



STAFF REPORT

TO: Environment & Planning Committee

FROM: Dennis Bush-King, Environment & Planning Manager

REFERENCE: S611

SUBJECT: **MANAGER'S REPORT - REPORT REP10-12-15-** Report prepared for meeting of 16 December 2010

1. WELCOME

Welcome to this the inaugural meeting for this triennium of the Environment & Planning Committee (or when abbreviated the EPC). My first report is longer than usual because of the time lapse since last meeting but it reflects a wide range of things happening under the auspices of this Committee. New members have already been dropped into the machinations of the Resource Management Act (RMA) through their accreditation training and will quickly observe that there are lot of other processes we are involved in. Staff are here to help and as has been past practice we will endeavour to give you high quality advice so you can make the decisions that a right for our community.

The Golden Bay Community Board has advised that Mik Symmons is the Board's EPC portfolio holder.

2. LEGISLATIVE CHANGES

The Government has released several measures which will impact on local government environment and planning business. The current raft of changes either in the form of bills or discussion papers includes:

- Aquaculture Law Reform (submissions close 11 February 2011)
- Alcohol Law Reform (submissions close 18 February 2011 - see section 5))
- Biosecurity Act Amendment (no closing date yet, nothing unexpected)
- Building Act Amendment (no closing date yet)
- Environmental Protection Authority Bill (submissions close 28 January 2011)
- Marine and Coastal Area (Takutai Moana) Bill - no submission made but we did assist LGNZ
- Food Act - awaiting report back from Select Committee

The Minister of Conservation has also advised that the New Zealand Coastal Policy Statement, the only mandatory national policy statement required under the RMA, comes into force on 3 November 2010. Because the NZCPS is to be applied by all persons exercising functions and powers under the Resource Management Act 1991

- policy-making, consent assessment and decision-making, and must “give effect” to the NZCPS, staff have reviewed the document to assess the implications. Preliminary advice is attached as Annex 1. While there are no specific deadlines for amending policy statements or plans, some actions should take place sooner rather than later (eg the NZCPS now requires that Restricted Coastal Activities be removed from plans, but they remain in effect until they are removed).

A separate item in the agenda deals with the latest possible amendments to the RMA.

3. PROPOSED BUILDING ACT CHANGES

The Government has introduced the Building Amendment Bill (No. 3) and at time of writing is awaiting its first reading. It is the first of two Bills aimed at implementing a number of policy decisions arising from the Government's 2009 review of the Building Act 2004.

In brief, as outlined in the explanatory note, the Bill:

- a. More clearly signals the accountabilities of participants involved in building design and construction;
- b. Enhances accountability under the licensed building practitioners regime;
- c. Introduces a stepped risk-based approach to how building consent and inspection requirements are administered so that the role of the building consent authorities at each step is aligned with the risk involved;
- d. Repeals the offence of allowing the public use of a building without a Code Compliance Certificate for building work commenced between 1992 and 2005;
- e. Provides for an owner-builder exemption from the restricted building work provisions of the Building Act 2004;
- f. Makes a number of changes to enhance and clarify the building warrant of fitness regime;
- g. Makes a number of other minor and technical amendments.

Responsibilities and Accountabilities

The 2009 review found the current system is unbalanced because there is an unduly heavy reliance on building consent authorities to identify and fix inadequacies in building design and construction. The 2002 law changes have also caused building consent authorities (BCAs) to be more cautious, and this has led to a level of checking and inspection that may be higher than necessary for low-risk work. This has flow on cost and delay implications.

Proposed sections 14A - 14F of the Bill make it clearer to building consent authorities, builders, designers and consumers who will be accountable for what:

- a. Section 14B: **Owners** of building work are responsible for getting any necessary approvals. An owner is responsible for ensuring the building work complies with the building consent or, if there is no building consent, with the Building Code.
- b. Section 14C: **Owner-builders** are responsible for ensuring the work complies with the building consent, and the plans and specifications, to which the building relates.
- c. Section 14D: **Designers** are accountable for ensuring that their plans, specifications and advice will meet the requirements of the Building Code.

- d. Section 14E: **Builders** are responsible for building to any approved plans or specifications. If there are no approved plans or specifications, then builders are responsible for meeting the requirements of the Building Code.
- e. Section 14F: **BCAs** are responsible for checking the Building Code compliance of plans and specifications that accompany a building consent application, and for checking that work is done according to the plans and specifications, as well as issuing the statutory consents and certificates. Building consent authorities must also approve any critical variations.

Whether the Bill reduces Council's liability remains to be seen but it does seem to strike a better balance under the new structure but usually Council is 'last man standing'.

Stepped Consenting

The Bill introduces a new stepped risk-based approach to how building consent and inspection requirements are administered. The devil is in the detail but the Bill introduces four types of building consent:

- a. A **standard building consent** - essentially a consent as is currently provided for in the Act;
- b. A **low-risk building consent** - a stream-lined consent process for some low-risk work, such as a free-standing garage or a large rural shed. This process simply checks that certain conditions are met (for example, that the work is undertaken by a licensed practitioner), but involves no further inspection by building consent authorities;
- c. A **simple residential building consent** - this provides for a simplified and more prescribed consenting process for certain simple residential building work that is at the lower-risk end of the spectrum. As an example, the Department of Building and Housing identify a single-storey house built using proven methods and design, with low structural and weathertightness risks; and
- d. A **commercial building consent** - there will be new building consent processes and requirements for commercial buildings, that rely on third-party (non-building consent authority) review and assurance processes. These processes are an alternative to the current consenting and inspection requirements, provided certain conditions are met.

Minor Technical Amendment: Consent Completion Certificate

Under the Building Act 2004, a Code Compliance Certificate is issued when a BCA is satisfied that building work complies with the building consent. However, the Bill proposes to change the terminology to "Consent Completion Certificate", on the basis this more accurately captures the policy intent. The new term is in line with the new accountabilities and makes it clear that a Consent Completion Certificate is not an absolute guarantee, but records that the process has been completed.

Schedule 1 Exemptions

Although the Bill does not make any amendments to Schedule 1 of the Building Act 2004, there is a new Building (Exempt Building Work) Order 2010, which comes into force on 23 December 2010. This order adds several new classes of building work to Schedule 1, allowing a greater range of building work to be done without a consent. Again the devil is in the detail and we look forward to explanatory material from the DBH to help understand the changes. Staff advise that repair and replacement of outbuildings not for habitation without the need for consent may lead to buildings

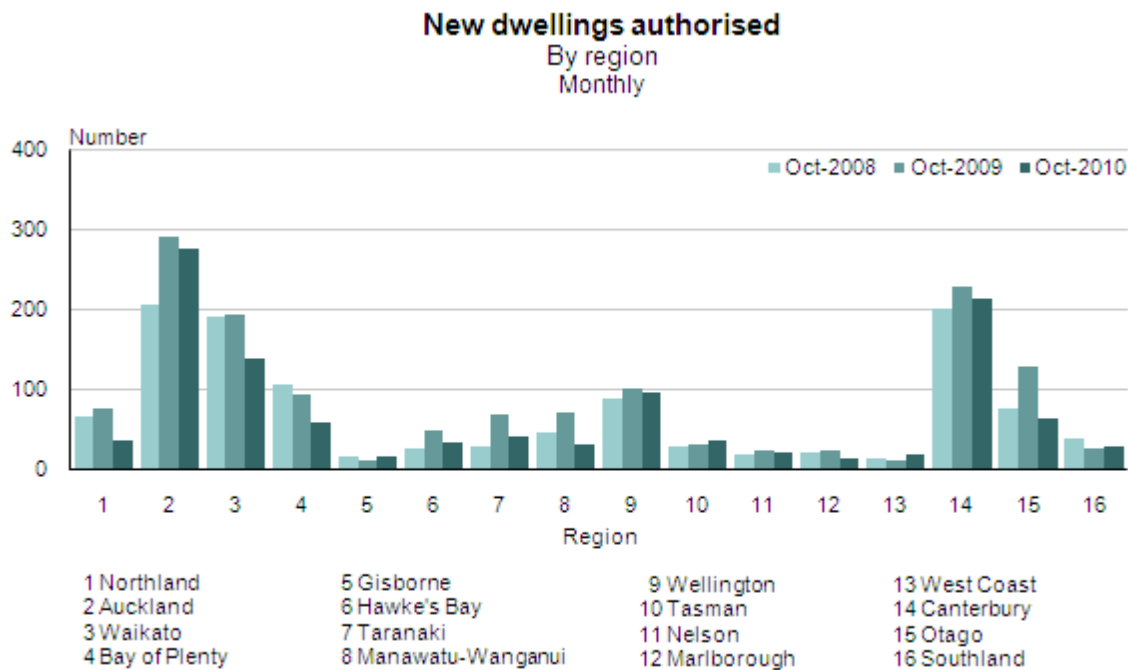
appearing on properties for which no details will be lodged on the property file. When properties come to change hands, we will not be able to verify which are Code compliant and which are not. This may give rise to the appearance of being unhelpful but will really be an attempt to limit any liability on Council.

4. BUILDING TRENDS

We have not been able to put together a Third Quarter Regulatory Report owing to staff changes but will do a six month report for the next meeting. However a review of the our statistics for the July to September quarter (compared to the same period last year) shows that the total number of building consents received was 422 (388 last year).

In terms of consents for new dwelling applications received, in that period, there were 99, compared to 79 for the same period last year. This positive growth trend compared to last year is similar to the trend reported for the last quarter and indeed the one before, so again this is a pleasing positive indicator for the building sector.

Below is a graph of the regional figures for the month of October for new dwellings authorised, comparing the last three years from the NZ Statistics Department media release.



Source: Statistics New Zealand

Consent processing times over the third quarter were 96% within timeframe, with an average of twelve days of processing time (this has slipped in October/November owing to staff changes). A limited number of consents are still being processed by outside consultants to keep up with the workflow but this will change as vacancies are filled.

5. LIMS AND LIQUEFACTION

The recent Canterbury earthquake has highlighted the hazard occurring from ground liquefaction during an earthquake, and in particular, the information about earthquake hazards that are included in a Land Information Memorandum (LIM). Consequently, it is timely to consider what information is included on a LIM prepared by the Council with respect to liquefaction hazard.

Council does not have specific information on areas where liquefaction might occur within the District. All that Tasman currently holds is a large scale (1:250,000) dataset that characterises ground shaking response by dividing the geology into four arbitrary units according to general rock engineering properties. This is detailed in a 1995 report (GNS client report 1995/41430D.16). Unit A identifies recent deposits and areas of liquefaction will be located within this area. Importantly, not all of this area will be at risk of liquefaction. Furthermore, it is only very large (and hence infrequent) earthquakes that will generate sufficient ground shaking for liquefaction to occur. Consequently, it is current practise not to specifically mention liquefaction risk on a LIM statement (unless there is specific information held on the property file).

It is only where a known active fault trace passes through or close to a property that specific mention of earthquake hazard is made on a LIM statement. If a site specific geotechnical assessment of the hazard has been completed (such as a result of building or subdivision activity at the property) then this is included with the LIM statement. This is because if fault rupture occurs there could be catastrophic (and life threatening) damage to buildings and properties that lie on or very close to the ruptured fault. This is over and above the District-wide effects of severe ground shaking that would occur during a large earthquake. As such ground shaking is not a property-specific hazard, it is not considered necessary to specifically state this in a LIM. This hazard is addressed by other means through the Building Act and the requirements of the TRMP (e.g. Slope Instability Risk Area rules). Severe ground shaking is a seismic hazard that is present across much of central New Zealand and is just part and parcel of living in a seismically active country. Accordingly staff are not proposing to change notification procedures on LIMs.

6. ALCOHOL LAW REFORM PACKAGE

Following the Law Commission's review of the Sale of Liquor Act the Government has introduced the Alcohol Law Reform Bill. Annex 2 provides a summary of the issues which directly impact on local government.

7. COMPLIANCE ISSUES IN GOLDEN BAY

The Golden Bay Community Board has requested that funding be made available to trial a Golden bay based person to deal with compliance issues, including freedom camping, dogs, horses, boating activity and un-permitted fires (resolution GB10/11/06 refers).

I had in October previously advised Board members that stationing a compliance officer, even for six weeks over summer in Golden Bay, would not be within the current budget. Such a proposition would cost around \$4-5,000 for accommodation/meals/incidentals; if an existing staff member was taken away from other duties that would then be an opportunity cost lost for other work which would

have flow on effects to the rest of the compliance team. Employing a “local” for six weeks would be a separate cost, if we were lucky enough to find someone appropriately qualified and capable of covering the range of issues identified, each of which operate within a particular set regulatory powers.

I would note that a budget request for extra freedom camping compliance resource was put to Council in March 2010 but was not approved in order to keep down the general rate.

That said we do cover Golden Bay in proportion to the need as best we can, which can involve a stay-over if the compliance work demand is there. Admittedly after hours noise control is always difficult (but this is not confined to the Bay); freedom camping visits do happen but on selected days (as with parking control in Commercial St). However freedom camping enforcement is not easy given the lack of any nationally consistent and effective enforcement powers. Dog control is contracted out but our contractor has performance requirements to meet in order to maintain service levels. While that does not mean instant service, they can and do attend to issues as they arise. Harbourmaster responsibilities are also covered through random visits to the Bay and a Harbour Manager is employed to cover Port Tarakohe.

The Board has also requested that funding be allocated in the 2011/2012 financial year to cover the Christmas period..

I seek the Committee’s direction on how to respond in light of the absence of a budget allocation.

8. ECOFEST - 2011

Staff wish to apply to external agencies for assistance in running the 2011 Ecofest programme. Funding agencies nowadays often require a formal minute from the organisation requesting funding assistance. Accordingly, we seek the Committee’s endorsement to make application in accordance with the following resolution. We have previously received funding from the first four agencies; the fifth is a new source being tried.

Recommendation

THAT:

- a) The Environment & Planning Committee authorises the organisers of Ecofest to apply to The Canterbury Community Trust for \$7,500 as a contribution to Ecofest 2011;**
- b) The Environment & Planning Committee authorises the organisers of Ecofest to apply to the Lion Foundation for \$10,000 as a contribution to marquee costs for Ecofest 2011;**
- c) The Environment & Planning Committee authorises the organisers of Ecofest to apply to the Positive Futures Trust for \$3,000 as a contribution to Ecofest 2011;**

- d) **The Environment & Planning Committee authorises the organisers of Ecofest to apply to the Lottery Nelson-Marlborough-Tasman Community Committee for \$5,000 as a contribution to Ecofest 2011.**
- e) **The Environment & Planning Committee authorises the organisers of Ecofest to apply to the Community Environment Fund for \$10,000 as a contribution to Ecofest 2011.**

9. FREEDOM CAMPING REGULATION

Local Government New Zealand has advised that following discussions with government officials, it has agreement to introduce improved enforcement tools for local authority bylaws. We have signalled to LGNZ that our Council would be interested although it will mean we will need to have an appropriate bylaw in place by 31 May 2011. We hope to provide a report to the next meeting even though LGNZ and department of Internal Affairs are producing guidance which expected some time in January 2011.

While not the complete solution, stronger enforcement tools will help in reducing the impact of freedom camping provided enforcement costs are kept reasonable. It does not appear the infringement fine will tag to the vehicle and this is a matter we will follow through with LGNZ.

10. PSA INCURSION

November saw a flurry of activity surrounding the spread of the bacterial vine disease, *Pseudomonas syringae pv actinidiae* (Psa), on kiwifruit orchards in Bay of Plenty, Hawkes bay, Tasman and other areas. The number of affected orchards is now 107, with at least XX found in the Tasman area.

ZESPRI and MAF has taken the lead in this pest incursion and our involvement has been minimal.

Psa is a bacterial vine disease that carries no risks associated with human or animal health, and does not affect plants other than kiwifruit vines. Psa has been present in Italy, Korea and Japan for many years but has not previously been detected in New Zealand.

11. ADDITIONAL DELEGATION

Currently the Harbourmaster has the power to require a vessel to be moved if it is causing or likely to cause a navigation hazard. If an owner of a vessel can not be found section 650K of the Local Government Act 1974 provides the Council with the power to remove a wreck and if necessary dispose of a derelict vessel, including by tender. The Harbourmaster has recently dealt with a vessel that was located off the Motueka River, it broke loose, and ended up in Kaiteriteri. Attempts were made to find the owner, including by public notice. A person has now come forward claiming ownership and if costs are met and ownership confirmed, that will be the end of the matter. However the case did highlight the value in giving the Harbourmaster delegated power under section 650K to institute a process requiring the removal of a wreck. It is not expected the power will be used frequently but it does allow for more expeditious decision-making.

Recommendation

It is recommended that the Delegations Register be amended to delegate to the Harbourmaster the Council's powers in relation to wrecks under section 650K of the Local Government Act 1974.

12. WATER REPORT

I will update the Committee on the water situation as we move into rationing.

13. SHEEP DIP ADVICE SHEET

An Envirolink grant has produced four Sheep Dip Factsheets with technical advice to land owners who have old sheep dips on their land. These are now available to distribute locally. The factsheets are for a national audience and have been trialled in the Waikato. It is estimated that there may be up to 50,000 old dip sites in New Zealand and many in areas now receiving subdivision pressure. We do get requests for assistance to identify any contamination around dip sites, using a field test method that Tasman trialled two years ago. Our involvement is able to provide advice to the land owner and will ensure appropriate future management of any contamination if found.

14. BIG BEACH CLEAN UP

Around 10.46 tonnes of debris was collected on 20 November by about 800 people in the Tasman Bay Big Beach Clean-up, from 291 kilometres of coast between Abel Tasman National Park and Cable Bay and from the banks of five waterways.

The event was organised by Rudi Tetteroo from DoC and sponsored by DoC, Tasman District Council, Nelson City Council and NELMAC Ltd.

Rubbish removed included plastic, bottles, bits of glass, some tyres, mussel floats, a car back seat, and an oil drum. The TDC transfer stations at Mariri and Beach Rd were used to process rubbish. As well, two TDC volunteer crews helped on the day.

The event harnessed enough community support to make the beach clean-up an annual spring event.

15. AGRICHEMICAL COLLECTION

Agrecovery is carrying out a collection of redundant agrichemicals in this district early next year 2011. Council may need to assist with the cost of collection of the persistent agrichemicals that are outside the Industry levy system, and the Ministry for the Environment will be paying the disposal. This is a similar process to previous involvement by Council except that Agrecovery will coordinate and the Industry levy pays for the modern chemicals. Council's contribution will be less than for previous collections because of this. There is no impact on the budget from our involvement as we had anticipated some ongoing involvement for these legacy issues including urban household hazardous waste.

16. ENVIRONMENTAL AWARDS

We received 81 entries from right across the Tasman/Nelson region this year, showcasing all sorts of environmental best practice. Entries were more evenly shared between Tasman (43) and Nelson (38) this year. Winners and Highly Commended Awards were also shared fairly evenly.

The Awards are a lot of work, involving eleven judging teams of three, and an amount of organising and behind scenes work to make it happen.

Highlights this year include:

- Recruiting three extra Sponsors
- Maintaining the high number and standard of entries (87 in 2009)
- Publicity in print and radio media across the region
- Large number of entries for a new category, "Environmental Leadership"

A great turnout of around 180 people attended the Awards ceremony held during the afternoon of 24 November at Woollaston Estates, Mahana.

Winners:

- Rural - Pepin Island Sheep Station
- Urban Design - Marsden Park
- Best Use of Renewable Energy - Stonefly Lodge
- Commercial/Leadership - N/A
- Commercial/Emerging - Golden Bay Hideaway
- Schools/Primary and Secondary- Salisbury School
- Schools/Early Childhood - Golden Kids Early Learning Centre
- Environmental Leadership - Dave Butler
- Community and Neighbourhood Groups - Spinyback Tuatara Education and Conservation Trust; Rocklands Road Weedbuster Group
- Heritage/Events and Culture - Karen Warren: "Rolling Stones-Nelson's Boulder Bank"; Gerard Hindmarsh: "Kahurangi Calling-Stories from the backcountry of Northwest Nelson":
- Heritage/Built - Karen Warren: "Rolling Stones-Nelson's Boulder Bank"; Nelson Historic Theatre Trust: Theatre Royal Restoration

Highly Commended:

- Rural - Amberglen Farm
- Urban Design - N/A
- Best Use of Renewable Energy - Nelson College for Girls
- Commercial/Leadership - Richmond Mall; Living Legacies
- Commercial/Emerging - Nelson Nursing Service; Greenwood Health Centre
- Schools/Primary and Secondary - Nelson College; Clifton Terrace School
- Schools/Early Childhood - First Year Richmond
- Environmental Leadership - Janet Taylor; Robyn Jones
- Community and Neighbourhood Groups - Keep Golden Bay Beautiful
- Heritage/Events and Culture - Mike Elkington: "Ka Mate"; Motueka Arts Council: "Welcome to the Godwits"
- Heritage/Built - Baptist Union of NZ: Nelson Baptist Church

17. ANIMAL HEALTH BOARD PROGRAMME REPORT

Annex 3 contains the latest monthly report on the Tb Vector Control Programme in Tasman.

18. ANNUAL CHARGES

This year's annual charges invoices will be sent out to relevant permit holders the week commencing 13 December. The Council seeks to fund up to 30 percent of the costs involved in environmental and compliance monitoring through Section 36 charges under the RMA. Based on a formula included in our Schedule of Charges, permit holders are required to pay on an annual basis and historically we have chosen to invoice mid-year.

19. RECOMMENDATION

It is recommended that this report REP10-12-15 be received.



Dennis Bush-King
Environment and Planning Manager

Staff/Council Guidance

The New Zealand Coastal Policy Statement is a national policy statement and is required to be applied to by all persons exercising functions and powers under the RMA 1991.

Policy

Regional Policy Statements, Regional Plans and District Plans must give effect to the 2010 NZCPS when plan changes and reviews are undertaken in accordance with the process set out in Schedule 1 of the RMA.

Policy 28 requires a Ministerial review within 6 years of gazettal to review the effectiveness of the NZCPS in achieving the purpose of the Act and the effects of the NZCPS on regional policy statements, plans and resource consents.

Policy 29 requires restricted coastal activity provisions in all coastal plans to be removed as soon as practicable without following Schedule 1 process.

Consents

After December 3 2010 consent authorities are required to have regard to any relevant provision of the 2010 NZCPS when considering applications for resource consents and requirements for designations. There is no reference to a transitional provision for applications lodged before that date.

Transitional Advice - Restricted Coastal Activities (RCA)

Any application for an RCA that has been notified before RCAs are removed from the Plan must continue to be treated as an RCA under section 117 (there is one application in this position). Strangely however, any other application made before the plan is amended is required to be considered as a discretionary or non-complying activity in accordance with other relevant provisions of the coastal plan and the usual test about notification under section 95 applies. To avoid any confusion about status, a public notice advising of the change is proposed.

Implementation Plan

High priority tasks

- 1 Supply copies of 2010 New Zealand Coastal Policy Statement to all relevant Council staff and Councillors, make electronic copy available on website and to staff in P drive
- 2 Copy of guidance to staff summarising Policy Statement and advising of transitional requirements
- 3 Search RPS and TRMP to amend (at next update) all references to the NZCPS 1994 and amend to NZCPS 2010

4 **Policy 29 - Restricted Coastal Activities**

Action: Remove all reference to Restricted Coastal Activities from the TRMP (and RPS if required) through giving public notice (s 55(2A)) and amend plan at next update (Update 38, 26 Feb 2011)..

5 **Policy 3 - Precautionary approach**

Policy 3 requires the adoption of a precautionary approach to activities whose effects are uncertain, unknown, or little understood.

Action: Adapt Policy 13.7 in the current Regional Policy Statement for application in TRMP to all decision-making including the coastal environment when combining the RPS/TRMP 2011/2012.

6 **Policy 4 - Integration**

Policy 4 requires Councils to provide for co-ordinated management of activities within the coastal environment and activities that cross administrative boundaries particularly across the MHWS boundary.

Action: Some policies and rules will need to be amended to recognise activities and effects occurring across the MHWS boundary. Also check with respect to the adequacy of current plan provisions with respect to discharges again with the combining of the two planning documents from 2011

Medium priority tasks

1 **Policy 1 - Extent and characteristics of the coastal environment**

Policy 1 gives a non-exhaustive list of factors “included” in the coastal environment. We will need to develop a consistent interpretation of what constitutes the coastal environment of Tasman District, for policy and consent advisors and decision-makers.

Action: Define what constitutes “coastal environment”. The inference is that this is likely to require a mapped representation of the coastal environment, not that this happened under the 1994 Policy. Need to decide what approach is required

2 **Policy 2 - Treaty of Waitangi, tangata whenua and Maori heritage**

Policy 2 requires consultation in plan preparation, incorporation of matauranga Maori, iwi resource management plans and recognition of the relationship of tangata whenua with the coastal environment - including places where they have fished. It is not explicit how any of these can be achieved.

The policy also requires that Councils provide opportunities for iwi to exercise Katiakitanga and recognise and manage cultural and heritage values and sites.

Action: Process task - Specifically Policy 2 (d) which requires us to provide opportunities in appropriate circumstances for Maori involvement in decision making. Will be picked up when iwi management plan for Tasman is submitted by iwi and through the merger of the RPS/TRMP

3 **Policy 11 - Indigenous biological diversity (biodiversity)**

Policy 11 includes the need to avoid adverse effects on indigenous biological diversity listed in a number of external documents. It also seeks to avoid significant adverse effects on other areas/habitats. The policy implies some identification and mapping work.

Action: Council needs to obtain data/documents and make available to staff administering the NZCPS (Planners and Policy staff)

- i) Identify threatened indigenous taxa listed in New Zealand Threat Classification System Lists*
- ii) Threatened taxa listed by the International Union for Conservation of Nature*
- iii) Threatened and naturally rare indigenous ecosystems and vegetation types*
- iv) Habitats of indigenous species that are at the limit of their natural range or are naturally rare*
- v) Areas containing nationally significant examples of indigenous community types*
- vi) Areas of indigenous biological diversity set aside for full or partial protection under other legislation*

4 **Policy 13 - Preservation of natural character**

Policy 13 requires the identification, assessment, and mapping (or scheduling) of areas of outstanding, high, and 'other' natural character.

Action: Mapping or otherwise identifying (schedule?) areas of high natural character (desktop as a first option if it is a high priority, if medium priority then a more detailed assessment could be done). This may partly inform the work required under policy 7 below. Policy 13 (1) (a) and (b) may require minor policy amendments; (c) and (d) are a prerequisite

5 **Policy 7 - Strategic Planning**

Policy 7 requires the identification of coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects

Action: Identify where coastal processes, resources or values are under threat or at significant risk from adverse cumulative effects

Note: We do not interpret Policy 7 (1) (where to locate future urban development and other activities) and part of (2) (provisions to manage adverse effects) as being a directive to amend plans immediately, but it will apply to plan changes.

Some strategic work is underway or about to start including:

- i) GB strategic planning, including work on landscape values and risk assessment*
- ii) Coastal hazard (review 2005 lifeline work, but this needs to include the information requirements required to be considered under this policy)*
- iii) Coastal SOE Monitoring work (could include other work required by NZCPS under 11, 13 and 14)*

6 Policy 15 - Natural Features and Natural Landscapes

Policy 15 requires the identification and assessment of the natural features and natural landscapes of the coastal environment.

Action: Complete assessment of natural features and natural landscapes (within the coastal environment) for both Golden and Tasman Bay

Note: Work already underway in Golden Bay should be complete in 2011

7 Policy 19 - Walking Access

Policy 19 requires the recognition of the need for public access to and along the coastal marine area and the need to maintain and enhance access

Action: Identify

- i) how information on where the public have walking access will be made publicly available*
- ii) opportunities to enhance or restore public walking access to and along the coast (This could be incorporated into the recreation strategy work being undertaken by Mike Harding);*
- iii) policies in TRMP for the acquisition of esplanade reserves/strips that need tweaking in relation to grounds for restricting public access.*

Note: Much of the intent of the policy is already being implemented through resource consents, TRMP Section 16.4, and service delivery by Community Services Department

8 Policy 24 - Identification of coastal hazards

Policy 24 requires the identification of areas in the coastal environment that are potentially affected by coastal hazards over a 100 year timeframe. Policy 25 (Subdivision, use and development in areas of coastal hazard risk) and Policy 27 (Strategies for protecting significant existing development from coastal hazard risk) are dependent on the results of work required by policy 24.

Action: Additional work may be required over and above the 2005 coastal hazard work to identify areas potentially affected by coastal hazard over a 100 year time frame

Note: priority at risk areas are currently under investigation eg. Mapua – Ruby Bay, Motueka. Other areas (eg. Pohara – Tata, Collingwood, and smaller settlements in GB) remain to be investigated.

Long term tasks

1 General

Action: Incorporate new or amended objectives and policies in the RPS and TRMP to reflect the objectives and policies of the 2010 NZCPS when undertaking plan changes and plan reviews

2 Policy 6 (Activities in the coastal environment)

Policy 6 (a) requires Council to recognise the importance of infrastructure etc to the well-being of people and communities.

Action: Not clear what action is needed, suggest that TRMP could benefit from a new section for general policies applying to the coastal environment; this is best considered when combining the RPS/TRMP in 2011/2012.

(b) requires consideration of what rate of development should be enabled without compromising the other values of the coastal environment. It is not clear why the 'rate' matters, if other values are not compromised.

(c) requires the consolidation of coastal settlements in preference to sprawling or sporadic development.

Action: Check if the existing policies are sufficient, work required to be undertaken "as soon as practicable"

(f) requires Council to consider the character of existing development and to assess where it is/is not appropriate to maintain that existing character.

Action: assessment of the character of existing settlements

(h) requires consideration of how the visual impacts of development can be avoided

Action: Requires identification of areas sensitive to such effects, and appropriate controls

(i) requires the setting back of development where practicable and reasonable

Action: consider if anything more than the current CEA setback needed

(j) requires the provision of buffer areas adjoining significant indigenous biological diversity or sites of historic heritage value

Action: Needs identification of areas/sites, threats and risks and consideration of appropriate controls

The matters listed in (2) are generally covered in TRMP Part III.

Action: Add policy to acknowledge potential for renewable marine energy (but check the current relevance of the SMK report findings that there is limited opportunity in Tasman) and a new policy requiring that structures be available for public or multiple use where practical

2 Policy 10 - Reclamation and de-reclamation

Action: Minor amendments to existing policies to reflect the change of emphasis

3 Policy 25 - Subdivision, use and development in areas of coastal hazard risk

Action: Immediate and continuing relevance for consents. However, identification of coastal hazards under Policy 24 is a prerequisite for new any TRMP policy under 25

4 Policy 26 - Natural defences against coastal hazards

Action: Immediate and continuing relevance for consents. However, identification of coastal hazards under Policy 24 is a prerequisite for new TRMP policy under 26

5 Policy 27 Strategies for protecting significant existing development from coastal hazard risk

Action: Immediate and continuing relevance for consents. However, identification of coastal hazards under Policy 24 is a prerequisite for new TRMP policy under 27

6 Policy 18 - Public Open Space

Action: May need further recognition of effects of coastal processes and climate change

Note: already recognised in Chapters 8, 14, and 21

7 Policy 5 - Land or waters managed or held under other Acts

Policy 5 requires the consideration of the effects on land and waters managed or held under other Acts

Action: Not clear what action is needed, we could consider including in a protocol or in templates for plan changes and consents. MAB to check if any other specific tasks are required

8 Policy 12 - Harmful aquatic organisms

Policy 12 requires the identification of activities that could have adverse effects by causing harmful aquatic organisms to be released

Action: Raise issue at SIG coastal to see if some national guidance is needed

9 Policy 14 - Restoration of natural character

Requires the identification of areas and opportunities for restoration or rehabilitation and amendments to objectives and policy

Action: Need policies for restoration, methods and commitment to undertake work, advocacy, triggers to require others to undertake restoration

10 Policy 20 - Vehicle Access

Policy 20 requires the identification of:

- i) locations where vehicular access required for boat launching, or as the only practicable means of access to private property or for the operation of existing commercial activities
- ii) Areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted

Action: Consider use of Bylaw rather than rules in TRMP

Note: The policy implies a high degree of control and management. Council and parts of the community are likely to have different perspectives on the degree of control that is appropriate and practicable

11 Policy 21 - Enhancement of water quality, Policy 22 - Sedimentation and Policy 23 - Discharge of contaminants

Action: Amendments to discharge policies and rules and reconcile with marine Pollution Regulations with respect to discharge of effluent from vessels.

No specific action required

- 1 Policy 8 - Aquaculture**
- 2 Policy 9 - Ports**
- 3 Policy 16 - Surf breaks of national significance**
- 4 Policy 17 - Historic Heritage Identification and Protection**

Briefing Paper - Alcohol Reform Bill

1. Background

- a. Out of the Alcohol Reform Bill will come a Sale and Supply of Alcohol Act, and amendments to both the Local Government Act and the Summary Offences Act.
- b. Changes to the Sale of Liquor Act 1989 have been considered for some time with input into the current Bill having been influenced by Tasman District Council (TDC) staff meeting with the Chairman of the Law Commission, and by submission through the alcohol reference group of LGNZ. The Bill preserves many features of the current Sale of Liquor Act 1989.
- c. A number of issues dealt with by the Bill have received considerable publicity. The drinking age, availability of liquor at the “corner dairy”, preventing supermarkets from selling spirits are examples. Unless the Council directs otherwise this paper does not dwell on these more philosophical aspects of the Bill which are likely to go to a conscience vote. This paper deals only with those matters that will impact significantly on TDC’s ability to deliver the function of a District Licensing Committee (DLC) including being the employer of licensing inspectors, the cost implications of that service, and impact on the current liquor ban bylaw.
- d. Submissions on the Bill must be lodged with the Justice and Electoral Select Committee by 1 February 2011.

2. Local alcohol policy

- a. Councils are given the ability to have a Local Alcohol Policy (LAP) which has a six year lifespan. Provision is made for councils to join together in the preparation of an LAP. The proposed LAP would have a greater status in guiding decisions on issuing licenses than current liquor policies operated by Councils. The research and consultation required in development of a LAP is specified and must include demographic data of both residents and visitors to the District. The LAP may deal with such issues as preferred locations for licensed premises, numbers or density of premises in the District, trading hours and one way door restrictions. The preparation of an LAP will have to go through the Special Consultative Procedure under the Local Government Act. Appeals “against any element relating to licensing” to the Alcohol Regulatory and Licensing Authority are provided for.
- b. If no LAP was adopted by Council, then there are “default“ closing times set by the Bill. Those closing times proposed for “on” license premises will have no effect in Tasman as all “on” licenses are currently operating within more restricted hours than those proposed. However, there could be some impact on “off” license hours, as in some cases these are permitted later than the 11.00 pm deadline proposed by the Bill. In the case of supermarkets or those taverns or hotels that operate “off” sales across their bars after 11.00 pm, some change in operating systems would be necessary.

3. District Licensing Committees

- a. The current District Licensing Agency role will be replaced by a District Licensing Committee of which there must be “1 or more”. The DLC will have much broader powers than the current agency, including the ability to deal with applications where objections have been lodged. It will have the power of commissions of inquiry and with that will be the ability to issue summonses requiring attendance of witnesses or the production of documents. In hearing evidence, it must conduct itself as if it was a court. Dealing with such matters locally will dramatically improve the processing time of licence applications where there is a degree of complexity such as an objection.
- b. The chairperson of the DLC must be a member of the Council. In addition, there must be two other DLC members selected from a list of potential committee members. Whilst those persons could be members of Council or staff, or otherwise appointed, they must have experience relevant to alcohol licensing issues, and they or their spouse, child, or parent must not have an interest in the alcohol industry. Provision for delegation to commissioners is provided.
- c. The DLC must meet to grant all applications including renewals, although unopposed applications for licenses may be dealt with on the papers by the DLC without the need for a public hearing. Currently TDC processes about 580 premises, special licenses, renewals, temporary authorities and manager’s certificates and renewals per year. The vast majority of these comply with our policy, and are unopposed so are granted on the papers by staff using delegated authority. Only three or four applications per year need to be referred to the Licensing Authority in Wellington, typically because there is opposition to the granting of the license or managers certificate. Projecting the same level of activity for unopposed applications into a work pattern for a DLC, a fortnightly meeting of up to half a day is expected to be needed to meet demands.
- d. For this Council, convening the DLC routinely appears to be the main impact. That will place demands on both the Councillor that is appointed as DLC chairman as well as the other members of the DLC and reporting staff. I suggest the Bill should be amended to provide for authority to be delegated to the DLC Secretary (by definition, Council’s CE or staff he delegates that position to) for granting and renewal of licenses and managers certificates which comply fully with the LAP and are unopposed. Such arrangement would substantially reduce the cost incurred by Council, and allow those savings to be passed to the applicants. Greater flexibility to respond quickly to urgent matters would also exist if it was not necessary to wait for a meeting of the DLC.
- e. Regrettably the Bill does not provide for any integration with the Resource Management Act in the event that a premises may need consent under both regimes. Staff consider there is merit in trying to provide some form of streamlining to reduce duplication of effort and cost.

4. Cost Recovery

- a. The devil will inevitably be in the detail, which is as yet largely unknown. The Bill does signal an intent for Council to promulgate Bylaws which will allow it to establish a fee structure that will cover the costs of running the DLC

- b. The Bill signals the general intent that all the costs Council's incur in running the DLC be met, and permits charges to be made annually, and reflect types of premises, capacity, trading hours, previous conduct, and may give some recognition of arrangements that may reduce alcohol related harm. These comments in general give some comfort to the Council that better cost recovery can be achieved than is currently the case, even if a greater resource is necessary to achieve the proposed DLC regime.
- c. Cost increases for some or all holders of liquor licenses seem inevitable as a significant percentage of this work is currently funded by the general rate, but it is logical for the sellers of alcohol to meet that cost.

5. Liquor Ban Bylaws (Bylaws for alcohol control purposes)

- a. The Bill contains an amendment of the Local Government Act 2002 that will impact on the criteria that must be used in establishing liquor control areas. The current "Tasman District Council Consolidated Bylaw Chapter 3 Control of Liquor in Public Places Bylaw December 2007" has been seen as a very useful tool in reducing alcohol related nuisance and offending in selected public places.
- b. The criteria for establishing the areas in which the controls on alcohol apply are based on discussions with the Police. History of issues and knowledge of areas in which young people may congregate and cause nuisance are relevant. Some areas in which the controls apply are established as a logical proactive strategy, based on the knowledge of issues in similar areas. Our current bylaw is seen as striking a very pragmatic compromise, generally having no impact on people wishing to consume alcohol at a picnic in the park or at the beach during the day, but restricting similar practices during the night and in limited locations for the height of summer, during the evening.
- c. The Bill will require that Councils not make such bylaws unless the area to be controlled " *..has experienced a high level of crime or disorder that can be shown to be caused or made worse by alcohol consumption...*"
- d. I suggest that the Bill be amended to remove the obligation on Council to prove that areas under consideration for liquor control have already experienced a high level of crime or disorder, and allow the current proactive process to establish liquor controls in any areas the Council considers disorder or nuisance may be caused or made worse by alcohol consumption.

6. Recommendation

That Council support the passage of the Alcohol Reform Bill, but that it lobbies through Local Government New Zealand and the select committee process to amend the Bill to:

1. **Provide delegated authority to the Secretary of the District Licensing Committee to grant or renew licenses and managers certificates, where such applications comply with a Council's Local Alcohol Policy and are otherwise unopposed, and ;**
2. **Amend the consequential amendment to the Local Government Act 2002 to allow councils to retain the "status quo" and establish liquor controls**

in public places where they believe nuisance may result or be made worse by alcohol consumption in the area.

- 3. Provide the opportunity where appropriate for joint hearings where RMA approvals are also required**
- 4. Enable fair and effective cost recovery from applicants.**

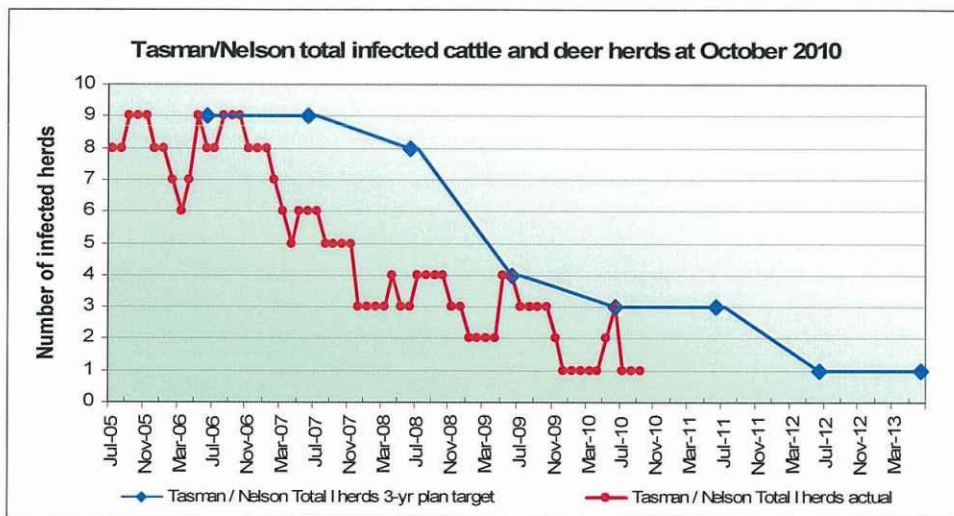
Annex 3



Animal Health Board Programme Management Monthly Report for Tasman: October 2010

To: Paul Wylie, Chief Executive, Tasman District Council
 From: Ron Walker, Acting Programme Manager, West Coast Tasman
 Date: 12 November 2010

1. PROGRESS TO STRATEGY OBJECTIVES



1.1 Forecast Infected Herds

TMA	Actual at June 2010	Actual at 1 October 2010	June 2011	June 2012
West Coast	0	0	1	1
Golden Bay	0	0	0	0
Motueka	2	1	2	2
Upper Buller	0	0	3	3
Richmond (Tasman/Nelson)	0	0	0	0
TOTAL	2	1	6	6

Please note that the Infected Herd graph uses a different measuring methodology compared with the table found below it.

- The graph is reporting the forecasted infection rate using "point" prevalence. Point prevalence forecasting estimates the infection rate at a specific point of time.
- The table uses "period" prevalence. Period prevalence forecasting estimates the infected herds over an annual period.

The table will therefore naturally have a higher number of forecasted infected animals, as there will be a larger number of infected cases over the course of a whole year compared with a single point of time.

The Animal Health Board uses a high-low band when conducting forecasting. The graph uses the mid-point of the band, whereas the table uses the high point.

2. VECTOR CONTROL

2.1 Approved programme for Tasman for 2010/11

	Approved Projects	Approved Hectares (Ha)
Possum Control	15	89,679
Possum & Ferret surveys	0	0
Pig Surveys	0	0
Performance Monitor	11	67,683
Trend Monitor	14	82,505

2.2 Activities completed in October

	Possum Control (Ha)	Performance Monitors (Ha)	Ferret & Possum Surveys (Ha)	Post Mortems	Pig Survey (Ha)	Total Hectares	Value (\$)
Golden Bay (farm remonitor)	N/A	5687	N/A	N/A	N/A	5687	3225
Stanley Brook	12,843	12,843	N/A	N/A	N/A	25,686	85,865

Vector Operations summary to date:

- One output ground control operation has been successfully completed
- One performance monitor completed
- One performance remonitor has been completed
- One output operation failed the second remonitor (Golden Bay rework also completed in October results of the third remonitor pending)
- Six ground control operation (4 input, 2 output) in progress and one monitoring operations in progress
- One trend monitor in progress

3. 2010/11 TENDER ROUNDS

The Maruia North operation has been successfully sole-negotiated and awarded. Six open market tenders have closed; tendering for operations between January and July 2011 and tender evaluations will commence in November.

