

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

Date: **Wednesday 24 April 2024**
Time: **9:30 am**
Meeting Room: **Tasman Council Chamber**
Venue: **189 Queen Street, Richmond**
Zoom conference link: <https://us02web.zoom.us/j/86289611539?pwd=Z0pTNWNYaVBjTGvFRnVlaXFkU29KZz09>
Meeting ID: 862 8961 1539
Meeting Passcode: 819491

Environment and Regulatory Committee

Komiti Ture

AGENDA

MEMBERSHIP

Chairperson	Cr C Hill	
Deputy Chairperson	Cr B Maru	
Members	Mayor T King	Cr M Greening
	Deputy Mayor S Bryant	Cr C Mackenzie
	Cr C Butler	Cr M Kininmonth
	Cr G Daikee	Cr K Maling
	Cr B Dowler	Cr D Shallcrass
	Cr J Ellis	Cr T Walker

(Quorum 7 members)

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AGENDA

1 OPENING, WELCOME, KARAKIA

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 PUBLIC FORUM

Nil

4 DECLARATIONS OF INTEREST

5 LATE ITEMS

6 CONFIRMATION OF [MINUTES](#)

That the minutes of the Environment and Regulatory Committee meeting held on Thursday, 14 March 2024, be confirmed as a true and correct record of the meeting.

7 REPORTS

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8 CONFIDENTIAL SESSION

Nil

9 CLOSING KARAKIA

7 REPORTS

7.1 GROUP MANAGER'S REPORT

Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	24 April 2024
Report Author:	Kim Drummond, Group Manager - Environmental Assurance
Report Authorisers:	Steve Manners, Group Manager - Information, Science and Technology
Report Number:	RRC24-04-1

1. Summary / Te Tuhinga Whakarāpoto

- 1.1 To update the Environment and Regulatory Committee on environmental and regulatory activity since the last Committee meeting on 14 March 2024.
- 1.2 To gain retrospective approval for the Tasman District Council's submission to the Environment Committee on the Fast Track Approvals Bill 2024

2. Recommendation/s / Ngā Tūtohunga

That the Environment and Regulatory Committee

1. **receives the Group Manager's Report RRC24-04-1; and**
2. **retrospectively approves the Tasman District Council's submission to the Environment Committee on the Fast Track Approvals Bill 2024 (Attachment 1 to the agenda report).**

3. New Government's legislative and policy priorities

Fast track consenting bill

- 3.1 At the 14 March 2023 meeting the Committee was advised of the likely introduction of a Fast Track Consenting Bill, and the likelihood of a short time frame for providing submissions to a Select Committee. The Bill was to represent a key step of the phase two reforms.
- 3.2 On 7 March 2024, Ministers Hon Chris Bishop and Hon Shane Jones announced that a Fast Track Consenting Bill had been approved by Cabinet and was due to receive its first reading under urgency that day, before being sent to the Environment Committee for public submissions with a closing date of 19 April 2024. It was noted that development of the Bill was part of the coalition agreement between National and NZ First.
- 3.3 The limited time available for public submissions restricted a full and comprehensive review of the Bill within Council. Nevertheless, staff prepared a submission on the Bill in association with Mayor King and Councillor Maling. The submission was informed by a high-level analysis undertaken by Te Uru Kahika. That analysis acknowledged the Government's

intention with the Bill, while noting significant concerns with the drafting that would affect the application and implementation of new legislation.

- 3.4 The Tasman submission sets out Council's main concerns to be around:
 - 3.4.1 elevated Ministerial discretionary powers
 - 3.4.2 a diminished priority for environmental protection measures
 - 3.4.3 a likely increased burden on local authorities for compliance
 - 3.4.4 the lack of definition on what constitutes national and regional significance
 - 3.4.5 10-day timeframes, a process that does not seem to be aligned to local authority servicing needs and limited appeal rights.
- 3.5 The Bill proposes a 'one stop shop' regime to process approvals faster for regionally and nationally significant infrastructure and development projects. It would introduce a new mechanism for Public Works Act 1981 processes and fast track:
 - 3.5.1 Resource consents, notices of requirement, alterations to designations and certificates of compliance under the Resource Management Act 1991
 - 3.5.2 Marine consents under the Exclusive Economic Zone and Continental Shelf Environment Effects Act 2012
 - 3.5.3 Section 61 land access arrangements under the Crown Minerals Act 1991
 - 3.5.4 Applications for archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014
 - 3.5.5 Concessions and other permissions under the Conservation Act 1987 and Reserves Act 1977
 - 3.5.6 Approvals under the Wildlife Act 1953
 - 3.5.7 Aquaculture decisions under the Fisheries Act 1996.
- 3.6 Under the Bill, projects will become eligible for fast track through either a referral by the joint decision of the Ministers of Infrastructure, Regional Development and Transport (following an application), or by being listed as a project in a Schedule to the Act.
- 3.7 The Bill itself does not currently contain any projects listed in either Schedule 2A or 2B. The Government has established a Fast Track Advisory Group to provide advice to Ministers on what projects should be included in a Schedule. Cabinet will decide on the projects to be inserted into the schedules of the Bill following the Select Committee process.
- 3.8 The Council's submission is attached to this report. Retrospective approval is sought from the Committee on the grounds that the submission needed to be submitted to the Environment Committee before this Committee had met.

Reducing RMA barriers to delivering of land for housing

- 3.9 At the LGNZ Regional Sector Meeting in Wellington on 8 March 2024, there was a discussion with Ministers regarding the reduction of barriers within the Resource Management Act (RMA) so that land could be better delivered for housing. The comments on improving housing supply and affordability resonated with our Mayor, given Tasman's invidious position of consistently being in the top three least affordable locations in the country to buy a home.

- 3.10 Mayor King wrote to Minister's Hon Chris Bishop, Hon Todd McClay and Hon Penny Simmons on 22 March 2024 as a follow up to the discussions. The purpose of the letter was to identify the key issues we face in Tasman as a high growth location. Three key issues were identified, along with an additional three consequential issues that arise for us under the 2022 National Policy Statement for Highly Productive Land.
- 3.11 Te Uru Kahika has been advised by staff that over the coming months the Ministry for the Environment and Ministry for Primary Industries will be reviewing the NPS-HPL to identify ways to better enable housing development and appropriately preserve highly productive land.

Resource Management Reform Programme

- 3.12 Also on 22 March 2024, Minister Bishop set out the Government's roadmap for the resource management reform programme in a speech to the NZ Planning Institute. It was anchored around two simple propositions. First, that it was too expensive to get things done in New Zealand and second that we need to go as hard as we can to lift our economic growth rate.
- 3.13 The Minister noted that the phase two changes will not end with a Fast Track Consenting Bill moving through into an Act. The government also intends to make targeted changes to the RMA, to reduce unnecessary regulation and to help unlock development and investment in infrastructure, housing and primary industries, while ensuring the environment is protected. This will take the form of two bills to amend the RMA.
- 3.14 The first bill will be narrowly scoped and be introduced in May. It will include changes to the RMA to clarify the application of the hierarchy of obligations in the NPS-FW to resource consenting, extend the duration of marine farm consents, and cease the implementation of new Significant Natural Areas for three years to enable a thorough review of their operation. There is also likely to be a couple of other targeted amendments that have not yet been announced.
- 3.15 The second bill will be more substantive and take more time to develop. Nevertheless, it is still expected to be introduced into Parliament later this year. The two big areas it will deal with are housing and renewable energy.
- 3.16 While the two bills being signalled speak to legislative reform, there are also changes around national direction in the phase two pipeline. This is aimed at unlocking development and investment in infrastructure, housing capacity, horticulture, aquaculture, forestry, and mining – while achieving good environmental outcomes. This will involve amending, reviewing or developing over a dozen national direction instruments. As such, it will require the approval of Cabinet, rather than Parliament.
- 3.17 The third phase of the reforms will involve replacing the RMA. The Government considers that with clear rules, a replacement RMA system can deliver economic growth and better environmental outcomes. The Minister contends that it will have the enjoyment of property rights as its guiding principle and include a commitment to uphold Treaty of Waitangi settlements and other arrangements. It is proposed to establish an Expert Ministerial Advisory Group to flesh out the detail of the new regime.

Freshwater Farm Plans

- 3.18 At the last Committee meeting, Councillors were advised that Ministers had signalled an intention to review the Freshwater Farm Plan (FW FP) system and supporting regulations to make it more pragmatic and effective. The Ministry for the Environment has since advised that it expects to begin engaging with the regional sector over possible changes towards the end of April.
- 3.19 In anticipation of an approach by MfE officials, the regional sector (through Te Uru Kahika) pulled together the regional representatives of the national roll-out group to consider and recommend a set of principles that such a review could work to. Tasman was represented in that review.
- 3.20 The key principles that have emerged from that review are as follows:
- 3.20.1 Nationally consistent elements for efficiency (including appointment and performance management of certifier and auditors, standards for Industry Assurance Programme pathways and data management).
 - 3.20.2 Alignment with existing Farm Plans and Industry Assurance Programmes
 - 3.20.3 Regional discretion as to where, when and whom the regulations apply
 - 3.20.4 Avoidance of Duplication
 - 3.20.5 Reflecting Catchment Context
 - 3.20.6 Reflecting On-farm Risk
 - 3.20.7 Farmer Ownership
 - 3.20.8 Credible Assurance
 - 3.20.9 Cost savings need to be system wide
 - 3.20.10 Continue investing in the FW FP system.
- 3.21 These principles have been circulated to Council staff nationally for feedback, with a confirmed set due to be provided to Regional Council Chief Executives in early May. We felt that our voice had been heard in establishing the draft principles (with a brief supporting rationale) and so have not commented further.
- 3.22 Our staff see the application of the farm plan tool, with its associated certifier and auditors, as being an important contributor to responsible and effective on-farm environmental management. While the farm plan regulations have not yet gone live for our region, the only reason we can see for delaying that is to ensure alignment and consistency with any revised NPS-FW. Industry is already factoring FW FPs into future requirements, rural professionals are gearing up towards a FW FP future and Councils have received resourcing from MfE – in our case, directed towards the catchment facilitation team.

4. Dry 2023-24 summer

- 4.1 The 2023-24 summer has continued to be extremely dry – officially the driest on record since data has been formally collected. The Dry Weather Task Force (DWTF) continued to meet weekly through March and into April. As the dry summer unfolded, and media releases communicated the steady imposition of staged restrictions. The membership advocated for the media coverage to be extended to include acknowledgement of the benefits of the

Waimea Dam releasing water and so mitigating (and in some cases eliminating) the need for restrictions to the different categories of consent owners.

- 4.2 On 14 March 2024, a drought was declared across the Top of the South Island. A week later this was extended to Canterbury and Otago. At that point, MPI formed a Drought Committee and the Rural Support Trust was mobilised to provide assistance and support to rural land owners.
- 4.3 All zones in Tasman have experienced increasingly tough restrictions on water use, and this has in turn increased the stress on farmers and horticulturalists in particular. Some relief has come our way at the time of writing this report, although staff were still in the process of establishing the extent of the recharge.
- 4.4 As an immediate response, restrictions have been lifted for all zones outside of the Moutere. That area had been particularly hard hit by the summer’s dry weather and current recommendations are to keep the restrictions in place for the Eastern and Western Groundwater.

5. MBIE information request

- 5.1 The Minister for Building and Construction recently announced that in order to better understand delays in the building consent system and how improvements might be made to the sector, ongoing regular access to building consent data from the Building Consent Authorities (BCAs) is needed. As a consequence, data requests have been made by the Ministry of Business, Innovation and Employment (MBIE).
- 5.2 This data is being requested under Section 204 of the Building Act 2004. This enables MBIE to obtain information from BCAs for the purpose of monitoring the performance of functions under that Act.
- 5.3 At this point in time, MBIE has requested data from the BCA up to the end of the first Quarter of 2024. Further quarterly requests will be made of us.
- 5.4 The information MBIE has requested is specifically related to time frames for processing building consents, amendments, and code compliance certificates. However, it anticipates expanding its dataset in subsequent requests to gain a more complete picture of the building consent system and how well it is functioning.
- 5.5 The data requested was supplied to MBIE on 8 April 2024. A summary of the data showing the performance of individual BCAs will be published on MBIE’s website quarterly.

6. Wetland restoration work

- 6.1 A recent court case that led to convictions related to a track subsiding into a stream, sediment in the bed of a river or where it could enter water, contravention of an Enforcement Order relating to livestock grazing in an effluent disposal field and 29 other charges relating to activities in areas alleged to be in wetlands has been reviewed by the Court of Appeal. The matters under review related to the impact on wetlands and those decisions were overturned after an appeal to the high court had failed.
- 6.2 A key finding was that the Greater Wellington Regional Council had failed to prove the existence of fauna adapted to wet conditions other than in one open water pond on the property. It also said the Council had failed to approve the pond area was not manmade for stock water, among other purposes, and so excluded from the wetland definition.

- 6.3 This decision applied to a region where only around 2-3 percent of original wetlands remain, and those that do are under pressure from impacts of land use and plant and animal pests. It serves to highlight the level of scientific evidence that is needed to support prosecutions.
- 6.4 The Tasman Region is similarly impacted by the loss of wetland habitats associated with historical development. In some situations, our staff get involved with supporting wetland re-establishment projects that are on both public and private land. In some instances, this is happening under the highly impactful ‘Jobs for Nature’ programme that was initiated during the COVID lock down. This work continues, but some sections of our community are of the view that such work should be less of a priority during a cost-of-living crisis.
- 6.5 In order to elevate the profile of the jobs for nature project work we are involved in, and to reinforce the value of this work, a paper has been prepared for this meeting that summarises the work we are doing.

7. Ecology and pest management

Who (blue duck) target reached – Abel Tasman National Park

- 7.1 Following on from the celebration of the restorative work we are involved in around wetlands, we have also received an update on the successful reintroduction of who into the Abel Tasman National Park. As part of a project co-ordinated between the Department of Conservation (DOC) and Project Janszoon – the conversation trust working to restore the Abel Tasman National Park’s ecology – has resulted in the successful reintroduction of over 50 who into the park.
- 7.2 Survey results show evidence of who pairs and successful breeding are widespread, and visitors have also sent us photographs of who near Wainui Falls. The work undertaken to re-establish who in the area was connected to targeted pest control operations by DOC and the Abel Tasman Birdsong Trust. This highlights both the strength and effectiveness of working in partnership.

8. Attachments / Tuhinga tāpiri

1. [1](#) Tasman District Council Submission - Fast Track Consenting Bill

10

11 April 2024

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington

en@parliament.govt.nz

Tēnā koutou

Tasman District Council's Submission on the Fast Track Approvals Bill

Tasman District Council would like to thank the Select Committee for the opportunity to make comments on the Fast Tracks Approval Bill.

Nāku noa, nā



Tim King
Mayor, Tasman District
Te Koromatua o te tai o Aorere

Tasman District Council Fast Track Approvals Bill Submission to Environment Committee, 19 April 2024

1.0 Introduction

Tasman District Council (Tasman) is a unitary authority, servicing a population of 60,500 in the Tasman District. We welcome the opportunity to make comments on the Fast Track Approvals Bill (the Bill).

Tasman is actively engaged in contributing to national and regional policy development through a range of governance and operational fora and interest groups. We have consistently advocated for the reform of the Resource Management Act (RMA), seeking a policy and planning framework to help us address current and future challenges for our local communities. We recognise if there is a robust process for fast-tracking it could assist regional development alongside the protection of the environment. Such a robust process will require integration with, for example, key local, national, and international legislation, relevant council strategies and plans, future development spatial plans, and local place-making structure plans. Successful delivery of fast-tracked projects that will rely on the provision of council services or infrastructure, need to carefully consider the need to address not only the initial financing of construction, but additionally the long-term funding of ongoing maintenance. Constraints such as increasing risks associated with extreme weather events, natural hazard areas and the need to avoid further loss of cultural heritage are planning matters that will require due consideration as part of any fast-tracking process.

We are pleased to see some changes advocated for by local government during early discussions have been taken on board, specifically to help with the recovery of costs, require applications to be lodged with some information upfront, include procedural steps to support enhanced input from Post Settlement Governance Entities (PSGEs) and other Māori entities, remove “locally significant” projects (that do not have significant regional or national benefits) from the FTP, retain the compliance history of an applicant as a factor to be taken into account, and require panels to take account of local statutory RMA plans.

What remains uncertain is how the Bill will support environmental, cultural, social, and economic priorities for local communities. We seek more clarity on several matters, including:

- what compliance role Tasman will be expected to play and how it will be resourced for overseeing the monitoring and compliance of approved applications and their consent conditions.
- the implications of prohibited activities potentially being enabled and whether that will create any long-term or cross-boundary issues.
- how Council expert advice will be acted upon as part of the Ministerial powers within the Bill.
- how local interests and values can best be represented on an expert panel.
- whether any of our local projects will be deemed nationally or regionally significant.
- the extent to which our current Council strategies, policies and plans and services will be integrated into decisions on applications.

2.0 General comments

Tasman recognises that the Bill is limited to the scope of change agreed by Cabinet, and therefore the Bill has not comprehensively considered other wider aspects of the resource management system to ensure coherence across the whole system. This detail has not been provided by the Supplementary Analysis Report (SAR) nor can it be gleaned by considering the Bill in isolation from all other associated changes to other related legislation that is to be included under the Bill's Schedules. This poses a risk for Tasman as we are unable to realistically consider the impacts on our current operations and short and long-term budgeting that may be required.

More information and critical policy analysis to outline how the Bill will produce efficiencies and benefits to our communities would have been beneficial. This information and analysis would provide a line of sight from the Bill to other intended legislative changes to help us understand what would be necessary to ensure the succinct delivery of all our legislative local authority obligations and duties. It is our view, that the for the FTP to be successful it needs to be recognised as one tool in a comprehensive overarching system.

It is stated in the SAR that some of the policy options will “impose costs and/or benefits on a range of actors including the Crown, local government, iwi/Māori, the development community, the general public, or future generations.” A clearer understanding of where these costs and benefits are anticipated is important to be able to determine the impact on local communities. Cost recovery for local authorities is essential for local authority involvement in the proposed processes at all the stages - Ministerial, expert panel, pre-application, variation, legal challenge, monitoring, and compliance.

The Bill and associated legislative changes and ongoing RMA reform will require changes to our current planning instruments and processes which may be costly. The Bill does not outline a succinct timeline and pathway on what that horizon looks like, so it is difficult to estimate what current or future investment of monies is required from our communities and Long Term Plan budgets to implement the FTP, including any participation in expert panels, information gathering or monitoring of consent conditions imposed.

3.0 Tasman's key recommendations for improvement

1. **Purpose of the Bill:** Change the purpose of the Bill to support development alongside protective mechanisms enshrined in the Resource Management Act, Conservation Act, Wildlife Act, Reserves Act, the EEZ Act, Freshwater Fisheries Regulations, Heritage NZ Pouhere Taonga Act would better serve our communities. The provisions of the abovenamed Acts have been well tested through the courts providing a sound legal jurisprudence. These Acts and their associated case law should not be subordinate to the administrative purpose of the Bill.
2. **Ministerial Powers:** Include public participation and decision making in the Bill so that local authorities, PSGEs, ngā iwi and hapū, communities are involved in a meaningful way in setting the criteria for approving projects, the preparation of the list of projects and any necessary submissions on an application. The Bill allows too much power to lie with the Ministers, with limited appeal rights. The power to make referrals and to

make final decisions on projects, without there being due public participatory processes at the very least needs to be fettered with the requirement for a high bar for submitted information and the rationale for decisions, relative to the significance of any application. Ministers should be required to demonstrate to the public how they have assessed, balanced, and weighted environmental and cultural effects, strategic planning outcomes, against expected benefits.

3. **Decision making powers to include the role and responsibility of the Minister for the Environment:** Include a provision to allow the Minister for the Environment alongside the Joint Ministers to make final decisions on applications based on support from recommendations provided by the Expert Panel. Not including the Minister for the Environment makes no sense when decisions will be required under environmental legislation.
4. **Provide a definition for significant regional or national benefits:** Clear criteria and thresholds are required to define nationally, regionally significant projects to ensure proposals provide significant public or strategic benefit. The knowledge and expertise within local authorities such as State of Environment reports, Housing and Business Development Capacity Assessments will be useful to help determine significance.

Clauses 17(3) & (4) of the Bill do not define significant regional or national benefits, nor do they identify how to weigh up those examples in the Bill that the Ministers may consider when determining these benefits. The definition needs to help clarify what weighting will be given to a priority project in a central government, local government or sector plan or strategy, or central government priority infrastructure list, where it will deliver regionally or nationally significant infrastructure and where it will:

- increase the supply of housing
 - deliver significant economic benefits
 - support primary industries, including aquaculture
 - support development of natural resources, including minerals and petroleum
 - support climate change mitigation
 - support adaptation, resilience, and recovery from natural hazards
 - address significant environmental issues, and
 - be consistent with local or regional planning documents, including spatial strategies.
5. **Provide a gateway or threshold test for applications involving prohibited activities:** Before granting an application for a prohibited activity, the Ministers should consider a gateway or threshold test similar to that in section 104D of the Resource Management Act. If section 104D RMA is not to be applied for non-complying activities, there still needs to be a robust process for consideration of prohibited activities given any activities classified as prohibited are usually done so for compelling reasons.

This process should involve:

1. **An Assessment of Adverse Effects:** The Expert Panel in collaboration with the local authority or authorities within whose district or region the application falls

first assesses the adverse effects of the proposed activity on the environment. This involves a detailed analysis of the potential impacts of the activity, considering factors such as noise, traffic, visual impact, effects on flora and fauna, and effects on cultural and heritage sites; and

2. **Alignment with Objectives and Policies:** If the adverse effects are not acceptable, the Expert Panel in collaboration with the local authority or authorities should then assess whether the proposed activity will be contrary to the objectives and policies of the relevant plan or proposed plan and the extent of any inconsistency.

Allowing decisions to have a permitted baseline without regard to a real or perceived effect could result in a detrimental impact on, for example, best practice subdivision or housing design, ecological integrity and biodiversity, social cohesion, economic prosperity, greenhouse gas reduction and liveability of rural and urban areas. There is a strong likelihood that without a gateway or threshold test long term legacies could eventuate through poor future planning with no efficiencies gained.

6. **Support local authorities to implement the FTP:** The process to involve a local authority and scope of a local authority's role in the FTP needs to be clear, specifically what information is expected and in what format and timeframes. The Bill needs to articulate what resources will be provided (including cost recovery) to enable local authorities to provide comment relating to whether an application is accepted into the process, comment for the processing of the application, and a nominee on the decision-making panel.

More clarity is required on the funding for the expert panels and associated secretariats, to ensure ratepayers and PSGEs are not burdened with significant additional costs arising from the proposed legislation. Ensure adequate resourcing for the agency that processes fast track applications so they can adequately assess the adequacy of information. There could be many hidden costs that will fall entirely to ratepayers and PSGEs.

7. **Provide a mechanism to ensure local expertise is an essential component of the FTP:** Local authorities, PSGEs, ngā iwi and hapū and their communities must be able to continue to play a critical role in regional planning given they may be affected by major developments. Valuable information could be incorporated from both Local Government Act and RMA planning documents to accompany applications, for example, spatial and technical background reports informing adopted Future Development Strategies.

Diminishing the local voice, and therefore potentially also important cultural and technical information could result in substandard or poorly drafted conditions, poor environmental and economic outcomes, creation of new liabilities. The Ministry for the Environment departmental disclosure statement states that the Bill promotes “an overall reduction in information and local expertise that usually informs usual approval processes and may result in more complex conditions and a corresponding increase in the monitoring, compliance and enforcement burden for local authorities.” This has potential to create substantial burdens on local authorities' budgets and staff time. Additionally, this creates a lack of certainty over the fate of investment priorities already consulted on and identified in existing operative strategic planning documents such as the Nelson -Tasman Future Development Strategy and Long Term Plans.

8. **Demonstrate consideration of RMA matters including those effects not addressed by Part 2:** Due consideration of the RMA and other affected legislation is needed to remove the risk of the Bill's bias towards the current purpose of the Bill (delivery of beneficial development and infrastructure). The Bill's purpose should not render less weight to the other listed matters, including environmental effects which are not captured by sections 6 and 7 of the RMA.
9. **Provide constraint on which projects can use the FTP:** Strengthen the process up front to communicate which types of projects will not pass go. This will save time and resources. These types of projects are those that will cause harm to the environment, and prosperous regional and national economies because they do not balance development with environmental protection.

Provide clear criteria for project eligibility utilising public and targeted engagement with local authorities, PSGEs and NGOs. Clear criteria will help to determine which projects have significant regional or national benefits, so this does not rely on Ministers interpretation. It would also reduce scope for litigation.

Ministers have specifically signalled that their intention is that eligible projects will include infrastructure, renewable energy, housing, and mineral extraction, but this is not a comprehensive list of projects that could have national or regional economic significance e.g. health, educational and social services, research, and innovation hub type developments could also be equally important. Equal consideration to other types of development must be assured as part of determining eligibility.

10. **Avoid conflict between private and public interests:** Without a comprehensive costs and benefit analysis, the Bill would potentially enable Ministers to send projects down the fast track to easy approval, which may increase competition and conflict between private and public interests. Projects that are likely to be referred to Expert Panels are also the ones that are likely to have significant adverse environmental effects and warrant additional scrutiny on whether and how public interests will be adversely affected by private interests and vice versa. This scrutiny could be provided through submissions and expert evidence from the public and NGOs who are currently denied a voice in the FTP. Additionally, Ministers should also not be able to adjust conditions recommended by the Expert Panels. Setting conditions that balance public and private competing interests requires expert knowledge which should not reside with Ministers, and which Expert Panels are best placed to provide.
11. **Recognition of Iwi Management Plans or Strategies and Cultural Impact Assessments (CIAs):** Ensure consideration of Iwi Management Plans or Strategies and CIAs is included with applications as per existing RMA approval processes. This will provide detailed and relevant information from Mana Whenua and relevant iwi authorities about the effects of projects and their associated activities on Māori cultural values. These instruments would be helpful to inform the Treaty obligations report to outline the relevant obligations and consideration from the perspective of relevant iwi authorities. Although they may be submitted as supporting information for an application, it should be a requirement under the Bill.

The value of Iwi Management Plans or Strategies and CIAs and Mana Whenua involvement in development proposals is diminished because key cultural planning instruments are not required as part of the information supporting applications, or as a requirement for Joint Ministers to base their decisions on. These should be a consideration when Ministers are making a substantive decision or referral of a project to an Expert Panel. The requirement for a report on Te Tiriti o Waitangi settlements and other obligations, which does not include these instruments will not achieve the right balance.

12. **Consideration of increased severe weather events due to climate change:** Make this a mandatory risk assessment with all applications. Without this type of assessment, the impact climate change and related events will have not been anticipated in decisions and could grossly underestimate future costs and realistic timing of consenting infrastructure and development projects. Current consenting and development processes have seen a slow uptake of technical infrastructure development required to tackle climate change related events. By including risk assessment as a consideration, the Bill would have a positive outcome and achieve its intention.
13. **Expand appeal rights:** Allow the right to appeal on questions of law as well as fact, with a legal obligation to ensure decisions of the judiciary are delivered on significant projects in a certain specified timeframe. Additionally require central government to provide further rationale on the justification for the restriction of appeal rights.

Tasman supports the Ministry for the Environment departmental disclosure statement, noting that good policy practice would ensure there was a “justification for the restriction of appeal rights to questions of law, rather than a merits-based appeal” and that this would be “clearly articulated” in the policy papers for the Bill. Additionally best practice would also “clearly articulate the rationale for removing the right of appeal to the Court of Appeal”. Tasman agrees that key to the proposed changes to appeal rights, there needs to be a full consideration on “how to balance the right to appeal on questions of fact – as well as questions of law – with the need for timeliness of decision making on significant infrastructure and building projects” and “the need to avoid further costly litigation about the decision to approve a project, the expertise of the Expert Panels advising ministers, and the requirements on ministers when deciding to refer a project for approval.”

14. **Ensure transparent decision making:** The discretion available to an Expert Panel to hold a hearing could be applied inconsistently across applications and throughout Aotearoa. By requiring the Bill to make public the advice provided from the Expert Panel to the Ministers supports the transparency of decision making, and potentially builds public confidence and trust in government.
15. **Clarify who is responsible for defending appeals:** As local authorities will no longer be the consenting authority, we would expect that local authorities will not be required to defend appeals or act as the respondent for judicial reviews, as this responsibility will now fall to central government or a nominated agency.

16. **Make it a mandatory requirement for Ministers to seek advice from Expert Panels.** The Bill should make it mandatory to seek the expert advice from Panels.

17. **Timeframes to be realistic:** The Bill's 10-day timeframes and rigidity in the process challenges the ability of local authorities to participate effectively in the FTP including, for example, the ability to input and provide evidence to the Expert Panel to inform its decisions. This will be particularly challenging for complex and significant projects.

Clause 19 *Right to make comment* which allows for Ministers to obtain comments from the relevant local authorities and iwi authorities and others, once an application is submitted for referral only provides 10 working days to comment. This is late in the process for the local authority to comment on serviceability of a development proposal. We submit that the applicant should demonstrate the proposal can be serviced as part of the application for referral, to save time or work being terminated by Ministers. Alternatively, applicants should be required to demonstrate they have consulted the relevant local authority/ies and considered any feedback received before submitting and application.

18. **Enable compatibility with underlying zoning:** Ensure as part of a FTP permission that the underlying zone can be changed to be compatible with its end use to remove the need for tidy up plan changes afterward that are costly and bureaucratic. This would, for example, allow for the efficient implementation of the Future Development Strategy in the Nelson -Tasman region and avoid the need for tidy up plan changes that previous Special Housing Area legislation created.
19. **Design of consent conditions in a pre-application process:** The Bill to support a pre-application process and include the requirement to engage with local authorities to develop draft consent conditions. Utilising the FTP should be reserved for those that have done the required work upfront. The Bill could support the tested practice and successes established by local authority pre-application processes. Tasman, for example, has found that by taking the time to engage in pre-application discussions, this often leads to improved outcomes and fit for purpose consent conditions. Conditions of consent often define the scope and limitation of a project. If the applicant effectively works on draft conditions at the start of the process with the Expert Panel, this could ensure that the conditions of consent are practical and enforceable. Once the decision is issued it will be the consent authority that needs effective and enforceable conditions.
20. **Enable effective compliance and enforcement of consents:** Incorporate compliance and enforcement provisions to the same effect of those in the repealed NBEA - to enable significant and effective action in the event of non-compliance or offences under the relevant Acts, including the *Monetary benefit orders* (s660) and *Revoking or suspension of consents* (s661). Such provisions should be tied to offences under all the of Acts within the fast-track process as a means of closing the loop on adverse effects on the environment and communities. These provisions will go some way to providing comfort that organisations seeking fast tracked permissions can be more effectively held to account should they fail to adhere to conditions set. This is particularly important given the FTP will circumvent the purpose of those Acts it covers (*"when making recommendations, the EP is required to consider the purpose of the Bill above the purposes and provisions of the Acts approvals are required under"*).

4.0 Closing comments

Providing a sound evidence base and implementing good practice consultation with local authorities, PSGEs, ngā iwi and hapū on future policy proposals could find better solutions to address the current legislative and specific planning problems that the Bill intends to resolve. Upholding Te Tiriti o Waitangi partnerships requires authentic engagement with PSGEs, ngā iwi and hapū on how best to uphold their arrangements in the FTP. Scenarios related to a range of projects (housing, mining, aquaculture) could be provided to communicate how the Bill will resolve issues. Currently, however, the Bill's scope is too wide and unknown and risks resulting in poor economic, environmental, and cultural outcomes.

Tasman's concerns regarding the structure and intended outcomes of the Bill are informed by the Ministry for the Environment departmental disclosure statement. This statement highlights that the policy details to be given effect by this Bill have not been tested or assessed in any way to ensure the Bill's provisions are workable and complete. The SAR states that a system-wide analysis that incorporates all the linkages for all the proposed amendments, how they work together and what the cumulative impacts of all these amendments will be, was not undertaken. For example, there is no analysis on how decisions made through implementing a fast-track regime will be compounded by changes to the NPS-FM and the removal of the hierarchy of Te Mana o te Wai for consent decisions. There has also been "very limited analysis on the problem definition associated with conservation, heritage, and public works legislation. The SAR noted that the "challenges/barriers posed specifically by conservation and heritage approvals are not well understood", potentially resulting in unquantified "negative impacts on conservation land and wildlife outcomes." "No analysis has been provided by the Department of Conservation for the SAR on the conservation approvals contained in the fast-track regime." The overall lack of a comprehensive policy, cost, and benefit analysis runs the risk of perpetuating the RMA's deficiencies by not providing evidence-based solutions to environment and development issues. The risk of unintended consequences is of significant concern.

The decision-making criteria for fast-track concessions under the Conservation Act is unclear and confusing. Schedule 5 outlines three constrained matters that the Expert Panel must consider when assessing and reporting on concession applications (Clause 5). However, the Minister, in deciding on a concession, must consider a much wider range of matters, including the purpose of the Bill, the purposes for which the land is held, and some conservation management strategies and plans (Clause 6). It is unclear whether the Expert Panel's recommendatory role is intended to be narrower than the role performed by the Minister.

Clause 6 of Schedule 5 is also confusing because it requires some matters to be "had regard to" and others to be "considered". It is not clear whether that is intended to be significant.

Improving these provisions is essential. There is also a need to include other provisions to allow local authorities to make decisions on those projects where there are LTP and operative funding implications for local authorities, for example, would support more realistic financial forecasting of costs. If more consideration is given to testing the Bill's proposed policy framework by a key group of experts including local authorities, NGOs, PSGEs the Bill's provisions are more likely to be workable and complete. Currently, there is no sound evidence to understand whether efficiencies will be gained by the FTP. Some of the options discussed in the SAR highlighted that the monetary value of costs imposed on a range of actors including the Crown, local authorities, ngā, iwi, the

development community, the public, or future generations was difficult to quantify in the time made available to complete this analysis. Tasman submits that, there may be increased regulatory costs for local authorities because of increased compliance services required for developments that have been previously prohibited and which do not meet existing industrial standards or national or international obligations. Local authorities may also have to support servicing for large scale housing, infrastructure, and development projects which could cause major funding and resourcing challenges to maintain support services and infrastructure.

Tasman District Council again thanks the Select Committee for the opportunity to submit on this Bill.

We wish to be heard in support of our submission.

4.0 Specific comments on clauses of the Bill

Clause	Clause title	Tasman comment	Recommendation
Explanatory note			
1	Title		
2	Commencement		Delay commencement to allow targeted engagement on workability and completeness of the Bill’s policy framework and provisions
Part 1	Preliminary provisions		
3	Purpose	Amend	Change the purpose of the Bill to support the delivery of infrastructure and development projects with significant regional or national benefits balanced by the environmental and cultural heritage protective mechanisms enshrined in the Resource Management Act, Conservation Act, Wildlife Act, Reserves Act, the EEZ Act, Freshwater Fisheries Regulations, Heritage NZ Pouhere Taonga Act
4	Interpretation	Amend	Add a definition for significant national and regional benefits Add the relevant Ministers for all Acts associated and affected by the Bill to the definition of joint Ministers
5	Transitional, savings, and related provisions		

Clause	Clause title	Tasman comment	Recommendation
6	Obligation relating to Treaty settlements and recognised customary rights	Amend	Include a reference to obligations arising under Te Tiriti o Waitangi and its principles
7	Te Ture Whaimana	Support	
8	Act binds the Crown	Support	
9	Procedural principles	Amend	Add the word “diligently” in 9(2) to read: “This includes a duty to act <i>diligently</i> and promptly...”
Part 2 Fast-track approval process for eligible projects <i>Application</i>	Subpart 1—Application of this Part to approval processes in other legislation		
10	Application of this Part to specified approval processes		Reconsider the scope of clause 10 after a full costs and benefit analysis and targeted engagement on workability and completeness of the Bill’s policy framework and provisions
<i>Listed and referred projects</i>			
11	Panels consider listed projects and referred projects		
12	Who makes referral decisions	Amend	Limit persons who can apply to the Joint Ministers in clause 12(1)

Clause	Clause title	Tasman comment	Recommendation
13	Ministers must consider Treaty settlements and other obligations report	Amend	<p>Include iwi management plans and CIAs in clause 13 (2)</p> <p>Include Te Tiriti o Waitangi and its principles in the matters a report must include which will be supported by the expertise required under Schedule 3 7(1) (c)</p>
<i>Application process</i>	Subpart 2—Decisions about referral of projects and process of referral		
14	Referral application	Amend	<p>Limit persons who can apply to the responsible agency in clause 14(1).</p> <p>Define what is meant by a “general level” 14(2)(b)</p> <p>Clause 14(3) sets out the information to be included with the application but does not include serviceability of the proposal where it is for development. The applicant should demonstrate serviceability of the development proposal with the application, and this should be inserted under clause 14.</p> <p>Include a description of the anticipated and likely effects on the environment and cultural heritage in clause 14 (3) (e)</p> <p>Broaden clause 14 (3)(n) to include other places and sites of significance to Māori e.g., wāhi tīpuna,</p>

Clause	Clause title	Tasman comment	Recommendation
			wāhi taonga, mahinga kai, ara tawhito, wāhi kāinga etc
15	Responsible agency decides whether referral application is complete		More analysis and evidence required to reassess if timeframes are realistic
16	Consultation requirements for applicants for approvals	Amend	Amend to provide process for public and NGO engagement
<i>Eligibility criteria for projects</i>			
17	Eligibility criteria for projects that may be referred to panel	Amend	<p>Include in the criteria at clause 17(2)(a) a consideration of the protective mechanisms enshrined in the Resource Management Act, Conservation Act, Wildlife Act, Reserves Act, the EEZ Act, Freshwater Fisheries Regulations, Heritage NZ Pouhere Taonga Act</p> <p>Reword clause 17(3)(i) to read: “<i>will not cause significant environmental issues</i>”</p> <p>Delete clause 17(5)</p>
18	Ineligible projects	Amend	Include as an ineligible project: any project that causes significant environmental issues to be consistent with clause 21(2)(c)
<i>Joint Ministers to decide whether to refer</i>			
			Include s.8

Clause	Clause title	Tasman comment	Recommendation
<i>application to panel</i>			
19	Process after joint Ministers receive application	Amend	Provide process for public and NGO engagement Assess if timeframe tenable for significant projects Applicants should not be able to withdraw and then resubmit an application
20	Ministers may request information	Amend	Provide more certainty on process and format for requested information
21	Decision to decline application for referral	Amend	Include matters listed in 21(2) in 21(1)
22	Decision to accept application for referral		
23	Minister may specify matters for accepted referral application		
24	Notice of joint Ministers' decision on referral application		
25	Panel to report and joint Ministers to decide whether to approve project		Delete clause 25(9)
<i>Appeals against decisions of joint Ministers</i>	Subpart 3—Miscellaneous provisions		

Clause	Clause title	Tasman comment	Recommendation
26	Appeal against decisions only on question of law	Amend	Include a process for public submissions
27	Procedural matters	Amend	Include appeals on facts
<i>Service of documents</i>			
28	Service of documents		
<i>Information sharing</i>			
29	Responsible agency may provide information for purposes of this Act		
30	Process provisions for projects		
<i>Secondary legislation</i>			
31	Regulations		
32	Amendments to other legislation		
33	Repeal	Amend	Retain Schedule 1 clauses 4 to 9
Schedule 1	Transitional, savings, and related provisions		
Schedule 2	Listed projects		
Schedule 3	Expert panel	Amend, clauses contradict one another in terms of requirement for procedures to be formal and informal	Define what is meant by “generally take into account in clause 1(2) Define what is meant by ‘little formality and technicality’ in clause 9(2)

Clause	Clause title	Tasman comment	Recommendation
			Define what is meant by "" without procedural formality" in clause 10(1)
Schedule 4	Process for approvals under Resource Management Act 1991	Amend	<p>Delete 2(3)(a)</p> <p>Include section 8 of the RMA in clause 12(1)(g)</p> <p>Delete clause 13 (2)</p> <p>Information required under clause 15 to include a cultural heritage and climate change risk or resilience assessment</p> <p>Include section 8 of the RMA in clause 16(1)(d)(i)</p> <p>Delete clause 20</p> <p>Include ability to waiver time limit under reasonable circumstances in clause 21(7)</p> <p>Amend clause 32 by requiring the weighting to be balanced and include section 8 of the RMA</p> <p>Delete clause 34(2)(b)</p> <p>Include section 104D RMA in clause 35</p> <p>Require public disclosure of the rationale for Ministers' decision under clause 40</p> <p>Clause 45</p>

Clause	Clause title	Tasman comment	Recommendation
Schedule 5	Process relating to Conservation Act 1987 and Reserves Act 1977	Assess for anomalies and amend noting that the Ministry for the Environment has stated that there will be: “negative impacts for other government objectives, including impacts and risks to conservation objectives and the purpose for which non-excluded conservation land is held.” The Council administers thousands of parcels of land that are subject to the Reserves Act – this Bill poses the same risks to these lands as to public conservation land.	<p>Amend Clause 4(i) so that concessions/other approvals remain consistent with conservation management strategies, conservation plans, and reserve management plans.</p> <p>Make it a mandatory requirement for these instruments to be considered under clause 6(1)(b) and align to clause 9 which requires an applicant to provide an assessment of a proposal against conservation management strategies/plans and reserve management plans. Without this alignment the clauses contradict one another.</p> <p>Do not allow concessions/other approvals under clauses 4(b), 4(g) to be granted if the application is “obviously inconsistent with”, or does not “comply” with, the provisions of the Conservation Act or Reserves Act, and where the concession/approval is not consistent with the conservation purpose for which the land is held/reserved. Retain sections 17SB and 17U (3) of the Conservation Act 1987.</p> <p>Amend and require under clause 4(h), that an application for a structure/facility be declined where it could reasonably be undertaken outside conservation lands or reserve land or in another part of the conservation land having lower impact. Retain section 17U(4) of the Conservation Act 1987.</p> <p>Amend and require under clause 4(c) public notification of application for easements and licenses on conservation land and reserve land.</p>

Clause	Clause title	Tasman comment	Recommendation
			<p>Clause 18 provides for exchanges of conservation land for private land and money. It is unclear if this includes reserve land administered by local authorities (this should not be provided for). While the provision is subject to a requirement that the land exchange will enhance the conservation values of land managed by the Department of Conservation, the ability to take into account money provided to the Crown as part of the exchange means that short-term conservation benefits will be taken into account even where the longer term outcome is a net loss of public land or conservation lands. In addition to that risk, it is unclear whether, or how, the development-focused purpose of the Bill is intended to affect such decisions.</p> <p>Amend Clause 23 to strengthen constraints on the Minister: existing conservation covenants should trump development, not vice versa. Exclude, for example, all Council-administered reserve lands from the footprint of eligible projects. It is not appropriate for the Ministers listed as decision-makers in the Bill to determine what activities take place on any Council-administered reserve land. Councils have pre-existing Reserve Management Plans in place that guide management of these lands, each of which has gone through an extensive public consultation process with local communities, in accordance with the Reserves Act.</p>
Schedule 6	Process for approvals under Wildlife Act 1953	Assess for anomalies and amend	Provide further analysis on the problem definition associated with approvals under the Wildlife Act

Clause	Clause title	Tasman comment	Recommendation
Schedule 7	Application process for archaeological authority under Heritage New Zealand Pouhere Taonga Act 2014	Assess for anomalies and amend	Provide further analysis on the problem definition associated with approvals under the Pouhere Taonga Act
Schedule 8	Process for approval under Freshwater Fisheries Regulations 1983 or section 26ZM of Conservation Act 1987	Assess for anomalies and amend	Provide further analysis on the problem definition associated with approvals under the Freshwater Fisheries Regulations
Schedule 9	Process for marine consents under Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012	Assess for anomalies and amend	Provide further analysis on the problem definition associated with approvals under the EEZ Act
Schedule 10	Process under Crown Minerals Act 1991	Assess for anomalies and amend	Provide further analysis on the problem definition associated with the Crown Minerals Act
Schedule 11	Modifications to process under Public Works Act 1981 to take or deal with land	Assess for anomalies and amend	Provide further analysis on the problem definition associated with public works legislation and all the associated issues which will affect the balance between delivering public infrastructure and private property rights
Schedule 12	Process under Fisheries Act 1996	Assess for anomalies and amend	
Schedule 13	Amendments to other legislation		

7.2 ANNUAL UPDATE - JOBS FOR NATURE WETLANDS AND FISH PASSAGE PROJECTS

Information Only - No Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	24 April 2024
Report Author:	Trevor James, Senior Resource Scientist Freshwater & Estuarine Ecology, Blair Reid, Project Manager - Wetland Restoration, Kerry South, Project Manager - Fish Passage Remediation
Report Authorisers:	Rob Smith, Environmental Information Manager
Report Number:	RRC24-04-2

1. Summary / Te Tuhinga Whakarāpoto

- 1.1 Over the past year the ‘Jobs for Nature’ (Freshwater Improvement Fund) Wetlands and Fish Passage projects have ramped up the delivery of outcomes and projects to the next level, often out-performing on the outcomes set in the Deed of Funding (2021) and progress at other councils. This report provides an update on the key metrics of our progress and provides examples of how we are delivering in ways that achieve well beyond our targets.
- 1.2 We are fortunate that this is a five-year project as the groundwork put in at the beginning really starts to pay off and we can continue this high productivity and momentum for the next couple of years. As the project matures, we are seeing more innovation to improve efficiency, add more value and more leveraging of additional funding, particularly for tree planting.
- 1.3 This all plays to the Executive Teams strategy for ‘Driving efficiency and value for money’, a focus on ‘Good relationships with our customers’ and ‘Working in partnership with iwi’. Our partnership with iwi is maturing in a genuine way which also has multiple benefits inside and outside the project.

2. Recommendation/s / Ngā Tūtohunga

That the Environment and Regulatory Committee:

- 1. **receives the Annual update - Jobs for Nature Wetlands and Fish Passage Projects report RRC24-04-2.**

3. Background

- 3.1 Ministry for the Environment funded the wetland project to the tune of \$3M, with a further \$1.75M going to fund the fish passage project. Both projects span over 5 years and close on June 30, 2026. For the wetland project Tasman District Council and various other partners have contributed \$1.4M. Most of this is in-kind contribution, with only \$241k being cash. For the fish passage project, the contribution from Council and partners is \$264.5k with approximately \$230,000 Council cash, which is a 11% contribution to the project.

- 3.2 While some landowners are on-board ‘boots and all’, others sometimes wonder what the benefits really are. We have really tried hard to make the most of every opportunity to explain why we are doing this mahi. The pace of environmental regulation has been rapid for our primary sector and this project is a golden opportunity for us to support these ratepayers in particular in protecting and enhancing Ngā wai o Te Tau Ihu.
- 3.3 In this report there are a series of metrics that lay out the nuts and bolts of what has been delivered, and what is to come. The key theme that should be shining through, aside from the obvious environmental gains, is the low cost to high output we believe we are achieving to an ever-increasing extent.
- 3.4 There are also a lot of synergies with the Catchment Enhancement Programme (CEP; refer to Report RRC23-10-06). The CEP is involved with some similar projects (particularly wetlands for treating runoff), but with less of a weed focus and more of a stream/river focus (both stream habitat and water quality) as well as land management. There has been some great learning and motivation within the team with sharing all their different skills and ideas in their striving for efficiency and better outcomes.

4. Wetlands Project: What did we spend it on?

- 4.1 **Controlling Weeds** - One of the concerns raised by landowners was weed proliferation when wetlands were “locked up” by regulation. Our ratepayers are custodians of the last 10% of our wetlands, but wetlands can’t function ecologically, or be available to us culturally if they’re full of willows, gorse, silver birch... the list goes on. Weed control has been completed on 207ha of wetlands and like all good farmers know, you can’t just kill a weed and walk away. We’re following up, again and again. Our skilled contractors are definitely providing value for money above expectations in many ways and are very sensitive to landowner needs.

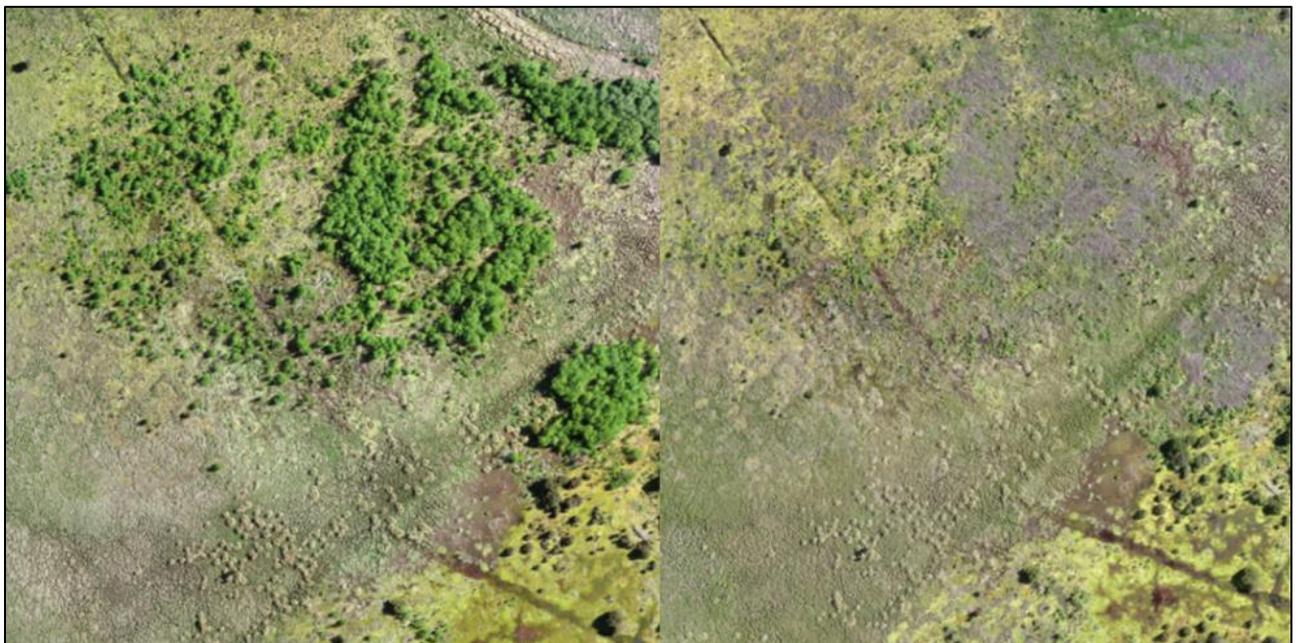


Figure 1 Over 40,000 silver birch trees have been controlled at St Arnaud Wetland. Before control on the left, after on the right

- 4.2 **Building new wetlands** – we promised to construct seven new wetlands and have completed six already. Pioneering a ‘low overhead model’ for wetland construction. This has involved ‘site led restoration’, as opposed to design/tender/build. Tasman District Council is

the first council in Aotearoa New Zealand to develop a Global Resource Consent for wetland construction. This methodology is delivering cost/ha at or below industry standard with better ecological outcomes. For some specialist scientific support such as logging groundwater levels, developing accurate contour plots and surveying and water quality monitoring; we are lucky to have a reasonably-priced wetland hydrologist to call on. We also continue to get a lot of value from an ecological engineer in building habitat that maximises freshwater biodiversity value whilst ensuring that it does not get washed away. This external peer-review is really important to plug the skill gaps in the team and ensure our success.



Figure 2 Some of the team and gear at a Health and Safety briefing.

- 4.3 **Pest animal control** - carried out on 82ha - that's 2334% of what we said we'd do, just by working together with our weed contractors at very little extra cost. This includes, the well-known predators of our native birds, wasp control and magpie control. We have a great working relationship with our Biosecurity Brothers and Sisters and have achieved many win-wins.
- 4.4 **Engaging with Tamariki, Rangatahi and Iwi.** Iwi capacity is stretched, so we worked with iwi to piggyback onto work already underway. By doing this we were able to keep our costs down and make our funding do more rounds, whilst supporting their aspirations. Many iwi really appreciate getting involved in restoration work and it is a great opportunity for us and contractors to learn about Te Ao Māori.

- 4.5 **Planting** - 28,170 plants and counting! The foresight of our River Engineering and Parks and Reserves teams in capturing their planting on the Trees That Count platform in the years preceding this project has helped us demonstrate our ability to deliver planting projects as an organisation at a greater scale. These runs on the board have yielded an additional 7200 plants that have been delivered by local nurseries and planted by local contractors. This is approx. \$25,000 that we wouldn't have been able to add for our community. Then local contractors came along and maintained these. Even the plant guards were sourced locally.



- 4.6 **Fencing** - 2.6 km across 5 sites... and counting.

5. Wetlands Project – who did we spend it on?

- 5.1 People hours spent on the project so far: 21,000. That's 2,625 days of work that has gone into protecting and enhancing the approximately 10% of wetlands we have left. With approximately \$1m spent on wages over 2.5 years directly within our Rohe. To put that in context, prior to the 'Jobs for Nature' project the annual budget was approximately \$100k under the catchment enhancement programme.
- 5.2 \$1m spent amongst 50 primarily local small business, approximately half of which have fewer than five staff and little overhead. Of that \$1m, the ratepayer had to contribute approximately \$56k.
- 5.3 Spend on consultants is often queried and rightly so; the rates of Crown Research Institutes or large multinational consultants can be extremely expensive. To achieve maximum value and work hours for funding we have utilised small, local consultants with low overhead costs and only when necessary. To date the spend on multinational consultants has been \$1,800.
- 5.4 Schools – Wherever possible we have listened to and supported our community. When Golden Bay High School missed their camp fundraiser due to bad weather, the kids were not able to go to camp. As it happened, we had 2,000 trees to plant and the school wanted a fundraising opportunity. So a planting day was organised and helped contribute \$800 to the school camp kitty. When the Mahana School community heard they could do a planting day,

they turned it into a planting weekend getting every parent and their dog on board to earn \$10.6k towards heating the school pool.

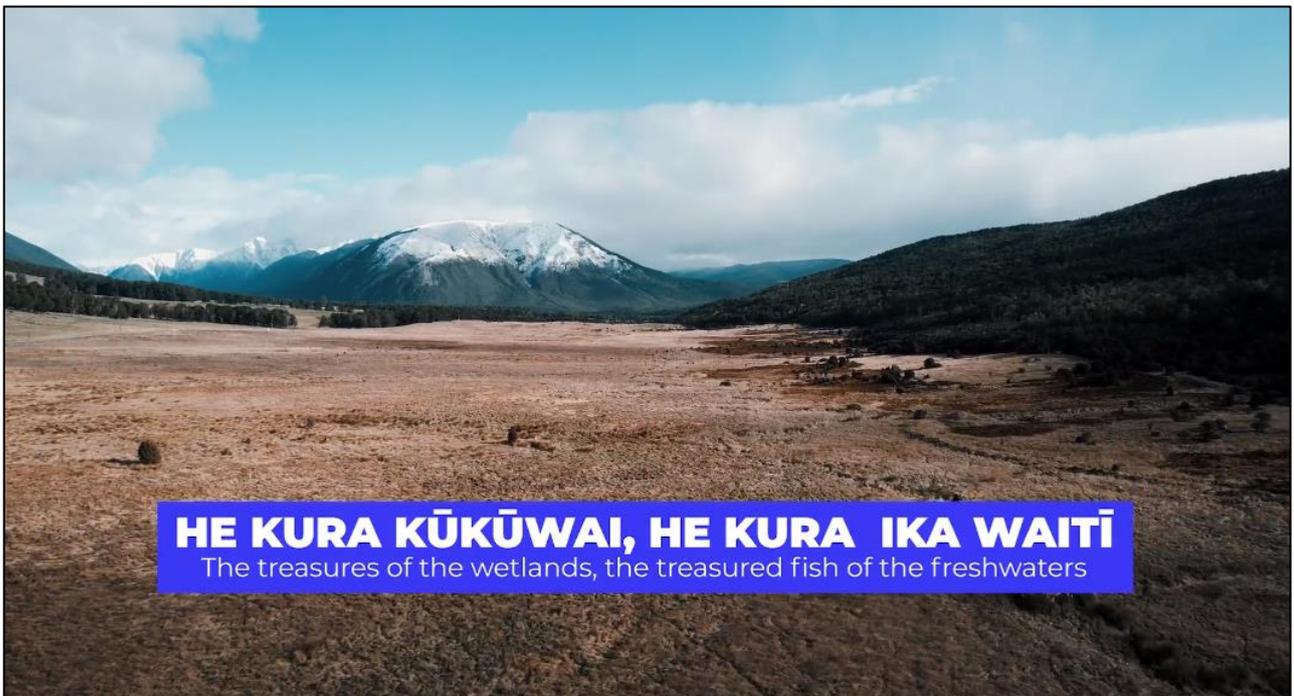


- 5.5 Supporting DIY wetland construction workshops. Funding for wetland workshops was pivoted to support NZ Landcare Trust to do on-farm, low cost, permitted activity wetland construction with tours made publicly available to encourage and train others. This recognises that our community can collectively do far more work than we can and working all together is motivating. All we have to do is provide the way and help with the means. Being field-based, these workshops bring the classroom theory alive and into reality.



6. Partnering with Iwi (Wetlands and Fish Passage)

- 6.1 Delivered Ngāti Kuia Mātauranga report as a video, shared on world wetland day https://fb.watch/rmEzli5_BG/ .



- 6.2 Second Mātauranga report with Manawhenua Ki Mohua being produced as an artwork by a renowned local artist.
- 6.3 Cultural connections between Kairaranga (weavers) and Manaaki Whenua (Landcare Research) established and supported to facilitate connections with Pā Harakeke across Te Tau Ihu.

- 6.4 Further connections established with weaving wānganaga and supported innovative approaches e.g. harakeke geotextile bags for plugging old drains in wetlands that were used to re-wet the wetland. Such bags reinforce the earth plug to ensure that it resists erosion.



- 6.5 Training and supporting cultural connections Ngāti Apa Manarangatahi.
- 6.6 Relationship building and mutual respect **saved \$23k** in earthworks accidental discovery monitoring costs during the 2024 construction season, by reduced need for intensive monitoring.

7. Wetlands Project: How did we work with locals?

7.1 Examples of Win Wins:

- 7.1.1 Rakopi – When a landowner said they had weed control in hand, we pivoted and spent the money providing fencing materials across two sites. This **fencing of an extra wetland** that was of significant importance to Iwi, conservationists and Matuku/ Australasian Bittern.
- 7.1.2 Tutaki – farmers were having trouble with magpies scaring stock while mustering. We leveraged existing site visits by our weed contractor to deploy the Council's Biosecurity Team's call birds. This saved the team at least a full day's work, solved a problem for the landowners and increased the Wetland Project's pest animal control deliverables.



Figure 3 Magpie call birds and live capture trap at Matakītaki Lodge, Tutaki Valley

- 7.1.3 Rappahannock – Weed control at this remote location, 3 hours from Richmond, was completed by the project manager during the site visit as the pest tree numbers were low. Combining site inspection/landowner meet and greet with having some basic hand tools meant the relatively small weed infestation could be treated there and then, saving a follow up visit by contractors. This enabled our funding to go further and we were able to repair 800m of fencing that was in poor condition. **Landowner contributed \$7000** in kind time doing the fence installation for another project win.
- 7.2 Paines Ford Pā Harakeke – supported Kairaranga and Manawhenua ki Mōhua aspirations for weed control at this constructed wetland/Pā Harakeke. A **working bee** was organised with locals, DOC and Collingwood Area School to support both access for weavers and Project goals of accessing sources of Harakeke for wetland planting. This recognised iwi aspirations and again helped build relationships.
- 7.3 Extra funding leveraged off the Project:
- 7.3.1 Because we had limited funding for plants, but landowners were keen, we applied and were successful in receiving additional funding from **Trees That Count**. Examples include Roundell Creek, Motueka Delta/Whakapaetuarua, Reilly, Pūponga and others.
- 7.3.2 Roundell Ck Biggs Wetland – teamed up with QE2 Trust who had been unable to establish a contractor to do weed control. Cost share has got more **bang for buck** for QE2 and facilitated more restoration on site than the Project could have done alone.
- 7.4 Mangarākau – supported the Friends of Mangarākau with digitising their hand drawn weed maps by using existing Council drones and drone software.
- 7.5 Te Uma – supporting Whakarewa (NRAIT) aspirations for restoration of former pine plantation and degraded wetland by engaging contractors to plant 920 “**free**” stems leftover from another project.
- 7.6 Mōhua Golden Bay Nurseries - Supported **local** nurseries by purchasing any “leftover” stock at the end of each planting season. This expedited the Project planting targets and supported businesses by taking up any excess stock.
- 7.7 Long Plain Rd Sinkhole – Community group cared for plants until the Project was ready to plant and in return, we supplied 200 plants for an **on-farm** sinkhole wetland.

- 7.8 Tadmore Glenhope – Landowner supported weed control by paying our weed contractor to install a Vespex bait station network to control wasps. Utilising establishment for weed control kept the cost of wasp control down for the landowner and provided a win for the safety of our contractor.

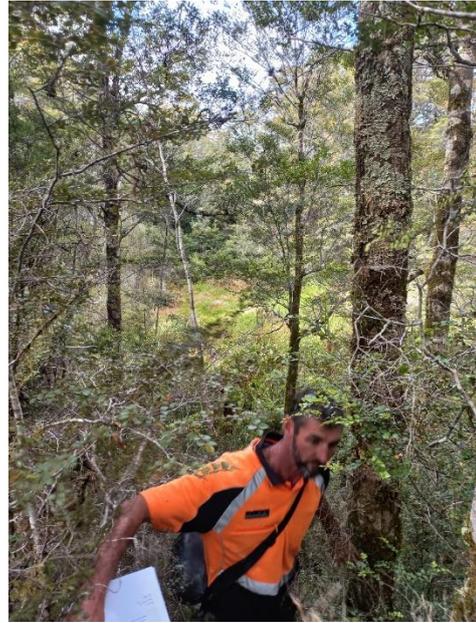


Figure 4 Wasp nest

8. Fish Passage – a project to help fish AND landowners

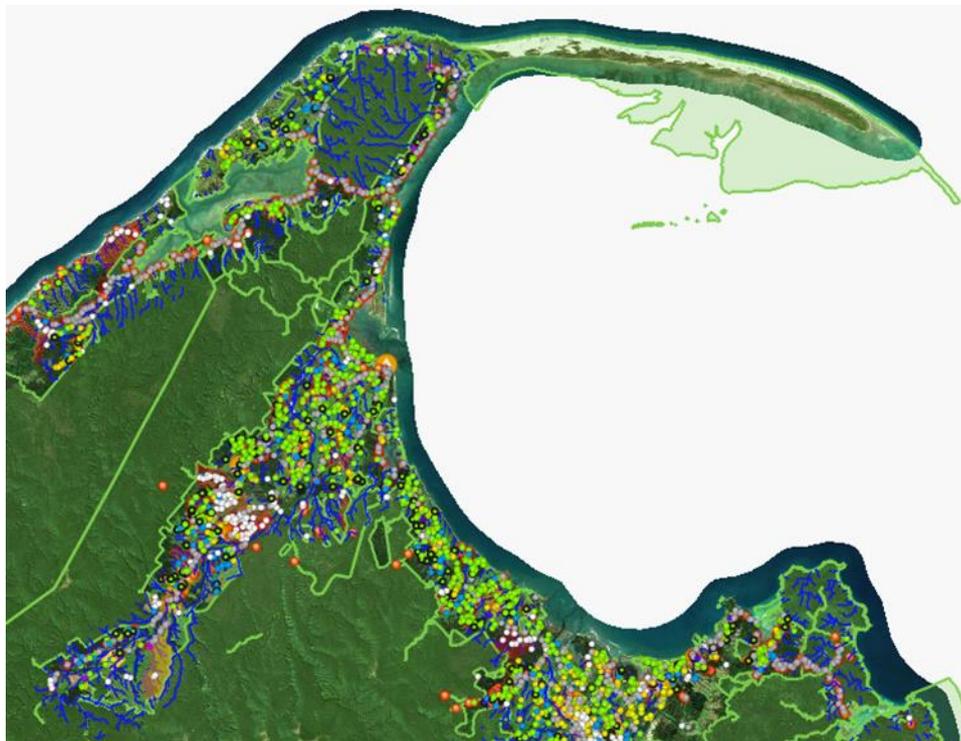
- 8.1 The Fish Passage project aims to improve fish diversity and abundance by allowing more fish to move up and downstream past in-stream structures. 11 of 20 species in Tasman are classified as 'in decline'. In-stream structures such as culverts, dams and weirs can block fish migration and impact stream health. Below is a message as part of our communications plan:

CAN YOU IMAGINE A FISH HIGHWAY?

Think of a stream as a highway for fish, a route they take to reach their homes, spawn, and find food. Now, picture obstacles along this highway that can prevent fish from reaching their destinations.



8.2 This project was setup to support private landowners with making in-stream structures passable to fish. The project has been well supported by Tasman landowners with 95% providing access (as of March 2024). This compares favourably to other councils around the country with projects requiring a similar level of access. Only 25 properties in Golden Bay privately-owned structures are outstanding. Of those, only 10 have outright declined involvement in the project. Based on landowner anecdotes, this high access rate is at least in part due to having a well-trained contractor team who can both carry out the work as well as take a supportive, educational approach to helping landowners understand fish passage needs. The map of Golden Bay below shows the extent of the work undertaken as part of this project – the dots indicate an assessment.



8.3 The contractor (Kumanu Environmental) has completed 4441 in-stream structure assessments ("fish friendly checks") and 765 remediations ("fixes") across the region. Our target under the funding agreement for assessments is already exceeded (4350 assessment were required over the 5 years of the programme). This number of assessments is more

than any other region has done within a similar timeframe. We have only achieved about half the number of remediations required in the funding agreement (1,566 remediations are required). This is partly because the proportion of all structures that are causing a barrier or impedance to fish passage is lower than expected.

Almost 8000 hours of work has been put to this project in just 2.3 years which is about 5 or 6 times the pace of previous work council has carried out. Labour makes up ~75% of the cost of this work in line with project KPIs with Ministry for the Environment funding 90% of all contract costs.



- 8.4 The project is only remediating structures identified as fish passage barriers that are able to be addressed with using cheap methods, including rubber aprons/ramps, hairy spat rope and flexible baffles. This may not always be effective at providing fish passage for non-climbing fish such as īnanga. Remediations or "fixes" take 15-45min and usually happen on the same visit as this is the most cost effective and friendliest to landowners/residents.
- 8.5 The combined results of recent field evaluation and experimental culvert trials (March 2024 report) give confidence that these remediation methods are effective at improving native fish passage for a range of climbing fish species. At sites where restoration of īnanga passage is considered a high priority, more substantial fish passage remediation actions related to the

outlet of perched culverts are likely to be required.

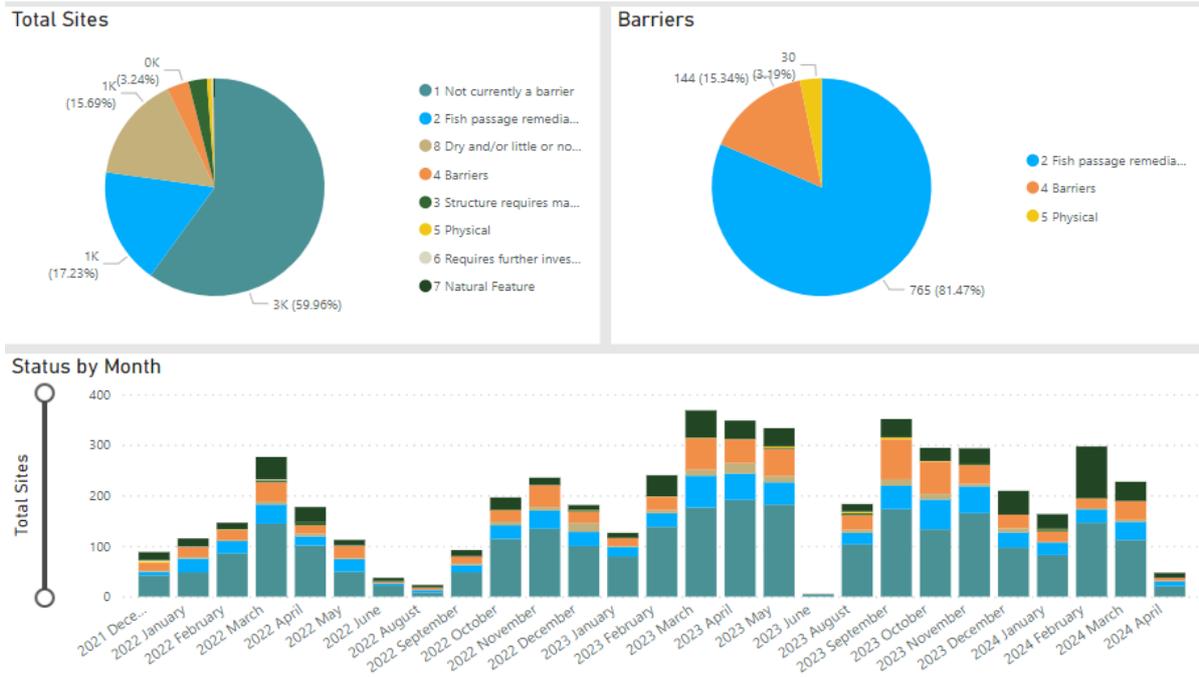


Figure 1. Sunset Valley trial setup.

9. Fish Passage – Building More Momentum

- 9.1 'Making the **unknown** known' – in-stream structure details such as type, size and location are essential information to enable the Council to produce a fish passage action plan for the region. Over 4000 previously unvalidated 'potential structures' are being mapped by this project. This takes the Council a significant step closer to understanding the total number of structures and any current barriers in the region and that allows us to put together an effective 'Fish Passage Action Plan' as required by the National Policy Statement for Freshwater Management (NPS-FM). More information: [Fish passage action plan guidance \(environment.govt.nz\)](https://environment.govt.nz)
- 9.2 Helping narrow things down & identifying priorities: To date just 4% of structures (174) assessed by the project require remediation, maintenance, or further investigation that cannot be addressed with the current funding.

A helpful dashboard and reporting system used by the project produces reports and data which will support the review, analysis and prioritisation of remaining fish passage barriers in the final stage of the project. While there will be 'out of scope' work that remains, it will be far easier to view barriers, share information with structure owners and plan/prioritise any future remediation work using the data obtained by the project. The current system will also inform and support internal data management changes.



- 9.3 Growing skills & experience: 18 people have received immersive fish passage assessment & remediation training. Another 75+ Tasman District Council staff and contractors have attended workshops to better understand fish passage requirements and application in planning and installation of in-stream structures. At least three people trained by the project have moved into roles in other organisations where their new position makes use of their fish passage experience (one went to Nelson City Council and one to Greater Wellington Regional Council). Training has also been provided to Council's new Iwi cadet as well as rangitahi from Te Tau Ihu Iwi.
- 9.4 No surprises: Regular communications by the project aim to raise awareness about the work being carried out as well as why fish friendly structures are needed. Landowners with potential structures receive direct mailouts and news articles (see examples below) are also shared through local news.

Fish Passage Project comes to St Arnaud

As part of our Freshwater Improvement Fund work to improve fish diversity and abundance across Tasman, we are pleased to say that the next phase of our Fish Passage Project is taking place in Tophouse / St Arnaud.

The Tasman Jobs for Nature Fish Passage Project is a five-year programme running until June 2026 assessing and carrying out simple structure 'fixes' to make them fish-friendly.

With the support of landowners, we will enable fish to complete their natural life cycles. Our shift to Tophouse and St

Arnaud represents a continuation of our efforts in other parts of the District, with fish in Golden Bay, Moutere, Tapawera and Waimea already enjoying waterways that are easier to navigate.

One key focus of this project is to support private landowners by assessing any in-stream structures (such as culverts) and completing remediation when required and within the scope of the project funding.

If you have an in-stream structure on your land, a team of fish passage experts from Kūmānu Environmental are visiting private land to

help connect waterways and will be in touch with landowners in the coming days to explain how they can help.

This project is funded by Tasman District Council and the Ministry for the Environment with the support of local iwi – in the hope of assessing all structures on private land in Tasman.

This work is completely free to landowners and is generally simple to carry out.

For more information contact: fish passage@kumanuenviro.co.nz or freshwaterimprovement@tasman.govt.nz.

10. Related Fish Passage Matters

10.1 As a sidenote beyond the scope of the J4N fish passage project, we are working with a couple of large companies that have indicated that they may not allow access to collect fish passage data. Some of these companies have already undertaken fish passage assessments and remediation off their own bat but are choosing to not provide this data to Council at this stage. This means that Council's ability to report on and manage freshwater biodiversity, including producing the required Fish Passage Action Plans, is compromised. We hope there will be a resolution for this matter.

10.2 In regard to Council-owned in-stream structures, our roading department manages the vast majority of these. Funding is proposed in the draft Long-Term Plan to undertake assessments/inspections and maintenance/replacement/remediations.

11. Attachments / Tuhinga tāpiri

Nil

7.2 REGULATORY MANAGER'S SIX-MONTHLY REPORT**Information Only - No Decision Required**

Report To:	Environment and Regulatory Committee
Meeting Date:	24 April 2024
Report Author:	Shane Bruyns, Regulatory Manager
Report Authorisers:	Kim Drummond, Group Manager - Environmental Assurance
Report Number:	RRC24-04-3

1. Summary / Te Tuhinga Whakarāpoto

- 1.1 This report summarises the activities within the Regulatory Section over a six-month period from 1/10/23 to 31/03/24. It excludes the activities of the Resource Management Act (RMA) Compliance Team as they are reported on in separate reports during the year.
- 1.2 The key objectives/highlights are as follows:
- 1.2.1 There were changes in key personnel over the period.
 - 1.2.2 The Regulatory Unit realignment has been embedded.
 - 1.2.3 The Harbourmaster, previously reporting to the Regulatory Manager, now reports to the Group Manager Environmental Assurance.
 - 1.2.4 Recruitment for the newly established position Team Leader Regulatory Support is underway.
 - 1.2.5 Food premises verifications are up to date.
 - 1.2.6 A hearing on Monday 27 November 2023 by the District Licensing Committee (DLC) declined an application for an off licence at the Hotel Motueka.
 - 1.2.7 Health licensing numbers are slightly lower than last year.
 - 1.2.8 Noise related complaints have decreased slightly for the comparable reporting period.
 - 1.2.9 Dog registration numbers have increased by 0.68% to 12,527 dogs.
 - 1.2.10 Parking control activity is a similar level to the 2023 comparable period. Although fewer infringements were issued this is on par with the variance for previous years, a higher level of compliance regarding the payment of infringements was achieved.
 - 1.2.11 Freedom camping numbers are steadily increasing and moving towards pre-Covid numbers.

2. Recommendation/s / Ngā Tūtohunga**That the Environment and Regulatory Committee**

1. receives the Regulatory Manager's Six-monthly Report RRC24-04-3.

3. Staff departures and arrivals

- 3.1 Adrian Humphries, the former Regulatory Manager, left the Council on 15 December 2023 for a new opportunity in Southland. He was replaced by Shane Bruyns.
- 3.2 Matthew Wilson joined the Council as a Compliance Officer on 19 February 2024. He replaces Makenzie McKay who left the Council in December 2023 to take up a new opportunity in Palmerston North.
- 3.3 Daniel Winter, Environmental Health Team Leader, resigned on 6 March 2024 to work for a consultancy firm in Richmond. His last day at Council was 19 April 2024.

4. Tākaka Fire

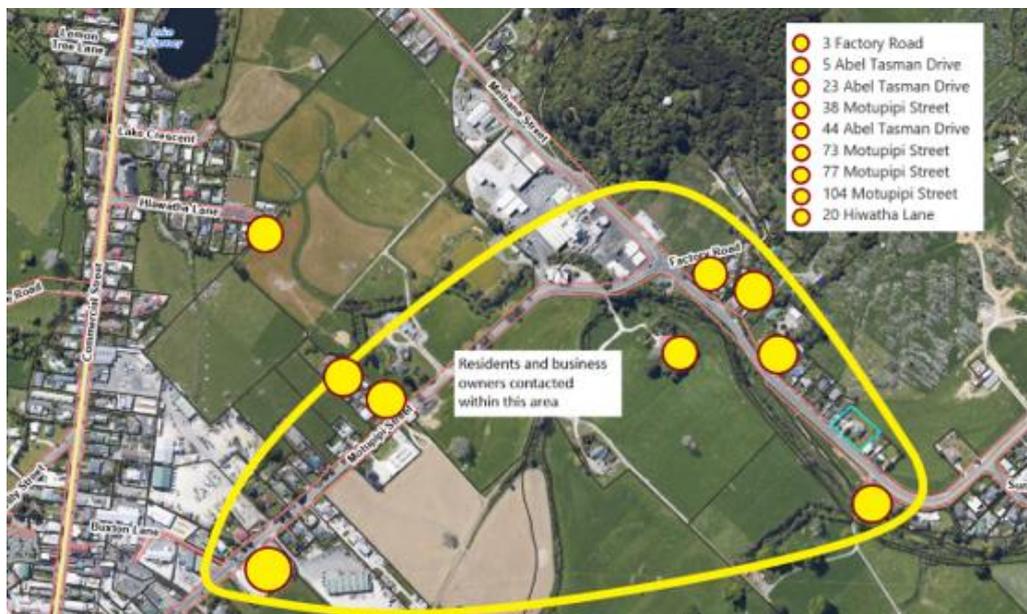
- 4.1 On the morning of 11 January 2024, dozens of firefighters were involved in battling a large commercial building fire at the ITM store in Tākaka.



- 4.2 Tasman District Council Officers were deployed to the site, and co-ordinated from the office.
- 4.3 Our concern at the time was the immediate public health risk that was posed by the unknown potentially hazardous substances involved. We worked under a worst-case scenario that agricultural chemicals, petroleum products, paint, and other substances were in the fire water run-off.



- 4.4 In addition to the public health risk, there were also significant environmental concerns with the water flowing into Motupipi River and exiting at Rototai estuary.
- 4.5 The environmental health team identified several houses in Tākaka that could have had their drinking water contaminated by run-off water from firefighting at the ITM building site. They undertook drinking water sampling at various sites in the potentially contaminated area.
- 4.6 All except three of the samples were compliant with the drinking water standards. Those three were found to have levels of Dichloromethane; higher than the drinking water standard.
- 4.7 Dichloromethane (also known as Methylene Chloride) is a widely used organic solvent found in paints, insecticides, degreasing and cleaning fluids, and paint strippers.
- 4.8 The environmental health team contacted 58 residents and business owners in the immediate area to advise them to refrain from drinking the water until further notice. We also worked closely with Fonterra, who has a dairy factory close to the area of concern.
- 4.9 Our media team provided a hugely valuable resource in getting messages out to the public.
- 4.10 The environmental health team undertook two further rounds of testing at nine sites (as shown on the map below). The reason these sites were chosen is because the underwater flow is in a north-east direction from the fire site.



- 4.11 On 8 February 2024, four weeks after the fire, we got the results we were hoping for.
- 4.12 Dichloromethane levels were within the maximum acceptable value (MAV) set out in the drinking water standard. There were no exceedances and all nine samples had less than the detection limit of <0.010g/m3.
- 4.13 A debrief meeting was held at the council chambers with representatives from several council departments and external agencies, including Fire and Emergency NZ, Worksafe NZ, and Health NZ. Several learnings were taken on board and improvements made to our procedures.

5. Food Safety

- 5.1 Food Safety Plan verifications are up to date.
- 5.2 Work on a potential food safety Quality Management System (QMS) is on hold. Development of a potential QMS is largely complete, but reassessment of the full range of costs associated with applying and obtaining accreditation from MPI to audit National Food Programmes indicates that they may outweigh the benefits to the Council and our ratepayers. Currently 38 out of 67 NZ councils have accreditation, down on the 2021 figures submitted to the committee. This is due to some councils relinquishing/cancelling their accreditation in recent years.
- 5.3 A prosecution of a food premise owner in Collingwood for failing to register a food control plan is progressing through Court. A reserve trial date is scheduled for the first week in June.

6. Alcohol Licences

- 6.1 Alcohol licenses issued over the period are shown below in Table 1.

Table 1: Alcohol Licenses issued over the period 1 October 2023 to 31 March 2024		
Type	1 October 2022 to 31 March 2023	1 October 2023 to 31 March 2024
Club Licence	4	3
Off-licence	17	26
On-licence	21	27
Special Licence	28	32
Manager's Certificate	139	167
Temporary Authority Order	4	5
Totals	213	260

- 6.2 A District Licensing Committee (DLC) hearing on Monday 27 November 2023 declined an application for an off licence at the Hotel Motueka. The DLC concluded that granting the licence would impact the amenity and good order of the community through increased availability of alcohol and would therefore not satisfy the object of the Act.

7. Health Licences

7.1 Health licences are issued under the Health Act. The number issued in the period is shown in Table 2.

Table 2: Total Health Licences issued over the period 1 October 2023 to 31 March 2024		
Type	1 October 2022 to 31 March 2023	1 October 2023 to 31 March 2024
Camping grounds	24	21
Food Control Plans/National Programmes (includes Mobile Shops)	260	227
Hairdressers	22	19
Funeral Directors	1	0
Offensive Trades	3	3
Totals	310	270

8. Noise Complaints

8.1 The number of noise complaints received over the reporting period is set out in Table 3.

Table 3: Numbers of noise complaints		
Type	1 October 2022 to 31 March 2023	1 October 2023 to 31 March 2024
Music/party	441	434
Machinery	52	49
Animal	3	2
Other	41	30
Total	537	515

8.2 The team continues to assist the Council planning staff by providing technical expertise for noise assessments and reviewing resource consent applications.

8.3 The ongoing issues with gunfire noise in Golden Downs continue to take up time and resource. This is despite both clubs putting in significant effort in to reducing noise levels. from shooting. The main issue to resolve now is around scheduling and reducing the frequency of shooting, which is still up to five days per week.

9. Campgrounds

- 9.1 Our environmental health team undertook 21 camping ground inspections, and all had a satisfactory outcome.
- 9.2 In November 2023, the environmental health team undertook water sampling of private drinking water supplies at all camping grounds in the Tasman district. We are pleased to report that all the samples were found to have <1 E. coli per 100ml and therefore complied with Maximum Acceptable Values (MAV) set out in the New Zealand Drinking-water Standards 2005.

10. Dog Control

- 10.1 Compared to last year, 105 more dogs have been registered in the District, which represents a 0.68% percent increase. Targeted enforcement has kept the numbers of unregistered dogs low.
- 10.2 The number of dangerous and menacing dogs has also slightly increased. This increase may be a combination of the increase in the number of dogs to the region and also being closer together in urban environments.

Table 4: Dog numbers as of 31 March 2024		
	2023	2024
Dogs Registered	12,196	12,358
Dogs Unregistered	226	169
Total	12,422	12,527
Dangerous Dogs	32	36
Menacing Dogs	88	91

Enforcement

- 10.3 139 infringement notices were issued for a range of offences. Before issuing an infringement notice for failure to register a dog, we have attempted to contact the dog owner at least three times. Contact methods include letters, emails, and phone calls where we have the appropriate details. Our final action is to visit the property where the dogs were last registered.
- 10.4 There were no prosecutions for offences against the Dog Control Act 1996 during this reporting period. One owner was disqualified due to conviction under the Animal Welfare Act.
- 10.5 In total we received 45 Service Requests alleging dog attacks, all were investigated, and appropriate action taken.

Rehoming

- 10.6 Four dogs were rehomed through our dog welfare partners.

Barking

10.7 We received 211 barking complaints over the period. A significant proportion of these come from a relatively small number of complainants.

Table 5: Summary of Dog Infringements – 1 October 2023 – 31 March 2024		
Infringement Issued	2023	2024
Failing to register dog	7	102
Failing to keep controlled or confined	13	23
Failure to comply with classification	3	3
Failure/refusal to comply with the Bylaw	5	2
Failure to implant microchip	4	0
Failure to comply with a barking notice	1	0
Total	35	139

11. Stock Control

11.1 Wandering stock were removed from roads on 45 occasions over the period. Control Services Tasman Ltd (CSTL) have good relationships with a number of farmers throughout the District who will often assist with resolving such issues.

12. Litter and Illegal Dumping

12.1 We have had no increase in illegal dumping. The use of covert cameras at several locations seems to have deterred many would-be dumpers. Over the period, only four infringement notices were issued to people who dumped waste on public land, the same as in the 2023 period. The cameras are still being used and are moved to new and potential hotspots as required.

13. Parking

13.1 The income from parking fines has remained steady.

Table 6: Summary of Parking Infringements 1 October 2023 to 31 March 2024					
Period	Issued	Paid	Cancelled	To Court	Total \$ Anticipated
2023	3011	\$74,459.00	486	853	\$260,642.00
2024	2388	\$71,435.00	344	417	\$204,523.00
Actual Income					
2023	\$137,989.71 *				
2024	\$155,147.28 *				

**Includes income from the Courts for historical fine payments*

14. Freedom Camping

14.1 Numbers of freedom campers have been steadily increasing and moving towards pre-pandemic numbers. We maintained our regular patrols and reacted to complaints received.

14.2 We are seeing more homeless people in some areas, especially Motueka.

Table 7: Summary of Complaints and Infringements for Freedom Camping 1 October 2023 to 31 March 2024		
Period	Infringements Issued	Complaints Received
2023	18	66
2024	35	75

14.3 The Government has introduced new legislation which amended the Freedom Camping Act provisions. Fines have significantly increased and the range of offences broadened, especially around self-containment of vehicles. There is also a recognition of homelessness for those that are in NZ legally. NZTA Waka Kotahi land and LINZ land are also under the new legislation.

15. Conclusion / Kupu Whakatepe

15.1 The team has continued to carry out its regulatory functions over the six-month reporting period. We are providing support for the review of the Dog Control Bylaw, Public Places Bylaw and Navigation Safety Bylaw.

15.2 There have been a number of challenging customers and complex investigations during the reporting period which saw a considerable amount of time being spent responding to a high number of LGOIMA requests, recidivist complainants, parking infringement disputes and investigating dog attacks. Despite these issues our staff continued to provide an exceptional service by responding to the community concerns first and foremost.

16. Attachments / Tuhinga tāpiri

Nil

7.4 HARBOURMASTER'S REPORT

Information Only - No Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	24 April 2024
Report Author:	Peter Renshaw, Harbourmaster
Report Authorisers:	Kim Drummond, Group Manager - Environmental Assurance
Report Number:	RRC24-04-4

1. Summary / Te Tuhinga Whakarāpoto

- 1.1 This is the first report from the Harbourmaster's office since changes to reporting lines (the Harbourmaster now reports to the Group Manager – Environmental Assurance).

2. Recommendation/s / Ngā Tūtohunga

That the Environment and Regulatory Committee

1. receives the Harbourmaster's Report RRC24-04-4 1 November 2023 to 31 March 2024.

3. 2023-2024 Seasonal Overview

- 3.1 The Harbourmaster Office (HMO) covers on-water safety from Rabbit Island in the east to Kahurangi Point on the West Coast, out to 12 nautical miles (nm), including rivers and lakes. Our approach is to assess relevant risks to our community and put in place mitigations.
- 3.2 In the last six months the office has been in reactive mode, dealing with problems and issues as they arise. The HMO plan within the next six months is to set up to be proactive, with systems in place to deal with risks identified.
- 3.3 The focus is on Prevention and Education, with Enforcement being an option when the circumstances are appropriate.
- This season, the HMO has:
- 3.3.1 Dealt with three wrecked vessels.
 - 3.3.2 Responded to five mayday calls and rescues.
 - 3.3.3 Towed 13 vessels to safety.
 - 3.3.4 Spent over 40 days patrolling on water.
 - 3.3.5 Participated in five “no excuses” days, (a Maritime New Zealand initiative).
 - 3.3.6 Accumulated over 350 hours of engine running time.
 - 3.3.7 Authorised 15 Maritime Events and Temporary Reservations.
 - 3.3.8 Attended 16 community events.



4. Wrecks and Rescues

- 4.1 A vessel named “SV Wif” got entangled with Mapua Wharf on a falling tide, putting the vessel on a very dangerous angle. As the tide came in, water flowed into the after hatch, sinking the vessel. The HM team was able to assist, working with Dive Services NZ to safely refloat and secure it onto a mooring.



- 4.2 At Tata Beach, a 42-foot riviera got entangled with a mooring in heavy weather. The vessel took on a lot of water over the stern, sinking it. This situation could have been avoided, because there were large vessels in Tarakohe that could have assisted by bringing the bow into the wind. This is of major concern because there was more than 1,000 litres of diesel aboard. The Harbourmaster team assisted in the clean-up of this vessel, but was not involved in the initial emergency response.

- 4.3 An unnamed 16-foot power boat wrecked off Taupo Point in Golden Bay. The wreckage was found by kayakers and called through to the HMO. The wreck had been there for some time. Due to the camping gear hidden in the bushes, it appears that people had been camping there and the vessel got into trouble during the night. The HM team cleaned up the wreckage and spent three months trying to track down the owner before taking the wreckage to the dump. No owners or person/s responsible have been found to date, therefore recovery costs have not been recouped.





- 4.4 HMO have towed 13 vessels to safety during December and January.
- 4.5 Most of these tows have been identified while “Sentinel” has been on patrol. Some of these have been from Emergency Channel 16 VHF calls, where HM vessel will provide assistance if we are nearby. Other towing responses have been call-outs to assist Coastguard, Police or vessel owners.

Maydays

- 4.6 We had the lead role in a casualty transfer from a vessel at Bark Bay. The HM team heard the mayday call on VHF 16 and was tasked by NZ SAR (Police) to assist. The casualty had an incident with a sharp knife while filleting fish. It was a successful rescue and medical staff were able to reattach three severed fingers. Such incidents are attended by us where timing and proximity are crucial to success. This highlights some of the challenges our team face that come under “mission creep” but are important to the community. A closer look at this incident has raised questions whether a helicopter would have been better. Although this is not our call to make, the Helicopter Rescue team are keen to connect with us on their next training.
- 4.7 We also attended a “mayday” at Watering Cove. A small powerboat with homemade sea-legs got swamped on the beach in a strong SE surge. The HM team worked alongside DOC (who were first on the scene) to assist with passenger removal and securing of fuel. The team also assisted later with digging out the boat, refloating, and towing it back to Kaiteriteri.

5. Commercial Vessel Operators

- 5.1 There are 22 Commercial Vessel Operators (CVO) in the Tasman region. We have identified three additional operators that fall into this category, but do not have a current licence. All three have ceased operations and plan to apply for a CVO licence next spring. The CVO licence system focuses on passenger vessels. There are a few areas of concern with speeding, dangerous wake and high traffic density. This something the HMO is looking to address as part of the upcoming Navigational Safety Bylaw review.
- 5.2 In November 2023, we had a good turnout for our annual CVO holder meeting. Many topics were discussed including:
 - 5.2.1 Speeding
 - 5.2.2 Dangerous wake
 - 5.2.3 Managing passengers at the coastal access points close to private land (Awaroa and Torrent Bay) that cause difficulties at high tide. This is part of the Abel Tasman Foreshore Scenic Reserve Management Plan. Funding for this is through the concession fees paid by customers.

6. Harbourmaster Vessels

- 6.1 There is an issue with on-road towing for 'Sentinel', as the boat is too heavy for our current truck/trailer to manage. We are working on a solution; in the meantime, we are not towing 'Sentinel' any further than what is required to launch and retrieve.
- 6.2 For longer distances, we have used "Lift n Shift" and AMA Scientific Services – for instance, to attend community events at Lake Rotoiti. We are looking at truck/trailer solutions, keep our vessel in a dedicated berth with a sling to lift it up, or a smaller easily towed vessel. We hope to find a solution soon, but there is not a quick fix.
- 6.3 'Sentinel' has had her midterm survey and bollard pull test which ensures we are safe when doing any on water towing. She passed with flying colours.
- 6.4 'Hydro' is our small 4-metre vessel. There has been some engine and steering issues this summer although she was very handy up at Lake Rotoiti for Nelson's Waka Ama Champs. She has had her midterm survey and passed with flying colours. The medium-term plan is to replace Hydro with a slightly bigger vessel.



7. Maritime Operators' Safety System Audit

- 7.1 The purpose of the Maritime Operators' Safety System Audit is to ensure our operation meets the requirements of Maritime Rules Part 19 and the companion maritime rules that apply to it. The audit looks at how the operation is performing against its operator plan. It looks at the safety system of the operation and checks that the procedures outlined in the operator plan are being implemented and relevant records are being kept. It also checks that the plan is relevant to the operation.
- 7.2 The audit also aims to verify certification requirements for the people involved in the operation and checks that processes are in place that comply with Maritime Transport Operators Certificate (MTOC) requirements.

7.3 The audit observations included the below notes and nil non-conformities.

7.3.1 Training Certificates for operating Port Tarakohe vessel have expired. *This is currently being rectified with correct applications to MNZ and training planned for 2024.*

7.3.2 Fatigue management is no longer self-reported as previously managed. Included measures to manage and record operations are documented rosters, minimum rest periods and maximum work hours. *The additional personnel being requested for the HM team in year one of the proposed LTP would allow for three persons to create a roster scheduling regular days off.*



7.3.3 Improved document record keeping for all maritime staff qualifications including first aid training. *A new database for records has been created with the HM team space in DORIS. All certificates are being gathered and database constantly being updated. Timeframes for expiry dates of qualifications/licenses are now prompted.*

7.3.4 The recommendation of a policy or procedure be implemented that references serious incidents. *Our Health & Safety team are working on a risk register that can document incidents in the required format to meet legal requirements and the notification to Maritime NZ.*

7.4 In conclusion, we are compliant with a risk score of 16%, which is very low-risk. (100% would be high-risk) There are a few observations we can work on before our next audit in 39 months' time. It was good for the Harbourmaster to be involved in this process and all the observations made were matters listed in our documents for updating.

8. Seasonal Floats

- 8.1 The team maintained over 230 seasonal buoys that mark navigational hazards, ski lanes, swim areas etc (as per the Navigation Safety Bylaw) over the summer. All the floats require continued monitoring, some have needed cleaning, and some have gone adrift. We will assess the condition of these floats during winter and implement a replacement plan.
- 8.2 This is the second year that there have been extra swimming buoys in Kaiteriteri. We have found them to be incredibly effective during both seasons.
- 8.3 This year the HMO worked with the Kaiteriteri Recreation Reserve Board (KRRB) to ensure that the large floating inflatable play area was suitably protected from vessels, however both KRRB and our team feel we can improve on our efforts if it is to return next year.



9. Community Engagement and Education

9.1 In addition to patrolling on the water, the HM team carried out boat ramp checks across the district as far out as Whanganui Inlet. These have been great to get out and talk to our boating community. MNZ is working with us on a Safe Boating Campaign and “No Excuses” days. There were no infringements issued but we had some valuable discussions and gained some useful data on water safety.



9.2 The HM team has been present at multiple community events; Waka Ama races, fireworks display, classic boats, Motueka and Golden Bay Community Board meetings. During winter, the HM team plan to attend club nights at yacht clubs and fishing clubs across the district to better engage with the boating community. The Deputy HM is working alongside the Motueka Yacht Club with the aim of setting up a youth sailing/education scheme. This is still in its infancy, and the HMO supports and welcomes the scheme.



10. Potentially Unseaworthy Liveaboard Vessel

10.1 A joint effort with the Nelson HM team has seen us looking closely at an unseaworthy vessel that has continued to cross between our two district lines. In working together, the owner has concluded that there is nothing to be gained from continuing to sail unsafely, and is currently on a mooring in Nelson Harbour getting his vessel refitted.



10.2 The HMO also consulted with Kay Anderson, the Regional On Scene Commander (ROSC) to respond to oil spill risks, and Renee Thomas, Kaihautu Hononga, as the vessel was anchoring in a culturally sensitive area.

11. Motueka Channel Local Knowledge Guide

11.1 The guide has had a great uptake from the community and receives positive feedback about our constant monitoring of the channel. This summer we have moved markers around every two weeks and only had one end up on the shore.

12. Marine Farming

12.1 There is a downturn in the marine farming industry, not helped by low spat numbers. The Cawthron Institute are currently carrying out studies out on Aquaculture Management Area (AMA) 3 to assist with gaining a better understanding of this phenomenon and potential other marine farming options.

12.2 We continue to complete compliance checks on all three Tasman AMAs, including night-time navigation aid checks. We are working with AMA Scientific Services on an issue we identified recently, where several lines have floated to the surface. All these have been re-sunk.

13. General Council use of the Harbourmaster's Vessel

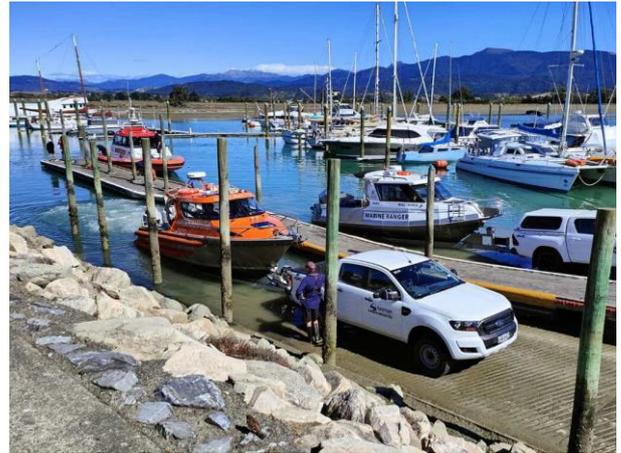
13.1 Use of 'Sentinel' and 'Hydro' continue to support other Council departments. This has involved trips to Abel Tasman National Park, transporting building inspectors/compliance staff covering various compliance issues, and transporting Biosecurity staff out to vessels.

13.2 We are looking at our overall costs for the vessels and plan to work on a breakdown of running costs as some trips maybe cheaper for the Council by other means. This is because of the rising compliance costs facing commercial vessels.

14. Other Agency Interactions

14.1 Good relationships continue to be maintained with Police, Coastguard, Search and Rescue, Maritime New Zealand, and DOC, MPI, Customs, Surf Lifesaving Nelson/NZ. We are working closely with Marlborough and Nelson Harbourmaster teams, as well as HMs across NZ, two of whom I have worked with in the past.

14.2 Tasman had the pleasure of hosting the Top of the South SAREX which is a multi-agency search and rescue training exercise. The weekend was busy, because it all happened at the northern end of Abel Tasman. The scenario was a school group of kayakers missing and a large family boat sinking off Tonga Island. There will be an exercise review to assess the decision making and for areas of learning. The overall impression was very positive; only lacking in the communications area.



14.3 The HMO is also in initial talks with DOC, MPI and other parts of the Council on a joint signage venture, to begin a replacement programme of the district's navigational safety signs. This will be a long project and will require consultation with other parties (e.g. iwi and local clubs). The intention is to have one large sign instead of several signs that all offer differing advice. This is something other districts have started doing to great effect.



15. Large Ship Management

15.1 A consultation (section 82) is required with key stakeholders to finalise management of >500-ton vessels in Tasman Waters. This consultation involves ships agents, ship owners, Port Nelson, and Nelson Harbour Radio etc.

15.2 Based on historic traffic movements, and in consultation with the Port Nelson harbour pilots and the Nelson Harbourmaster, we have allocated three Tasman anchorages, and four Nelson anchorages.

15.3 Implementing this system fully is proving complicated, as it is unrealistic to expect ships to pay top end fees in one spot when the other four anchorages off Nelson are currently free. This issue is still on our list, but we would rather work with the Nelson HM



team for a solution. The three anchorages currently in the pipeline do not address the greater risk of >500-ton vessels in the Abel Tasman or Golden Bay.

- 15.4 HMO will look to the Navigation Safety Bylaw review to ensure we have mitigated potential risk. We have had eight superyachts, and five cruise ships anchor inside of 1nm over the summer. There is also a bulk carrier that regularly anchors off Fishermen Island.

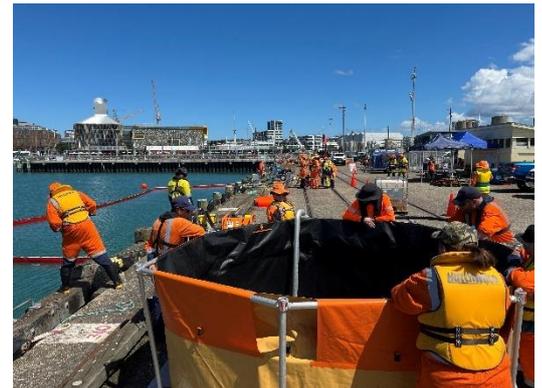
16. Moorings Bylaw

- 16.1 The Moorings Bylaw that was adopted by Council last year is yet to be finalised by the Director General of Maritime New Zealand. Our policy team is looking into the status of this and, as soon as we get the green light from our legal team, the HMO is ready to start the process of mooring licenses inside mooring areas. Moorings outside of mooring areas will continue to require a resource consent.

17. Regional Oil Spill Response

- 17.1 The Council is required under the Maritime Transport Act (MTA) to have an oil spill response capability to deal with any oil spills in our region. Together with Nelson City Council and Port Nelson, a team of approximately 20 personnel (who are trained by Maritime NZ) represent this capability.

- 17.2 Annual training ensures the team is response ready. We have training scheduled for mid-April, and I have completed the Regional Responder Training (RRT). The Deputy Harbourmaster will be attending the next course. The response is looked after and controlled by a “Regional on Scene Commander” or ROSC.



- 17.3 This role sits with Kay Anderson from Civil Defence and the Information, Science and Technology Team at the Council. The HMO will support Kay in her role whenever needed. The Nelson-based ROSC is stepping down leaving only one ROSC for Nelson-Tasman until the Nelson HM finishes his training later this year.

18. Fatigue Management

- 18.1 An area of concern for me is fatigue management. Over the ‘crazy season’ (summer) we have worked to a roster that allowed each staff member some time off each week.
- 18.2 The issue does not stop after the ‘crazy season’ as we are now into April and still working most weekends. Over the last six weekends the Harbourmaster has averaged 11 calls a day, and sometimes as many as 26 calls. It is a credit to the HMO team that we made it through this period. Additional resourcing is essential to manage the ongoing workload.



19. Navigation Safety Bylaw

19.1 The HMO is preparing for a Navigation Safety Bylaw review. More information will come out over the next few months. This is led by the policy team with the support of the HMO, then Council workshops, public consultations, and MNZ input.

20. Harbourmaster Administration Support

20.1 The HMO has Kelly providing invaluable admin support for the past six months, with 50% of her time supporting the HMO team. She works on improving processes and systems as well as day to day running of the HMO.

20.2 A few things being worked on are:

- 20.2.1 updating maritime event education and application forms
- 20.2.2 moving the CVO licencing process online
- 20.2.3 exploring already existing Council processes and adapting them to suit HMO needs
- 20.2.4 improving our accessibility on the Council website.



21. Police Award for Former Harbourmaster

21.1 It was an honour and a pleasure to be invited by NZ Police to their Award Ceremony held in Nelson recently. Former Tasman Harbourmaster Daniel Cairney was presented with The District Commander Commendation. A speech by the Commander was as follows.

21.2 “Dan Cairney served as Tasman District Harbourmaster from 2014 until April 2023.

During his tenure Dan has provided invaluable support to Police Search & Rescue in the demanding and remote environments of Tasman and Golden Bay. He made himself available 24/7 to consult and provide expert advice to Police Search & Rescue Incident Controllers for Marine Search & Rescue operations.



His input was critical in saving the lives of numerous people in the region. In addition to providing subject matter advice to Police SAR controllers, Dan has always been ready and willing to deploy in Sentinel to effect numerous rescues at any time of the day or night, often in gruelling and dangerous conditions.

His knowledge, seamanship and commitment has enabled a robust resolution to numerous marine emergencies.

Dan's commitment to our partnership has been exemplary and has set a high standard for future Harbourmasters to emulate.”

22. Attachments / Tuhinga tāpiri

Nil

7.5 WAKEFIELD LOCAL PURPOSE RESERVE - LEASE TO KINDERGARTEN (FORMER SCOUTS)

Decision Required

Report To:	Environment and Regulatory Committee
Meeting Date:	24 April 2024
Report Author:	Robert Cant, Programme Leader - Land & Leases
Report Authorisers:	Grant Reburn, Reserves and Facilities Manager
Report Number:	RRC24-04-5

1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 To seek a decision on the public notification of a request for a Community Lease over a Local Purpose Reserve at Treeton Place, Wakefield

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 Scouting NZ (Scouts) has indicated it no longer operates from a reserve at Treeton Place, Wakefield. Scouting NZ owns the building and has been negotiating with Nelson Marlborough Kindergarten Association (Kindergarten Assn) to sell the building.
- 2.2 Once ownership of the building sits with the Kindergarten Assn, it will need a ground lease to use the Reserve land in question.
- 2.3 The Kindergarten Assn has asked the Council to grant it a lease for five years, with two x rights of renewal of 10 years (total 25 years).
- 2.4 There is no requirement in the Reserves Act to publicly notify the intention to grant the lease. However, as with all decisions, the Council will need to consider whether consultation is required under the Local Government Act 2002 and the Council's Significance and Engagement Policy.
- 2.5 Given the length of term involved and the change of use from occasional use by Scouts to a multiple day per week use by the Kindergarten Assn, a public notification process is recommended. This will involve inviting submissions but is not intended to require a hearing. Submissions will be referred back to this committee to consider prior to making a final decision to grant, or refuse to grant, a lease to the Kindergarten Assn.
- 2.6 However, the Committee does have the option to simply grant the lease if it feels the proposal is sufficiently well understood in the community.

3. Recommendation/s / Ngā Tūhunga

That the Environment and Regulatory Committee

1. **receives the Wakefield Local Purpose Reserve - Lease to Kindergarten (former Scouts) report RRC24-04-5; and**

2. **agrees that consultation with the public in relation to the decision to grant a lease to the Nelson Marlborough Kindergarten Association is required under the Local Government Act 2002 and Council’s significance and engagement policy; and**
3. **agrees that staff undertake consultation on the granting of a lease to the Nelson Marlborough Kindergarten Association for the use of part of the Treeton Place Local Purpose Reserve, for an initial term of five years, with two rights of renewal for 10 years (total 25 years), subject to it establishing a viable Kindergarten facility on the site in the initial five year term; and**
4. **notes that the public’s views from the consultation will be included in a subsequent decision report to the Environment and Regulatory Committee.**

<p>4. Background / Horopaki</p>
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- 4.1 The particular part of the Treeton Place Local Purpose Reserve has long been occupied by Scouting NZ (Scouts). Scouts owned the building located on the reserve. The building is located at 24 Treeton Place. A location plan is attached to this report.
- 4.2 In relatively recent times, the membership of the Scouts dropped to the point where there were no regular troop meetings.
- 4.3 Nelson Marlborough Kindergartens (NM Kindergarten) has been working with the Scouts with a view to taking over the occupation of the reserve land at 24 Treeton Place. Craig Vercoe, Chief Executive of NM Kindergarten advised the Kindergarten at Brightwater had a waiting list of over 100, and establishing a Kindergarten in Wakefield was a way to alleviate an unmet community need.
- 4.4 Mr Vercoe advised that negotiations are all but finalised with Scouts. The outcome will be a document recognising that Scouts has sold its building to NM Kindergarten.
- 4.5 To allow NM Kindergarten to operate from the former Scout building will need to involve the Council granting a community lease over the reserve land to NM Kindergarten. The Council would lease the land to NM Kindergarten which would own the improvements. The lease would be on the standard terms for community group leases, including an annual rental of \$300+GST
- 4.6 Mr Vercoe advises that the total cost of repurposing the former Scout building is in the vicinity of \$1M. As such, NM Kindergarten needs certainty it will be able to operate for long enough to justify that investment. Following discussions with staff, NM Kindergarten is seeking an initial term of five years, with two rights of renewal for 10 years (total 25 years), subject to it establishing a viable Kindergarten facility on the site in the initial five year term.
- 4.7 The land involved is Section 3 SO 348765, which is held in Record of Title 534857. The land is a Local Purpose (Community Buildings) Reserve. The use of this type of reserve for a Kindergarten is entirely consistent with that reserve type.
- 4.8 A lease would be granted under Section 61(2A) of the Reserves Act 1977. The Tasman District Council is the administering body for this reserve. The powers available under this section are:

The administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve.....for any of the following purposes: (a) community building, playcentre, kindergarten, plunket room, or other like purposes:

[emphasis added]

5. Analysis and Advice / Tātaritanga me ngā tohutohu

- 5.1 There is no obligation in the Reserves Act for the Council to undertake public notice when exercising the powers available in Section 61. The question for the Environment and Regulatory Committee to consider is whether the decision before it requires consultation under the Local Government Act 2002 and the Council’s significance and engagement policy.
- 5.2 The Reserves Act is approaching 50 years since its royal ascent. It is generally conservative, with most decisions requiring public notice. While there is no statutory requirement to undertake public notice under the Act, staff consider it would be appropriate to seek community input into the lease, factoring in the change in use (Scouts used the building occasionally after school hours, while a Kindergarten would operate up to multiple days a week during the day).
- 5.3 Staff are aware that the proposal to establish a Kindergarten in Wakefield is reasonably widely known within the community. As such, Councillors (particularly local Ward Councillors) may feel that the views of the community are sufficiently well known to negate the need to undertake a time-consuming public notification.
- 5.4 Options available to the Committee are to request staff to undertake public notification of the intention to grant a lease to NM Kindergarten, for an initial term of five years, with two rights of renewal for 10 years (total 25 years), with the rights of renewal subject to NM Kindergartens establishing a viable Kindergarten in the initial five-year term. If the Committee resolves to undertake public notice, submissions will be invited. A report back to the Committee will be undertaken after the submissions deadline has closed, allowing the Committee to consider these prior to making a final decision. A formal hearing is not considered necessary given the relatively small scale of the proposal to grant this lease.
- 5.5 The second option is to resolve that the views of the community regarding the establishment of a Kindergarten at the former Scout facility are sufficiently well known. This would mean that public consultation would not be required, and the Committee could simply resolve to grant the lease. This is not the recommended option.
- 5.6 It is noted that the building is in a deteriorating state on the reserve. While Scouts has a clear obligation under its lease to remove the building if it is not needed (or can pass ownership to the Council for no consideration) having a new owner with resources to improve the building is considered a likely benefit for the community.

6. Options / Kōwhiringa

6.1 The options are outlined in the following table:

Option	Advantage	Disadvantage
1. Undertake public notice seeking community views on the intention to grant a lease to NM Kindergarten	This will allow the community the opportunity to provide input into the lease proposal	There will be a time delay in confirming whether or not NM Kindergartens can establish a facility at this location

Option		Advantage	Disadvantage
2.	Resolve that the views of the community are sufficiently well known that public notice is not required, and to grant the lease to NM Kindergarten	This will allow NM Kindergarten certainty that the facility can be established sooner, meaning the unmet need in the community can be met sooner.	Potential submitters in opposition do not have the opportunity to have their views considered. Without public notice, the decision on the lease could be open to legal challenge

- 6.2 While option one is recommended, it is open to the Committee to consider it has sufficient understanding of the Community's views on the granting of this lease.

7. Legal / Ngā ture

- 7.1 A lease under Section 61(2A) of the Reserves Act 1977 is not required to be publicly notified under the Reserves Act. However, as with all decisions, there is a requirement to follow the decision-making sections of the Local Government Act 2002 and Council's significance and engagement policy.
- 7.2 The Environmental and Regulatory Committee has delegation from the Council to grant leases under Section 61 of the Reserves Act 1977.

8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 8.1 The Council has obligations to consult with Wakatū as it involves the granting of a long-term lease within the 'Spain award' area. This is especially important given the 'Nelson Tenth's' claim has recently concluded in the High Court (although we are awaiting the judgment). This suggests that Council should consult rather than just granting the lease.
- 8.2 Regardless of the option preferred, local iwi will be notified of the proposal via the recently established iwi portal.

9. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui

- 9.1 Generally considered to be of low significance. Details follow:

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low-Medium	Of medium local interest to the Wakefield Community. Low interest to the wider District.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Low-Medium	If the lease were to be granted, the establishment of a Kindergarten in Wakefield is expected to alleviate an unmet need in the Wakefield and surrounds community. No/Low impact elsewhere

	Issue	Level of Significance	Explanation of Assessment
3.	Is there a significant impact arising from duration of the effects from the decision?	Low	If a lease is granted to NM Kindergartens, it will be for a reasonably significant term, but overall this is not considered significant in the context of the District.
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	While the entire reserve network would be a strategic asset, this individual land parcel is not. The reserve will remain a reserve.
5.	Does the decision create a substantial change in the level of service provided by Council?	No	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	The NM Kindergarten lease will be at an identical rental as other community groups.
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	
8.	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?	No	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater and Affordable Waters services?	No	This proposal involves use of an existing building for a similar community use.

10. Communication / Whakawhitiwhiti Kōrero

10.1 The only communication has been with NM Kindergartens, and Scouts, encouraging an agreement for the transfer of ownership of the building. NM Kindergartens has advised it is close to a formal written agreement, and has requested the Council consider granting it a lease. Its preference is to be granted a lease without public notice, but accepts this would carry some risk to both organisations (Tasman District Council and NM Kindergarten)

11. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea

- 11.1 There is an existing community lease in favour of Scouts, which would effectively be replaced with a new community lease in favour of NM Kindergarten. Rental and other outgoings would be the same regardless of whether it was Scouts or NM Kindergarten. There is a reduction in risk for the Council if the building is better maintained by NM Kindergarten, compared to Scouts.

12. Risks / Ngā Tūraru

- 12.1 There is a risk if the matter is not publicly notified, in that someone opposed to the proposal may feel they have not had an opportunity to submit.
- 12.2 The risk in publicly notifying the proposal is the delay in the Kindergarten being established, which is undesirable, given the long waiting list in place now.
- 12.3 The risk in publicly notifying is considered the lesser of the two risks. If a lease is granted, and challenged on the basis of a flawed process, that would delay the establishment of the Kindergarten longer than if the proposal is publicly notified.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

- 13.1 Given this is a similar use, there are no obvious climate change considerations.

14. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru

- 14.1 This proposal is considered to be consistent with the Reserves General Policy

15. Conclusion / Kupu Whakatepe

- 15.1 The concept of a lease to NM Kindergarten, in order to meet a substantial shortfall in childcare needs in the Wakefield and surrounds, is certainly worth considering. Whether the proposal has already received sufficient public airing, or is best to be consulted on, is the question at hand. Staff recommend a public notification process as the least risky option, but this will delay NM Kindergarten's ability to alleviate the unmet childcare needs of Wakefield and surrounds.

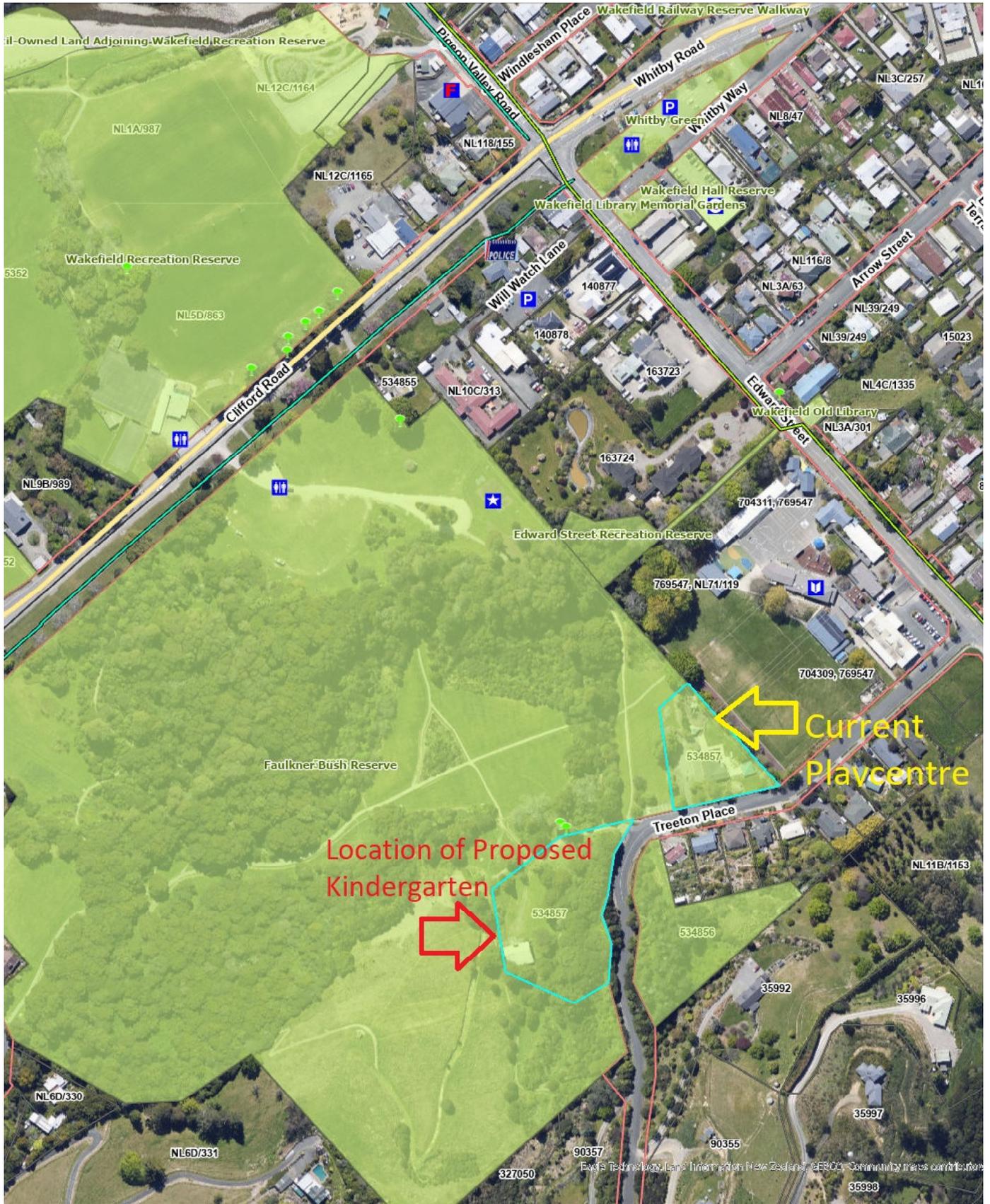
16. Next Steps and Timeline / Ngā Mahi Whai Ake

- 16.1 If public notice is to be undertaken this will be published in the next few weeks. Iwi consultation will commence in a similar timeframe. A report back to this committee to consider prior to making a final decision on whether or not to grant the lease will most likely be available for consideration in three to four months. A hearing is unlikely to be necessary but can be organised if requested.
- 16.2 If Councillors feel the proposal is sufficiently well understood in the community and that there is widespread support, a lease can be drafted and sent to NM Kindergarten for consideration in a few weeks.

17. Attachments / Tuhinga tāpiri

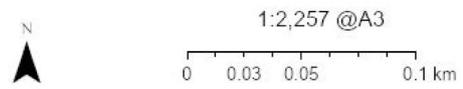
1. [↓](#) Locality Plan for new Kindergarten Proposal

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13, 2024

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| Places Of Interest | Public Toilet | Easy Mountain Bike |
| Police Station | School | Council Reserve |
| Fire Station | Walking Tracks | State Highway Roads |
| Car Park | Walking | Road Boundaries |
| Community Facility | Biking Tracks | Road Name Label |
| Playground | Cycling | Valuation Boundaries |



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