Purpose .....	1
2. Objectives of this Policy .....	1
3. Rules for Class 4 Venues.....	2
4. Rules for New Zealand Racing Board Venues .....	2
5. Applications for New Zealand Racing Board Gambling Venues.....	3
6. Application Fees .....	3
7. Explanation of terms.....	3
Appendix 3: Application for Territorial Authority Consent for a Board Venue.....	5

**1. PURPOSE**

- 1.1** The 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. Since 2004 when Council produced its first policy on gambling, Tasman District Council has had a combined policy that covers both Class 4 venues (pursuant to section 101 of the Gambling Act 2003) and New Zealand Racing Board premises (pursuant to section 65D of the Racing Act 2003).

In establishing this policy, 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 6 November 2019.

At the Environment and Planning Committee meeting of 28 November 2019 the following motion 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 2019 contained as “Attachment 1” of this report and on which the formal consultation process was concluded at the hearing on 6 November 2019.**

**That the Draft Gambling Venues Policy 2019 adopted above, shall come into effect immediately, and at that same time, the Tasman District Council Gambling Venues Policy September 2010 as reviewed in 2013 and 2016 shall 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 gambling through class 4 gaming machines (pokies) or New Zealand Racing Board racing or sports betting to do so within existing venues.
- 2.3** To ensure that Council and the community have control over the provision of new gambling in Tasman District.
- 2.4** To control the number of class 4 gaming machines permitted in Tasman District.
- 2.5** Achieving the objective in 2.4 by imposing a sinking lid on the number of class 4 gaming machines that are licensed in Tasman District.
- 2.6** To refuse to grant consent to new class 4 venues or additional class 4 gaming machines to operate in existing venues in Tasman District.

- 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. RULES FOR “CLASS 4 VENUES” (PURSUANT TO THE GAMBLING ACT 2003)**
- 3.1 Council will not grant consent for the establishment of any additional class 4 venues.
- 3.2 Council will not grant consent for the establishment of any additional class 4 gaming machines in existing class 4 venues.
- 3.3 Council will not grant consent to allow the merger of two or more clubs which hold class 4 venue licences.
- 3.4 Council will not grant consent for the relocation of any class 4 venue licence.
- 4. APPLICATION FOR CONSENT FOR NEW ZEALAND RACING BOARD VENUES (PURSUANT TO THE RACING ACT 2003)**
- 4.1 Territorial authority consent, pursuant to section 65A of the Racing Act 2003, is required by the Racing Board if it wishes to operate a new Racing Board venue on which racing and sports betting operated by the New Zealand Racing Board is to be undertaken.
- 4.2 The territorial authority consent required by 4.1 of this policy shall be subject to the following criteria:
- (a) meeting application and fee requirements;
  - (b) the proposed Racing Board venue shall have relevant staff training programme and gambling harm minimisation policy;
  - (c) applications for territorial authority consent for a Racing 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 Racing 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 Racing Board venue must show that people under the age of 18 years have minimal access to the facility.
- 5. APPLICATIONS FOR NEW ZEALAND RACING BOARD VENUES**
- 5.1 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;

5.2 Once an application for territorial authority consent for a Racing 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.

#### 6. APPLICATION FEES

6.1 Any application for a territorial authority consent under 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.

#### 7. EXPLANATION OF TERMS

**Class 4 gambling:** is the term used to describe non-casino gaming machines (pokies). Under the Gambling Act (2003) Class 4 gambling satisfies the following criteria:

- a. The net proceeds from the gambling are applied to, or distributed for, authorised purposes; and
- b. No commission is paid to, or received by, a person for conducting the gambling; and
- c. The gambling, and the conduct of gambling, satisfies relevant game rules; and
- d. Either –
  - i. The secretary has categorised the gambling as Class 4 gambling and not as another class of gambling; or
  - ii. The gambling utilises or involves a gaming machine.

**Class 4 venue:** means a place used to operate Class 4 gambling as defined by the Gambling Act 2003.

**Club:** means a voluntary association of persons combined for a purpose other than personal gain.

**Council:** means the Tasman District Council.

**Gaming societies:** are the organisations that own and operate gaming machines and make grants to non-profit community organisations. They are not the venue operators.

**Racing Board venue:** means premises that are owned or leased by the New Zealand Racing Board (TAB) and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003.

**Sinking Lid:** refers to the term used in Council's gambling venues policy that indicates a restriction on the establishment of new Class 4 venues, prohibiting as far as possible, gaming societies from increasing the number of machines in Tasman District and preventing venue operators from relocating (unless they wish to surrender their gaming machine licence).

**Territorial Authority:** is the term used in the Local Government Act 2002 to describe city and district councils.

**APPENDIX 1:****Application for Territorial Authority Consent for a Board Venue**

FORM NUMBER: RG4 24 June 2019

*[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: \_\_\_\_\_

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: \_\_\_\_\_



**9.2 TAKAKA FLAG RECOMMENDATIONS AND PROCESS REPORT**

Decision Required

<b>Report To:</b>	Environment and Planning Committee
<b>Meeting Date:</b>	25 July 2019
<b>Report Author:</b>	Lisa McGlinchey, Team Leader - Natural Resources Policy; Barry Johnson, Environmental Policy Manager
<b>Report Number:</b>	REP19-07-2

**1 Summary**

- 1.1 The Takaka Freshwater and Land Advisory Group (FLAG) have completed their work reviewing the management of freshwater in the Takaka catchments and formally provided their recommendations report to Council on 24 June 2019 at Onetahua marae.
- 1.2 Manawhenua ki Mohua (MKM) also formally provided their mātauranga report to Council at the 24 June 2019 handover. This report outlined the freshwater management principles and values held by MKM, their aspirations for the future, and specific review of the FLAG work.
- 1.3 While received at the marae, this staff report seeks a resolution from the Environment and Planning Committee for formal receipt of the FLAG and MKM reports. The reports will be re-tabled at the meeting. They have been uploaded on the Council's website as agreed with the parties.
- 1.4 Over the coming months staff will consider the key steps for progressing a Takaka freshwater plan change and an implementation plan. Advice will be provided to a future Environment and Planning Committee and will be dependent on the release of any decision from the Te Waikoropupu Water Conservation Order Special Tribunal.

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

- 1) **receives the Takaka FLAG Recommendations and Process Report REP19-07-2; and**
- 2) **receives the Takaka Freshwater and Land Advisory Group Recommendations Report dated 21 June 2019;**
- 3) **receives the Manawhenua Mātauranga Report for the Takaka Catchments dated June 2019;**
- 4) **notes that staff will progress with further work to inform a future Environment and Planning Committee meeting on a proposed plan change for better managing water in the Takaka water management zone.**

**3 Purpose of the Report**

- 3.1 This report seeks resolution from the Environment and Planning Committee for formal receipt of the Takaka Freshwater and Land Advisory Group Recommendations Report dated 21 June 2019, and the Manawhenua Mātauranga Report for the Takaka Catchments dated June 2019 which were received by Council at the Onetahua marae on 24 June 2019.

**4 Background and Discussion**

- 4.1 The Council initiated the Takaka Freshwater and Land Advisory Group process in late 2013 and the group first met in July 2014. Since then the group has met regularly to discuss freshwater management in the Takaka catchments and has produced a summary report of recommendations for Council's consideration.
- 4.2 The FLAG recommendations report (21 June 2019) contains 34 recommendations covering both water quantity and quality management in the Takaka catchments, as well as process considerations relating to iwi engagement, public and stakeholder engagement and consideration of the Water Conservation Order process for Te Waikoropupū Springs and the Arthur Marble Aquifer.
- 4.3 There are a number of decisions to be made by the Environment and Planning Committee on the recommendations, including specific aspects of the package to inform development of a draft Takaka Freshwater Plan Change and Implementation Plan.
- 4.4 Staff will progress work to provide information to the Environment and Planning Committee on the implications of the recommendations package for the Takaka community. This work will be provided for consideration at future meetings.

**5 Options**

- 5.1 There are no specific options identified. The Council initiated this work and receipt of the FLAG report represents the formal end of the FLAG part of the freshwater process for the Takaka catchments.

**6 Strategy and Risks**

- 6.1 There are no risks identified with receiving the FLAG and MKM reports.

**7 Policy / Legal Requirements / Plan**

- 7.1 There are a number of decisions to be made by the Environment and Planning Committee on the FLAG recommendations, including specific aspects of the package to inform development of a draft Takaka Freshwater Plan Change and Implementation Plan. These decisions will be sought at future EPC meetings.

**8 Consideration of Financial or Budgetary Implications**

- 8.1 There are no immediate financial implications of receiving the FLAG and MKM reports. However decisions by the Environment and Planning Committee at future meetings on the FLAG recommendations may have budgetary implications which will need to be considered within the Long Term Plan process.

## 9 Significance and Engagement

- 9.1 The decision to receive the reports is of low significance even though the matters addressed are of high interest and impact on the Takaka community. There will be public interest in the FLAG report, particularly from people in the Takaka catchments, but extensive consultation has occurred to date and more will come as this project moves into the phase.

Issue	Level of Significance	Explanation of Assessment
Is there a high level of public interest, or is decision likely to be controversial?	Low	There is likely to be a high level of public interest in the FLAG report, however no specific EPC decisions are required at this time.
Is there a significant impact arising from duration of the effects from the decision?	NA	
Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	NA	
Does the decision create a substantial change in the level of service provided by Council?	NA	
Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	NA	No specific EPC decisions are required at this time that have budgetary implications.
Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	NA	
Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	NA	
Does the proposal or decision involve Council exiting from or entering into a group of activities?	NA	

**10 Conclusion**

- 10.1 The Takaka Freshwater and Land Advisory Group (FLAG) have completed their work reviewing the management of freshwater in the Takaka catchments and formally provided their recommendations report to Council on 24 June 2019.
- 10.2 This report seeks resolution from the Environment and Planning Committee for formal receipt of the Takaka Freshwater and Land Advisory Group Recommendations Report dated 21 June 2019, and the Manawhenua Mātauranga Report for the Takaka Catchments dated June 2019, which were received by Council at the Onetahua marae on 24 June 2019.
- 10.3 The Council initiated this work and receipt of the FLAG report represents the formal end of the FLAG part of the freshwater process for the Takaka catchments.

**11 Next Steps / Timeline**

- 11.1 Over the coming months staff will consider the key steps for progressing a Takaka freshwater plan change and implementation plan.
- 11.2 There are a number of decisions to be made by the Environment and Planning Committee on the FLAG recommendations, including specific aspects of the package to inform development of a draft Takaka Freshwater Plan Change and Implementation Plan.
- 11.3 Staff will progress remaining work and will provide further information to future meetings of the Environment and Planning Committee to enable Councillors to fully understand the implications of the recommendations package for the Takaka community to inform their decisions.

**12 Attachments**

Nil



**9.3 2018-2019 FARM DAIRY COMPLIANCE SURVEY**

Information Only - No Decision Required

<b>Report To:</b>	Environment and Planning Committee
<b>Meeting Date:</b>	25 July 2019
<b>Report Author:</b>	Kat Bunting, Compliance & Investigation Officer
<b>Report Number:</b>	REP19-07-3

**1 Summary**

- 1.1 This report presents the compliance results from the 2018/2019 farm dairy survey, in particular compliance with respect to Resource Consent conditions for the discharge of treated dairy effluent to water, and the discharge of dairy effluent to land as a Permitted Activity under the Tasman Resource Management Plan (TRMP).
- 1.2 In the 2018/2019 milking season a total of 130 farm dairies had active discharges in the Tasman District. Of those, 125 farm dairies operated as Permitted Activities and the remaining five held Resource Consents to discharge treated effluent to water, although four of these routinely apply effluent to land as well.
- 1.3 Each and every year Council aims to complete a full assessment of every farm in regards to dairy effluent disposal. All 130 active farms in Tasman were inspected at least once during the 2018/2019 season.
- 1.4 At these inspections each farm was assessed against Resource Consent conditions for the discharge of treated dairy effluent to water, or against the Permitted Activity Rule 36.1.2.3 (the discharge of animal to land). The final compliance results were:
  - 95% - Fully Compliant
  - 5% - Non- Compliant
  - 0% - Significantly Non-Compliant
- 1.5 All farms that hold Resource Consents fully complied with all conditions of their respective consents.

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

- i) **receives the 2018-2019 Farm Dairy Compliance Survey REP19-07-3**

**3 Purpose of the Report**

- 3.1 The purpose of this report is to present the results of compliance for the 2018/2019 dairy season with respect those farm dairies that hold Resource Consent to discharge treated dairy effluent to water and those farms that operate under the Permitted Activity Rule 36.1.2.3 of the Tasman Resource Management Plan (TRMP) - Discharge of Animal Effluent to Land.
- 3.2 The survey specifically looked at the collection, containment, and disposal of effluent from the farm dairy and general farm management practices associated with effluent. No routine sampling of waterways or soils is undertaken as part of this monitoring programme; samples are only undertaken during investigation phases where offences are suspected. Therefore, the monitoring programme and report do not attempt to assess wider effects of water quality, amenity, or aquatic ecology in these catchments which are covered by other reports to Council.

**4 Background and Discussion****A Snapshot of Dairying in Tasman District**

- 4.1 Tasman District's farm dairies are concentrated in three main areas, referred to as sub-regions. These sub-regions are Golden Bay, Central, and Murchison. Each yellow square in Figure 1 depicts the location of a farm dairy that was operating during the 2018/2019 milking season. It can be seen from Figure 1 that two thirds of Tasman's dairy farms are concentrated in Golden Bay. The remaining third are evenly distributed in the Central and Murchison sub-regions. Figures 2, 3, and 4 show the spatial distribution of farms in these sub-regions and introduces the catchments, or geographical 'zones' of each sub-region.
- 4.2 The dairy farms of Golden Bay can be placed into six 'zones' with each zone relating to either a catchment or geographical area. Figure 2 shows the location of these zones. The majority of farms are located in the Bainham/Rockville area where the Aorere River flows and also the Takaka Valley where the Takaka River flows. The remaining farms are dotted around the coastlines of Pakawau, Puramahoi/Onekaka, and Motupipi, and a small inland pocket in Kotinga/Anatoki.
- 4.3 Figure 3 illustrates the spatial distribution of farms in the Central sub-region. Here there are three distinct zones. Most of the farms are located in and around the upper catchment of the Motueka River, the remaining farms are located on the Waimea Plains and in Moutere.

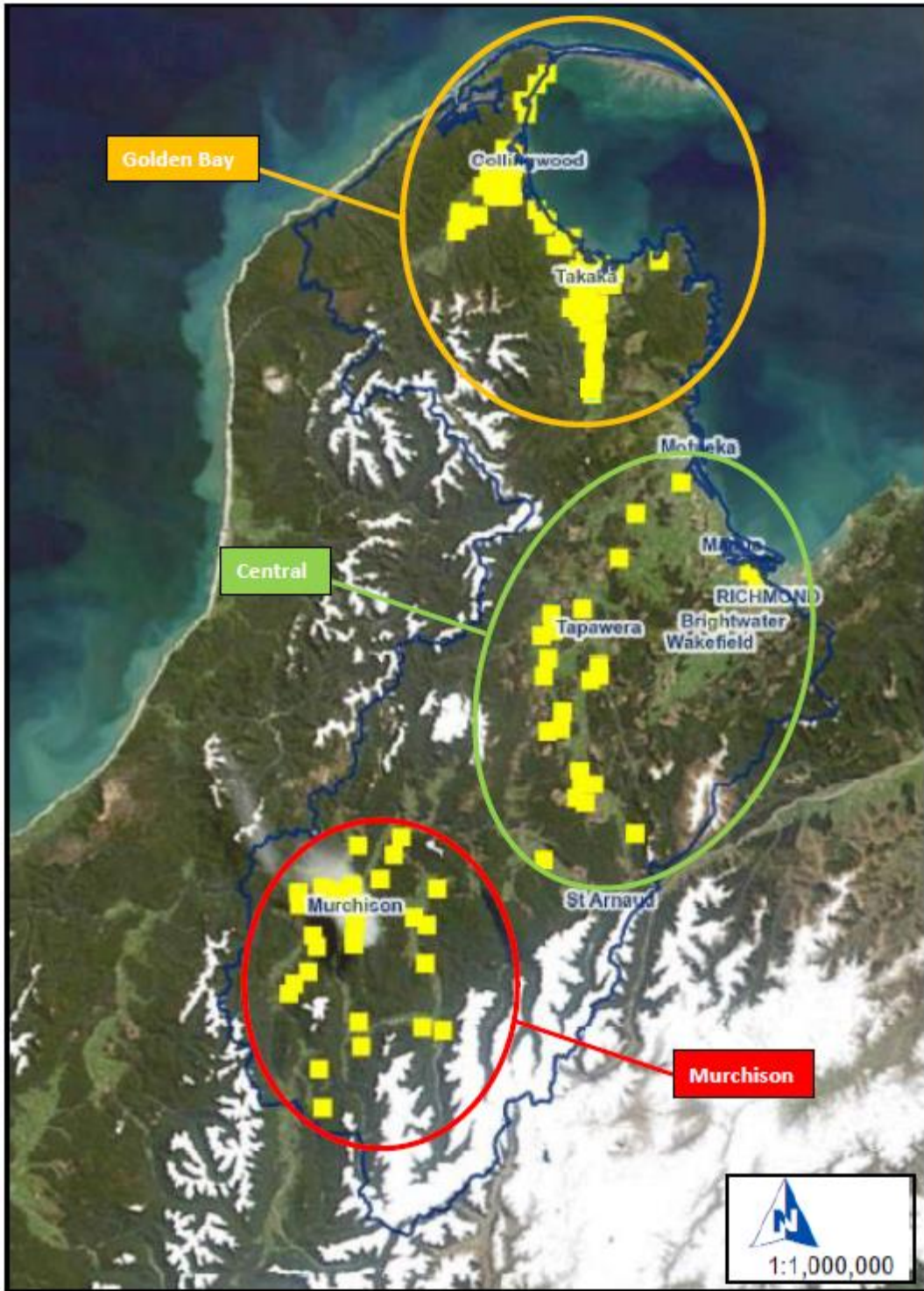


Figure 1: Location of the three sub-regions of Golden Bay, Central, and Murchison.

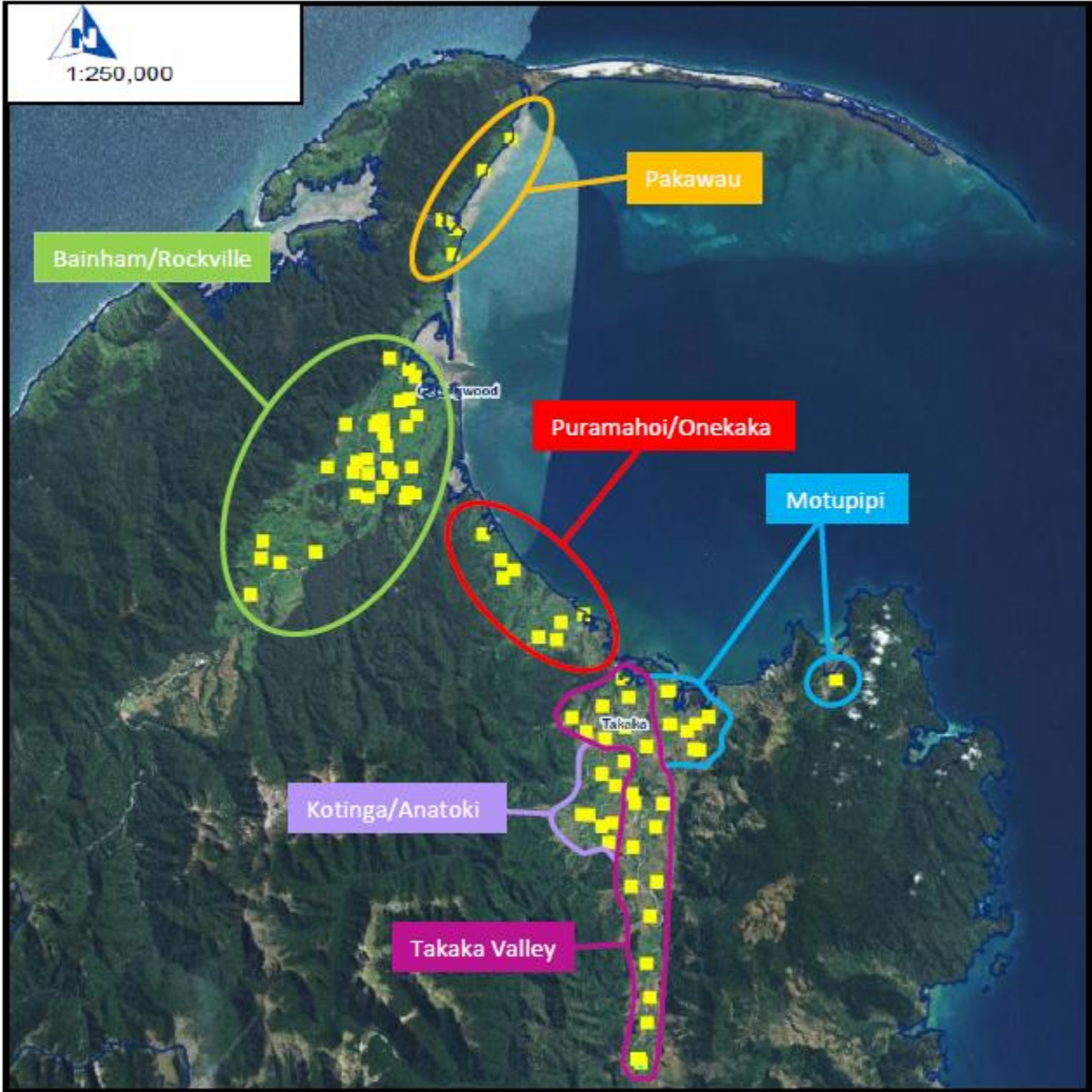
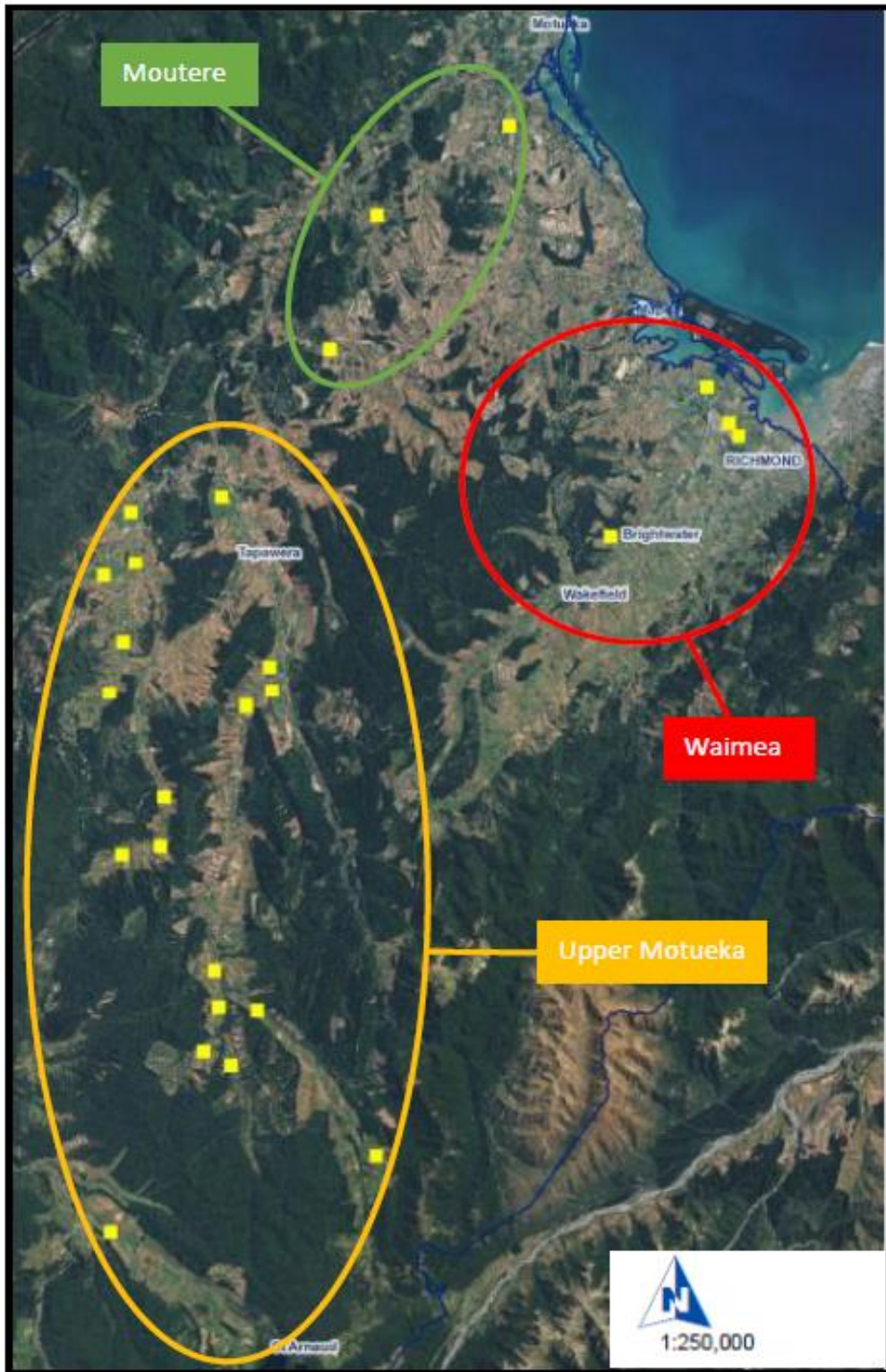


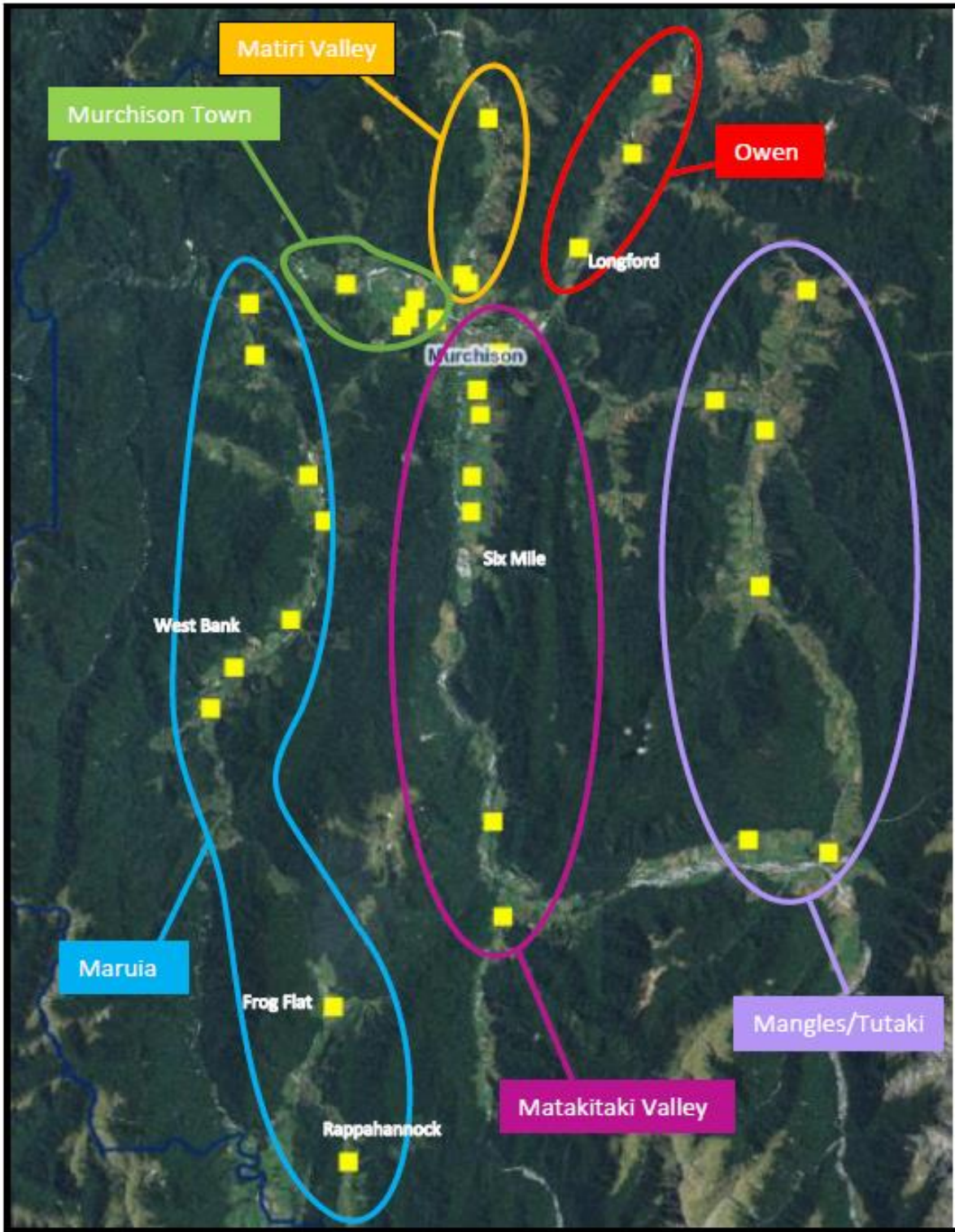
Figure 2: The spatial distribution of farm dairies in the Golden Bay sub-region





**Figure 3:** The spatial distribution of farm dairies in the Central sub-region

4.4 The Murchison sub-region (Figure 4) can also be separated into zones with most farms situated on old rivers terraces in the long narrow valleys of this area. The exception being those farms on the plains in and around the town of Murchison itself.



**Figure 4:** The spatial distribution of farm dairies in the Murchison sub-region

4.5 Table 1 presents a breakdown of statistics relating to the current number of farms, total and average herd size, land area, and stocking rates for Tasman District and the three sub-regions and compares them to current national and South Island statistics.



**Table 1:** Comparative Dairy Farm Statistics – Tasman v National and South Island Trends.

Catchment	Number of Farms	Total Land Area (ha)	Average Farm Area (ha)	Total Dairy Population	Average Herd Size	Average Stocking Rate (cows/ha)
<b>NATIONAL STATISTICS (2017-2018) **</b>	11 590	1 755 148	151	4 992 914	431	2.84
<b>AVERAGE SOUTH ISLAND STATISTICS **</b>	3 216	688 610	214	2 040 695	635	2.96
<b>TASMAN STATISTICS *</b>	130	21 892	130.11	57 852	336	2.57
<b>GOLDEN BAY*</b>	89	11 298	109.34	29 115	279	2.55
<b>CENTRAL*</b>	20	4 676	100.34	11 944	256	2.41
<b>MURCHISON*</b>	21	6 404	163.18	16 753	432	2.66

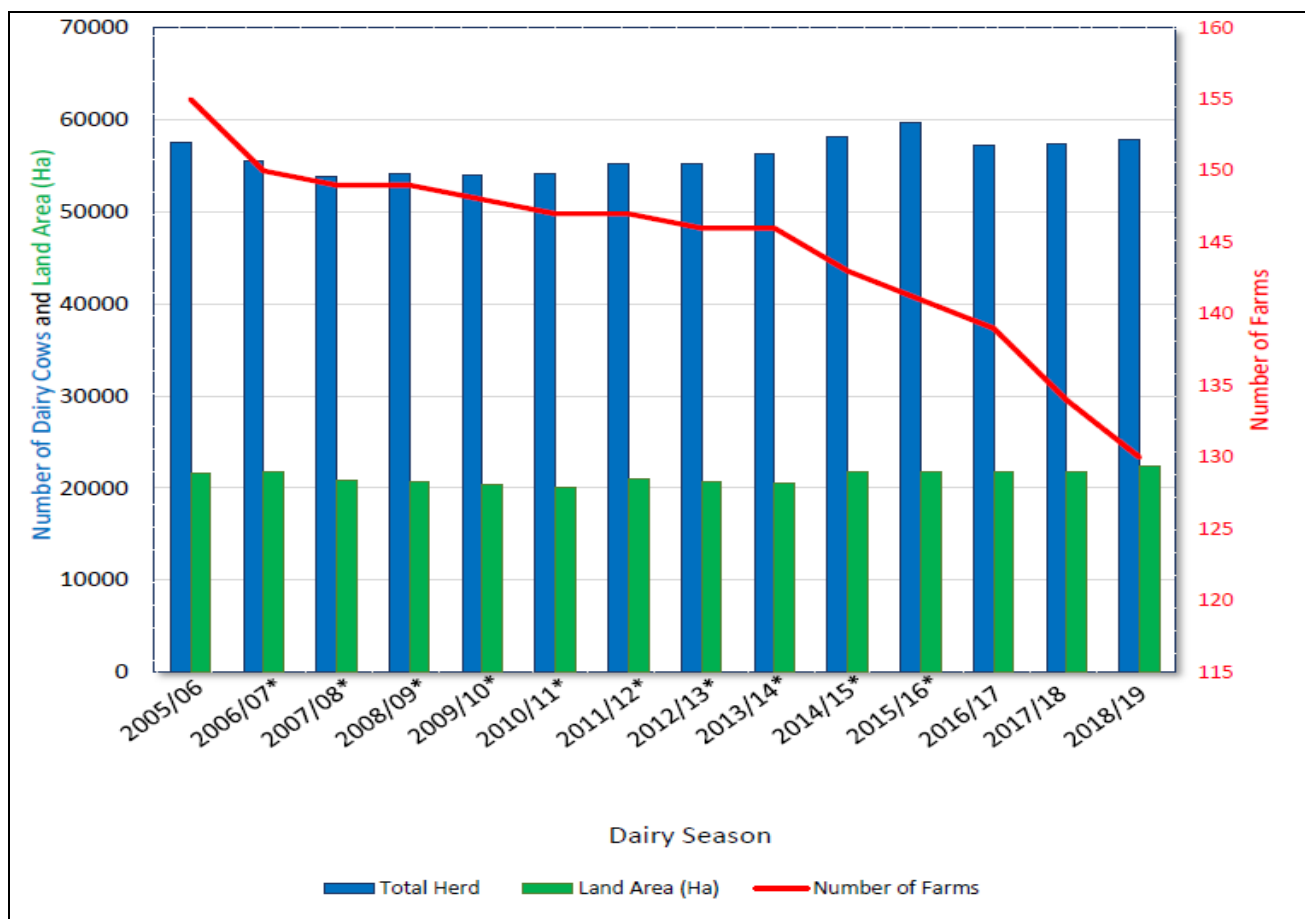
\* These statistics refer to the maximum/ peak number of milking cows each farm carried in a given season that is at the time of calving. The end milking number is commonly 10-20 less for each farm and thus these are conservative numbers. These numbers do not include replacement heifers, bulls or calves.

\*\* source: <https://www.dairynz.co.nz/media/5790451/nz-dairy-statistics-2017-18.pdf>

- 4.6 The following observations can be made from this data. Although dairy farming is a prominent industry in Tasman, when compared to the average farm size, herd size and stocking rates nationally, it is apparent that the scale and intensity is low. Just 1.1% of the national herd is farmed in Tasman with the average herd size, farm size and stocking rate being 10-20% less than that of the national averages and considerably less than South Island averages.
- 4.7 While two-thirds of Tasman's farms are located in Golden Bay, this sub-regional is by no means the most intensive farming area within Tasman in terms of stocking rates and herd size. The largest farms are in fact located in Murchison, in particular the upper reaches of the Tutaki and Matakita Valleys where there are three farms with a herd greater than 1000 cows and five farms with a herd greater than 800 cows. Even though the average farm size in Murchison is 163ha compared to Golden Bay at 109ha, the average stocking rate is higher at 2.66 cows/ha compared to Golden Bay at 2.57cows/ha. The Central sub-region has the lowest intensity dairy farming in Tasman in terms of farm numbers, total herd size, and average land area and stocking rates.

### **The Changing Face of Dairying in Tasman District**

- 4.8 Over the past 14 years the face of dairy farming in Tasman has changed from being largely one of many small scale operations in terms of land area and also herd size to one where there are less total farms, but overall total land area remains similar. So too does the total dairy population and thus stocking rates. These trends are presented in Figure 5 and a full break down of this data is presented in Table 2.



**Figure 5:** Tasman District’s changing dairy herd size, associated land area and number of farm between 2005/06 and 2018/19

**Table 2:** Breakdown of statistic presented in Figure 5

Season	Number of Farms	Total Herd	Land Area (Ha)	Average Stocking Rate
2005/06	155	57 549	21 655	2.66
2006/07*	150	55 447	21 706	2.55
2007/08*	149	53 815	20 790	2.59
2008/09*	149	54 139	20 744	2.61
2009/10*	148	53 965	20 393	2.65
2010/11*	147	54 179	20 094	2.70
2011/12*	147	55 162	21 015	2.62
2012/13*	146	55 283	20 727	2.67
2013/14*	146	56 228	20 553	2.74
2014/15*	143	58 179	21 798	2.67
2015/16*	141	59 724	21 683	2.75
2016/17	139	57 207	21 717	2.63
2017/18	134	57 359	21 767	2.64
2018/19	130	57 852	22 379	2.59

\*Source: <https://ecoprofile.infometrics.co.nz/nelson-tasman/Gdp/Dairy>

4.9 The most marked trend is the decline in the number of dairy farms. A total of 155 farms operated in Tasman during the 2005/06 dairy season when the current data collection



began. This number gradually declined over the next eight seasons to be 146 farms in 2013/14 after which a marked decline each year has occurred and now just 130 farms are operating in Tasman in 2018/2019. This number is set to fall further next season with at least four more dairies ceasing supply and one to go into 'mothballs' while it is refurbished.

- 4.10 This decline is largely the result of some farms moving away from dairying and changing land-use to dairy support, beef, and more recently converting to hops in certain areas of the district. Another trend has been for one farmer to buyout a neighboring farm or leasing land from a farm that has ceased supply in order to expand their individual operation. This practice has seen the total milking platform remained relatively unchanged since 2005/06 when the total land area was approximately 21,600ha. Figure 5 illustrates that while there was a very small decline in land area until 2010/11 when approximately 20,100ha remained in dairying, since that time the land area has gradually returned to the 2005 level.
- 4.11 The overall dairy cow population has followed a similar trend remaining relatively stable since the baseline survey of 2005/06 when approximately 57,550 cows were milked. Data shows that the District's dairy herd peaked at 59,700 in 2015/16 to then decrease after that period to the 57,800 this past season.
- 4.12 The outcome of these stable herd numbers and land area is that the actual stocking rate has also remained relatively stable since 2005. Tasman's stocking rate is in fact one of the lowest in the country (<https://ecoprofile.infometrics.co.nz/nelson-tasman/Gdp/Dairy>) and from this data trend, it is evident that the 'dairy boom' seen in recent years in other regions did not occur in Tasman.
- 4.13 As stated the trend of decreasing dairy farm numbers appears set to continue in the coming years as farmers signal an intention to exit the industry. A decline in the total dairy population is certainly expected to follow as these farms are unlikely to remain in dairying, instead undergoing a complete land use change to horticulture and pastoral farming. At present conversion to hops is prevalent in some catchments and dairy farms in these areas are or have given way to this industry.

#### **Full Season Once-a-Day Milking**

- 4.14 Another pattern of change is the large uptake of farms moving to once-a-day (OAD) milking for the entire milking season. A total of 25 farms (19%) practiced OAD milking this season. At least three further farms will change to OAD next season, two of which are amongst the largest herds in the District. Tasman District together with the West Coast and Northland regions have the highest percentage of farms milking OAD all season (<https://www.dairynz.co.nz/milking/once-a-day-milking/full-season-once-a-day-oad-milking/>)

#### **Resource Consents – to Discharge Treated Effluent to Water**

- 4.15 A further change since 2005 is a marked decline in the number of Resource Consents authorising the discharge of treated farm dairy effluent to water. There were 33 farms that held discharge permits in 2005 and just five farms at the end of the 2018/19 dairy season. This decline is directly attributed to 25 farms investing heavily in the infrastructure required to allow them to commit 100% to a fully land based system for effluent disposal. The other three farms have ceased supply and thus there is no active discharge from the associated dairies.
- 4.16 All five farms that have retained their discharge permits are located within the very high rainfall areas of Golden Bay. Of these four elect to apply effluent to land as a primary method of disposal but continue to retain their consents as a 'back-up' for contingency

purposes if their large storage pond cannot contain the amount of effluent that will accumulate during prolonged periods of wet weather when land application is not possible without promoting ponding and overland run-off. The other farm is intending to surrender their consent next season. The farmer concerned has invested in a modern low-rate application land disposal system. Their new land-based system, together with retaining the storage large ponds (discharge pipe removed) sees the farmer confident in committing to a fully land based disposal system.

- 4.17 Over the last five years, all of the remaining discharge permits have fully complied with their respective sampling regimes and parameter limits that pertain to samples obtained from the receiving waters. Some of the parameters that are measured include bacteria levels, suspended solids, biological oxygen demand, nitrogen and phosphorus.

### **The Changing Standards of Effluent Systems**

- 4.18 Many advances in technologies have occurred in recent years and are actively promoted through dairy industry initiatives. This includes the recent release of the industry led Farm Dairy Effluent System Design Accreditation programme. This programme provides a new way forward for effluent system design in New Zealand and Councils are seeing this being rapidly picked up by farmers nationwide. The programme goal is to ensure all dairy farmers have effluent systems that can achieve dairy industry and wider communities' expectations for the land application of dairy effluent. Key points to this are:

- Keeping all untreated effluent out of surface and groundwater;
- Keeping land applied effluent nutrients in the root zone to capture their nutrient and economic value; and
- To ensure all systems are compliant 365 days a year.

- 4.19 Having standards for effluent systems helps reduce the level of risk for farmers who are investing in new systems, or upgrading existing systems. Accredited providers are expected to undertake site assessments, extensive design and requisite documentation before a system goes in the ground. They will also oversee the commissioning of the system after installation to ensure it operates in accordance with design. By engaging an accredited provider, a farmer should be confident the system design will be consistent with Dairy NZ's Farm Dairy Effluent Design Code of Practice and Standards and assist in meeting Councils rules. In addition to these, the Institution of Professional Engineers (IPENZ) with support of Dairy NZ has produced Practice Note 21 – Farm Dairy Effluent Pond Design and Construction. This Practice Note has an engineering focus on the design and construction of effluent ponds and is to be read alongside the Code of Practice and Standards.

- 4.20 Council staff while on farm have promoted these industry initiatives to farmers and also encouraged them to seek out service providers who understand and follow these new codes and standards. By doing so they'll future proof their investments and will obtain peace of mind knowing their ponds will withstand regulatory scrutiny as these standards go above and beyond the requirements contained within Rule 36.1.2.3 of the TRMP.

### **The 2018/2019 Compliance Survey - The Inspection Process**

- 4.21 The on-farm inspection process was identical to that of previous seasons. It is not intended to detail that process in this report and the reader is referred to staff report EP06/05/18 where this was described in detail. For ease of reference however, the geographical

location of the three “sub-regions” (Golden Bay, Central, and Murchison) referred to in this and past reports is illustrated above in Figure 1.

**Compliance Grading**

4.22 As with all dairy farm inspections undertaken by Council, farms once assessed were placed into one of three categories that described their level of compliance. The criteria for assigning these categories are:

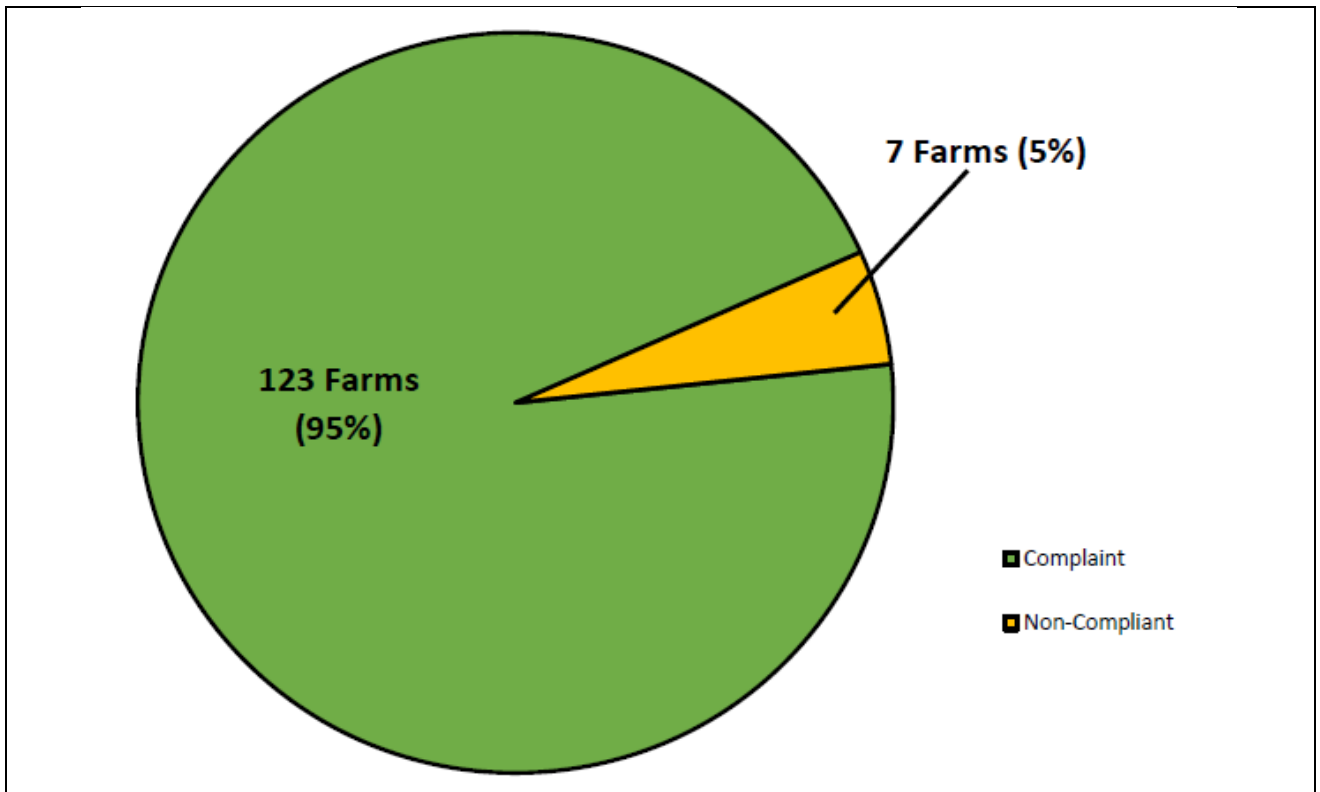
- **Compliant:** No non-compliance with any Resource Consent conditions or any sections of Rule 36.1.2.3 of the TRMP were found at the time of inspection.
- **Non-compliant:** All issues that did not fit into either “compliant” or “significantly non-compliant” e.g. technical non-compliance with no adverse environmental effect.
- **Significantly Non-compliant:** refer to Attachment 1 for a full list of criteria

4.23 These compliance classes are used by all regional councils to ensure national consistency when reporting on dairy compliance and will be referred to throughout the remainder of this report.

**5 Compliance – Present Situation**

**2018/2019 Inspection Results**

5.1 Compliance with respect to an individual’s consent conditions, Rule 36.1.2.3 of the TRMP and Section 15(1)(b) of the RMA 1991 as assessed from the farm inspections are presented in Figure 6.



**Figure 6:** Final compliance gradings of farms inspected during the 2018/2019 milking season with respect to Rule 36.1.2.3 of the TRMP, Resource Consent conditions, and Section 15(1) of the RMA 1991

**Item 9.3**

- 5.2 Of the 130 farms that were inspected over the 2018/2019 season, 123 (95%) of all inspections were graded “Compliant”.
- 5.3 Seven (5%) inspections found issues that were graded as “Non-Compliant”. Such non-compliance included:
- Minor ponding present after more than one hour had passed since effluent had been applied to land (six farms). In all six cases the ponding was intermittent over an area less than 10m<sup>2</sup> and was just deep enough to splash but in no danger of running off and entering surface water. Figure 7 illustrates the typical scale of ponding observed.
  - Stockpiling of effluent solids removed from a sand-trap on bare, un-sealed ground (one farm). In this case no effluent was at risk of directly or indirectly entering surface water. Figure 8 shows the scale and circumstance of this non-compliance
- 5.4 No inspections found an issue that was graded as ‘Significantly Non-compliant’.



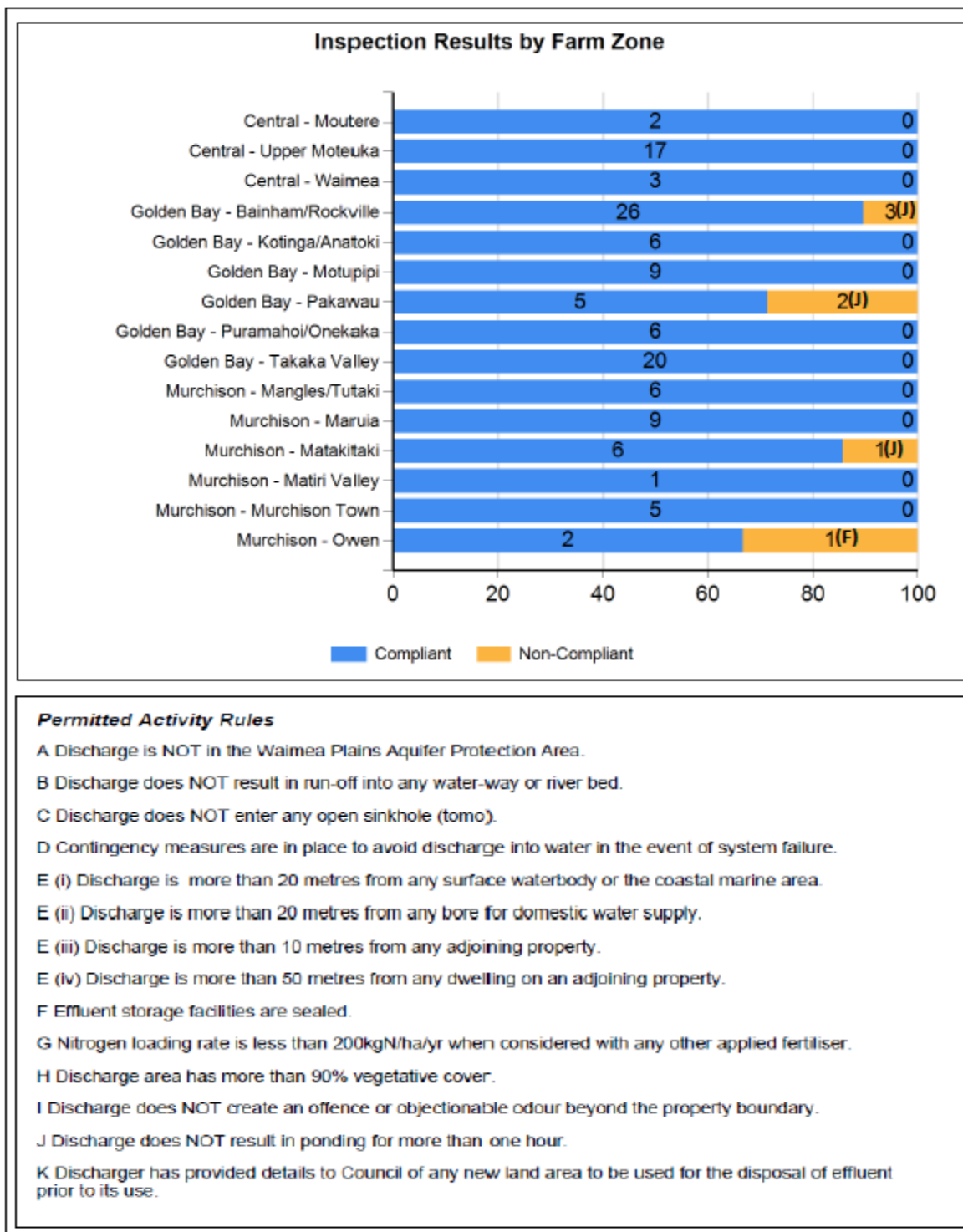
**Figure 7:** Representative example of the scale of ponding observed during the 2018/19 farm dairy inspections





**Figure 8:** Effluent removed from a sand-trap stored on an unsealed surface, this being a stockpile of effluent solids removed from a stand-trap and stored on bare ground.

- 5.5 The spatial spread of non-compliance within Tasman District during the 2018/2019 milking season is shown in Figure 9. The graph in Figure 9 shows the number of inspected farms in each sub-region and underlying catchment along with the corresponding compliance grade assigned to each farm. The graph also depicts the particular rule breached in that non-compliance.



**Figure 9:** The spatial spread of non-compliance within Tasman District during the 2018/2019 milking season

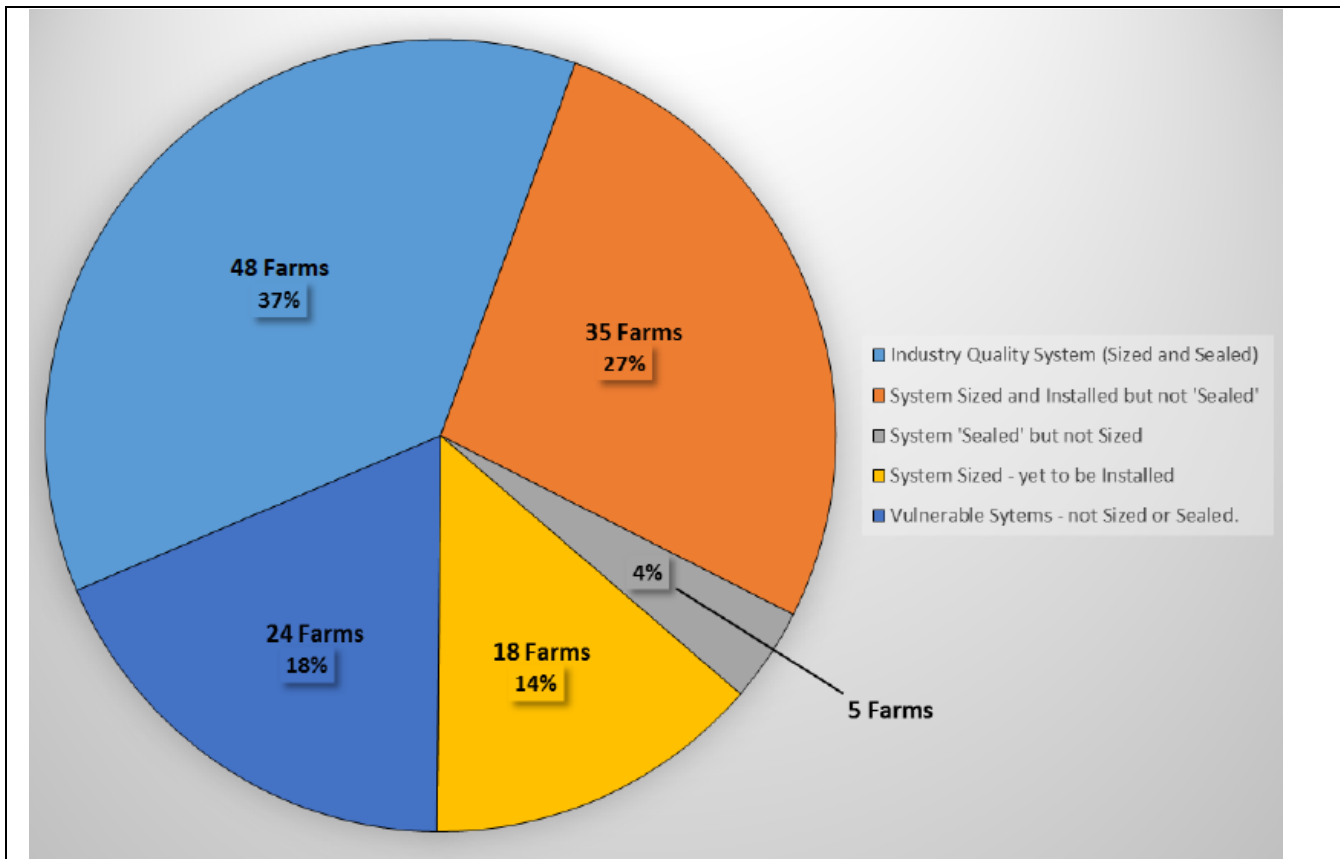
- 5.6 From Figure 9 it is apparent that all but one instance of non-compliance related to ponding and all but one involved farms located in the western Golden Bay zones of Rockville/Bainham and Pakawau. The other farm was located in the Murchison zone of Matakitaki Valley.
- 5.7 The one non-compliance relating to the stockpiling of effluent solids on bare ground occurred on a farm in the Murchison Zone of Owen.

- 5.8 For the second year running, no examples of non-compliance were found in the Central Zone, which comprises of farms located in Moutere, the Upper Motueka Catchment, and Waimea Plains.
- 5.9 A considerable amount of work has been done since 2012 by the dairy industry (Dairy NZ, Fonterra, and Westland Milk) by working one-on-one with farmers with respect to system and wet weather contingencies. Council and Industry are actively promoting to farmers the benefits of engaging professionals who have gained accreditation through the Farm Dairy Effluent Accreditation Scheme. Regardless of whether the farmer chooses to engage such a person, they are required to demonstrate that any new system or modification to any existing system meets Dairy NZ's Farm Dairy Effluent Design Code of Practice and Standards. These standards include among other things, adequate sizing and the sealing of effluent storage systems.
- 5.10 This work is now being seen throughout the District. This is particularly so in the Murchison area, where inspections made in past seasons identified that non-compliance associated with ponding was far more prevalent here than any other area of the District. This was largely associated with undersized storage systems which left farmers with no option but to irrigate effluent onto saturated pastures rather than being able to contain the effluent until such times when the receiving soils were back in a moisture deficit.
- 5.11 Over the past four seasons both milk supply companies (Fonterra and Westland Milk) have repeatedly audited effluent systems that were of concern and made recommendations to the respective farmers as to how to improve them in order to meet industry best practice as prescribed in Dairy NZ's Code of Practice and Standards. At the end of the 2018/2019 season three site specific systems had been commissioned in the Murchison area and a further five farms have had systems sized for them. These farms are now in a position where they are able to price out different storage options and work these costs into their farm budgets. These farmers all aim to have their new systems fully commissioned by the 2020/2021 season. Six new systems had been commissioned or partially commissioned (the storage facility of the system had been installed, new application system is to come) in Golden Bay and at least eight more are in the process of either designing improved systems or actively constructing improved containment facilities ready for the 2019/2020 season.
- 5.12 There is however a small minority who will not move forward unless pushed to do so. Such a push will likely have to come from industry as the permitted activity rules do not provide Council enough leverage and our intervention requires detection of an offence. As stated above, these farms were once predominantly located in the Murchison sub-region, with a scattering of other farms located around the rest of the district. However, this season has seen this trend change with such farms now being evenly spread over the district as a direct result of the southern farms active uptake with the Farm Dairy Effluent System Design Program following constant encouragement and guidance from Council and the milk supply companies to do so. The owners of farms that do remain with very vulnerable systems typically cite financial constraints as prohibiting any investment in improved effluent management systems.
- 5.13 Much focus has been placed on ponding in past years, as this was the most common issue of non-compliance found during the surveys. Many of the farms that presented ponding in past seasons have now installed storage that has been designed and constructed to industry standards. The uptake of these new systems, combined with robust management regimes, has seen ponding and in particular the severity of ponding decrease as an area of non-compliance in Tasman District.
- 5.14 Figure 10 presents a breakdown of the standard of farm dairy effluent systems within Tasman District with respect to Dairy NZ's Code of Practice and Standards. Currently 37%

**Item 9.3**

(48 farms) have effluent systems that have been designed and constructed to the standards set out in Dairy NZs code of practice and standards. This means the design has been sized or an existing system has been verified as being of adequate size using the Pond Calculator and proven to be sealed as per the allowable seepage rates for clay and synthetic liners. A further 27% (35 farms) have storage facilities confirmed to be of sufficient size, but have not had confirmation that the ponds are sealed to industry standard. In most cases, these systems are former oxidation pond systems that have had the discharge pipe removed once the farms have moved to a land-based disposal system. These ponds were often lined with compacted clay when constructed, but they need to be assessed for seepage before that can be regarded as fully meeting industry standard. Notwithstanding this, during the farm inspection each and every pond is thoroughly inspected for any visual signs that they may be prone to seepage. Such evidence can present as wet exterior pond walls, boggy areas in surrounding land, and long-green-filamentous algal growth in nearby waterways. Should there be any concerns, the farm is required to have the system assessed to ascertain whether the pond is sealed to industry standards and rectify this if it is not. Collectively, 64% (83 farms) of Tasman District's dairy farms have storage systems that meet industry best practice and standards in terms of storage volume.

- 5.15 In addition to these numbers, a further 18 Farms (14%) have engaged accredited rural professionals and have had their current systems audited. Where needed, new storage facilities have been designed for future construction. Most of these farms have committed to having these upgrades fully commissioned within the next three seasons.



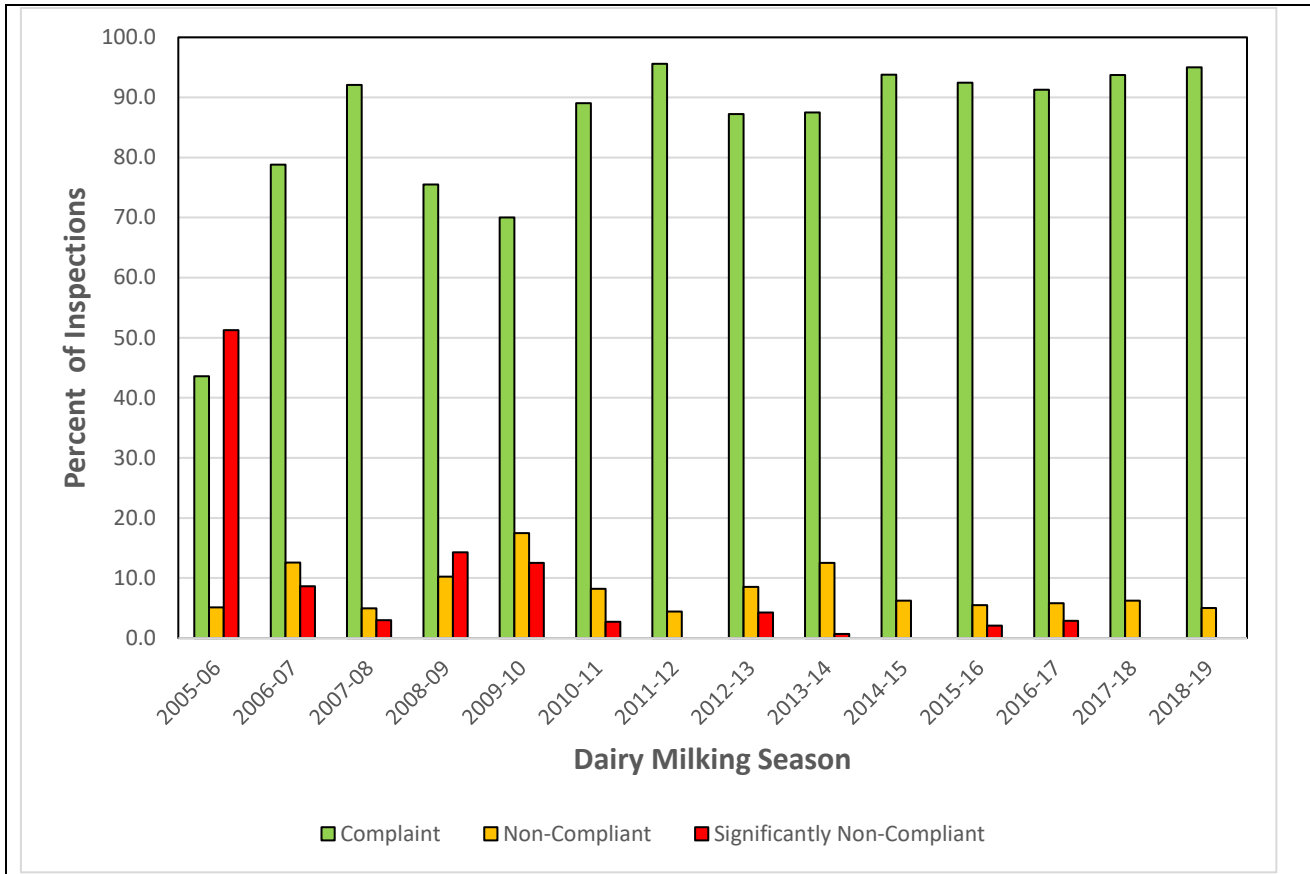
**Figure 10: Snapshot of the districts effluent storage system suitability classification**



- 5.16 Additionally, there are a small number of farms (five farms) that have sealed systems but fall well short of being adequately sized. These are all concrete sumps that serve smaller dairy herds and offer limited storage.
- 5.17 There remain 24 farms (18%) that have storage facilities that have not been confirmed as being of sufficient size nor sealed to industry standards. It is important to note that not all these farms are necessarily in dire need of improvement or have systems not fit for purpose. In fact just five of these farms have storage facilities that are clearly inadequate in terms of size.
- 5.18 With respect to these last two scenarios, all farms concerned have had Council staff engage with them regarding these shortfalls. All farms have been advised to consider progressing matters by working with their respective supply company and doing the necessary research to determine the most suitability sized storage facility and storage options to fit their circumstances.

### **Compliance Trends**

- 5.19 Figure 11 shows a comparison of the compliance rates from the past 14 milking seasons (2004/2005 – 2018/2019).
- 5.20 From Figure 11 it can be seen that Full Compliance continued to improve from season to season up until 2011/2012 when it reached a very high standard. Since this time it is pleasing to report that Tasman farmers continue to maintain this high level of compliance and that the 2018/2019 season was no exception to this positive trend. Only seven inspections found non-compliance all of which were considered a minor breach of the TRMP rules that resulted in no adverse environmental effect. This continual high standard of compliance can be directly attributed to the commitment of most farm owners and their staff to employ best farm practices with respect to system design and the disposal of farm dairy effluent.



**Figure 11** Historic district-wide compliance rates with respect to Rule 36.1.2.3 of the TRMP, Resource Consent conditions, and Section 15(1) of the RMA 1991.

**2018/2019 Enforcement Action**

5.21 As in previous years, five modes of enforcement action were available for use to address the non-compliance that arose from these farm inspections. These being: warning letters/letters of direction, Abatement Notices, Infringement Fines, Prosecutions, and Enforcement Orders. Seven inspections resulted in Council taking enforcement action during the 2018/2019 season. The type of enforcement action taken is largely determined by the resulting adverse environmental effect arising from that non-compliance.

**Formal Warning Letter/Letter of Direction**

5.22 A formal warning letter or letter of direction acts as a first enforcement response for very low level of offending and environmental effects. This is retained on file and forms part of a history. Further non-compliance that receives enforcement action will take into account that the operator had previously received a warning.

5.23 A total of seven formal letters were issued this season. All seven inspections that were graded non-compliant received a formal written warning with directions for improvements. This action was appropriate in each case given the circumstances, lack of any actual adverse environmental effect and each farm having a previous good compliance history. Despite this, all farm owners/workers were made aware that continued, un-announced inspections would be made for the remainder of the season. It was also made clear that further formal enforcement action could result if non-compliance was found again. It is reassuring to report that this was not necessary as all return visits to all farms that initially presented minor ponding found full and continued compliance. In the instance where effluent

was not contained in a sealed system (effluent solids stockpiled on bare ground), two additional visits and verbal instructions were required before the farmer took seriously Council staff's commitment to follow-up inspections. Thereafter inspections to this farm found this issue rectified and continued and full compliance was demonstrated.

### **Abatement Notices**

- 5.24 An Abatement notice prescribed under Section 322 of the Resource Management Act is a formal and legal directive from Council to cease an activity and/or undertake an action(s) in order to avoid, remedy, or mitigate an actual or potential adverse effect on the environment. An abatement notice is used by Council to immediately deal with an illegal activity and to instigate corrective action. Further enforcement action can follow the issuing of an abatement notice and it is an offence under the Act to fail to comply with the notice and its deadlines.
- 5.25 No Abatement Notices were required for offences found during the 2018/2019 season.
- 5.26 It is pleasing to be able to report that one historic Abatement Notice has finally been lifted this season. This notice was issued in 2012 and related to effluent run-off from an entrance to a dairy yard into a roadside drain in times of inclement weather. This farm drain eventually connected to a waterway. At the time of the offending, the farmer was in the throes of reconfiguring the entranceway and approaches to the dairy in order to install a feed pad. It was seen counterproductive to insist on a costly fix when any works would have to be ripped up in the near future to make way for the feed pad. Instead short-term measures were put in place in order to immediately comply with the requirements of the notice until the feedpad was complete and a permeant solution could be employed. Such short-term measures included managing the buildup of effluent at the entrance to the yard by scraping it up with a tractor bucket and placing it in a purpose built concrete bunker. The solids could then be used at a later time to condition soil prior to planting fodder crops. During this period the Notice remained in place until a permanent solution was commissioned and Council could be assured of full and continual compliance with the requirements of the notice.
- 5.27 During the winter of 2018 when the dairy was not in use these works were finally able to be completed. The concreting and the realignment and configuration of the approach raceways, and the area between the new feed pad and dairy yard now sees all wash-down and run-off collected in a concrete sump and transferred to the existing large storage pond system. With these works now completed and demonstrated to be effective, the Notice has been cancelled.

### **Infringement Fines**

- 5.28 An Infringement Fine prescribed under Section 343C of the Resource Management Act is an instant fine issued by Council to a person(s)/company who has committed an offence against the Act.
- 5.29 No infringement fines were issued for offences found during the 2018/2019 milking season.

### **Prosecutions and Enforcement Orders**

- 5.30 An Enforcement Order prescribed under Section 319 of the Resource Management Act is a directive from the Court to a person(s)/company to cease an activity and/or undertake an action(s) in order to avoid, remedy or mitigate an actual or potential adverse effect on the environment from their activity.
- 5.31 No new orders were sought during the 2018/2019 milking season.

5.32 It is encouraging to report that there is just one farm (Awarua Farms (Marlborough Limited)) in the District that has a current Enforcement Order against them. This order has been in place since 2015 and the farm is now overseen by a management board. Since the farm has been operated under this management arrangement, full compliance with the requirements of this order, and the permitted activity rules, has been demonstrated.

5.33 No prosecutions were initiated for offences found during the 2018/2019 milking season.

### **Standard of Compliance Monitoring and Enforcement**

5.34 Each year, an audit of all regional councils' compliance inspections of farm dairy effluent systems is undertaken by an appointed peer review panel. The purpose of this audit is to determine that consistency exists in the assessment and subsequent application of compliance gradings for farm dairy effluent monitoring by the regional authority. The need for such auditing arose in 2006 when it became evident that reporting of sector compliance was distorted by individual council's assessment and grading practices. Determining regional and national compliance was therefore proving to be highly problematic and raised a reputational risk from a lack of public confidence in the published data.

5.35 Between 2007 and 2009, a project team was formed to develop nationally consistent criteria and compliance categories for grading dairy effluent monitoring inspections (see Appendix 1). These were accepted by all regional authorities in 2009. From 2009 to 2012 these audits took place annually and changed to bi-annual audits from 2014 to 2018. A total of eight national audits have been completed. The next audit will take place in 2020.

5.36 To date Tasman District Council's farm dairy effluent compliance inspections have achieved a 100% pass rate at each and every audit. No other regional authority matches this standard. With this in mind, one can be confident that compliance inspections of all dairies in Tasman are carried out to the highest possible standard and continue to stand up to this high level of scrutiny. Thus, Council and the public can have a good confidence in the reliability and robustness of statistics contained in this annual report and every preceding annual report.

## **6 Strategy and Risks**

6.1 Although risks are not significant under the current Council monitoring strategy, there is always high public interest in dairy effluent disposal due to the known risk to the environment and the frequency of issues appearing in the national media. For that reason, there is potential for strong public comment if the programme does not maintain high levels of compliance and provide adequate performance reporting. Likewise, as part of the collective agreement of all regional councils to adhere to the "every farm, every year" monitoring strategy including audit, a failure to maintain the programme will not only put us out of sync with the rest of the country, but limit our ability to meet national reporting requirements.

## **7 Consideration of Financial or Budgetary Implications**

7.1 Presently there is no robust legal means open to Council to recover the costs incurred in the monitoring of farm dairies with respect to the Permitted Activity Rules. As the majority of farms within the district operate as a Permitted Activity the Council cannot charge for routine inspections. When non-compliance is detected the cost of enforcement processes generally falls to the Council, as it does in any area of activity, but penalties such as infringements

and court fines do provide some monetary return if and when these mechanisms are used. However, as the majority of farms are achieving full compliance it is fair to say that the greater part of the programme costs for permitted activity monitoring in dairy are presently borne by Council via general rates.

- 7.2 For the five consented activities the costs associated with monitoring are recovered by way of annual charges.

## 8 Significance and Engagement

- 8.1 This is an information report so is of low significance.
- 8.2 Engagement with farmers takes place as part of the monitoring programme and carries great benefit as an interface between the sector and council. This provides an ability to gauge what is occurring in this district and share information with members of the farming community around our expectations and developments in the areas relevant to them.
- 8.3 Given the level of public interest both locally and nationally on dairying and its regulation we report the results of our monitoring widely.

## 9 Conclusion

- 9.1 A total of 130 dairy sheds had active discharges in the Tasman District during the 2018/2019 milking season. Of these, 125 farm dairies operated as Permitted Activities and the remaining five held Resource Consents authorising the discharge treated effluent to water.
- 9.2 The results of this survey were:
- 95% - Compliant.
  - 5% - Non-Compliant
  - 0% - Significantly Non-Compliant
- 9.3 All farms that hold resource consents fully complied with all conditions of their respective consents
- 9.4 No significant enforcement action was required during the season with all non-compliance resolved through lower level enforcement responses.
- 9.5 Heading into the new dairy season Tasman district continues to present a good rate of compliance with respect to farm dairy effluent management; however, improvement can always be made and we will engage with the farmers to promote compliance and best practice where applicable.

## 10 Next Steps / Timeline

### **Servicing and Maintenance of Effluent Storage Facilities.**

- 10.1 The large up-take by farmers in recent years to invest in storage systems that meet the dairy industry's Code of Practice and Standards has been a very positive trend in Tasman District. In part this means a given storage system has been sized using the modeling tool, the Pond Calculator. This model takes in account numerous on-site parameters including herd size, climate, soil types, and washdown catchment area of a given farm to calculate a site-specific

minimal storage volume. A storage facility can then be designed and built to these calculations.

- 10.2 Now that many of these systems are entering their second and third year of use, the amount of sediment fallout that has accumulated as sludge in the bottom of these facilities has come to the point that the storage volume is becoming compromised. This means the actual storage capacity of these systems is continually decreasing if left unchecked. All storage systems need to be serviced in order to maintain their designed capacity and Council will engage with farmers to push this message and ensure it is incorporated into their on-farm maintenance program.

### **2019/2020 Dairy Farm Effluent Survey**

- 10.3 Farm Surveys for the 2019/2020 season commence in September 2019 and inspections will begin in earnest with a view to once again completing a full assessment of every farm in regards to dairy effluent disposal.
- 10.4 As always there is a risk that some non-compliance will surface however it is expected that the ongoing commitment for best farm practices and the installation of effluent systems that designed and built to Dairy NZs Code of Practice and Standards, thus industry best practice will be reflected in a continuing high standard of compliance in Tasman District.
- 10.5 Next season Council staff will continue to work closely with the industry in order to build upon the positive work achieved during the past seasons. Such work includes the on-going promotion of on-farm best practice, particularly with respect to wet weather contingencies and also the promotion of DairyNZ's Farm Dairy Effluent Design Code of Practice and Standards, and the new Farm Dairy Effluent Design Accreditation Scheme.

<b>11 Attachments</b>
-----------------------

1. <a href="#">↓</a> Appendix 1
---------------------------------

55
----

**Appendix 1:**

Criteria for assigning a grade of significant non-compliance, and examples of situations that would meet the criteria. **Updated August 2011**

Item 9.3

Attachment 1

Criteria	Examples of a breach of the criteria
Unauthorised discharges that have entered water (Ground or surface water)	<ul style="list-style-type: none"> <li>• Overflowing ponds or sumps into surface water</li> <li>• Overland flow /runoff into surface water</li> <li>• Irrigating over surface water</li> <li>• Race/feedpad/standoff pad runoff into surface water</li> <li>• Sludge or sand trap dumping where runoff has entered water</li> <li>• Discharges in breach of consent or plan rule conditions, and where adverse effects are visible/measurable/likely: eg                         <ul style="list-style-type: none"> <li>• S107 considerations eg change in colour or clarity after mixing</li> <li>• Exceeding ammonia limits</li> <li>• Exceeding NTU/SS limits</li> <li>• Exceeding BOD limits</li> <li>• Exceeding faecal limits</li> <li>• Exceeding ground water nitrogen concentration limits</li> </ul> </li> </ul>
Unauthorised Discharges that may enter water (Ground or surface water)	<ul style="list-style-type: none"> <li>• Significant surface ponding <sup>1</sup></li> <li>• Irrigating when soil conditions are too wet</li> <li>• Discharge without using an irrigator (eg pipe end discharge)</li> <li>• Sludge or sand trap dumping where runoff is at high risk of entering water</li> <li>• Discharges in breach of consent or plan rule conditions, and where adverse effects are visible and/or measurable and/or likely: eg                         <ul style="list-style-type: none"> <li>• Exceeding nutrient application rates</li> <li>• Exceeding effluent application depths/rates</li> <li>• Exceeding consented cow numbers by significant proportion.</li> </ul> </li> </ul>
Breach of abatement notice	<ul style="list-style-type: none"> <li>• Any breach of an abatement notice</li> </ul>
Objectionable effects of odour	<ul style="list-style-type: none"> <li>• Serious adverse effects of odour have occurred</li> </ul>
System shortcomings (where required by a rule in a plan or a resource consent)	<ul style="list-style-type: none"> <li>• Lack of contingency storage or backup plan.</li> <li>• Lack of standby equipment</li> <li>• Using a high rate irrigator where low rate irrigator is required by a resource consent</li> </ul>
Multiple non compliances on site with cumulative effects	<ul style="list-style-type: none"> <li>• Multiple discharges into a sensitive environment</li> </ul>

<sup>1</sup> Ponding is pragmatically defined as an accumulation of effluent on the surface of the land sufficient that effluent splashes up when an officer's foot is stamped in the area





**9.4 ANNUAL DISTRICT WIDE WATER MONITORING REPORT****Information Only - No Decision Required**

<b>Report To:</b>	Environment and Planning Committee
<b>Meeting Date:</b>	25 July 2019
<b>Report Author:</b>	Neil Green, Compliance and Investigations Officer
<b>Report Number:</b>	REP19-07-4

**1 Summary**

- 1.1 Tasman District Council runs a dedicated programme designed to record and report on the consumption of ground and surface water across the regions water zones, measure compliance with consent conditions, aid in the implementation of water restrictions and oversee the implementation and compliance of requirements set by the Tasman Resource Management Plan (TRMP) and the Reporting of Water Takes Regulations 2010.
- 1.2 The following covers the activities recorded over the 2018-2019 season.
- 1.3 Key findings from this season were:
  - The Tasman District witnessed a record breaking drought which evolved in the January and February months to a critical level involving multi agency response to its effects. For the Compliance Section monitoring and regulating the use of ground and surface water, this required a significant amount of additional resourcing and new strategies to respond to issues as they arose. This came in the form of increased on-site audits and enforcement responses through to adapting Councils water monitoring database to cope with the water management strategies that were implemented.
  - The Dry Weather Taskforce convened on 10 occasions to impose or continue restrictions under Section 329 of the Resource Management Act 1991. Stage 1 rationing for the Waimea's commenced Monday 14 January 2019. Rationing was elevated to stage 4 and remained until 11 March 2019 where it was reduced to stage 3, then to stage 1 on a weekly basis. Cease takes were also implemented for certain catchments over this period. On 28 March 2019 all rationing was removed due to wet weather, other than for Dovedale where rationing was removed 02 April 2019.
  - In an attempt to aid water users significantly affected by the drought while minimising environmental effects on depleted water resources, Council adopted strategies such as temporary water allocation sharing arrangements where these could be applied. The Compliance Section took on the responsibility for administering these agreements once processed and approved.
  - 21 informal water allocation-sharing arrangements were granted accounting for 75 individual water accounts.
  - Increased auditing was undertaken due to the drought and 1508 meter audits were carried out over the period with emphasis on the drought affected zones.

- Resource Consents and Permitted Activity takes administered under the water metering project in the 2018-2019 season increased to 1,530 from the previous 1,464. Of these, 1397 were resource consent authorisations and 133 domestic use in the Moutere Surface Water zone.
  - There were 979 active water takes this season. Of those 5.5% still supply weekly water meter readings via New Zealand Post, 67% are now supplying weekly water meter readings via the web page service provided by Council, 9.5% are supplying weekly water meter readings via email, and 7.5% are filing weekly water meter returns via telemetry. 10.5% supply weekly water meter readings via mobile phone.
- 1.4 Overall, compliance behaviour was good but still requires significant contact between Council staff and consent holders. Although the drought strategies and associated water restrictions were well communicated, there were still approximately 301 instances where water abstracted exceeded allocation limits. This resulted in the issue of warnings, Infringement fines and Abatement Notices in accordance with the Council's enforcement policies. This season had the highest instance of noncompliance on record due to the drought effects. 40 Infringement fines and 17 Abatement Notices were issued for various offences associated with taking of water.
  - 1.5 The Tasman Resource Management Plan requirement to install a complying water meter recording a rate of under 5 l/s continues. Installation was required by November 2018 and verification as accurate by June 2019. This applies to 354 water takes. It has been five years since the Measurement and Reporting of Water Takes Regulations 2010 required all water meters recording water takes over 10 litres per second to be verified as accurate. This legislation imposes the requirement to verify water meter accuracy every five years and therefore all water meters recording water takes over 10 litres per second must now be re-verified with proof of accuracy to be supplied to Council compliance staff.
  - 1.6 The demands on compliance staff will increase as Council phases in the new monitoring framework as part of the transition to the Waimea Community Dam. The affiliation status, methods of return and stricter water rationing triggers in affected zones will create an extra workload on staff tasked with administration, monitoring and enforcement. A greater part of this workload in the next year is expected to be assisting consent holders to understand and adopt necessary changes.
  - 1.7 End of water year summaries are in the process of being sent to all consent holders together with graphical representation of their individual water use record and the relevant water management zone. This reporting method used for the majority of consent holders has previously been well received.
  - 1.8 Construction of version 2 of the water metering database has been carried out this season. It will undergo testing prior to being deployed for the 2019-2020 summer irrigation period.

<b>2 Draft Resolution</b>
---------------------------

**That the Environment and Planning Committee receives the Annual District Wide Water Monitoring Report REP19-07-4**

### 3 Purpose of the Report

- 3.1 Tasman District Council runs a dedicated programme designed to monitor and report on ground and surface water consumption across the regions identified water management zones.
- 3.2 The programme collates water use data from those taking water under resource consents or who are subject to specific TRMP requirements to provide information on usage. The data received is not only a key plank to measuring compliance with consent conditions, but also providing information to assist in water resource management and aid in the consideration of water restrictions in drought situations.
- 3.3 Council also has an obligation to administer and enforce the provisions of the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and achieves that through this programme.
- 3.4 At the conclusion of each water metering season the Compliance Department who oversees the programme, presents a summary of the season and response to the seasonal trends in the shape of monitoring and enforcement.
- 3.5 The purpose of this report is to present a summary for the 2018-2019 water year.

### 4 Water Monitoring Programme for 2018-2019 Season

#### Current administrative programme

- 4.1 61 water management zones in this district have a metering requirement on abstractive ground and surface takes imposed through either a resource consent or specific rule in the TRMP.
- 4.2 For the users in these zones there is an obligation to furnish weekly usage readings over the water metering period (now 1 July to 30 June) or for the users in the Moutere domestic zone, six monthly readings.
- 4.3 This incoming data forms the basis of the compliance monitoring programme and has three primary objectives:
  - Monitoring users compliance with the restrictions imposed in consent conditions and assisting in determining council's enforcement response to individual and regional issues as and when detected.
  - Ensuring comprehensive usage data is available for the purpose of sound decision making on water resource management during a season and any future policy setting.
  - Ensuring accurate data is collected to meet local and national reporting objectives.
- 4.4 Since the introduction of the Reporting of Water Takes Regulations 2010 some years ago, the duties imposed on Council to administer these regulations have also been incorporated into the programme.
- 4.5 Resource consented and Permitted Activity water users administered under the programme in the 2018-2019 season increased to 1,530 up from last year's figure of 1,464.

This number of meters comprises the following:

- 1,397 resource consent authorised ground or surface water takes

- 133 Moutere domestic (permitted activity) bore takes.
- 4.6 Of the consented metered takes the following applies:
- 979 were deemed active and required to file weekly water meter readings. These were the consent holders using water over this season and included 22 non-consumptive takes.
  - 143 were deemed non-active and not required to file weekly returns. These were consent holders not irrigating.
  - 275 are on future implementation. These are authorised through consent but have not yet been exercised.
- 4.7 Of the Moutere domestic takes the following applies:
- 119 bores are active and users filing six monthly returns.
  - 14 are not being used.

### **Water users preferred data return methods**

- 4.8 Of the 979 active users who were required to provide water use returns the following methods were used to provide that data to Council.
- 5.5% still preferred to supply weekly water meter readings using prepaid cards via ordinary post
  - 67% supplied weekly water meter readings electronically via the web page service provided by Council
  - 9.5% supplied weekly water meter readings via email
  - 7.5% provide water meter use via telemetry
  - 10.5% supplied water meter readings via mobile phone.
- 4.9 Of the electronic methods available this season, webpage returns make up 70% of all returns coming in. Email returns have dropped to 10%, telemetry data has increased to 10% and Council's mobile app makes up 10% of returns.

### **Telemetry**

- 4.10 In the last year, the number of telemetered water meters has increased by over 30%, bringing the number of telemetered water meters to 73. These meters cover 62 accounts, i.e., several accounts have more than one meter. Four of the telemetered sites also provide additional data for consent requirements, i.e. water level, conductivity. The increase in numbers is mainly from businesses with multiple meters and the TRMP requirement for takes under 5 l/s to have a meter installed and provide readings.
- 4.11 The aligning of the telemetered water meter data with other hydrological data collected by the Environmental Monitoring section continues. With preseason and postseason checks provided by the consent holder, and mid-season meter audits, the data is being archived and quality coded to the National Environmental Monitoring Standards (NEMS), and comments are logged when issues have occurred.
- 4.12 As we have seen in previous years, there have been several issues with bad telemetered data. This has ranged from actual water meter malfunctions sending erroneous data, to power issues causing data to be lost. Occasionally the telemetered data appears okay, but

the audits can highlight missing or erratic data. With a large increase in mid-season audits, any issues were picked up quickly, minimising the amount of poor or missing data.

- 4.13 With the closure of telemetry provider Indigo last June, four telemetry service providers remained operating in our region. 16 water users were affected by the closure. However, by Christmas, they were up and running again with new equipment and under a new telemetry service provider. Two new companies also joined our list of telemetry service providers. Both these providers operate for other Councils as well.
- 4.14 The implementation of the 'Waimea Community Dam' and the non-affiliated permit holder conditions will see the amount of telemetered water meters increase. The issue of poor data quality that has arisen from poor service will be illuminated by only accepting the telemetry service providers that are accredited with Irrigation New Zealand. Currently this gives two operators the right to install their equipment for non-affiliated users.

### **Monitoring and Enforcement for 2018-2019 Season**

- 4.15 The severe nature of the dry weather this season resulted in early restrictions coming into effect mid-January, which did not ease until mid-March with the arrival of sufficient rainfall to scale back the drought response. During that dry period the Waimea zones spent a number of weeks in increasing rationing stages moving to stage 4 rationing (65% cut from full weekly allowance) from 18 February till 11 March. Stage 5 (80% cut) was considered by the Dry Weather Task Force as the next step until rainfall resulted in restrictions being scaled down and totally removed 28 March. Water restrictions were significant to the extent Council was approached by a number of water users looking to secure more water and seeking short term informal (unconsented) short term agreements for allocation sharing. This scheme was implemented and was generally a success.

### **Missing Readings**

- 4.16 Overall performance in respect to returns for active meters was relatively good
- 4.17 The increase in staged rationing meant higher levels of auditing by Council staff checking compliance with meter returns. This extra monitoring saw a general increase in timely meter returns as well as detecting more cases of noncompliance or illegal water takes. Currently staff are still reviewing missing reading audits and invoicing where the audit was due to a failure to supply weekly water meter readings. This approach acts as a form of punitive response. Also formal letters of warning have been issued in preparation for the use of Infringement fines and Abatement Notices as appropriate next season.
- 4.18 Missing readings continue to be an issue which take staff time. Part of this problem is the staged inclusion of newly metered users who are slow coming to grips with the new obligations. Another aspect is the perceived importance (or lack thereof) of weekly water meter reading supply once rain starts and there are no water restrictions or there is intermittent use due to weather. However missing readings also create problems as once readings are supplied they are entered against a single week and result in the total abstracted volume being registered as overtake for that week. These may therefore not be genuine overtakes if averaged over the missing period or they may actually be genuine overtakes.

### **Excessive Water Use**

- 4.19 155 instances were recorded where the weekly water limit was breached by about 61 different water users. A further 44 excess water takes were within the 5% meter margin of

error range of their authorised limit. Enforcement staff have made contact with each of those water users and investigated the reason for the non-compliance.

4.20 All excessive water use situations were investigated and responded to in accordance with Council's enforcement policies. For minor overtakes or if appropriate for the first instance of non-compliance; warnings were used as a means of addressing the non-compliance and gaining future compliance. Past warnings (should they exist) are considered in determining enforcement options for non-compliance.

4.21 40 Infringement fines and 17 Abatement Notices were issued for noncompliance.

### Water Meter Auditing

4.22 The 'anytime, anywhere' water meter audit continued throughout this water year. Council performed 1508 audits across 856 water accounts over the 2018-2019 irrigation season. 89% of all active meters were audited. These included targeted audits, particular emphasis was placed on the Waimea and Moutere Surface water zones which were under stage 4 and cease take restrictions respectively. Some meters were audited 3 or 4 times to ensure water use data was accurate. 50% of those accounts only audited once are in the Wai-iti dam service zone, which could not be further accessed due to the Pigeon Valley Fire.

The following table shows the number of times audits were carried out in areas.

Area Covered	Accounts Audited	Number of Times Audited	Total Audits	Percentage of Total
District Wide	389	1	389	26%
District Wide	308	2	616	41%
Moutere, Waimea, Motueka	135	3	405	26%
Moutere, Waimea, Motueka	22	4	88	6%
Moutere	2	5	10	1%
<b>Total Audits</b>	<b>856</b>		<b>1508</b>	

4.23 Meter audits continue to include a reading of the meter dial, ensure integrity of the seal and obtain an updated (digital) photographic record of the meter.

### Moutere Domestic Metering

4.24 The TRMP also requires Moutere domestic (permitted activity) takes to install meters and provide a single reading in April and then in November.

4.25 As at 30 June 2019 a total of 133 Moutere domestic bores have been identified and registered on the database. While that is the total registered, 14 are not being used.

4.26 In respect to these domestic meters the water use data readings are required April and November each year.

## 5 Water Rationing and the Dry Weather Task Force

- 5.1 The Dry Weather Taskforce was required to convene on 10 occasions to consider and impose restrictions under Section 329 of the Resource Management Act 1991 due to the critical water shortage that evolved over the January and February months.
- 5.2 During this record breaking dry period, it was very clear that this was going to stretch water users and significant business decisions would have to be made. Council worked with water users at the earliest opportunity, and general agreement was reached that the early implementation of rationing steps would help in making water available later into the irrigation season.
- 5.3 Council took the unprecedented step of introducing a further rationing step. Stage 4 rationing which was a 65% cut to the maximum allowable weekly volume, was put in place to allow water users mainly in the Waimea water management zones to continue irrigating. In addition and at the request of users, Council agreed to temporary water sharing allocation agreements in severely affected zones where appropriate criteria were met. This proved successful in allowing groups of water users to share and manage water where it was most needed. 21 informal water allocation sharing arrangements were granted accounting for 75 individual water accounts.
- 5.4 The situation was serious enough that stage 5 (80% cut) was considered by the Dry Weather Task Force as the next step however the district received sufficient rainfall around that time to allow for restrictions to be scaled down. Restrictions were fully removed 28 March for all zones except Dovedale, which had restrictions lifted 02 April.
- 5.5 The following is a timeline of the meetings and rationing stages as they were imposed over this period.

DWTF Meet Date	Effective Date	S329 type	Rationing step	Zones affected
8/01/2019	14/01/2019	329	Stage 1	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments
22/01/2019	28/01/2019	329	Stage 1	Hope Minor, Lower Confined, Motupiko, Moutere Western GW
			Cease Take	Moutere Surface
			Stage 2	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments
29/01/2019	4/02/2019	329	Stage 3	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments
			Stage 2	Hope Minor, Lower Confined, Motupiko
			Stage 1	Moutere Western Groundwater, Wangapeka, Glenrae, Tapawera Plains, Wai-iti, Waiti-iti Dam Service Zone
			Cease Take	Moutere Surface
5/02/2019	11/02/2019	329	Stage 1	Wai-iti, Waiti-iti Dam Service Zone, Moutere Western Groundwater, Moutere Eastern Groundwater, Dovedale, Baton, Stanely Brook, Tadmor, Tapawera

## Item 9.4

			Stage 2	Wangapeka, Waimea Lower Confined Aquifer, Waimea Hope Minor Aquifers
			Stage 3	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments, Motupiko
			Cease Take	Moutere Surface, Rainy
12/02/2019	18/02/2019	329	Stage 1	Moutere Western Groundwater, Moutere Eastern Groundwater, Dovedale, Baton, Stanely Brook, Tadmor, Tapawera, Aorere West Coast, Takaka Aquifer, Takaka Surface, Takaka Marble Aquifer
			Stage 2	Wangapeka, Waimea Lower Confined Aquifer, Waimea Hope Minor Aquifers, Dovedale, Wai-iti, Wai-iti Dam Service Zone
			Stage 4	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments, Motupiko
			Cease Take	Moutere Surface, Rainy
19/02/2019	25/02/2019	329	Stage 1	Moutere Western Groundwater, Moutere Eastern Groundwater
			Stage 2	Baton, Stanely Brook, Tadmor, Tapawera, Aorere West Coast, Takaka Aquifer, Takaka Surface, Takaka Marble Aquifer, Wangapeka, Waimea Lower Confined Aquifer, Waimea Hope Minor Aquifers, Wai-iti, Wai-iti Dam Service Zone
			Stage 4	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments
			Cease Take	Moutere Surface, Rainy, Dovedale, Motupiko
	25/02/2019	Direction	Stage 4	Motupiko
26/02/2019	4/03/2019	329	Stage 1	Moutere Western Groundwater, Moutere Eastern Groundwater
			Stage 2	Baton, Stanely Brook, Tadmor, Tapawera, Aorere West Coast, Takaka Aquifer, Takaka Surface, Takaka Marble Aquifer, Wangapeka, Waimea Lower Confined Aquifer, Waimea Hope Minor Aquifers, Wai-iti, Wai-iti Dam Service Zone
			Stage 4	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments
			Cease Take	Moutere Surface, Rainy, Dovedale, Motupiko
5/03/2019	11/03/2019	329	Stage 1	Moutere Western Groundwater, Moutere Eastern Groundwater, Aorere West Coast, Takaka Aquifer, Takaka Surface, Takaka Marble Aquifer



			Stage 2	Waimea Lower Confined Aquifer, Waimea Hope Minor Aquifers, Wai-iti, Wai-iti Dam Service Zone, Baton, Stanely Brook, Tadmor, Tapawera, Glen Rae, Wangapeka
			Stage 3	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments, Motupiko
			Cease Take	Moutere Surface, Dovedale
			Removed	Rainy
13/03/2019	13/03/2019	329	Stage 1	Moutere Western Groundwater, Moutere Eastern Groundwater, Waimea Lower Confined Aquifer, Waimea Hope Minor Aquifers, Wai-iti, Wai-iti Dam Service Zone
			Stage 2	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments
			Cease Take	Dovedale, Moutere Surface
			Removed	Aorere West Coast, Takaka Aquifer, Takaka Surface, Takaka Marble Aquifer, Baton, Stanely Brook, Tadmor, Tapawera, Glen Rae, Wangapeka
	15/03/2019	Direction	Removed	Moutere Surface
19/03/2019	20/03/2019	329	Stage 1	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments, Moutere Western Groundwater, Moutere Eastern Groundwater, Wai-iti, Wai-iti Dam Service Zone
			Cease Take	Dovedale
			Removed	Waimea Lower Confined Aquifer, Waimea Hope Minor Aquifers
	28/03/2019	Direction	Cease Take	Dovedale
			Removed	Waimea Delta, Waimea Golden Hills, Waimea Reservoir, Waimea Upper Confined Aquifer, Waimea West, Waimea Upper Catchments, Moutere Western Groundwater, Moutere Eastern Groundwater, Wai-iti, Wai-iti Dam Service Zone
	2/04/2019	Direction	Removed	Dovedale

## 6 Other Administrative Requirements

6.1 In addition to the routine collection, monitoring and reporting of water use data during the season, other critical water monitoring administrative tasks place significant demand on staff time in the lead up and after the main season. These include:

- Pre-summer season set up. Considerable staff time is dedicated to preparation for the upcoming summer. This is typically reviewing and uploading new consents and renewals, database and data integrity audits, alerts to water users of the pending start, and contacting those not using water for confirmation that the non-use situation remains.

- End of water year reporting. This is an important feedback mechanism to water users at the personal level and forms an integral part of the overall reporting process. While this takes a considerable amount of staff time generating this data it is considered to be well worth the effort and is typically well received by the majority who receive it. The reporting consists of a summary letter, graph of the individual and relevant zone usage, commentary on consent condition performance together with any identified deficiencies.
- Electronic records. There are now 73 telemetered water meters over 62 accounts i.e., several accounts have more than one meter. The supply of electronic data in this format is likely to increase as a result of the Waimea Dam project and requirements placed on water users. Council processes to adequately manage this data stream continues to develop. (Refer to telemetry comments for further comment). Despite the real time nature of this data there is still a requirement for active staff involvement with telemetered sites to ensure the integrity of information received and its correct storage.
- Main database changes. The rapid changes occurring in the management and reporting of water use has meant demand for increased database functionality. The community dam transition phase has certainly compounded this as has the need for better drought response. Efficiency with reporting and mail out merging for multiple consent information to single holders is a priority to reduce staff time on certain aspects of the water metering programme. Construction of version 2 of the water metering database has been carried out this season. It moves more towards being customer focused rather than numbers oriented. It will undergo testing prior to being deployed for the 2019-2020 summer irrigation period.
- Staffing. A second water Compliance Officer was appointed late 2018 in time for the summer season. The upcoming 2019-2020 will see a second summer student employed in an administrative capacity. This is to help alleviate the extra administration for the Compliance Officers and Compliance Administrator that will come with the Waimea Community Dam and associated consents. It is envisioned that one student will be field operative and the other office based, working to ensure an efficient district wide auditing programme is active in this transition period and allowing the officers to focus on delivering on monitoring and customer service.

<p><b>7 Resource Management (Measurements &amp; Reporting of Water Takes) Regulations 2010 and Tasman Resource Management Plan (TRMP) Reporting of water take requirements.</b></p>
---

- 7.1 Overall administration requirements of the water metering programme continue to increase due to the ongoing implementation of the National Regulations. As the staged implementation of the regulations progress greater numbers of affected water users are required to have meters installed, verified as accurate and supply Council with weekly water meter readings. Re-verification of meters recording water takes of 10 litres per second or greater is now required.
- 7.2 The current stage of implementation is required by the TRMP and is for < 5 litres/second and applies to 354 water takes. These water takes are to have a water meter installed by 10 November 2018 with the water meters verified as accurate by June 2019.

**8 Policy / Legal Requirements / Plan**

- 8.1 One of the main objectives of the water metering programme is to provide Council, resource users and the community, data on the consumptive use of water in the individual management zones and the compliance behaviour of the users. This data provides information on the volumes, pattern of use, return rates and the stages and effects of rationing in the individual zone. Presentation of this information in an annual summary report is an essential part in Council meeting this requirement. Graphical representation of each water management zone and the report is also provided on the Council's website [www.tasman.govt.nz](http://www.tasman.govt.nz) for public viewing. The 2018-19 water year will be uploaded in July once the end of year wrap up is complete.
- 8.2 Council also has an obligation to report to the Ministry for the Environment (MFE) on the district's performance with respect to implementation of the Resource Management (Measurement & Reporting of Water Takes) Regulations 2010. This occurs annually as and when it receives the request. At present this is done through spreadsheets as there is no data share mechanism.

**9 Consideration of Financial or Budgetary Implications**

- 9.1 A summary of the Compliance Monitoring Water income/costs for the 12 month period ending 30 June 2019 is as follows.
- 9.2 Budgeted expenditure for the 2018/19 year was \$339,491. Total actual expenditure for the period was \$320,034 with total income for the period of \$329,558.
- 9.3 The programme was 60% water user funded this year. The target remains for this activity to be 100% user funded.
- 9.4 We are now starting to phase in the new monitoring framework as part of the transition to the Waimea community Dam. It is anticipated that compliance demands will increase considerably in the next few years as we implement this new water monitoring programme particularly in the administration space. We are employing a second summer student to assist in the key admin processes in the first year of the transitional rules. This will allow more time to targeted auditing and customer assistance.

**10 Conclusion**

- 10.1 Water user compliance requires significant Council administrative and field effort. Significant interaction between consent holders and Council staff is required to achieve consistent compliance every season. This was highlighted this season more than any other previously with the drought and significant rationing steps.
- 10.2 Non-compliance with meter returns continues although behavior was altered this summer by the increased presence of staff in the field and water management being on the forefront of people's minds. This season a record number of targeted audits were undertaken and invoices for staff time or fines were issued for the poor performers. As always compliance staff assess each case of non-compliance and where possible place emphasis on education and encouragement to achieve compliance.

- 10.3 Numerous overtakes were encountered this season whilst rationing steps were in place. Staff took a firmer more formal response which include formal written warnings, Infringement Fines and Abatement Notices. The new database has improved record keeping and as a result greater water user accountability. Version 2 of the water database seeks to greatly improve on this again. Council staff exercise discretion in these cases and worked with the consent holder where able.
- 10.4 Use of the mobile phone application has grown, and the application appears to be working well. There are a number of consent holders who, for various reasons, lack the ability or will to utilise electronic technology to provide returns. As a result, the old paper system still remains, however every effort will be made to move users to electronic reporting when that option becomes available to them. This will save some cost to Council in time and resources, especially when providing reports or communications such as mail outs.
- 10.5 The Waimea Community Dam transition phase is prominent with its impacts on the water metering programme being assessed and planned for. The Compliance Section continues to work on its strategies for the future implementation of this project.
- 10.6 Telemetry is a growing method for monitoring water use. This will increase further as consent holders unaffiliated to the Waimea Dam project will be required to utilise telemetry to report water use.
- 10.7 The expanding water programme has had a significant impact on Council database requirements. The new database was implemented last season and functionality has been continually fine-tuned this season to reflect the fluid situation and adapt to the increase in data flow and management. Version 2 of the water database now being tested prior to deployment next summer season, seeks to improve on this again for better information management, such as analysing and reporting on that information and providing greater customer service.
- 10.8 The Tasman District Council appears to be positioned well against MfE recommendations. Council's monitoring programme and implementation of the Central Government Measurement and Reporting of Water Take Regulations are well developed in comparison to other councils.

## 11 Next Steps / Timeline

- 11.1 Version 2 of the water database now being tested prior to going live.
- 11.2 November 2019 the new water season commences.
- 11.3 2019-20 Preseason letters to go out by end of September 2019

## 12 Attachments

Nil

**9.5 RESOURCE CONSENTS MANAGER'S ANNUAL REPORT****Information Only - No Decision Required**

<b>Report To:</b>	Environment and Planning Committee
<b>Meeting Date:</b>	25 July 2019
<b>Report Author:</b>	Phil Doole, Resource Consents Manager
<b>Report Number:</b>	REP19-07-5

**1 Summary**

- 1.1 This report presents a summary of the performance of the Resource Consent Section regarding compliance with statutory timeframes for the full 12 months of the 2018-2019 financial year.
- 1.2 For the processing of 956 resource consent applications including variations to existing consents completed in the 12-month period, 91% compliance with statutory timeframes was achieved. The 9% completed out of time resulted in 47 discounts being applied to processing fees.
- 1.3 There are currently no live appeals with the Environment Court.
- 1.4 This report also outlines current workloads and issues, and notable jobs that have been, or are being dealt with since my last report on 7 March 2019.
- 1.5 The Special Housing Area T01-01 at 323 Hill Street in Richmond has achieved its final subdivision approvals, for both stages of that development. Resource consents have now been granted for all three parts of Special Housing Area T1-02 in Richmond West, with the first part – “The Fields” subdivision also achieving final approvals.

**2 Draft Resolution**

**That the Environment and Planning Committee receives the Resource Consents Manager's Annual Report REP19-07-5**

### 3 Purpose of the Report

- 3.1 This report presents a summary of the performance of the Resource Consent Section regarding compliance with statutory timeframes for the full 12 months of the 2018-2019 financial year. It also summarises the current workload and notable jobs that have been dealt with since my last report on 7 March 2019, and provides a status update for appeals to the Environment Court.

### 4 Summary of Resource Consent Processing for the 2018-2019 Financial Year

- 4.1 Table 1 below presents a summary of the various types of resource consent applications including changes to existing consents, and other applications that were lodged during the 2018-2019 year, compared with previous years.

**Table 1: Applications Lodged During 2018-2019 Year**

Category	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Coastal	36	17	27	22	33	15
Discharge	171	231	184	197	183	195
Water	189	349	258	336	140	323
Land Use District	438	480	540	601	637	604
Consent Notice Variation				30	19	16
Land Use Regional	36	39	26	35	23	45
Subdivision	130	131	126	133	170	156
Certificate of Compliance	7	3	4	3	3	15
Designation	0	5	1	0	0	8
Outline Plan	8	15	16	12	10	13
Right of Way LGA	12	12	15	23	23	17
Boundary Exemption					24	53
<b>Totals</b>	<b>1027</b>	<b>1319</b>	<b>1197</b>	<b>1392</b>	<b>1241</b>	<b>1460</b>

**Notes to Table 1:**

*The numbers of applications listed include variations to existing resource consents.*

*To date 60 of the applications lodged during the 2018-2019 year have been withdrawn, cancelled, or replaced (similar numbers to previous years).*

*Forty applications had to be returned because they were incomplete (57 returns last year).*

*Most of the returned applications are re-lodged and completed.*

*Twelve consent applications for two of the Special Housing Areas, plus two variations, are not included in the above figures, to conform to the National Monitoring System parameters.*

- 4.2 Land Use applications have remained high plus the 53 Deemed Permitted Boundary notices, continuing the 33% increase in overall numbers compared to 4 years ago. The major driver is the continuing surge in residential growth around the district, with many applications for

bulk and location dispensations for dwellings in new subdivisions; as well as for second dwellings and other in-fill developments on existing residential properties.

- 4.3 The number of new subdivision applications has remained high over the past 12 months, also reflecting the current growth surge for residential development but also more boundary adjustments and other subdivision proposed for rural properties. The Special Housing Areas consents are considered later in this report.
- 4.4 The large number of water permit applications received includes the renewals for the Upper Motueka and Golden Bay Mohua water management zones, as well as consent renewals for many of the water storage dams within the district.
- 4.5 Tables 2 and 3 present summaries of the various types of consent applications for which processing was completed (ie decisions made) during the 2018-2019 year. They show the degree of compliance with statutory timeframes. Last year's results are also shown.

**Table 2: Timeliness of Non-notified Applications**

Non-Notified	1 July 2017 – 30 June 2018				1 July 2018 – 30 June 2019			
Consent Type	Total	% in Time	Avg Days	Median Days	Total	% in Time	Avg Days	Median Days
District Land Use	537	95%	21	18	504	96%	22	16
Consent Notice Var'n	20	100%	16	16	16	100%	14	13
Subdivision	134	72%	41	30	137	69%	41	36
Coastal	25	100%	77	32	9	100%	31	32
Discharge	136	77%	34	23	135	92%	39	23
Regional Land	27	93%	22	19	21	95%	28	19
Water Permits	65	92.5%	20	19	105	98%	69	70
<b>Summary Consents</b>	<b>944</b>	<b>89%</b>	<b>26.5</b>	<b>19</b>	<b>927</b>	<b>92%</b>	<b>32.5</b>	<b>20</b>
NOR/OP/EUC/CofC	10	n/a	-	-	16	n/a	-	-
Boundary Exemptions	20	90%	8	5	51	100%	4	4

**Notes to Table 2:**

The numbers of applications shown include variations to existing consents which comprise 10.5% of the total (14% in the previous year).

Eleven completed applications for Special Housing Areas are excluded from these figures, to conform to the National Monitoring System parameters.

Right of way approvals made under the Local Government Act 1974 are also excluded from this list – 16 were completed in 2018-2019 (compared to 17 last year).

Days shown are working days excluding all clock stops when processing is put on hold.

Forty-nine percent (453) of non-notified applications had time extensions applied in the 2018-2019 year (compared with 40% last year). All time extensions are included in the count of working days, including for 50 replacement water permits for the Middle Motueka Zones that were processed in bulk and issued in July 2018.

**Table 3: Timeliness of Public and Limited Notified Applications**

Notified	1 July 2017 - 30 June 2018			1 July 2018 - 30 June 2019		
Consent Type	Total	% In Time	Avg Days	Total	% In Time	Avg Days

District Land Use	21	86%	126	9	78%	218
Subdivision	6	83%	126	4	50%	145
Coastal	1	100%	427	1	100%	235
Discharge	21	95%	176	11	18%	126
Regional Land	5	100%	183	1	100%	149
Water Permits	5	100%	146	3	100%	110
Designations	0	-	-	0	-	-
	<b>59</b>	<b>91.5%</b>	<b>156</b>	<b>29</b>	<b>55%</b>	<b>160</b>

**Notes to Table 3:**

*Two public notification processes, and five limited notified processes were completed. The discharge consents were all associated with rural-residential subdivision bundles. Days shown are working days excluding all clock stops when processing is on hold. All of the notified applications listed had time extensions applied, compared with 86% last year. All time extensions are included in the count of working days.*

- 4.6 Overall, 50% percent of all resource consent applications completed had time extensions applied, 36% (175) of those at the request of, or with agreement from the applicants.
- 4.7 Thirty-one percent of all applications required a further information request (similar percentage to the previous year).
- 4.8 Thirty percent (151) of the District Land Use consents were completed in 10 working days or less. The 2017 Amendments to the RMA also introduced a 10 day “fast track” timeline for consent applications that involve district land use controlled activities only. Sixty qualifying applications were processed in the 2018-19 year. The median was 9 working days for processing these fast track applications.
- 4.9 Other work related to resource consents includes the two subsequent approval steps for subdivisions, known as section 223 and section 224 approvals. During the 2018-2019 year, 111 title plans were approved; and 110 certificates were issued for completed subdivisions (compared to 124 and 133, respectively, for last year). They reflect the demand for new allotments, and the faster pace of development, including several large residential developments involving stages, confirming the continuing surge in subdivision development around the District. Approvals for the larger subdivisions can be quite complex and time consuming, particularly when requisitions have to be issued to get corrections made to legal deeds and/or plans.
- 4.10 Table 4 below presents a summary of decisions made on the 956 resource consent applications completed in 2017-2018 (as listed in Tables 2 and 3). Three hearings were required in total, although only one during the last six months. Of the 29 publicly or limited notified applications, 17 were able to be granted without a hearing because all issues were resolved.

**Table 4: Summary of Decisions**

Decision makers	Number
Granted by Independent Commissioners	9
Declined by Independent Commissioners	3
Granted by Council staff under Delegated Authority	944



**5 Discount Regulations**

- 5.1 The discount regulations that apply to Council's charges for processing resource consent applications require a "sliding scale percentage discount" of 1% for each day that processing goes over time, rising to a maximum 50% discount.
- 5.2 For the 2018-2019 year, there were 47 applications involving 88 consents that were completed out of time, resulting in 47 fee discounts ranging from 2% to 50%. These discounts totalled **\$30,000** excluding GST, compared with \$51,000 in the previous year.
- 5.3 The majority of these discounts involved subdivision consents (and associated land use and discharge consents). Much of the delays were caused by continuing staff changes and gaps in the subdivision consents team which could not be fully covered by engaging contractors to do the work within the statutory timeframes.

**6 Marginal of Temporary Consent Notices**

- 6.1 Since October 2017, consent exemption notices can be issued for **marginal or temporary breaches** of plan rules. These are referred to as MOTCEs (pronounced "MOT-SEES").
- 6.2 Thirty-eight MOTCE Notices were issued during the 2018-19 year, for a variety of activity types including minor building infringements, and minor or temporary earthworks.

**7 National Monitoring System**

- 7.1 Details of our resource consent processing are required to be sent annually to the Ministry for the Environment (MfE) as part of the National Monitoring System. The data is verified by MfE. Results for the past four years up to 2017-18 are publicly available to view on the MfE website. <https://www.mfe.govt.nz/rma/rma-monitoring> Our results for the 2018-19 year (as above) are due to be sent to MfE by the end of August.

**8 Objections to Decisions Made Under Delegation**

- 8.1 There are six live Objections to consents granted by staff under delegated authority.
- 8.2 An Objection lodged in February 2018 against conditions imposed on water permits for taking water to storage in the Mt Heslington area (the deemed Reservoir Zone) is yet to be resolved. An extensive response was made to the matters of Objection and a hearing will likely be required. Consents staff are endeavouring to maintain consistency with other Reservoir Zone water permits that may be affected by the Waimea Dam proposal.
- 8.3 An Objection lodged in May 2018 regarding conditions of consent imposed for the Supermarket proposed at the Salisbury Road/Champion Road intersection in Richmond raised issues relating to upgrade of the road frontages and traffic roundabout. The Objection remains "on hold" pending further negotiations with Council's Engineering Services Department.
- 8.4 An Objection was lodged in January 2019 regarding Stage 2 development proposed in the Rural Industrial Zone at 750 Lower Queen Street, Richmond. The issues raised relate to the site access upgrade design and timing, and finished floor levels at this coastal site. Indications are that both of these issues are being resolved.

- 8.5 An Objection was lodged in March 2019 against the imposition of a walkway reserve strip on a subdivision in Rural and Rural Residential zones off Thorp Street in Motueka. The purpose of the walkway is to provide a link from the Thorp Street area to Thorp Bush Reserve. A hearing of this Objection is scheduled for 29 July.
- 8.6 An Objection was lodged in June 2019 against a condition requiring a 5 metre wide esplanade strip adjoining the Riuwaka River on a rural subdivision consent. Council staff are reviewing the reasons for the Objection.
- 8.7 An Objection was lodged in June 2019 against a condition requiring partial upgrading of a portion of Horton Road past the seal end, on a 3-lot subdivision in the Rural 3 zone. Council staff are reviewing the reasons for the Objection and what options are available to fairly address the increased traffic that will result from of this subdivision.

## 9 Appeals

- 9.1 There are no live appeals to the Environment Court, since the Talley's Group Limited appeal regarding their discharges at Port Motueka was resolved by Consent Order in February 2019.
- 9.2 There are no other live Court proceedings relating to resource consents.

## 10 Waimea Zone Permit Renewals

- 10.1 Work was completed almost two years ago on the bona fide reviews required for the 329 applications for replacement water permits in the seven water zones across the Waimea Plains: the Lower Confined Aquifer (LCA) Zone, Upper Confined Zone, Hope & Eastern Hills (HEH) Zone, Delta Zone, Golden Hills Zone, Waimea West Zone, and Reservoir Zone.
- 10.2 Further work on these applications was deferred until the status of each application could be confirmed, as to whether they are affiliated to the Waimea dam or not. Applicants can continue operating under their expired consent conditions including the rates of water take therein, until their replacement permit commences.
- 10.3 Processing the applications has recommenced and issuing of new consents for the 74 "unaffiliated" permit holders is expected to happen by the end of July. Issuing of the new "affiliated" permits will follow in September so that their provisions take effect for the next irrigation season.

## 11 Other Water Zone Permit Renewals

- 11.1 Another 288 water permits and associated consents expired on 31 May 2018. They are spread amongst the Moutere, Waimea, Upper Motueka including Dovedale, Takaka, Aorere and other Golden Bay Mohua water management zones. They include 95 dam or take from storage consents.
- 11.2 Around 280 applications have been received for replacement permits or consents. These will be processed in bulk batches for each zone, as time allows with the Waimea Permits renewal process also happening. Applicants can continue operating under their expired consent conditions including the rates of water take therein, until their replacement permit commences. Our intention is to avoid new requirements taking effect part way through the next irrigation season.

- 11.3 The Nelson-Marlborough Fish & Game Council is taking a close interest in the renewal process for the Upper Motueka zones, with some concerns around how minimum flows are defined and actioned. The iwi with a Statutory Acknowledgement over the Motueka River catchment has also expressed interest. Council staff are considering what scope there is to address these matters in the context of the relevant controlled activity rule in the Tasman Resource Management Plan.

## 12 Special Housing Areas Consenting

- 12.1 Consent applications for the Special Housing Areas (SHAs) in Tasman District are processed in accordance with the provisions of the Housing Accords and Special Housing Areas Act 2013, which adopts much of the RMA consenting process but differs with regard to infrastructure and notification requirements.
- 12.2 Consents for SHA T1-01 at 323 Hill Street in Richmond (known as Pioneer Heights) were granted in February last year for a 26 lot subdivision and associated consents. That development received its final section 224 approval in early July.
- 12.3 SHA T1-02 in the Richmond West Development Area north of Berryfield Drive, has been split into three parts. Consents have now been granted for all three: a 70 lot residential subdivision (“The Fields”); a lifestyle village comprising 267 residential units, community and recreational facilities and a commercial precinct (“Arvida”); and “The Meadows” being a subdivision comprising 470 residential units located on the northwest side of Borck Creek with frontage to McShane Road. This third, and largest part of the SHA was granted consent earlier this month. Section 224 approvals have also been issued for all stages of “The Fields” subdivision.
- 12.4 A consent application was lodged recently for a 379 residential lot subdivision in SHA T1-03 Appleby Fields, also in the Richmond West Development Area.
- 12.5 The consent application for SHA T1-05 at Pohara village (Richmond Road) is progressing.
- 12.6 The other four SHAs are at various stages of pre-application, except that an application to develop part of the Wakefield (Whitby Road) Special Housing Area T01-10 has recently been lodged under the usual Resource Management Act process.

## 13 Other Notable Application Work since February 2019

- 13.1 Notable applications and proposals dealt with over the past four months are:
- **Richmond West Development Area (RWDA):** consents for a 70 lot residential subdivision between Poutama Drain and SHA T1-03 Appleby Field were granted in May 2019. Possible changes to the layout of infrastructure adjoining the State Highway Bypass designation, including Poutama Drain and an acoustic barrier, have been deferred to be considered as a variation.
  - **Rural 3 Subdivisions:** The Tasman Bay Estates (ex Harakeke) development that was granted consents in December 2016, has achieved section 224 sign-off for the coastal residential clusters between Aporo Road and the coastline. Also, the Appleby Hills subdivision, one of the first Rural 3 developments to start in 2006, is now in the section 224 phase for its final stages making a total of 77 residential allotments. That development has community owned water supply and wastewater treatment system.

- **Other Limited Notified Applications:** several applications have been limited notified to neighbours including commercial activities and multiple dwellings on a site, and “in-fill” rural residential scale subdivision proposals. Several of these have either attracted no opposition, or issues raised by submitters have been resolved without need for a hearing. Others will require hearings if the issues raised cannot be resolved.
- **Bell Island Waste Water Treatment Plant:** the Nelson Regional Sewerage Business Unit has applied for replacement consents for the Bell Island Wastewater Treatment Plant, including discharge permits for disposing of treated wastewater to sea. This application was publicly notified in March 2018 and attracted 15 submissions. The application process has been suspended while the applicant obtained further information and sought pre-hearing meetings with submitters. Indications to date are that a hearing will be required, and it will be scheduled for later in 2019.
- **Proposed Pakawau Seawall:** a group of land owners applied to erect a 350 metre long rock wall for coastal protection purposes on esplanade reserve along the shoreline at Pakawau. This application was publicly notified in May 2018 and attracted 402 submissions, nine are opposing, and overall 10 submitters wanted to be heard. This application was heard by an independent Commissioner in mid-March 2019 at the applicant’s request. The application was declined.
- **Drag Racing Motueka Aerodrome:** the Nelson Drag Racing Association’s 10-year consent expired in May 2019. They have applied to continue with four events per year (the permitted activity rule in the TRMP allows two events per year). A decision has been made that the application should be publicly notified, particularly because the scale of noise effects on adjacent residents has not been assessed.
- **Gravel Extraction from Rivers:** the application by Council’s Engineering Services Department for “global” consents to extract gravel from rivers across the District was publicly notified in September 2018, and attracted nine submissions. The submitters include several iwi who have Statutory Acknowledgements for many of the rivers. The consenting process was suspended in December 2018 to allow the applicant to consider the matters raised by submitters.

#### 14 Iwi Liaison and Statutory Acknowledgements

14.1 For many years we have been sending weekly lists of resource consent applications to local iwi for them to identify any proposal of interest, thereby assisting Council achieve its obligations under the Resource Management Act and the TRMP to recognize Maori cultural values and provide for the in the consenting process. That liaison was primarily with Tiakina Te Taiao and Manawhenua ki Mohua representing several iwi. We now also have regular contact directly with representatives Te Atiawa and Ngati Kuia.

14.2 Statutory Acknowledgements recognizing the special association that one or more of the Te Tau Ihu iwi have with sites or areas of the region, took legal effect from 1 February 2015. The Statutory Acknowledgements include the entire coastal marine area, most rivers, and other listed sites within Tasman District. Council is required to send summaries or notices of all resource consent applications for activities within, adjacent to, or directly affecting a “statutory area”, to each of the associated iwi. Council is required to have regard to the Statutory Acknowledgements when making decisions on resource consent applications.

- 14.3 From 1 February 2015 the lists of applications have been sent to all of the Te Tau Ihu iwi. Recent changes in staff at Tiakina Te Taiao have prompted a review of this arrangement, with some amendments made and being considered with regard to how information about applications can be supplied efficiently. Assistance is also being given for navigation of the TRMP and how the various rules apply (or not) to matters of interest to iwi.

## 15 Current Staffing and Workloads

- 15.1 Staff recruitment and retention challenges continue – it is almost three years since the resource consents section was fully staffed. Approvals have been given over the past 2-3 years to increase staff numbers to match the increase in workload, but we have not been able to maintain a full complement of staff over that time.
- 15.2 In the Subdivision Consents team, Ella Mowat went on parental leave in February. Marijke Ransom joined us at the end of March, to cover Ella's position on a part-time basis. Jenna Wolter has moved to the subdivision team at the start of July, from the natural resources consents team, to help deal with the on-going significant increase in subdivision activity. We are continuing to use several contractors for processing subdivision applications including the Special Housing Area consenting. We are continuing to give priority to s223 and s224 approvals, whenever possible, to avoid delaying the issue of titles for completed developments.
- 15.3 For the Natural Resources Consents team, recruitment is underway to replace Jenna Wolter. The processing of water permits was assisted for several months by Kurt Barber, who stayed on after his summer internship.
- 15.4 In the Land Use consents team, the position vacated by Victoria Woodbridge in mid-November 2018 was not able to be filled until the end of April, when Tina Carlson-McColl joined us. Liz Lightbourne, who was on parental leave, decided not to return to Nelson and resigned in June. Her position was being covered on a part-time basis by Kelly Menchenton, who decided not to stay. Recruitment continues for that vacancy.
- 15.5 Bob Askew is continuing to assist us part-time with the duty planner roster based at the Motueka office; and Edna Brownlee is assisting with LIM checks. There are also three contractors assisting us with land use consent applications.
- 15.6 Between them, the contractors processed about 8% of the consent applications completed in the 2018-19 year.
- 15.7 The Administration support team currently comprising four staff has handled a significant workload with the 300+ water permit applications on top of all the other work associated with subdivisions and cost recovery.
- 15.8 The overall workload for the Consents section also continues to be influenced by increases in demands on the time of duty planners and other enquiries, as well as with pre-application work generally. The number of LIMs and PIMs has also steadily increased.
- 15.9 The past several months have continued to be challenging - I thank the Consents staff and other Council staff who regularly assist us in our work for their efforts in dealing with the high workload and many complex applications, despite the staffing changes and shortages.

**Item 9.5**

<b>16 Attachments</b>
-----------------------

Nil

## 9.6 ENVIRONMENT & PLANNING COMMITTEE CHAIR'S REPORT

Information Only - No Decision Required

**Report To:** Environment and Planning Committee  
**Meeting Date:** 25 July 2019  
**Report Author:** Tim King, Environment & Planning Committee Chair  
**Report Number:** REP19-07-6

### 1 Summary

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

### 2 Draft Resolution

**That the Environment and Planning Committee receives the Environment & Planning Committee Chair's Report 30 April 2019 REP19-07-6;**

### 3 Attachments

Nil





**9.7 ENVIRONMENT AND PLANNING MANAGER'S REPORT**

**Information Only - No Decision Required**

**Report To:** Environment and Planning Committee  
**Meeting Date:** 25 July 2019  
**Report Author:** Dennis Bush-King, Environment and Planning Manager  
**Report Number:** REP19-07-7

**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 30 May 2019.

**2 Draft Resolution**

**That the Environment and Planning Committee**

1. receives the report REP19-07-7; and
2. notes the submission lodged on proposed Building Act reforms contained in Attachment 2 of Report REP 19-07-7
3. Agrees to amend the Delegations Register adding a new power under the Food Act as follows:

<b>57A</b>	<b>Section 59</b>  <b>Power to determine and advise date of registration</b>	<b>RegM, CEH, EHO, AO</b>
------------	--	---------------------------

**3 Upper Motueka Permit Renewals**

- 3.1 Staff are progressing the review of permits in the Upper Motueka water management zone upstream of the Wangapeka confluence. Despite the allocation limits having been set through Plan Change 52 which was adopted in 2017, there have been concerns expressed about the ability of the river system to cope in the dry summer months.
- 3.2 It is a fact that some of the rivers, like the Motupiko dry up naturally. But land use change which is seeing a move from pasture and blackcurrants, to hops, it is suggested will make this worse. However the permit transfer complies with the allocation limits in the operative TRMP.
- 3.3 Council staff have made applicants and farm advisers aware that having a monocrop with water demand peaking at the same time risks water cuts triggers being hit earlier and rationing restrictors ramping up if the weather and flow conditions align, especially over peak water demand periods for hops. Having a diversity of crops balances the peaking impact somewhat. However, we will continue to monitor river flows and groundwater levels and will introduce restrictions accordingly with advice from the Dry Weather Task Force.
- 3.4 Note Motupiko and Rainy zones had a cease take and Tapawera Plains/Tadmor and Glen Rae zones got to 50% cuts last summer.

**4 Annual Customer Survey Results**

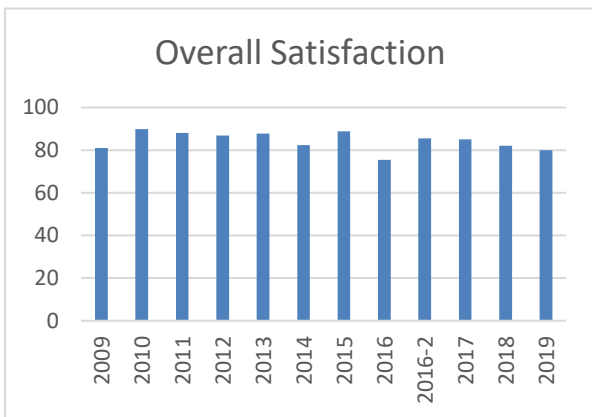
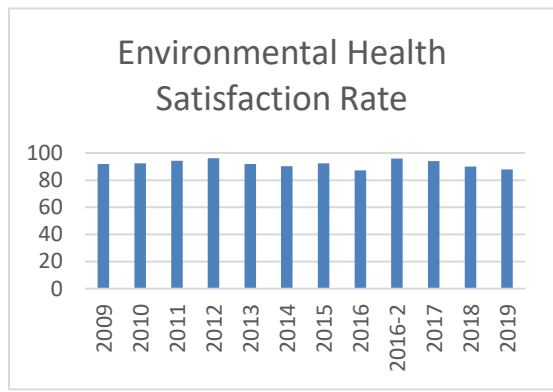
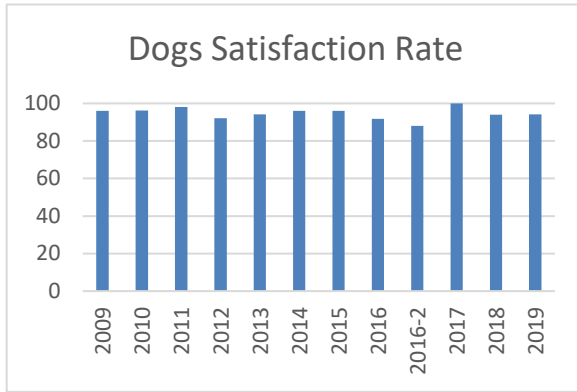
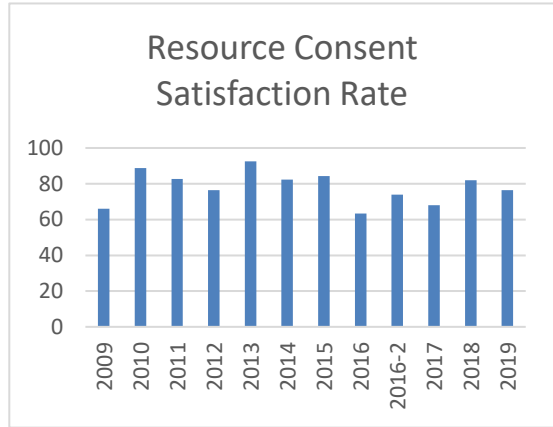
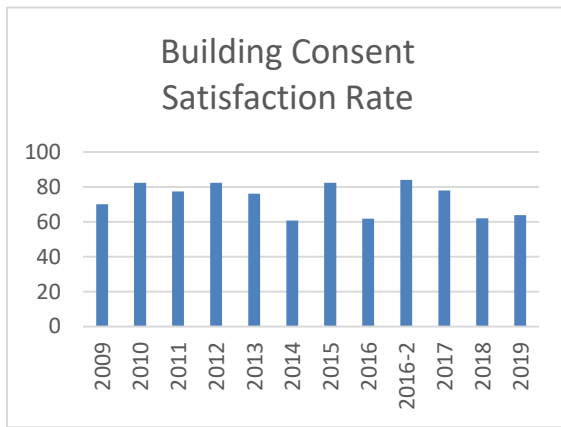
- 4.1 In addition to the Communitrak™ Residents Survey, the National Research Bureau also surveys customers who in the previous year have sought from Council a building or resource consent, a dog registration, or an environmental health permit or license. Respondents are chosen from a randomised list of 400 applicants and asked questions about the helpfulness of staff, the reasonableness of costs, the time taken to obtain a decision, the usefulness and ease of council forms and brochures, and the ease of understanding an applicant’s on-going obligations. Respondents are also asked to give an overall level of satisfaction with Council service.
- 4.2 The summary results presented in the table below overall show good results. Overall satisfaction levels gets dragged down by people’s dissatisfaction with cost of process and timeliness. Staff courtesy and helpfulness continues to be high although there was a slight drop in the latest round which I am sure staff are sorry to see given we do strive to offer good service. Historical trends are shown in the following graphs.

Question	Score - showing proportion of respondents who agree or strongly agree				
	Total	Building	Resource Consents	Dogs	Environmental Health
Staff were helpful and courteous	84.8 (90.5)	81.0(86.0)	80.4 (92.0)	86.3 (92.0)	92.0 (92.0)
Costs were reasonable	61.9 (69.5)	39.7 (56.0)	47.1 (62.0)	94.1 (88.0)	70.0 (72.0)

Time taken was reasonable	77.6 (77.0)	62.1 (62.0)	72.5 (70.0)	96.1 (94.0)	82.0 (82.0)
Overall level of satisfaction with Council service	80.0 (82.0)	63.8 (62.0)	76.5 (82.0)	94.1 (94.0)	88.0 (90.0)

Bracketed figures are those applying to the last survey in 2018

4.3 Broken down by Ward, the overall satisfaction levels have shifted considerably from the last survey - Golden Bay 68.0% (78.6%), Lakes Murchison 80.0% (94.4%), Richmond 75.4% (87.0%), Waimea Moutere 83.3% (80.8%), and Motueka 87.8% (75.0%).



## 5 Remuneration Authority Determination

- 5.1 Councillors have been advised of the Local Government Members (2019/20) Determination 2019. The Determination continues with the entitlement for members who are accredited to conduct hearings, except the Mayor, to claim fees for resource management consent hearings. The Determination however has expanded the entitlement to a number of other resource management hearings at a fee of \$100 per hour for the Chairperson and \$80 per hour for a panel member.
- 5.2 A hearing now means:
- (a) a hearing that is held by a panel arising from—
    - (i) a resource consent application under subpart 2 of Part 2 of HASHA; or
    - (ii) a request for a plan change or for a variation to a proposed plan under subpart 3 of Part 2 of HASHA; or
  - (b) a hearing arising from a resource consent application made under section 88 of the RMA; or
  - (c) a meeting for determining a resource consent application without a formal hearing; or
  - (d) a hearing arising from a notice of requirement (including one initiated by the local authority); or
  - (e) a pre-hearing meeting held under section 99 of the RMA in relation to a hearing referred to in paragraph (b) or (d); or
  - (f) a hearing as part of the process of the preparation, change, variation, or review of a district or regional plan or regional policy statement; or
  - (g) a mediation hearing in the Environment Court as part of an appeal from a decision of a local authority; or
  - (h) a hearing on an objection against a charge fixed by a local authority under section 36 of the RMA.
- 5.3 I suspect the move to widen the scope of a hearing is to make it fairer for those Councillors who sit on hearing panels that also comprise independent commissioners who charge for their services. The Determination however overlooks all the work members put into other hearings under the Local Government Act, including bylaws, the Reserves Act, and the Dog Control Act.
- 5.4 Unless advised otherwise, staff will make arrangements to amend the claim form for qualifying hearings.

## 6 Earthquake Prone Buildings

- 6.1 Good progress continues to be made on this project and we have completed the assessment of potential earthquake buildings in the High seismic risk area south of Hope Saddle (ahead of the 1 January 2020 deadline). We are engaging well with building owners with positive and helpful interactions reported by Staff in nearly all cases.

Item	Number of buildings			Additional comments
	MEDIUM seismic risk area	HIGH seismic risk area	Total	
Number of buildings in TDC's register to date	362	206	568	
Number of buildings assessed to date	4	206	210	
Number of buildings found to be <b>potentially</b> earthquake-prone and the Owners notified accordingly	3	27	30	Owners have 12 months to obtain a seismic engineering assessment from the date they're notified by Council in writing (but can apply for a one off extension if required); <b>or</b> provide evidence of a factual error in TDC's assessment; <b>or</b> notify Council they don't intend to provide an engineering assessment and TDC will proceed as if the building <b>IS</b> earthquake-prone (i.e. issue an earthquake-prone building notice).
Number of earthquake-prone building notices issued	2	0	2	<ul style="list-style-type: none"> <li>Wakefield Hall</li> <li>Golden Bay Grandstand (Takaka)</li> </ul>
Number of " <b>priority</b> " buildings identified to date	360	45	405	Types of buildings: Hospitals, emergency services, schools, early childhood centres, Civil Defence welfare centres and shelters, buildings likely to block a strategic route, and parts of buildings constructed using unreinforced masonry.
Number of " <b>other</b> " buildings identified to date	0	161	161	Types of buildings: <b>Everything else</b> {i.e. <u>not</u> "priority" buildings}, and those <u>excluded</u> under s133AA of the Building Act 2004 (e.g. detached residential dwellings, farm building, stand-alone retaining wall, fence, monument, wharf, bridge, tunnel, storage tank, dam)

Number of buildings <b>NOT</b> potentially earthquake-prone <b>and</b> Owners notified accordingly or just noted in register	0	179	179	
--	---	-----	-----	--

- 6.2 Staff will be reporting to MBIE by 13 August 2019, the date on which an annual report on progress is required.

## 7 Dam Safety Regulation

- 7.1 Feedback is being sought on post-construction dam safety regulations by 6 August. This has been long awaited since 2004 when Council held over consideration of a Dangerous Dams Policy pending passage of these regulations.
- 7.2 The regulations set a process in place for classifying dams according to risk factors and requires at a minimum an engineer's assessment of the Potential Impact Assessment (PIC) of the dam or pond. For qualifying dams a dam safety assurance programme and annual audit would also be required. The proposed regulations will apply to dams or ponds which are:
- less than 4 metres high and hold 30,000m<sup>3</sup> or more, or
  - are at or above 4 metres and hold 20,000m<sup>3</sup> or more.
- 7.3 Excluded are small dams such as those used for stock drinking and small-scale irrigation.
- 7.4 Regional councils are required to maintain a register and accept (or not) Dam Safety Assurance programmes for Medium to High PIC dams. The regulations have a compliance package for non-compliance. We will be required, when the regulations are in force, to refresh our Dangerous Dams Policy.

## 8 Dry Weather Task Force

- 8.1 A debrief with members of the Dry Weather Task Force is being held on 22 July so a verbal report back will be given at the EPC meeting.

## 9 Building Act Reforms

- 9.1 A submission was lodged with MBIE on proposed Building Act reforms by the 12 June deadline. A copy is attached as Attachment 1.

## 10 New Delegation – Food Act

10.1 Now that the Food Act transition has completed replacing the registration of food premises previously dealt with under the Food Hygiene Regulations it appears that we have omitted to include section 59 in the Delegations Register. This provision allows the registration authority (ie the Council) to give written notice to an applicant as to when registration takes place. Accordingly we need to amend the delegation register so that environmental health staff can execute this function alongside the other matters relating to Food Control plans.

### Recommendation

**The Environment and Planning Committee agrees to amend the Delegations Register adding a new power under the Food Act as follows:**

<b>57A</b>	<b>Section 59</b>	<b>RegM, CEH, EHO, AO</b>
	<b>Power to determine and advise date of registration</b>	

## 11 Financial Accounts

11.1 The Annual Report is being prepared so we have no further update on our financial position. As at the end of May, non-rate income overall was down \$48,072 and expenditure was \$1.1M down on budget. Some of this underspend was on projects delayed because of the fire and drought, we have at various times had unfilled staff vacancies, and we have delayed spend on an e-plan while setting up the TRMP review process.

## 12 Action Sheet

12.1 Attachment 2 is the Action Sheet which updates Councillors on action items from previous Environment & Planning Committee meetings.

## 13 Attachments

1.	<a href="#"><u>↓</u></a> Attachment 1 - Building Reforms Submission	89
2.	<a href="#"><u>↓</u></a> Attachment 2 - Action Sheet	133







**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI

---

# Building system legislative reform

Submission form

---

New Zealand Government

## Introduction

The Ministry of Business, Innovation and Employment (MBIE) invites feedback on proposals to reform the building regulatory system.

MBIE appreciates your time and effort in responding to this public consultation.

### How long it will take to complete the submission form

The full submission form will take about 50 minutes to complete. The actual time will depend on the number of section(s) you choose to complete and how much detail you want to provide. You can choose to skip individual questions or entire sections that aren't relevant to you.

This consultation will close at **5:00pm on Friday 16 June 2019**.

### Use of information

We will use the information in submissions to refine the proposals. We may contact people or organisations that submit feedback to clarify points they've made.

### **MBIE may publish your feedback unless you ask us not to; your feedback is subject to the Official Information Act (OIA)**

MBIE will publish a consultation report summarising the results of the consultation. If you don't want your name or any personal information to be included in anything we publish, please indicate this on the next page of this survey.

People will be able to obtain copies of your submission by making a request under the Official Information Act 1982. If you want us to keep some sections confidential, mark these sections clearly in the comment box for the relevant question and tell us why you'd like it withheld (i.e. commercial sensitivity, etc). MBIE will take your reasons into account and will consult with you when responding to requests under the Official Information Act.

**A little bit about you****Your contact details**

Name: Dennis Bush-King

Company: Tasman District Council

Email address: dennis.bush-king@tasman.govt.nz

- I would like to be anonymous in MBIE's published consultation results.

Yes  No

- Are you representing others?

No, just my self

Yes, I represent a company or an organisation

Company/Organisation title: **Tasman District Council**

- The best way to describe your role is:

Architect  Builder  Building Control Officer

Building owner  Designer  Developer

Electrician  Engineer – Fire  Engineer – Geotechnical

Engineer – Structural  Engineer – other  Homeowner

Manufacturer/supplier/off-site manufacturer

Plumber/gasfitter/drainlayer

Other (please specify) **Environment & Planning Manager**

**Part 2: Building products and methods**

**MBIE wants stakeholders' feedback on seven proposed changes:**

1.	Widen the purpose of the Building Act to include the regulation of building products and methods.
2.	Provide clear definitions for 'building product' and 'building method'.
3.	Require product manufacturers and suppliers to supply information about their building products. Set minimum standards for that information. This would not apply to building methods.
4.	Clarify responsibilities of manufacturers, suppliers, designers and builders for building products and building methods.
5.	Give MBIE the power to compel information to support an investigation into a building product or method.
6.	Strengthen the framework for product certification for building products and methods.
7.	Enable a regulatory framework for modern methods of construction, including off-site manufacture.

**Proposal 1 -Widen the purpose of the Building Act to include the regulation of building products and building methods.**

**2.1** Do you agree with expanding the purpose of the Building Act to include the regulation of building products and methods and their use?

Yes  No

Please tell us why or why not.

The current regulatory framework is not robust enough, and BCA's are constantly being bombarded with Building Consents where new products and methods are being specified, invariably sourced from outside New Zealand, which come with little or no substantive product information on which to determine if they do, or don't, comply with the Building Code. BCA's are then required to expend valuable and limited resources trying to obtain the information from building Owners, or Designers, or Manufacturer's, on which to base a decision "...on reasonable grounds..." (s 49 of BA04). The current regulatory framework of s14G of the BA04 is okay in principle, but trying to understand and demonstrate compliance with the NZ Building Code for products and building methods manufactured and imported from overseas is extremely difficult (particularly when overseas testing methods, and any in-service history, is hard to verify or be confident in). Any regulation pertaining to building products and methods needs to be clear and unambiguous otherwise BCA staff are no better off as to whether something is acceptable or not.

**Proposal 2 - Clearly define 'building product' and 'building method'.**

Include the following definitions in the Building Act:

- A 'building product' is any component or system that could be reasonably expected to be incorporated into building work. A system is a set of at least two components supplied and intended to be used together to be incorporated into building work.
- A 'building method' is a specific way of using a product or system in building work.

<b>2.2</b>	<b>Do you agree with the proposed definition of 'building product'?</b>
	<p><input checked="" type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span></p> <p>Please tell us why or provide your suggested definition.</p> <p>In principle, we agree with the definition, but consider better (unambiguous) clarity on the term "component" is needed. The literal definition of "component" is "...A part or element of a larger whole..." (Oxford English Dictionary). If that's the intention of the proposed definition, what is the "...larger whole..."? Note, under the current guidance from MBIE, a whole pre-fab or relocatable building manufactured overseas is a 'building product'. The definition needs to clearly reflect this scenario. Further, literally speaking, based on the current definition, a 'building product' could be as simple as a manufactured piece of steelwork or timber used for wall framing, through to a heat pump, solar panel, or solid fuel heater e.t.c. It's therefore unclear whether the proposed definition is aimed at every possible manufactured building element or system? The current legislation (s 20(2)(c) and s269) is only limited to the present CodeMark system, and only a very small percentage of the available New Zealand manufactured products have a CodeMark (which is voluntary anyway). If the intention is to capture all MMC's and off-site manufactured products, now and into the future, then this needs to be clearly indicated in the Act (and/or associated Regulations), and not just limited to CodeMark.</p>
<b>2.3</b>	<b>Do you agree with the proposed definition of 'building method'?</b>
	<p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input checked="" type="checkbox"/> No</span></p> <p>Please tell us why or provide your suggested definition.</p> <p>The proposed definition is confusing. It's unclear why "...or system..." is used? A 'System' is already defined under "building product"; it therefore appears unnecessary and superfluous to include the same in the definition of a "building method" unless a "product" is different to "building product" as defined. Suggestion, just remove the words "...or system...".</p>
<b>2.4</b>	<b>Do these definitions provide sufficient scope to account for new and emerging technologies?</b>
	<p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input checked="" type="checkbox"/> No</span></p> <p>Please tell us why or what is not covered.</p> <p>The definitions are very global and place BCAs in a very difficult position when deciding whether they comply with the Building Code! The definitions could account for new and emerging technologies subject to addressing the comments raised above in items 2.2 and 2.3.</p>

**Proposal 3 - Set minimum standards for information about building products and require manufacturers and suppliers to supply that information.**

Product manufacturers and suppliers (including importers) would need to provide publicly accessible information about building products.

Set minimum information requirements for building products (through regulations).

<b>2.5</b>	<p>Do you support the proposal to require manufacturers and suppliers to supply information about building products?</p> <p><input checked="" type="checkbox"/> Yes <span style="margin-left: 150px;"><input type="checkbox"/> No</span></p> <p>Please tell us why.</p> <p>This needs to apply for both NZ Based, <b>AND</b> overseas Manufacturers. BCA's need to have a reasonable level of confidence that the building products being specified or proposed are fit for purpose and its intended use, and (<i>hopefully</i>) meet the requirements of the Building Code. This may require MBIE to replicate the voluntary CodeMark process so that BCAs know by reference to some system whether products are acceptable here in New Zealand. Failing to provide this certainty to BCAs leave us in no better position that we are now when a judgement has to be made about compliance.</p>
<b>2.6</b>	<p><b>(For designers, builders and building consent authorities)</b> Would the proposed minimum information requirements for building products help you make good decisions about products?</p> <p><input type="checkbox"/> Yes <span style="margin-left: 150px;"><input checked="" type="checkbox"/> No</span></p> <p>Please tell us why or what's missing.</p> <p>Box 1 on page 16 of the discussion paper proposed a "minimum" level of information required (items a. – f. inclusive). Based on the proposed list, BCA's will still be required to somehow interpret that information for the purposes of confirming whether the building product complies with the Building Code. This is unreasonable, particularly when we're constantly having to consider a plethora of different products (some made in NZ, and others from overseas) on a <i>daily</i> basis. We believe the "minimum" level of information <b>must</b> include a declaration from the Manufacturer or Supplier that the building product complies with whatever are the relevant provisions of the <b>Building Code</b> that apply to their product and that BCAs have access to some form of verification process</p> <p>Further, the list of information doesn't appear to include any statement about what <b>standard or code of practice</b> e.t.c. that a building product has been <b>manufactured to or tested</b>. This may not be applicable in all cases, but should be made available if the information can be provided.</p> <p>Finally, the list of information makes no mention of any <b>guarantees or warranties</b> that may be available from the Manufacturer or Supplier. This may not be applicable in all cases, but should be made available if the information can be provided.</p>

<b>2.7</b>	<b>(For designers, builders and building consent authorities)</b> Do you need any other information to help you decide whether a building product will result in building work that complies with the building code?				
	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No		
	Please tell us why or what other information can help you decide.				
	As noted above in response to item 2.6. Giving BCAs more information from product suppliers does not ease any obligation to make a judgement as to compliance. Given the range of products on the market and likely to come on in the future, this sets the BCA up for a difficult task to assess compliance. As is currently the case with the likes of ‘producer statements’ we have not accept on reasonable grounds that what we are being told is true and appropriate. There is no protection given to BCAs which is why risk averse behaviours that we are often criticised for, arise. If judgements are to be made then we will protect the BCA from litigation risk in making these decisions.				
<b>2.8</b>	<b>(For manufacturers and suppliers)</b> How closely do the proposed minimum information requirements reflect what you already provide?				
	Much less than what is already provided		Similar to what is already provided		Much more than what is already provided
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/> I don't know				
<b>2.9</b>	<b>(For manufacturers and suppliers)</b> Would there be a financial impact on your business to provide the proposed minimum product information for your products?				
	Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2.10</b>	<b>(For manufacturers and suppliers)</b> Please tell us your estimated cost increase in NZD and include any relevant information on how it was calculated (eg the number of products you produce or supply).				
	<i>(please leave your comments here)</i>				

**Proposal 4 - Clarify the responsibilities of manufacturers, suppliers, designers and builders for building products and building methods.**

- Create an explicit responsibility on manufacturers and suppliers to ensure that a building product is fit for its intended purpose.
- Clarify that builders cannot use a different building product or building method to the product or method specified in the building consent without an appropriate variation to the consent.

- Clarify the responsibilities of builders and designers to ensure that the building products and methods specified or used will result in building work that complies with the code.

<b>2.11</b>	Do you support the proposals to clarify roles and responsibilities for manufacturers, suppliers, designers and builders?
<input checked="" type="checkbox"/> Yes <span style="margin-left: 150px;"><input type="checkbox"/> No</span>	
Please tell us why.  Helps to better clarify their responsibilities under s14D, s14E and s14G of the BA04, but also aid BCA's / TA's in determining what, if any, enforcement action may be necessary on a case-by-case basis but note comment in 2.7 above.	
<b>2.12</b>	Is the current threshold and process for variations to consent appropriate for all circumstances?
<input type="checkbox"/> Yes <span style="margin-left: 150px;"><input checked="" type="checkbox"/> No</span>	
Please tell us why.  This is a constant challenge for BCA's on a <i>daily</i> basis, and is a particular issue for the Building Inspectors to try and interpret and decide upon, usually on the spur of the moment, on site. BCA's then, invariably, have to deal with Owners, Designer's, or Builders who will argue constantly, no matter what's proposed to be changed, <i>everything</i> is allegedly a ' <b>minor</b> ' variation because they don't want to pay for amended plans and specifications, or an amendment application, and thereafter the time required for the BCA to process the same (which may impact on progress on site). Therefore, any additional clarification of the current Regulation, including further guidance and examples of what could be considered a 'minor' or 'major' variation, will assist all parties in the decision making process.  The threshold could be based on items that could have a direct or indirect effect of people's ability to use buildings safely and without endangering their health, or affect their means of escape from fire. Example, a ' <b>minor</b> ' variation will <b>NOT</b> include any alterations to a specified system, potable water supply, moderate to significant change to a buildings' structure and durability, or have a material impact on a buildings' ability to resist external moisture etc.	

**Proposal 5 - Give MBIE the power to compel information to support an investigation.**

<b>2.13</b>	Do you support the proposal to give MBIE the power to compel information to support investigations?
<input checked="" type="checkbox"/> Yes <span style="margin-left: 150px;"><input type="checkbox"/> No</span>	
Please tell us why.  The proposals appear reasonable.	



**2.14** Would MBIE’s ability to compel information about building products or methods and share this with other regulators have unintended consequences? If so, what might these unintended consequences be?

Yes  No

Please tell us why.

Presumably any investigations by MBIE will be held in confidence until a decision has been reached? Therefore, if a 3<sup>rd</sup> party (e.g. a rival Manufacturer or Supplier) became aware a particular product or method was being investigated, presumably this would not be subject to any requests under the Official Information Act for commercial (or other) reasons until a case has been proven, and this would apply to both MBIE and any other Regulator?

**Potential impacts of the proposed changes**

**2.15** Do you think the impact of the proposed changes to the regulation of building products and building methods (proposals 1-5) would be positive or negative? What do you think the impact might be?

Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please tell us what the impact might be.

Provide for greater clarity to all parties in the supply chain and building process.

**2.16** How do you think the proposed changes to the regulation of building products and building methods would change how you and your business/organisation operates?

Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please tell us why.

Subject to the considerations and comments made above, the proposed changes to the Act and Regulations could have a positive impact to how BCA’s perform and meet their statutory obligations. For example, anything that helps BCAs determine whether products or methods comply with the Building Code must improve certainty and reduce transaction costs.

Where a negative impact could occur is when trying to deal with **Manufacturers or Suppliers from overseas** who have little knowledge, or no understanding, of their products or methods having to meet the requirements of the NZ Building Code. This is a challenge now for BCA’s, and although there are brief references to this situation in the Building Reform proposals, there appears to be little substantive detail on what’s proposed to address the issue. There is an opportunity now to deal with the issue ‘*head on*’, and if the proposed changes to the legislation don’t reflect this, the current unacceptable situation

will remain, and therefore an opportunity will be lost. This has the potential of remaining a negative impact on BCA's if not dealt through the Building Reform.

**MBIE proposes a two-year transition period for product information, six months for other proposed changes (proposal 1, 2, 4 and 5).**

**2.17** How long do you think the transition period for product information needs to be to ensure manufacturers and suppliers are prepared for the changes?

Less than two years     Two years     More than two years

Please tell us why.

Bearing in mind how relatively little information is being asked for, 2 years is more than sufficient (if not less). It will no doubt take MBIE time to improve the certification process.

**2.18** How long do you think the transition period for the changes to responsibilities needs to be so that people are prepared for the changes?

Six months     More than six months

Please tell us why.

The proposals seem appear quite reasonable and should be able to be implemented relatively quickly.

**2.19** If the clarified roles and responsibilities came into force before the minimum requirements for product information, what would be the impact?

If anything, the impact could be positive for those competent and well established Manufacturers and Suppliers who should be able to provide their product information well in advance of the 2 year transition period (in fact, this should be encouraged).

**Proposal 6 - Strengthen MBIE's role as the product certification owner and regulator.**

Allow for regulations to set requirements on product certification bodies and for the accreditation and registration of product certification bodies.

Allow for regulations to set out the process and requirements for registering a product certificate.

Allow MBIE to set rules for the interactions between participants in the product certification schemes.

Provide MBIE with the powers needed to administer the registers of product certification bodies and product certificates.

**2.20 (For product manufacturers and suppliers)** Would the changes proposed to the framework for product certification make product certification a more attractive compliance pathway for your products?

	<input type="checkbox"/> Yes <input type="checkbox"/> No  Please tell us why or what changes to product certification you think are necessary. _____
<b>2.21</b>	<b>(For designers)</b> How would the proposed settings to the framework for product certification impact your product specification in building designs?  <input type="checkbox"/> No change <input type="checkbox"/> I'd specify fewer certified products <input type="checkbox"/> I'd specify more certified products  Please tell us why. _____
<b>2.22</b>	<b>(For building consent authorities)</b> Would the changes to the product certification scheme's settings increase your confidence that a product or method with a product certificate will perform as intended?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Please tell us why.  Overall, the proposals appear reasonable, and would provide an added degree of confidence in the scheme.  However, where the proposals are quite narrow in their application, is the fact that they're just limited to products and methods under the CodeMark scheme, and ignores other current (or future) product certification schemes. Only a very small percentage (<1%?) of the c. 600,000 building products and methods currently available in NZ alone have a CodeMark. If Manufacturer's or Suppliers don't appear to be inclined to apply for a CodeMark now, it'll be interesting to see how many will be encouraged to apply for one in the future considering the increased " <i>checks and balances</i> " proposed and likely increased costs as a consequence?

**Proposal 7 - Enable a regulatory framework for modern methods of construction (MMC), including off-site manufacture.**

Amend the Building Act to enable a regulatory framework that would future-proof the building regulatory system for MMC. Features of this framework include:

- enabling a manufacturer certification scheme for repeatable manufacture processes used to produce building work
- clarifying what roles and responsibilities for MMC will be when the new framework is in place
- minimising duplication of effort by: not requiring two consents for the same building work, and considering whether to require BCAs to accept each other's consents and Code Compliance Certificates.





**Final thoughts**

**2.28** If you have any other comments on the proposals for building products and methods, please tell us.

Based on the current proposal, we do have some misgivings about the regulatory framework for MMC. In its present format, it's likely this may have a negative impact on BCA's, and far greater clarity and assurances are necessary before we feel more confident in its possible application. If the intention with the new framework was to try and make BCA's less risk averse, in it's current state, we would argue the opposite could happen.

### Part 3.1: Occupational regulation of the Licensed Building Practitioner (LBP) scheme

MBIE wants stakeholders' feedback on two proposals:

1.	Broaden the definition of restricted building work (RBW) to include more complex non-residential building work.
2.	<p>Raise the competence standard for LBPs to enter and remain in the LBP scheme. This includes proposals to:</p> <ul style="list-style-type: none"> <li>• Introduce a tiered licensing system for LBPs to establish a progression pathway, including a specific licence for supervision.</li> <li>• Simplify the licence class categories.</li> <li>• Introduce behavioural competence requirements for LBPs.</li> </ul>

**Proposal 1 - Broaden the definition of restricted building work (RBW) to include more complex non-residential building work.**

3.1.1	<p>How effective do you think expanding the scope of RBW would be in managing risks to public safety in the building sector?</p> <p style="text-align: center;"> <input type="checkbox"/> Not effective      <input type="checkbox"/> Somewhat effective      <input checked="" type="checkbox"/> Very effective         </p>
3.1.2	<p>Do you agree with the proposed threshold for the definition of RBW?</p> <p style="text-align: center;"> <input checked="" type="checkbox"/> Yes      <input type="checkbox"/> No         </p> <p>Please tell us why.</p> <p>In principle, the expanded definition appears reasonable, but may not capture some high risk buildings (particularly where fire safety is critical for medium – large occupant loads). Suggestion, MBIE may wish to review and ensure they've captured all those relevant buildings listed in Schedule 2 (BA04).</p>
3.1.3	<p><b>(For builders)</b> What impacts do you think the proposals for RBW would have on you and your business (including type of work, recruitment, training and costs)?</p> <p style="text-align: center;"> <input type="checkbox"/> Strong negative impact    <input type="checkbox"/> Negative impact    <input type="checkbox"/> No impact    <input type="checkbox"/> Positive impact    <input type="checkbox"/> Strong positive impact         </p> <p>Please tell us what the impact might be.</p> <p>_____</p>
3.1.4	<p>What impacts do you think the proposals for RBW would have on homeowners, building owners and building occupants?</p>

	<p>Strong negative impact    Negative impact    No impact    Positive impact    Strong positive impact</p> <p><input type="checkbox"/>                      <input type="checkbox"/>                      <input type="checkbox"/>                      <input checked="" type="checkbox"/>                      <input type="checkbox"/></p> <p>Please tell us what the impact might be.</p> <p>We would like to think the proposed changes would give Owners and Occupants greater surety that their buildings are constructed to an appropriate standard, and are safe to use, and that <i>hopefully</i> the people who constructed or altered their buildings can be held to account for any discrepancies in the design and/or workmanship.</p> <p>What’s not clear from the proposal is how this may effect (if at all) <b>Owner-Builders?</b></p>
<b>3.1.5</b>	<p>How do you think the proposed changes to the LBP scheme would affect the behaviour of LBPs?</p> <p>We would like to think LBP’s would understand and embrace the change. However, if they believe the existing LBP scheme is ineffective at the moment (as indicated in the discussion document), it’s unclear how any current negativity is likely to be overcome by adding more licence and registration requirements. There’s also no indication in the discussion document about what it would cost a person to obtain an additional licence? Any such costs may have another negative impact, and could discourage some people from applying for a licence.</p>
<b>3.1.6</b>	<p>What impact do you think expanding the scope of RBW would have on the construction sector skill shortage</p> <p>Strong negative impact    Negative impact    No impact    Positive impact    Strong positive impact</p> <p><input type="checkbox"/>                      <input checked="" type="checkbox"/>                      <input type="checkbox"/>                      <input type="checkbox"/>                      <input type="checkbox"/></p> <p>Please tell us what the impact might be.</p> <p>It’s possible that by expanding the scope of RBW this may discourage a significant group of people from applying for a licence depending on costs to obtain the same, and whatever may be involved in applying for a licence, and thereafter, maintaining any ongoing competence.</p>

**Proposal 2 - Higher competence requirements to increase confidence in the LBP scheme.**

<b>3.1.7</b>	<p>How effective do you think raising the competence standards for the LBP scheme would be in increasing confidence in the LBP scheme?</p> <p>Not effective                      Somewhat effective                      Very effective</p> <p><input type="checkbox"/>                      <input checked="" type="checkbox"/>                      <input type="checkbox"/>                      <input type="checkbox"/>                      <input type="checkbox"/></p> <p>Please tell us why.</p> <p>Overall the principle in implementing higher competency requirements <i>should</i> be effective.</p>
--------------	---



	<p>However, the proposals (as outlined in the discussion document) are very difficult to follow and understand.</p> <p>It's noted that there may be a separate consultation process on this issue?</p> <p>It's also unclear whether the new proposals now mean that people who actually carry out the construction work on site are not required to be licenced? If that's the case, we believe this is a significant step backwards.</p> <p>Another potential negative impact would appear to be that it's now intended to extend the time for LBP's to renew their licences from 1 year, to a currently <b>undefined period</b> of time. Although the LBP's themselves may be happy with this proposal (as it creates less administrative work for them), it has the potential of adding little confidence in the scheme for BCA's or building Owners. Current Regulations dictate that Building Control Officers are required to undertake regular training, hold a formal qualification, and have their competency renewed annually (even though those Officers don't do any building work). It therefore appears to be inequitable LBP's (who actually do undertake the building work) aren't assessed for their own competence (and renew their licences) in the same vain. We therefore don't believe it makes the renewal process "...more meaningful...".</p>
3.1.8	<p>What impact would changing the competence standards for the LBP scheme have on builders, building companies, building sector associations and training organisations?</p> <p>See notes above.</p>
3.1.9	<p><b>(For builders)</b> Would introducing tiered licence classes make you more likely to apply to become an LBP?</p> <p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span></p> <p>Please tell us why.</p> <p>_____</p>
3.1.10	<p><b>(For builders)</b> If you're already an LBP, would you be likely to apply to become licensed under a new supervision licence class?</p> <p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span></p> <p>Please tell us why.</p> <p>_____</p>
3.1.11	<p><b>(For builders)</b> Do you still see potential value in having a site licence for residential and commercial building projects?</p> <p><input type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span></p> <p>Please tell us why.</p>

3.1.11a How can a site licence contribute to the coordination of building work?

It's unclear how a site licence will add any benefits to the co-ordination of building work on site.

Further, it's also unclear how 2 – 3 LBP's supervising the building work will actually work in practice. If anything, it may add confusion and conflict on site, because there may be uncertainty as to who is in overall charge, and responsible for, the whole project.

3.1.12 **(For builders)** Who do you think should be responsible for coordinating building work on a site and what skills are required for this type of role?

3.1.13 Do you think that the introduction of a fit and proper person test and a code of ethics for LBPs would help to ensure that building professionals are held accountable and improve the public's confidence in the LBP scheme?

	Yes	No
Fit and proper person test	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Code of the ethics for LBPs	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please tell us why.

This is long overdue, and we fully support the approach in principle especially if relicensing is influenced by prior performance.

**MBIE proposes a transition period to implement the changes.**

- reassess every existing LBP under the new competency standards after two years (November 2022); reassessment would be done when each licence comes up for renewal.
- assess new LBP applicants under the new competency standards; assessment would start in November 2022.

3.1.14 Do you agree the proposed timeframe for the changes to the LBP scheme is sufficient?

Yes                       No, it's too long                       No, it's too short

Please tell us why.

In principle we agree with the time frame, however, if the current scheme relies on LBP's renewing their licences annually, it's unclear why this process would not start until "...*after two years...*" after the scheme is introduced.

<b>3.1.15</b>	What should we consider in setting the transition timeframe?
	Renewal of the licence when it requires to be reassessed (on the date when an existing licence expires).

**Final thoughts**

<b>3.1.16</b>	If you have any other comments on the proposals for LBPs, please tell us?
	As currently written, the proposals are really quite difficult to understand, and confusing. Due to the current uncertainty as to what's involved, and how this will be implemented, it's difficult to determine, from a BCA's perspective, what benefits the scheme will introduce (other than a fit and proper test, and code of ethics).
	It's our opinion that RBW for commercial and communal buildings should include a licence class for any building works associated with <b>passive fire protection</b> .

**Part 3.2 Occupational regulation of Engineers**

MBIE wants stakeholders’ feedback on the three proposals:

1	Establish a new voluntary certification scheme that provides assurance of an engineer’s professionalism and general competency and phase out Chartered Professional Engineer (CPEng).
2	Restrict who can carry out or supervise safety-critical structural, geotechnical and fire-safety engineering work within the building sector. This would cover all medium to high complexity work and be triggered by factors such as building size, use and location.
3	Establish a new licensing scheme to regulate who can carry out or supervise engineering work that has been restricted.

**Proposal 1 - Establish a new voluntary certification scheme that provides assurance of an engineer’s professionalism and general competence and phase out CPEng.**

3.2.1	<p>Do you agree that there is a need for a statutory mark for engineers of professionalism and general competence to solve complex engineering problems?</p> <p><input checked="" type="checkbox"/> Yes <span style="margin-left: 150px;"><input type="checkbox"/> No</span></p> <p>Please tell us why.</p> <p>Appears reasonable in principle. However, it’s unclear why the existing CPEng process can’t be strengthened, rather than introduce yet another <b>voluntary</b> scheme, and therefore how a new title will make any difference at all. CPEng may have it’s flaws, and is not robust enough, but it’s already well established and understood, and better efforts could be spent on a review and update on what’s existing (as opposed to trying to “re-invent the wheel”).</p>
3.2.2	<p>How well do you think CPEng currently provides this assurance? What do you think needs to change?</p> <p>As a BCA, like many others, we currently rely on Engineers holding a status of CPEng, and working within their field of practice. Although the current scheme provides a measure of assurance, it’s far from perfect. For example, when Engineers refuse to consider the “durability” requirements of the Building Code (B2). Therefore, if the specialist Engineers can’t be certain that their design work meets the test of NZBC Clause B2, how can BCA’s equally be satisfied on reasonable grounds (when the BCA’s don’t have the in-house specialist training, qualifications, or competence to assess “specific engineers designs”)?</p>
3.2.3	<p>Do you agree that a new title is needed for engineers that have been certified? If so, do you have a view on what that title should be?</p> <p><input type="checkbox"/> Certified engineer <span style="margin-left: 50px;"><input checked="" type="checkbox"/> Chartered engineer</span> <span style="margin-left: 50px;"><input type="checkbox"/> Other (leave your suggestion below)</span></p>

Please tell us what the title should be if you chose 'other'.  
\_\_\_\_\_

**3.2.4** For engineering work on buildings that does not require specialised skills, do you think certification would provide sufficient assurance of general competence and reduce the risks of substandard work?

Yes  No

Please tell us why.

It's difficult to think of any examples where engineering work doesn't require specialist skills (of one description or another)? Even if there were such examples, holding an appropriate certificate is unlikely to provide sufficient assurance that substandard building work will be reduced. The reliance on professional advisors in the design and construction process is not new. What the objective of this is will influence the degree to which they should be credentialed. If they are certifying compliance with a standard, they should be able to demonstrate competency. If the BCA is to accept any assurance given, this can only be done by some form of registration or certification from an appropriately recognisable government/statutory body – there is little or no accountability if left to associations or institutions that depend on membership subscriptions for their existence.

**Proposal 2 - Restrict who can carry out or supervise safety-critical structural, geotechnical and fire safety engineering work within the building sector. This would cover all medium-to-high complexity work and be triggered by factors such as building size, use and location.**

**3.2.5** Do you agree that life safety should be the priority focus determining what engineering work is restricted?

Yes  No

Please tell us why.

Yes, in principle, but **not** at the expense of ignoring **all** other specialist engineering work.

**3.2.6** What combination of the following factors should be used to determine what engineering work is restricted: building size, building use, ground conditions, other?

Building size  Building use  Ground conditions  Other (please specify below)

Please specify what might be included and why.

- Fire safety requirements (essential for life safety, including means of escape from fire).
- Importance level (link directly to NZBC Clause A3).
- Earthquake strengthening (to align with current legislation from 2017).

- A building subject to Schedule 2 of the BA04 (gives clearer guidance the types of buildings which may be the highest risk). To be read in conjunction with “building use”.

**Proposal 3 - Establish a new licensing scheme to regulate who can carry out or supervise engineering work that has been restricted.**

<b>3.2.7</b>	In your opinion, does geotechnical, structural and fire safety engineering work pose the greatest life safety risk in the building sector?												
	<table border="1"> <thead> <tr> <th></th> <th style="background-color: #00728f; color: white;">Yes</th> <th style="background-color: #00728f; color: white;">No</th> </tr> </thead> <tbody> <tr> <td style="background-color: #00728f; color: white;">Geotechnical work</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="background-color: #00728f; color: white;">Structural work</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="background-color: #00728f; color: white;">Fire safety engineering work</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </tbody> </table>		Yes	No	Geotechnical work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Structural work	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fire safety engineering work	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Yes	No											
Geotechnical work	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
Structural work	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
Fire safety engineering work	<input checked="" type="checkbox"/>	<input type="checkbox"/>											
<b>3.2.7a</b>	Do you think there are any other engineering specialities that pose greater life-safety risks in the building sector that are not included here?												
	<p><input checked="" type="checkbox"/> Yes <span style="margin-left: 100px;"><input type="checkbox"/> No</span></p> <p>Please tell us more.</p> <p>Some <b>civil engineering</b> (e.g. tunnels, bridges, large dams e.t.c., where failures of design and/or construction could be catastrophic to a large number of people).</p> <p>Some <b>mechanical engineering</b> (e.g. design and construction of certain mechanical ventilation systems where it’s critical to safeguard people from illness or loss of amenity due to a lack of fresh air. Examples could include operating theatres and intensive care units in hospitals, or high rise office or apartment blocks where opening windows are limited or not possible for other safety reasons [i.e. falling from height], negative pressure systems, or systems critical for smoke extraction for fire purposes [used to protect the means of escapes from fire] e.t.c.</p>												
<b>3.2.8</b>	3.2.8 Do you agree that engineers should satisfy the requirements for certification before they could be assessed for licensing?												
	<p><input checked="" type="checkbox"/> Yes <span style="margin-left: 100px;"><input type="checkbox"/> No</span></p> <p>Please tell us why.</p> <p>Yes, appears to be a logical step.</p>												
<b>3.2.9</b>	What impact do you think the restrictions and licensing would have on the number of engineers who can carry out or supervise engineering work on buildings that require technical competence in a specialised field?												
	<p>Strong negative impact    Negative impact    No impact    Positive impact    Strong positive impact</p>												



	We would hope so, but this would depend on the robustness of the scheme and accountability of those Engineers to work within their field of competence.
<b>3.2.13</b>	Do you agree with the proposed grounds for discipline of licensed and certified engineers?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Please tell us why. Appears reasonable.
<b>3.2.14</b>	Is there anything else that you think should be grounds for discipline? Are there any proposed grounds for discipline that you think should be modified or removed?
	<ul style="list-style-type: none"> <li>Failing to carry out or supervise building work [definition in BA04 includes ‘design’ work – will need to be amended to reflect “engineering work”] in accordance with the Building Act or any other legislative requirements.</li> <li>Failing to carry out or supervise building work [engineering work] in accordance with a building consent (unless that building work is exempt from requiring a building consent under s41(1)(b) and s42A(1)(c) of the BA04).</li> </ul>

**It will take time to establish a new regime and transition to it.**

<b>3.2.15</b>	What things should we consider when we develop transitional arrangements? What supports would you need to help you during this transition?
	Continuing access to the current CPEng register, while it’s being phased out, since some Engineers may not choose to transition to the new (voluntary) scheme.  Clarify that Engineers who may have a CPEng status, and can retain it until it’s due for renewal, and therefore BCA’s should be able to continue to rely on those Engineers working within their existing field of practice during the transition period.  Access to the new register, for BCA’s, from “ <i>day one</i> ”.  A point of contact, from “ <i>day one</i> ” of the scheme, for the new Regulator if a complaint needs to be laid against an Engineer.
<b>3.2.16</b>	<b>(For engineers who currently do not have CPEng or higher)</b> Would you be likely to apply for a licence (fire safety, geotechnical, structural)?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
	Please tell us why. _____



**Final thoughts**

**3.2.17** If you have any other comments on the proposals for engineers, please tell us.

**Part 3.3 Occupational regulation of Plumbers, Gasfitters and Drainlayers**

MBIE wants stakeholders’ feedback on the three proposals:

<b>1</b>	Repeal specific sanitary plumbing exemptions for householders in specified areas and for rural districts.
<b>2</b>	Repeal exemptions for restricted sanitary plumbing, gasfitting and drainlaying work under supervision.

**Proposal 1 - Repeal the current sanitary plumbing exemptions for householders in specified areas and for rural districts, including the current Gazette notices for districts made under the Plumbers, Gasfitters and Drainlayers Act 1976.**

<b>3.3.1</b>	<p>Have you encountered instances of hazards or health issues from sanitary plumbing work completed by unlicensed people?</p> <p><input checked="" type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span></p> <p>Please tell us more or provide an example.</p>
<b>3.3.2</b>	<p>How often do you find work undertaken under a householders or a rural areas exemption that does not comply with the requirements of relevant codes and standards?</p> <p style="text-align: center;"> <span>Never</span>      <span>Occasionally</span>      <span>Regularly</span>      <span>Often</span>      <span>Always</span> </p> <p style="text-align: center;"> <input type="checkbox"/>      <input type="checkbox"/>      <input type="checkbox"/>      <input type="checkbox"/>      <input type="checkbox"/> </p> <p>Please tell us why.</p> <p>We probably can't say never but because an exemption applies, they are not monitored so you don't know what you don't know. _____</p>
<b>3.3.3</b>	<p>Do you think that a person should be qualified to do sanitary plumbing work on your property?</p> <p><input checked="" type="checkbox"/> Yes <span style="margin-left: 200px;"><input type="checkbox"/> No</span></p> <p>Please tell us why.</p> <p>Those persons who aren't qualified or competent to do the work are more likely to not know what's required, and complete substandard work which could lead to illness, infection, contamination, unpleasant odours, or accumulation of offensive matter. These are key health matters which need to be avoided, and could be quite challenging and costly to rectify. Will depend how 'sanitary work' is defined – replacement of a toilet bowl for example can be done safely by a DIY person but also incorrectly. If there</p>

is no health risk people should be able to take responsibility for their actions and in the event of failure, they fix it with no come back on the BCA.

**Proposal 2 - Repeal the exemptions for restricted sanitary plumbing, gasfitting and drainlaying work under supervision.**

<b>3.3.4</b>	How often do you find substandard work carried out under a supervision exemption?										
	<table border="0" style="width: 100%;"> <tr> <td style="width: 20%;">Never</td> <td style="width: 20%;">Occasionally</td> <td style="width: 20%;">Regularly</td> <td style="width: 20%;">Often</td> <td style="width: 20%;">Always</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Never	Occasionally	Regularly	Often	Always	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Never	Occasionally	Regularly	Often	Always							
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
	<p>Please tell us more.</p> <p>This is not a common occurrence, and we have few examples of the same. Only current exemption is in the Murchison area which is 1.5 – 2 hrs drive away for an inspector. Possibly consider expanding Schedule 1 to expand exempted work?</p>										
<b>3.3.5</b>	What benefits (if any) do you see from regulating people who are currently exempted if they work under supervision?										
	<p>It should provide more surety that the building work they're doing does indeed comply with the building code where it may not have done previously. But you need a reliable evidence base to say it is not working at present.</p>										
<b>3.3.6</b>	What potential issues (if any) do you see from removing the exemptions for doing restricted work under supervision?										
	<p>Potential lack of available (regulated) resources to do the work.</p> <p>The additional costs.</p> <p>The availability of Tradespersons (particularly in remote areas).</p>										
<b>3.3.7</b>	What impacts (such as business impacts) would removing the supervision exemptions have on how your business is managed?										
	<p>None perceived (as a BCA).</p>										
<b>3.3.8</b>	Do you support allowing people currently working under supervision exemptions to continue working as a regulated person under a new registration and licence?										
	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> Yes</td> <td style="width: 50%;"><input type="checkbox"/> No</td> </tr> </table>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No								
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No										
	<p>Please tell us why.</p>										

	“Yes”, in principle, as long those people can demonstrate they have the necessary training, skills and competence, to continue to perform to the standards required.
<b>3.3.9</b>	Is anything else required to support the transition of exempted tradespeople to a new registration and licence?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Please tell us more. A suitable transition period to allow this to occur.

**Final thoughts**

<b>3.3.10</b>	If you have any other comments on the proposals for plumbers, drainlayers and gasfitters, please tell us.

## Part 4 Risk and liability

### MBIE wants stakeholders' feedback on the three proposals:

1	Require guarantee and insurance products for residential new builds and significant alterations, and allow homeowners to actively opt out.
2	Leave the liability settings for building consent authorities unchanged.

### Proposal 1 - Require a guarantee and insurance product to be in place for all residential new builds and significant alterations. Homeowners would have the choice to actively opt out of having a guarantee and insurance product.

4.1	<p>Do you support the proposal to require guarantee and insurance products for residential new builds and significant alterations?</p> <p style="text-align: center;"> <input checked="" type="checkbox"/> Yes         <span style="margin-left: 200px;"><input type="checkbox"/> No</span> </p> <p>Please tell us why.</p> <p>In principle "yes", but it's unclear how effective the <b>voluntary</b> scheme will be, particularly when Owners realise the additional costs that would be involved in obtaining a guarantee or insurance product (over-and-above all the other usual design, build, and regulatory costs). We suggest, therefore, it's likely that a large proportion of Owners will therefore be discouraged from obtaining either product, and continue (unfairly) to rely on BCA's to be the "<i>last man standing</i>" in any compensation claim.</p> <p>There appears to be no clear definition of a <b>substantial</b> alteration. MBIE recently consulted on something similar for earthquake strengthening, but this doesn't include new residential builds or alterations of the same (s133AA of the BA04).</p>
4.2	<p>Do you think homeowners should be able to actively opt out of having a guarantee and insurance product?</p> <p style="text-align: center;"> <input checked="" type="checkbox"/> Yes         <span style="margin-left: 200px;"><input type="checkbox"/> No</span> </p> <p>Please tell us why.</p> <p>Homeowners should have a choice, but as long as they understand the consequences and associated risks.</p> <p>The proposal appears to be that if Homeowners do, or don't, choose to have either a guarantee or insurance product, then that information will be included on the building's LIM. However, the proposal document makes no mention <b>how</b> that information is supposed to be collected or captured by Councils so it can be added to the property records? <b>How are BCA's to know what an Owner has chosen to do, when they can either make arrangements through their Builder, or product provider directly, or opt out altogether?</b> This is a significant issue. <i>Suggestion:</i> could this information be captured when a building consent application is lodged (i.e. possible addition [line item] to the existing Form 2)? We've avoided suggesting this information could be obtained at CCC stage since under the current Building Act an Owner can take an indefinite period of</p>

time to complete the building work (the only deadline is BCA’s having to make a decision to issue a CCC after 2 years [s93(2)(b)of the BA04]). Where this suggestion may *fall down*, is if the Owner hasn’t chosen a Builder to employ either when they apply for a building consent, or even by the time it’s granted and issued.

Whatever method is chosen, this is an additional administrative task for Councils which will require a measure of cost recovery from the Owner (including if Councils have to *chase* Owners for the information).

What’s also not clear from the proposal document, is the consequences on Homeowners who don’t notify Councils of their decision (either to obtain a guarantee or insurance product, or opt out)? What enforcement action, or otherwise, is proposed by MBIE that Councils could enact to obtain the information when Owners refuse, forget, or are unwilling to provide the same? What are the liabilities on BCAs if the information is not obtained?

**4.3** Should there be conditions on when homeowners are able to opt out? What should these conditions be?

Yes  No

Please tell us why and what the conditions should be.

Further to the comments for item 4.2 above, Homeowners **must** notify Council of their decision so it can be recorded on their property file for any subsequent LIM applications (as indicated in the proposal document). The legal presumptions which apply should be clear to cover any omission to notify. What are the consequences of failing to notify? There is more thought needed into how to capture this information and enforce failure to notify.

**4.4** What types of buildings do you think should be required to have a guarantee and insurance product? (Please tick all that should apply.)

Standalone residential dwellings

Medium density housing (up to six storeys)

High density housing (over six storeys)

Mixed-used developments (i.e. where a part of the building is used as commercial premises, for example shops or offices.)

Please tell us why.

The ‘assumption’ is that the question relates to complete new builds, as well as “substantial” alterations. As such, all the items listed appear reasonable.

**4.5** What threshold do you think the requirement for a guarantee and insurance product should be set at?

Residential building work over \$30,000

Residential building work over \$100,000

	<p><input type="checkbox"/> Residential building work that would impact the structure or weathertightness of the building.</p> <p><input type="checkbox"/> Other (please tell us more in the comment box below)</p> <p>Please tell us why or any other comments.</p> <p>The threshold of \$100,000 would start to capture the more significant alterations to existing buildings with a corresponding higher risk if things were to go wrong.</p> <p>Since the definition of building work <b>includes design</b> (s7 of the BA04), if the final threshold is set at \$100,000 (or any other value), there needs to be a clear indication as to whether this values includes, or excludes, the cost of <b>design</b> (which can be disproportionate, based on the current market rate, to the cost of the physical building work on site).</p> <p>We do not support the idea of setting the threshold around whatever definition is created for structural work or weathertightness. This is likely to be highly contentious and difficult to apply for BCA's.</p> <p>In our experience, assessed value of building work is very unreliable and very often underestimated because the homeowner or agent seek to minimise their regulatory chargesd. To use it for an important purpose as proposed would seem to invite contest further down the track.</p>
4.6	<p>Do you have any views on the minimum standards that should be set for a guarantee and insurance product?</p> <p>For example: the type of product, the types of events that are covered, the minimum level of cover, the period of cover, the nature of redress, the maximum claim value, dispute resolution processes, the ability to transfer to new owners.</p> <p>Include a description of what the insurance or guarantee is actually for (e.g. construction of new detached dwelling at {<i>address and legal description</i>}).</p>
4.7	<p>What financial and prudential requirements do you think should be placed on providers, to ensure there is a continuing supply of guarantee and insurance products?</p> <p>For example: reinsurance or other insurance backing, solvency, auditing requirements, security and prudential requirements.</p> <p>All of the above.</p>
4.8	<p>If residential new builds and significant alterations are required to have a guarantee and insurance product, what do you think the impacts will be?</p> <p>Additional costs to be borne by the Homeowner to obtain insurance or a guarantee (either directly through their Builder, or directly from the Provider).</p> <p>Some projects do involve more than one Builder (under separate contract to the Homeowner). The proposal document appears to <i>assume</i> there's a single Builder involved. Where multiple Builders may be involved, clear information needs to be given as to what happens in this instance.</p>

Not all Builders are registered with Certified Builders Assoc, or Master Builders Assoc, or approved by Stamford Insurance, which could therefore seriously affect their ability to obtain or offer a recognised insurance or guarantee on their work (therefore potentially limiting the type of work they could do, unless the Homeowner opts out or obtains product from the Provider directly). This is more than likely impact the small to medium sized companies.

**4.9 (For builders) How difficult will it be for you to gain eligibility to offer a guarantee and insurance product?**

Impossible	Very difficult	Somewhat difficult	Not very difficult	I already offer one
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please tell us why.

\_\_\_\_\_

**MBIE proposes a two-year transition period.**

**4.10** How long do you think the transition period for guarantee and insurance products needs to be to ensure providers, builders and BCAs are prepared for the changes?

Less than two years       Two years       More than two years

Please tell us why.

Appears reasonable.

**4.11** Is anything else needed to support the implementation of guarantee and insurance products?

Yes       No

Please tell us why.

Nothing over-and-above the comments already stated above.

**Proposal 2 – Leave the liability settings for BCAs unchanged.**

**4.12** If the government decides to make all the other changes in this discussion paper, do you agree that that the liability settings for BCAs will not need to be changed?

Yes       No

Please tell us why.

None of the proposals appear to address the disproportionate liabilities on BCA's that exist now or going forward. BCA's don't do building work. However, public perception



is that whatever goes wrong, it's Council's fault because we approved a building consent and inspected the building work (irrespective of who actually did the design or undertook the building on site).

None of the proposals will prevent Designers or Builders going out of business, and possibly re-establishing themselves under a different entity, thereby leaving Council's (and its Ratepayers) as the "*last man standing*" to pay any full or substantive claim because no other party can be joined to the proceedings. Further, it's also unclear, from the proposal document, that when a Builder does go out of business (possibly to avoid legal proceedings or any claims against them), what effect that'll have on the insurance or guarantee product that they would have taken out in their name.

It's also noted that many of the proposals are **voluntary** (e.g. the certification scheme for Engineers, or the new insurance or guarantee products). These are not enforceable on any party, and as such, adds little credence to the idea that BCA's liabilities are reduced.

**4.12a** What area of work do you think will have the biggest impact on BCA consenting behaviour?

Products

Occupational regulation

Risk and liability

Building levy

Offences and penalties

Please tell us why.

As a BCA, although we try to adopt a "what's the risk approach?" during the consenting process, that does not preclude the option of being risk averse when necessary, and few of the proposals are likely to change that stance (see notes under item 4.12 above).

**4.13** If the government decides to limit BCA liability, do you support the proposal to place a cap on BCA liability?

Yes  No

Please tell us why.

A BCA's liability should be capped at a reasonable level proportionate to its involvement in the *whole* building process (bearing in mind the BCA does **not** do any building work or provide a day-to-day "clerk of works" service on site). According to the consultation document, this was apparently recommended by the Law Commission back in 2014. This also protects the interests of the Ratepayers who ultimately have to bear the costs of any financial claims against the BCA (e.g. the excess paid in advance of any subsequent insurance payout, or WHRS claims not covered by Council's Insurer's).

**4.14** If there is a cap on BCA liability, do you agree that the cap should be set at 20 per cent?

	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Please tell us why. Appears reasonable for the reasons stated above. This also broadly aligns with a recent WHRS claim against Council.
4.15	If there is a cap on BCA liability, do you think BCAs should have to pay more than 20 per cent if they have contributed to more than 20 per cent of the losses?
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Please tell us why. <b>BCA's don't do building work, or</b> provide a day-to-day " <i>clerk of works</i> " service on building projects, and as such, it's difficult to think of any situation where a BCA is likely to have contributed to more than 20% of any alleged loss.
4.16	What do you think would be the impacts of placing a cap on BCA liability?
	<ul style="list-style-type: none"> <li>• Provides greater surety to Council, and the Ratepayers, as to its possible financial contributions (including setting budgets).</li> <li>• Possibly make the BCA's less risk averse towards the consenting and inspection processes.</li> <li>• Provides greater clarity to building Owners, Designers and Builders that Council will no longer be the "<i>last man standing</i>" to bail them out of a poor situation they would have created (e.g. poor workmanship).</li> <li>• Raise the professionalism and workmanship of Designers and Builders because they know they will held more accountable for their work (i.e. up to 80% of any financial claim or loss).</li> <li>• Provide greater clarity to Insurer's when offering individual insurance or guarantee products (as proposed in section 4).</li> <li>• Owners will no longer be able to claim 100% of costs from Council just because a Designer and/or Builder is no longer trading.</li> </ul>

**Final thoughts**

4.17	If you have any other comments on the proposals for risk and liability, please tell us.
	We do not support MBIE's proposal of leaving the risk and liability settings unchanged for BCA's (for the reasons expressed above). The current settings are so disadvantageous to and weighted against BCA's, that they're more than likely to maintain a risk averse approach to consenting and inspections, because they're constantly concerned about the consequences of their decisions, and thereafter, the disproportionate claims made against them. We support previous Local Government New Zealand attempts to change the liability arrangements to proportional liability rather than joint and several.

MINISTRY OF BUSINESS, INNOVATION & EMPLOYMENT

35

Building System Legislative Reform  
Submission template

**Part 5 Building levy**

**MBIE wants stakeholders’ feedback on the three proposals:**

1	Reduce the rate of the levy from \$2.01 to \$1.50 including GST (per \$1,000).
2	Standardise the threshold at \$20,444 including GST.
3	Amend the Building Act to enable MBIE’s chief executive to spend the levy for purposes related to broader stewardship responsibilities in the building sector.

**Proposal 1 - Reduce the rate of the building levy from \$2.01 to \$1.50.**

5.1	<p>Do you agree that the levy rate should be reduced from \$2.01 to \$1.50?</p> <p><input type="checkbox"/> Yes <span style="margin-left: 150px;"><input checked="" type="checkbox"/> No</span></p> <p>Please tell us why.</p> <p>The BCA would happy to maintain the current levy rate and to divert the funds towards paying for the accreditation process. It is most unfair for the Government to assign a regulatory responsibility to a subordinate level of government and then charge for the “privilege”. Having to fund, as an operational cost, every two years the accreditation process makes it difficult budget and set reasonable recoveries. Given the levy funds MBIEs cost it is logical that those funds should assist partner regulators in the building process.</p> <p>The funding could also be used to set up a fund, contestable or otherwise to help offset Council’s costs to undertake non-cost recoverable activities mandated by the BA04 (e.g. identification of potential earthquake-prone buildings, targeted training on new starters to the Building Control environment).</p>										
5.2	<p><b>(For building consent authorities)</b> What impact, if any, would a reduced levy rate have on building consent authorities?</p> <table style="width: 100%; text-align: center;"> <tr> <td>Strong negative impact</td> <td>Negative impact</td> <td>No impact</td> <td>Positive impact</td> <td>Strong positive impact</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> <p>Please tell us what the impact might be.</p> <p>Other than the upfront administrative task, and associated costs, of changing the BCA’s systems to reflect a change in the levy, we don’t anticipate any other impacts on the business. See item 5.3 below.</p>	Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact							
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							
5.3	<p>Other than reduced building consent costs, what are the other impacts from reducing the current levy rate?</p> <p>The marginally reduced costs for building consents will benefit the Owners. There will be a corresponding reduction in the administrative surcharge retained by BCAs although there is no reduction in effort. We separately identify the Building and BRANZ levy on our invoices as separate charges.</p>										

If the levy is reduced this will require an update to the Council's annual plan (specifically the current "Building Consents Fee Schedule") which is *normally* subject to public consultation. The BCA will need to get the Council to agree a change to the Fee Schedule.

**5.4 (For building consent authorities) How long would you need to implement the proposed changes to the building levy rate and threshold?**

- 0-3 months  
 3-6 months  
 6-12 months  
 12 months or longer  
 other (please tell us more)

We could implement a new rate immediately but don't believe it should be changed.

**Proposal 2 - Standardise the threshold for the building levy at \$20,444 including GST (per \$1,000).**

**5.5 Do you have any comments on standardising the threshold at \$20,444?**

No; except that the GST change in 2010 has created the additional \$444, why not round to \$20,000? As a principle of drafting better to use round numbers.

**Proposal 3 - Amend the Building Act's provisions to enable the chief executive to spend the levy on activities related to stewardship responsibilities in the building sector.**

**5.6 Do you agree that the Building Act should be amended so MBIE's chief executive may spend the levy for purposes relating to building sector stewardship?**

- Yes  No

Please tell us why.

Hard to answer this as the proposal document is very vague on what "building sector stewardship" actually means, and there appears to be no clear examples of what's involved. Our preference is to use the funds to assist both MBIE, and Councils as steward of the process. Clearly, by your own admission, you have been making more money than it costs to run the Building Division of MBIE and that includes all the advocacy and building support work that has been done in the past. What other things might benefit from the levy?

**We propose that the levy rate and threshold changes take effect on 1 July 2020.**

**5.7** Do you agree with the proposed start date of 1 July 2020 for the changes to the building levy rate and threshold?

Yes  No

Please tell us why.

We do not support the reduction given our alternative proposal but can make the change as soon as the appropriate legislative mandate comes into effect

**Final thoughts**

**5.8** If you have any other comments on the proposals for building levy, please tell us.

The basis of the levy is unclear – it is actually a tax on development of the value of \$20,444 and the income is directed back into running the agency of state responsible for administering the Building legislation. The only other areas I can think that this happens is with oil and gas and crown minerals and possibly oil spill contingency levies. The income is used to offset costs associated with administering the function, If the recoveries equate to the cost of operation then that would suggest there is no “public good” component in what you do which because you are an agency of state is hard to accept. So the levy must simply be a means to gain revenue and for that reason we think it should be able to be disbursed to partner administration agencies such as local government especially for the accreditation costs and other “public good” functions where we cannot legitimately recover costs from applicants and the general ratepayer currently picks those costs up.

## Part 6 Offences, penalties and public notification

### MBIE wants stakeholders' feedback on four proposals:

1	Increase the maximum financial penalties for all persons.
2	Set the maximum penalty levels differently for individuals and organisations.
3	Extend the time relevant enforcement agencies have to lay a charge under the Building Act, from six months to 12 months (section 378 of the Building Act).
4	Modify the definition of 'publicly notify' in section 7 of the Building Act.

### Proposal 1 - Increase the maximum financial penalties.

6.1	Are the current maximum penalty amounts in the Building Act appropriate?
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please tell us why. They don't always reflect the seriousness of the offence, particularly relating to matters of public safety or health.
6.2	Do you agree with the proposed increases to maximum penalties?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please tell us why and what they should be if you disagree. The increased penalties appear reasonable. However, the range of offences in table 6.1 is very limited, and it's unclear whether these are just examples, or are the only penalties under consideration? For example Table 6.1 doesn't include the offence if an Owner fails to comply with a notice issued under s133AL of the BA04. We would hope that the final review will consider, and include, ALL possible offences.

### Proposal 2 - Set the maximum penalties differently for individuals and organisations.

6.3	Do you agree with introducing higher penalties for organisations?
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please tell us why. Appears reasonable.

**6.4** What impacts on the building industry could arise from this proposal if it is implemented?

Strong negative impact	Negative impact	No impact	Positive impact	Strong positive impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please tell us what the impact might be.

Hopefully the increased penalties may ensure Owners, Designers and Builders are less inclined to do illegal building work, and adhere to their responsibilities under the BA04.

**Proposal 3 - Extend the time parties have to lay a charge under the Building Act, from six months to 12 months (section 378 of the Building Act).**

**6.5** Do you think 12 months is an appropriate time period for relevant enforcement agencies to lay a charge?

Yes  No

Please tell us why or what you think is an appropriate.

This has been a major stumbling block for the TA in the past, and particularly where multiple offenders are being considered or joined into any legal proceedings.

**Proposal 4 - Modify the definition of ‘publicly notify’ in section 7 of the Building Act to remove the requirement to publish in daily newspapers circulating in each of the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin. Public notification will still be required in a more modern form that is future proofed and publicly accessible.**

**6.6** Do you agree that public notification under the Building Act should no longer be required in newspapers?

Yes  No

Please tell us why.

Should follow the current convention with local government notices – eg s 2AB of the Resource Management Act.

**6.7** Do you agree that publication on the internet and in the New Zealand Gazette is sufficient?

Yes  No

Please tell us why.

Yes, in principle, but this may disadvantage some people (reference item 6.6 above).



## Final thoughts

- 6.8 If you have any other comments on the proposals for offences, penalties and public notification, please tell us.
- There appears to be no indication that **infringement fees** are being considered for a similar review. If not, why not?
  - The review needs to include and reflect all the possible offences under the BA04 and not just those listed in Table 6.1 of the consultation document (which appear very narrow in its application).
  - Hopefully the increased penalties will be understood and considered by the Courts, who regularly apportion limited costs on offenders which don't serve as a significant deterrent for other similar offences. As a consequence, Council is reluctant to take offenders to Court because it's rarely financially viable to do so (bearing in mind it's the Ratepayers bearing the costs otherwise).

## Overall feedback

Thinking about this consultation, do you have any comments or suggestions to help us improve future consultations?

1	<p>What worked for you?</p> <p>The webinar was useful for non-technical managers like myself but face to face meetings are better for technical staff.</p>
2	<p>What would we do better?</p>
3	<p>Any other comments or final thoughts?</p> <p>As a general comment we would support the introduction of universal design standards for residential buildings. Universal design ensures housing is functional and accessible for all abilities and all ages.</p> <p>Like most of New Zealand, Tasman's population is ageing. Over the next twenty years, the number of Tasman residents aged 75 years or over is projected to more than double, to make up 20% of our population.</p> <p>Older people are more likely to experience physical disabilities and impairments. Almost half of those aged 65 years and over in the upper South Island report mobility or agility impairments, such as having difficulty with or being unable to walk up or down a flight of stairs, or to bend over to pick something up off the floor. Almost a third report hearing or vision impairments.</p> <p>Older people are likely to spend more time in their homes. Physical barriers and poor design can make homes difficult to live in, and can compromise safety. The design and standard of housing needs to consider the physical and health effects of ageing. This will also enable people to age in place and lessen the impact of falls.</p> <p>Designing housing which is safe and accessible will also benefit the health sector by reducing the number of older people experiencing falls or needing aged residential care.</p>





**Action Sheet - Environment & Planning Committee – April 2019**

Meeting Date:	Minute/Action	Minute or CSR or Email request	Accountable Officer	Status
28 July 2018		Regulatory Manager to follow up with the dairy industry to understand the data 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
6 September 2018	EP18-09-04	Enforcement Policy to be updated to cover off option of diversion	Dennis Bush-King/ Adrian Humphries	Still to action
29 November 2018	EP18-11-8	Moutere Catchment Stream Health Survey - staff report to report back on the next steps to mitigate the issues raised in the Moutere catchment stream health survey.	Trevor James	Still to action
30 May 2019	EP19-05-06	SHA – 115 Main Road, Hope. To send application to Minister	Barry Johnson	Completed
	EP19-05-07	To ensure Forestry Monitoring Charges are incorporated in the Schedule of Fees and Charges	Carl Cheeseman/ Sandra Hartley	Actioned