

Notice is given that an ordinary meeting of the Tasman District Council will be held on:

Date: Thursday 15 February 2024
Time: 9.30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street, Richmond
Zoom conference link: <https://us02web.zoom.us/j/82554210457?>
Meeting ID: 825 5421 0457
Meeting Passcode: 529310

Tasman District Council

Kaunihera Katoa

AGENDA

MEMBERSHIP

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

(Quorum 7 members)

Contact Telephone: 03 543 8400
Email: Robyn.Scherer@tasman.govt.nz
Website: www.tasman.govt.nz

AGENDA

- 1 OPENING, WELCOME, KARAKIA
- 2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

- 3 PUBLIC FORUM

- 3.1 Wakefield Community Council - End of Year Report 5
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- 4 DECLARATIONS OF INTEREST

- 5 LATE ITEMS

- 6 CONFIRMATION OF [MINUTES](#)

That the minutes of the Tasman District Council meeting held on Wednesday, 13 December 2023, be confirmed as a true and correct record of the meeting.

That the minutes of the Extraordinary Tasman District Council meeting held on Wednesday, 24 January 2024, be confirmed as a true and correct record of the meeting.

That the minutes of the Extraordinary Tasman District Council meeting held on Thursday, 1 February 2024, be confirmed as a true and correct record of the meeting.

That the confidential minutes of the Tasman District Council meeting held on Wednesday, 13 December 2023, be confirmed as a true and correct record of the meeting.

That the confidential minutes of the Extraordinary Tasman District Council meeting held on Wednesday, 24 January 2024, be confirmed as a true and correct record of the meeting.

That the confidential minutes of the Extraordinary Tasman District Council meeting held on Thursday, 1 February 2024, be confirmed as a true and correct record of the meeting.

- 7 REPORTS

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3 PUBLIC FORUM

3.1 WAKEFIELD COMMUNITY COUNCIL - END OF YEAR REPORT

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Robyn Scherer, Executive Assistant and Advisor to the Mayor
Report Authorisers:	Janine Dowding, Chief Executive Officer
Report Number:	RCN24-02-2

1. Public Forum / Te Matapaki Tūmatanui

Julian Eggers, Chair of the Wakefield Community Council will speak in public forum regarding the Wakefield Community Council's End of Year Report (**Attachment 1**).

2. Attachments / Tuhinga tāpiri

1. [Wakefield Community Council - End of Year Report](#)

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DOING THE GOOD STUFF IN 2023





PHOTO PROVIDED BY "LOVE WAKEFIELD"



"A community is not just about being close to people. It is also about feeling connected and playing a part in what happens."

-Darrell Latham

Sumner Community Hub

TOGETHER FOR WAKEFIELD: OUR COMMUNITY, OUR COUNCIL

With 50 years of service, the Wakefield Community Council Inc. stands as a collective of local residents dedicated to the betterment of our community. Its annually elected committee strives to uphold our objectives as an incorporated society. Our council stands as a testament to the power of collective action in creating a thriving and inclusive neighborhood. We actively encourage community engagement, welcoming all to join us in our ongoing mission to build a stronger, more connected Wakefield.

A LETTER FROM OUR CHAIR

I just want to thank you all for a very productive, challenging and rewarding year. Time for us to reflect on the year gone by. A lot has happened over this past year. We established meeting as a management committee at the end of last year 2022 to manage our house keeping and ongoing with the community council. Thank you to Amby, hall booking officer and Sam, the hall cleaner, who do an incredible job with their roles. Stuart Watts, thank you for your continuous support in the upkeep and seeing the best for the hall. Your handyman skills have been a blessing. The management committee have done a good job steering the hall in the right direction. We continue our work in the day to day upkeep with the hall with partnership with the TDC.

Thank you to our TDC ward Councilors, Dan, Mike and Christeen, as well as Stuart Bryant, who attends our monthly Wakefield Community Council meetings and the support and guidance they give us regarding Council issues. Supper blessed to have very open and supportive Council staff in the TDC who are open to answer questions involving projects and issues in the Wakefield Community. It's been important for me to keep a positive, open, two way relationship with Council, for the best interests of Wakefield.

A big thank you goes to Tony (WCC Treasurer) and Chelsea (WCC Secretary) for their roles in the management committee and the Wakefield Community Council. Your wisdom and knowledge is an asset in the growth and development of the management committee and Wakefield Community Council. Your hard work always gets noticed, and I thank you deeply. You both have grown over the last 12 months. It's been my pleasure to work alongside of you, to see the best for Wakefield and the Wakefield Community Council.

We all play our part in the functioning of the Wakefield Community Council. Our diversity in knowledge, age, wisdom and passion towards our community is not only special, but unique. We have done Wakefield justice in giving it a voice and seeing not only the now but for the future. We aren't here for ourselves but for the success of the growth of Wakefield. This year has made us stronger as a group as we have relied on the connections we have all made. No doubt some days have been harder than others, but knowing how much support and kindness we all have for one another, has been heartwarming

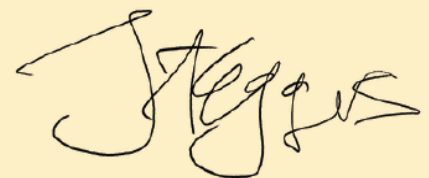


My highlight of the year was the Wakefield Community Anzac Service. Again this year, myself and the support of the Wakefield Community Council, we ran another successful, beautiful service, that included many Community organizations and key speakers. Hearing the positive impact and feedback from members of Wakefield Community and afar, has definitely been rewarding and I hope we did justice for past and present service men and women in Wakefield.

I also want to acknowledge the growth in our membership over the last 6 months. Having more of the community engaged with not only Wakefield issues but the wider TDC issues that we are informed by our ward Councilors and TDC staff. I would like to thank the Wakefield Community for your ongoing support in seeing Wakefield blossom in our proactive, driven and open community council. The strength of love we stand together. The numbers in people, we can achieve greater.

It's been my pleasure once again to be the Chairperson for the Wakefield Community Council. I thank you for allowing and trusting me to lead the management committee as well. I have grown as a person, learned to better myself and continuing to upskill as a Chairperson. I've had a great year and having you all walking along beside me for the same goal has been definitely rewarding. Bottom of my heart, Thank you. We have accomplished a lot in this past year, but this is only the beginning. Wakefield is our place, Community is our family, let's work together Hand in hand, side by side, for the best outcomes of our special village, village of Wakefield.

Julian Eggers
Chairperson





Nathan Dunn
Deputy Chair

FROM OUR DEPUTY CHAIR

It brings me great joy to share the remarkable progress and unity within our Wakefield Community Council. As Deputy Chair, I am excited to highlight the impactful projects that underscore our commitment to community well-being. From revitalizing public space to actively supporting local businesses, each initiative is a testament to our collective dedication to creating a vibrant and thriving community.

A warm and hearty welcome is extended to the new members joining our Management Committee and greater community members. Their fresh perspectives and enthusiasm promise to inject new energy into our ongoing endeavours. Together, we look forward to see what 2024 brings us and to ensure that Wakefield remains a dynamic and close-knit community.

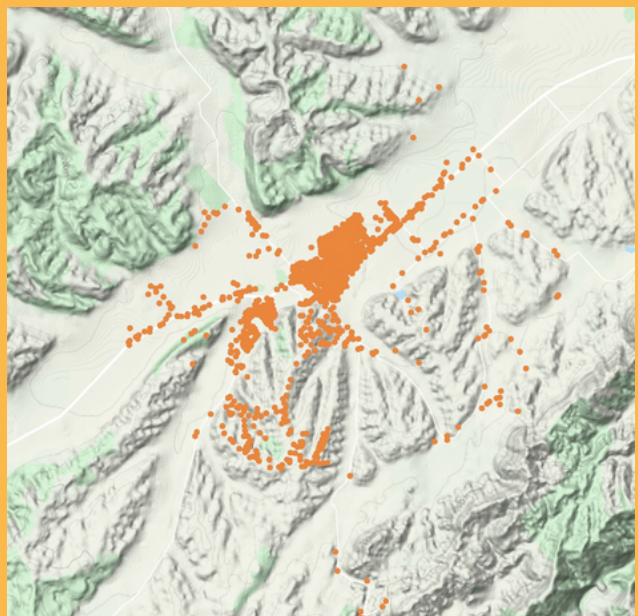


PHOTO PROVIDED BY "LOVE WAKEFIELD"

OUR OBJECTIVES

THE WELL-BEING OF WAKEFIELD COMMUNITY HEALTH, SUSTAINABILITY, AND RESILIENCE

We are dedicated to cultivating a resilient and vibrant Wakefield, prioritising the health and prosperity of our community members and the sustainable development of our neighborhoods.



59 STREETS UP FROM 46 IN 2018
1082 HOUSES, FLATS, AND COTTAGES
+20 AWAITING VALUATION

HOW WE'RE MAKING IT HAPPEN

ADVOCATING ON LOCAL ISSUES

Actively engaging with the Wakefield community through consultations and town hall meetings, ensuring that their concerns and priorities are effectively communicated to TDC, advocating for the representation of our community's interests in broader regional projects.

PARTNERING WITH LOCAL INITIATIVES

Collaborating closely with existing local initiatives, to actively support and amplify their operations, providing resources and guidance to bolster their success and encourage the flourishing of passions already prevalent within our community.

TANGIBLE IMPACTS

We work closely with the Tasman District Council to implement tangible improvements in our community, revitalising public spaces like our Whitby Green and upgrading amenities such as toilets, playgrounds, Baigent Reserve, Genia Drive playground, and the Robinsons Reserve rubbish bin. We strive to create a lasting positive influence on our community's well-being and overall quality of life.

OUR VALUES

CONNECTION

We foster connection through regular community events, creating a tight-knit community where individuals can get involved while connecting with neighbours.

PARTICIPATION

We support community-driven initiatives, empowering local voices to shape the community and fostering a sense of ownership in our collective contribution to the betterment of our home.

SUSTAINABILITY

We support local businesses and initiatives that contribute to the long-term economic and environmental health of the community, ensuring a sustainable and balanced future.

WHAT WE DO

- MONTHLY PUBLIC MEETINGS
- MANAGEMENT COMMITTEE MEETINGS
- SUBCOMMITTEES FOR KEY ISSUES
- SUPPORT LOCAL EVENTS
- ADVOCATING FOR OUR COMMUNITY



PHOTO FROM LOVE WAKEFIELD

WORKING TOGETHER TO PROVIDE FOR THE GOOD OF OUR COMMUNITY

With thanks to our committee, our membership, volunteers, and the Tasman District Council we have been able to respond to the needs of our community

4 VILLAGE EVENTS

2 SPECIAL ISSUE
PUBLIC MEETINGS

24 DONATIONS FROM INDIVIDUALS AND LOCAL BUSINESSES

11 PUBLIC MEETINGS

5 NEW COMMITTEE MEMBERS

50 YEARS

OF PROJECTS AND
COMMUNITY SUPPORT

THE COMMUNITY POLICE STATION

The Wakefield Community Council (Formerly the Wakefield Ratepayers Association) was a fierce advocate for having two Police officers in our station, ensuring our community always has someone available when we are in need.



WAKEFIELD HEALTH CLINIC

The Wakefield Community Council Advocated for our health clinic, ensuring our community has care close by, keeping us healthier at home.

BUS STOPS FOR WAKEFIELD

We advocated for bus stop locations that made sense for both passengers and neighbouring homes. More and more Wakefield residents are enjoying the bus each month.



EVENTS IN 2023

ANZAC SERVICE AND DISPLAYS

WCC AGM 50 YEARS CELEBRATION

MEET THE CANDIDATES (X2!)

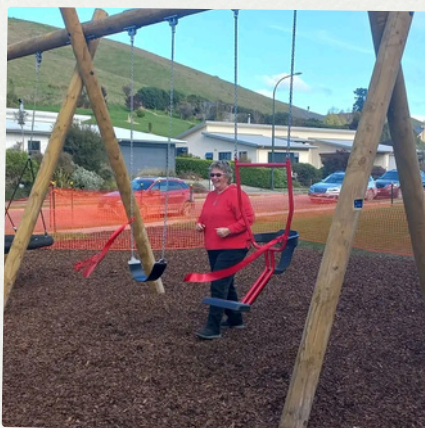
**OPENING GENIA DRIVE RESERVE
PLAYGROUND**

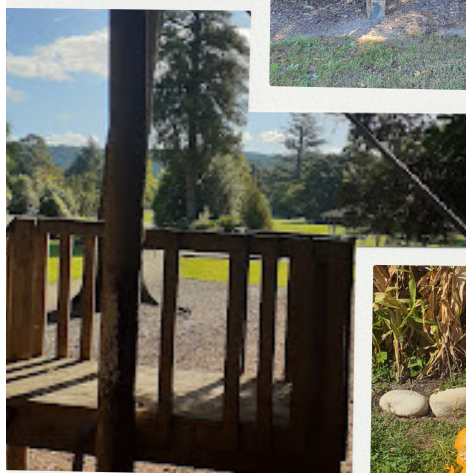
**FAULKNERS BUSH PLAYAREA COMMUNITY
CONSULTATION**

POST MEMORY HERITAGE TRAIL LAUNCH

WAKEFIELD COMMUNITY CAROLS

WAKEFIELD LONG TERM PLAN WORKSHOP





UPCOMING EVENTS FOR 2024

THERE'S SO MUCH TO WATCH OUT FOR IN 2024.

CHECK YOUR INBOX FOR OUR MONTHLY AGENDA, MINUTES
OR GRAB THE LOCAL NEWSLETTER, WINDOW ON WAKEFIELD

**FEASIBLE OPTIONS FOR REPLACING
THE VILLAGE HALL
(WAIMEA SOUTH TRUST)**

**NEW PLAYGROUND AND LAYOUT
FOR FAULKNER RESERVE NEXT TO
SH6**

COMMUNITY VEGETABLE GARDEN

**OPENING OF BAIGENT RESERVE
(ON NORTH SIDE OF WAI-ITI STEAM)**

WAKEFIELD ANZAC SERVICE

**WAIMEA SOUTH COMMUNITY
FACILITY CHARITABLE TRUST**

PROJECTS WE'RE SUPPORTING

Want to read more? Click on the name of the project

THE BIG BAKE UP

HALL USERS – LIVE WELL,
COUNTRY PLAYERS, SEWING, ART
GROUP



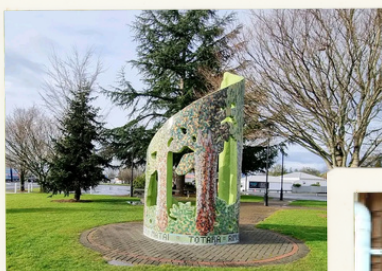
POST MEMORY HERITAGE TRAIL

VILLAGE GREEN SCULPTURE
RENOVATION



VILLAGE KIOSK REFURBISHED
AND NEW ROOF

HOMES FOR WAKEFIELD



WAKEFIELD SECURITY CAMERAS

WAIMEA SOUTH COMMUNITY FACILITY CHARITABLE
TRUST



DOING WHAT WE CAN

While we don't always have the final say, we will always advocate fiercely on the behalf of our community

- More options for smaller, more affordable housing
- New cell tower location

WORKING TOGETHER

The Community Council continues to connect and share ideas and resources with other community groups and organisations.

- Partnering with TDC to advocate on the behalf of our community
- Waimea South Community Facility Charitable Trust for a new community hub
- Attending flood risk meeting at Brightwater Community public meeting
- Workshop meeting with other Tasman community councils (Chairperson).

DAILY SUPPORT

Chair can be contacted via email with concerns

The Village Hall is available for

- Local groups
- Regular meetings
- Celebrations (wedding, birthday).

THANK YOU TO OUR HALL STAFF

**AMBY COWE
STUART WATTS
SAMILA SARGENT**

We wanted to recognise the hard work of the Wakefield Village Hall staff and thank them for ensuring the hall runs smoothly

YOUR 2023-2024 REPRESENTATIVES

Chair: Julian Eggers

eggers213@gmail.com

Deputy Chair: Nathan Dunn

njkdunn2002@gmail.com

Secretary: Chelsea Martin

wccsecretary7025@gmail.com

Treasurer: Tony Aldridge

wcctreasurer7025@gmail.com

Committee:

Colin Gibbs

Jean Gorman

Melissa Woodhouse

Richard Martin

Brent Eggers

Anna Naygrow

Annemarie Kidson

Ewan Crouch

Lydia Mitchell- loved member, resigned to non-voting membership as she no longer lives in Wakefield.

THANK YOU!

We wouldn't have been able to work without the support and generosity of passionate individuals, and organisations

Thank you to all dedicated volunteers, supportive members residents and the business community.

Thank you to the Tasman District Council for your faith in us to use your money wisely and deliver on our goals.

3.2 PUBLIC ACCESS TO MEETINGS

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Robyn Scherer, Executive Assistant and Advisor to the Mayor
Report Authorisers:	Leonie Rae, Acting Chief Executive Officer
Report Number:	RCN24-02-3

1. Public Forum / Te Matapaki Tūmatanui
--

Donald Horn will speak in public forum regarding public access to meetings.

2. Attachments / Tuhinga tāpiri
--

Nil

7 REPORTS

7.1 MAYORS FOR PEACE ART AWARD

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Robyn Scherer, Executive Assistant and Advisor to the Mayor
Report Authorisers:	Leonie Rae, Acting Chief Executive Officer
Report Number:	RCN24-02-4

1. Presentation / Whakatakotoranga

Mayor King will make a presentation to Gracie Quinney from Ranzau School. Gracie won third place in the 11–15-year-old age-group category at the 2023 Mayors for Peace Art Awards. Gracie's entry was one of 2,230 entries from 115 cities in 19 countries in her age-group category.

2. Attachments / Tuhinga tāpiri

Nil

7.2 RETROSPECTIVE APPROVAL OF SUBMISSIONS**Decision Required**

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Diana Worthy, Team Leader – Natural Resources Policy; Myaan Bengosi, Policy Planner - Urban & Rural Development; Guinevere Coleman, Team Leader Biosecurity & Biodiversity; Barbara Lewando, Senior Climate Change Advisor; Tania Bray, Policy Planner
Report Authorisers:	Barry Johnson, Environmental Policy Manager
Report Number:	RCN24-02-5

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

- 1.1 To retrospectively approve five Tasman District Council submissions regarding:
- 1.1.1 Ministry for the Environment’s consultation on a proposed National Policy Statement for Natural Hazards Decision-making; and
 - 1.1.2 Ministry for the Environment and Ministry for Primary Industries’ consultation on potential amendments to the National Policy Statement for Highly Productive Land; and
 - 1.1.3 Ministry for the Environment and Department of Conservation’s consultation on exploring a biodiversity credit system for Aotearoa New Zealand; and
 - 1.1.4 Environment Committee’s Inquiry into Climate Adaptation; and
 - 1.1.5 Ministry for the Environment’s consultation on the Draft Transitional National Planning Framework.
- 1.2 These five submissions were submitted in the latter part of 2023 under delegated authority on behalf of the Council. Staff now seek retrospective approval of these submissions.

2. Recommendation/s / Ngā Tūtohunga

That the Tasman District Council;

- 1. receives the Retrospective Approval of Submissions report RCN24-02-5; and**
- 2. retrospectively approves the Council’s submission to the Ministry for the Environment’s consultation on a proposed National Policy Statement for Natural Hazards Decision-making (Attachment 1); and**
- 3. retrospectively approves the Council’s submission to the Ministry for the Environment and the Ministry for Primary Industries’ consultation on potential amendments to the National Policy Statement for Highly Productive Land (Attachment 2); and**

4. retrospectively approves the Council's submission to the Ministry for the Environment and Department of Conservation's consultation on exploring a biodiversity credit system for Aotearoa New Zealand (Attachment 3); and
5. retrospectively approves the Council's submission to the Environment Committee's Inquiry into Climate Adaptation (Attachment 4); and
6. retrospectively approves the Council's feedback on the Ministry for the Environment's Draft Transitional National Planning Framework (Attachment 5).

3. Background / Horopaki

- 3.1 The Ministry for the Environment consulted on a proposed National Policy Statement for Natural Hazards Decision-making (NPS-NHD), with the submission period closing on 20 November 2023. The proposed NPS is an initial step towards a more comprehensive national direction for natural hazards and would introduce consistency around decision making on new developments where there is risk from natural hazards. The proposed NPS-NHD is expected to limit new development in areas that are at high risk from natural hazards and require mitigations for other areas to ensure people and property are protected. The Council's submission is available in **Attachment 1**.
- 3.2 The Ministry for the Environment and the Ministry for Primary Industries consulted on potential amendments to the National Policy Statement for Highly Productive Land 2022 (NPS-HPL). Submissions closed on 31 October 2023. The Council's submission is available in **Attachment 2**. The consultation document sought feedback on potential amendments to two issues raised by stakeholders, being (a) no clear pathway for new specified infrastructure and (b) no clear pathway for intensive indoor primary production and greenhouses. The consultation document also welcomed any further general feedback. The Council's submission supported the proposed amendments to the NPS-HPL to address the two issues raised by stakeholders and highlighted the following additional issues:
 - no clear pathway for developing and using cool stores, packhouses and workers accommodation on highly productive land where those buildings serve multiple users; and
 - the NPS-HPL definition for 'identified for future urban development' conflicts the National Policy Statement on Urban Development 2020; and
 - Clause 3.8(1) of the NPS-HPL does not clearly provide an exception for boundary adjustments, where some highly productive land is permanently lost to productive uses.
- 3.3 The Ministry for the Environment and the Department of Conservation sought submissions on a proposed system for biodiversity credits entitled '*Exploring a biodiversity credit system for Aotearoa New Zealand*'. The Council's submission is available in **Attachment 3** and was submitted early November 2023. Generally, staff are supportive of the approach. Within the Council's submission further information and clarification has been sought, in addition to responding to the questions asked, which are at this stage very high level. There is a level of uncertainty in this first step as the framework for a future biodiversity credit system is not yet available.
- 3.4 Parliament's Environment Committee consulted on an *Inquiry into Climate Adaptation*. Submissions closed on 1 November 2023. The Council's submission is available in **Attachment 4**. This inquiry sought feedback on what new powers, roles and responsibilities will be needed to support community-led retreat and how the cost of adaptation will be met.

The findings of this enquiry were intended to support the Climate Adaptation Bill, although the future of this proposed legislation is now uncertain with the incoming new government.

- 3.5 The Ministry for the Environment consulted on the draft Transitional National Planning Framework (dTNPf) with submissions closing on 13 December 2023. The Council's submission is available in **Attachment 5**. The dTNPf was the Ministry's first attempt at drafting a National Planning Framework under the Natural and Built Environment Act 2023 (NBEA) and consultation was limited to iwi and councils. The dTNPf combined the existing National Policy Statements and National Environmental Standards into one document and realigned the wording to reflect the requirements of the NBEA. During the submission period it became evident that the new government would repeal the NBEA. However, despite this the Council continued with our submission and took the opportunity to feedback to MfE as there remained relevance to the existing National Policy Statements and National Environmental Standards or any future alternative framework. To this extent the Council's submission has retained some enduring value. Subsequently, the NBEA was repealed at the end of December 2023.
- 3.6 Several staff contributed to the five submissions and their input was collated by lead authors. The draft submissions were circulated to the Council for review, and any feedback received was incorporated into the final submissions. The submissions were signed off by the Mayor and/or the Chief Executive under delegated authority.

4. Attachments / Tuhinga tāpiri

1. ↓	Submission on NPS Natural Hazards Decision-making	26
2. ↓	Submission on proposed amendments to the NPS Highly Productive Land	37
3. ↓	Submission on Exploring a Biodiversity Credit System	43
4. ↓	Submission on the Inquiry into Climate Adaptation	55
5. ↓	Submission on draft Transitional National Planning Framework	72

17 November 2023

Ministry for the Environment
 Manatū mō te Taiao
 PO Box 10362, Wellington 6143
 naturalhazardRMA@mfe.govt.nz

Tēnā koe,

Tasman District Council's Submission on the proposed National Policy Statement on Natural Hazards Decision-making

Thank you for the opportunity to submit on the proposed National Policy Statement (NPS) on Natural Hazards Decision-making consultation. We commend the work of the Ministry for the Environment to improve the resource management framework regarding managing the significant risks from natural hazards.

Background

Tasman District Council is one of three unitary councils in Te Tau Ihu, top of the South Island. The district's estimated population of 57,900 residents is growing at rate of 1.8% per annum. Our towns and rural communities are vulnerable to a range of natural hazards, which will be further exacerbated by climate change including sea level rise. Natural hazard events impact on our environmental, social, cultural and economic wellbeing and community recovery can take years. Recent examples of natural hazard events that have affected our Tasman communities include Cyclone Fehi and Cyclone Gita (both February 2018), Pigeon Valley fire (February 2019), and the Nelson-Tasman rainfall event (August 2022).

Submission

The Council's contact for this submission is:

Diana Worthy, Team Leader – Natural Resources Policy (diana.worthy@tasman.govt.nz).

Attached to this letter is the Council's response to the questions set out in "*He Marohi Kaupapa Here ā-Motu mō ngā Whakataunga Mōreareatanga ā-Taiao: Proposed National Policy Statement for Natural Hazard Decision-making, Under the Resource Management Act 1991*".

Thank you again for the opportunity to submit on this important consultation. We strongly encourage central government to continue to engage with councils on the development of this NPS to ensure this national direction is workable and takes into consideration local circumstances.

Nāku noa, nā



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

Tasman District Council
Email info@tasman.govt.nz
Website www.tasman.govt.nz
24 hour assistance

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Phone 03 543 8400
Fax 03 543 9524

Murchison
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 PO Box 123
 Motueka 7143
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Phone 03 528 2022
Fax 03 528 9751

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

Tasman District Council's response to the questions set out in "*He Marohi Kaupapa Here ā-Motu mō ngā Whakataunga Mōreareatanga ā-Taiao: Proposed National Policy Statement for Natural Hazard Decision-making, Under the Resource Management Act 1991*".

Part 1 Context & Part 2 Problems to Solve
<i>Proposed National Policy Statement for Natural Hazard Decision-making as a first step</i>
<p>1. Is more action needed to reduce development from occurring in areas facing natural hazard risk?</p> <p>Yes. The RMA 1991 decision making process has historically operated on the basis that as long as the natural hazard can be 'mitigated', then the development can proceed. Section 9 of the RMA 1991 has limited controls on restrictions on use of land. In low-lying coastal areas, the standard approach in Aotearoa New Zealand has been to raise ground and floor levels; yet with a changing climate and more extreme and frequent weather events, this will create islands of development with longer term issues regarding access and servicing and the need for managed retreat. Additionally, the outcome from the last few significant natural hazard events has seen ratepayers/taxpayers funding current homeowners who are affected by a hazard. Councils and communities need to take a strategic long-term approach and 'avoid' hazards as appropriate and clear national direction/legislation is required to achieve this.</p>
<p>2. Are there any other parts of the problem definition that you think should be addressed through the NPS-NHD? Why?</p> <p>In our opinion, the NPS-NHD fails to address key parts of the 'problems to solve' as set out in the Discussion Document. It is true that across Aotearoa New Zealand there is inconsistent identification and assessment of natural hazards, that gaps exist in how authorities approach identifying and mapping natural hazards, and that risk information is often incomplete and out of date. However, the NPS-NHD does not provide a framework or standards to robustly resolve these issues. We recommend that comprehensive guidance on how to robustly approach identifying and mapping natural hazards should be addressed in the NPS-NHD.</p> <p>It is rightly identified in the Discussion Document that Aotearoa New Zealand has no agreed framework for how decision makers should consider natural hazard risks under the RMA 1991. The Council has identified several gaps in the NPS-NHD such as what is a 'significant risk', how tolerance to risk should be assessed, and what risks should be assessed. While 'tolerance' is a key component of the NPS-NHD, a definition or framework for assessing tolerance is not provided. While it is stated that the subsequent National Direction for Natural Hazards will provide 'a standardised risk tolerance assessment methodology', this needs to be provided within the NPS-NHD to address how tolerance is to be assessed under the NPS. Similarly, we recommend that standardised assessment methodologies for other key concepts in the policy statement such as likelihood, consequence, and the effectiveness of mitigation measures should be defined within the NPS-NHD.</p> <p>The problem definition refers to natural hazards in general, and we suggest that there needs to be recognition of the variety of natural hazards in New Zealand and that the planning response will vary depending on the nature of the natural hazard. Additionally, the problem definition and the NPS-NHD needs to embed climate change and retreat from low lying areas as a priority. The climate is changing and the risks will increase over time. Whilst we appreciate the NPS-NHD focuses on new development, it is not clear what central government's intentions are to address current RMA 1991 deficiencies regarding</p>

retreat over the next 10-15 years while individual regions (and their respective councils) transition to the new resource management system proposed under the last government.

3. Are there other issues that have not been identified that need to be addressed through the NPS-NHD or the comprehensive National Direction for Natural Hazards?

Baseline standards for hazard avoidance. For example, for flooding, under the present frameworks offered by the Building Act, Building Code, and associated determinations and legal precedent, the baseline below which development cannot occur is a 2% AEP flood event. If the expected outcome of the NPS-NHD is that development will be more resilient to flood events, then explicit baseline standards should be included to achieve this outcome.

A second issue that the Council has identified and needs to be addressed in the NPS-NHD is that there is a conflict between *Te Mana O te Wai* under the National Policy Statement for Freshwater Management (NPS-FM) and the NPS-NHD. We note that NPS-NHD Section 1.6 recognises the NPS's relationship with New Zealand Coastal Policy Statement 2010, and we recommend that a similar section is required in relation to the NPS-FM to provide clarity. The NPS-NHD's objective contains significant conflict with the NPS-FM, in that the measures required to mitigate or minimise risk to people, communities, property and infrastructure often have adverse effects on the environment and can exacerbate the natural hazard effects in natural systems. For example, stop banks and channel armour used to minimise flooding and erosion can damage ecosystem health values and also exacerbate effects on water flow velocities and volumes, changing river stability further affecting waterbody habitats etc; and coastal protection structures can damage or remove intertidal habitats, etc. In turn, the NPS-NHD's policies seem skewed towards people/assets and the environmental effects from natural hazards or from natural hazard mitigations are not considered.

Part 3 Key policy proposals of the proposed National Policy Statement for Natural Hazard

Decision-making

Purpose

4. Do you support the proposed NPS-NHD's requirement that decision-makers take a risk-based approach when making decisions on new development in natural hazard areas? Why or why not?

Page 5 of the Discussion Document states "*the proposed comprehensive National Direction for Natural Hazards will support local authorities to identify natural hazards and risks in a consistent and rigorous way, understand the level of risk tolerance by a community or other party, and provide direction on making decisions on land use in hazard-prone areas.*" We note that the Council's natural hazards and sea level rise data that is used to inform our decision-making processes including the resource consent process, is based on probability/exposure or susceptibility mapping – it is not risk-based maps in the sense of 'hazard-exposure-vulnerability' where consequence is also considered. Additionally, the Council has not undertaken any strategic work to date to understand community risk tolerance to natural hazards in general – rather council staff determine this on a case-by-case basis at the consenting stage based on the proposed development, within the existing legislative framework (e.g. plan rules and relevant national direction). To transition to this type of risk-based approach would require the Council to invest significant resources and data.

One difficult aspect of the proposed 'risk-based' approach in the NPS-NHD is that 'tolerance' has been intrinsically tied to risk in Policy 2, where tolerance is to be considered as part of the determination of risk. However, the components and dimensions of 'tolerance' and how it should be robustly and consistently assessed is not included in the NPS-NHD. For the risk-based approach of the NPS-NHD to succeed, the framework for making decisions under Policy 2 and Policy 5 must be clearly included within the NPS-NHD – this must also include clear definitions for 'intolerable' and 'generally acceptable'.

It's also not clear what outcomes are expected under the 'risk-based' approach because of the link to 'tolerance'. For example, for a given hazard, should a development be permitted if the developers and owners of the development demonstrate the willingness and have the capability to bear the consequences of that hazard? As it is currently structured, the NPS-NHD makes it possible to 'trade off' tolerance against consequence, essentially enabling developments considered under these policies to be moved from 'high natural hazard risk' to the tolerable 'moderate natural hazard risk' by trading off tolerance to reduce the risk. This highlights why the NPS-NHD requires a robust and clearly articulated framework for these assessments in conjunction with bottom-line standards.

In terms of the risk-based approach that is envisaged in the NPS-NHD, as illustrated in the example on Page 23 of the Discussion Document (Applying Policy 5: Development in high, moderate or low risk areas), it is not clear how the risk-based approach of the NPS-NHD differs from the existing frameworks provided by the Building Act and Building Code and how the outcomes will be different. In the example provided on Page 23, parts of Kevin's site flood and have high natural hazard risk where the risk is intolerable. In terms of the existing frameworks this seems to be equivalent to areas of the site being inundated in flood events more frequent than a 2% AEP event, which is the minimum standard for preventing the ingress of water under the Building Code. The example goes on to say that other areas of the site have risk that is not intolerable, but not acceptable, and that to develop on these areas Kevin will need to undertake mitigation works such as raised floor levels. Under the existing framework this seems to be equivalent to building the floor up so that it is above the 2% AEP flood level, but it may be below the 1% AEP flood level. Under the existing framework Kevin can build in this circumstance but will receive a 'hazard notice' under s71-74 of the Building Act. In order for the risk-based approach envisaged by the NPS-NHD to be successful it needs to be linked to clear standards, especially if the intent of the NPS-NHD is that the outcomes are different. As it stands, the risk-based approach of the NPS-NHD lacks a robust framework necessary for a nationally consistent approach to hazard management.

New development activities in scope

5. Should all natural hazards be in scope of the proposed NPS-NHD? Why or why not?

The Council recommends that the NPS-NHD needs to clearly define which natural hazards are in scope and should be managed through the resource management system. We recognise that there are complexities regarding individual natural hazards and their associated risks, and therefore what should be included in scope of the NPS. For example, how to manage 'low probability/high consequences' natural hazards (e.g. tsunamis, earthquakes), and in circumstances where natural hazards may be tolerable for the existing development, but may be intolerable for new development/intensification of areas (e.g. flooding and mitigation provided by existing stopbanks).

The RMA 1991 currently defines 'natural hazard' as "any atmospheric or earth or water related occurrence (including earthquake, tsunami, erosion, volcanic and geothermal activity, landslip, subsidence, sedimentation, wind, drought, fire, or flooding) the action of which adversely affects or may adversely affect human life, property, or other aspects of

the environment". However, we note that there are a number of atmospheric natural hazards that are generally not considered through the planning process (such as hail, snow, heat waves, tornadoes, thunder and wind). These hazards are also likely to increase in frequency and severity as a result of climate change. In respect of tsunamis, a number of councils take an education/advice approach (rather than consider this hazard in planning decisions) because it is a low probability occurrence event (although has high consequences). While meteors and comets may be a 'natural hazard', these should be excluded for the purpose of the NPS-NHD.

6. If not all natural hazards are in scope, which ones should be included? Why?

Page 18 of the Discussion Document suggests that the NPS-NHD could be limited to certain natural hazards and gives the examples of flooding, coastal erosion, active faults, liquefaction and landslips. The Council recommends that in addition to the list above, the following should also be included or noted:

- Flooding should be explicit to include fluvial, pluvial and coastal flooding
- Rising sea levels will cause the location of the sea (high tide) to progressively come inland over time, however the resultant every day high tide is not a 'flooding' event. For the avoidance of doubt and for clarity, it is recommended that sea level rise is explicitly included either within the definition of natural hazard or listed alongside natural hazard references within the NPS-NHD.
- Wildfire – we recommend that this is included in scope, and that councils require tools and guidance to better understand wildfire and how to use the planning system better to build community resilience to wildfire risk.
- Drought – while this is a natural hazard, our response to drought through the planning system tends to focus on provision of water through freshwater take and storage rules and engineering standards. How do you determine 'high natural hazard risk' for drought, and should councils be avoiding new development where provision of water may be problematic in the future?
- Wind – we note that this is generally dealt with through Building Code requirements (e.g. weather tightness of buildings/structural strength).

7. Should all new physical development be in scope of the proposed NPS-NHD? Why or why not?

The NPS-NHD definition of new development does not consider the relocation of existing building(s) onto a site – this is an omission that needs to be included within the definition.

In our view, all physical development will be subject to some degree of hazard and risk, and so it is not clear why some physical developments would be out of scope?

8. What impact do you think the proposed NPS-NHD would have on housing and urban development? Why?

The ideal outcome of the NPS-NHD would be to stop development in high natural hazard risk areas and significantly control development in moderate natural hazard risk areas. However, the way the NPS-NHD is currently drafted, it falls short of this outcome. This is because the NPS-NHD does not provide a robust framework and definitions for assessing likelihood, consequence, and tolerance. This will lead to technical/resource consent staff being faced with arguments with consent applicants as to whether the risk is tolerable or not. It will come down to the courage of individual councils to make the right decision against the protests of some applicants and may result in litigation.

Another challenge is how will councils balance the conflict between requirements for urban development versus natural hazards (e.g. if we cannot build here, then where?). If the council area is large like Tasman, we generally have choices for meet growth demands. However, we note that other council areas, such as our neighbours Nelson, are much more constrained. This situation is illustrated in our proposed growth areas in our recent Nelson Tasman Future Development Strategy 2022.

Proposed objective

9. Do you agree with the proposed objective of the NPS-NHD? Why or why not?

In our opinion, the objective has a focus on hazard events and it could better address long term increasing risk from climate change. For example, sea level rise should be explicit throughout the NPS-NHD.

We also recommend that there is a second objective to address the inherent conflict between *Te Mana o Te Wai*/NPS-FM matters and the NPS-NHD. This would provide further clarity in relation to appropriate natural hazard mitigation measures and promote concepts such as 'room for rivers'.

Policy 1 and definitions: natural hazard risk categories

10. What are the pros and cons of requiring decision-makers to categorise natural hazard risk as high, moderate or low?

Page 11 of the Discussion Document states that the proposed comprehensive 'National Direction for Natural Hazards' is several years away, however it is proposed that it may include:

- “standardised methodologies for mapping natural hazards and assessing risks to inform land use planning decisions
- Defined risk thresholds, established by developing and implementing a standardised risk tolerance assessment methodology to define areas that may be ‘tolerable’ or ‘intolerable’ to natural hazard risk
- Standardised terms such as ‘significant natural hazard risk’ and ‘intolerable natural hazard risk.’”

We are of the opinion that these are key pieces of information that is required to clarify the proposed NPS-NHD, and without this information it will make the NPS difficult to implement for councils, developers and communities.

The definitions of high and moderate natural hazard risk both refer to natural hazards that are ‘intolerable’. However, the NPS-NHD does not define ‘intolerable’, which will result in implementation issues. We also note that there is an overlap in relation to the Ministry for the Environment’s “Community-led retreat and adaptation funding: issues and options” report which has been developed for the Parliamentary Environment Committee’s Inquiry into Climate Adaptation – as this report asks the question on “what do you think makes a risk tolerable or intolerable?”. The Council would like clarity on how these two processes/pieces of work are being aligned and used to inform and improve mutual outcomes.

Policy 2: Assessing natural hazard risks

11. What are the pros and cons of directing decision-makers to assess the likelihood, consequence and tolerance of a natural hazard event when making planning decisions?

Page 21 of the Discussion Document states that Policy 2's criteria are principle-based rather than overly prescriptive. However, the Council believes that this will cause issues with interpretation and implementation of the NPS-NHD. A council's view on tolerance may differ quite significantly from individuals, neighbourhoods and communities, which will lead to litigation of individual resource consent applications and plan change processes. As previously noted in our submission, the NPS-NHD lacks clarity on some key words/definitions such as how to assess likelihood, consequence, and tolerance of natural hazard events. As it is currently drafted, Policy 2 has a significant con, in that the lack of these concepts clearly defined within the NPS-NHD will result in the development of definitions through legal action and precedent, of which councils will bear the cost of. It will leave councils across Aotearoa New Zealand with significant uncertainties about the implementation of the NPS-NHD and will result in inconsistent approaches to the assessment of likelihood, consequence, and tolerance.

Specific feedback includes:

- 2(a) should also recognise the potential change in risk rating over time e.g. is the scenario present day or 100+ years?
- 2(b) the reference to tolerance requires clarification, is unclear what it applies to, is it tolerance of people and communities to events or does it also include tolerance of new developments to hazard events?

Policy 3: Precautionary approach in decision-making

12. What are the pros and cons of directing decision-makers to adopt a precautionary approach to decision-making on natural hazard risk?

The pro of Policy 3 is that it theoretically should minimize development in areas where it is not appropriate. However, the key con is that if council applies Policy 3 in decision-making processes it will likely lead to litigation at the expense of ratepayers. Clause 3(b) uses the term 'intolerable' which will create uncertainty, and we suggest that 'high natural hazard risk' would be more appropriate and in keeping with Policy 5.

Policy 4: Restricted discretionary and controlled activities

13. What are the pros and cons of requiring natural hazard risk as a matter of control for any new development classified as a controlled activity in a plan, and as a matter of discretion for any new development classified as a restricted discretionary activity?

The Council supports the intent of the policy to ensure that decision-makers consider natural hazard risk in determining resource consents where a plan does not currently specify it as a matter of control or discretion. However, in practical terms we recommend this Policy may be better implemented via a national environmental standard as it applies to rules.

Additionally, it is not clear how this Policy would work in practice for controlled activities. For example, if the application site is determined to have 'high natural hazard risk' (due to more recent hazards information/outdated zoning), RMA 1991 Section 104(a) still requires consenting authorities to grant consent for controlled activities (but may impose conditions of consent). In this respect, how would the consenting authority give effect to NPS-NHD Policy 5 which has a general policy position of avoidance of new hazard-sensitive development?

An alternative suggestion provided by the Council is that central government amends the RMA 1991 to provide a new land-use section which is the equivalent to Section 106 (which provides a backstop for consenting authorities in relation to subdivision and natural hazards considerations).

Policy 5: Direction on new development in areas of high, moderate and low risk

14. What are the pros and cons of requiring planning decisions to ensure the specific actions to address natural hazard risk outlined in policy 5?

Page 22 of the Discussion Document states that “*Policy 5 aims to provide a clear, consistent approach for decision-makers when addressing natural hazard risk. Giving certainty to decision-makers on how to address natural hazard risk at different risk levels will enable people, communities, investors, developers, and service and infrastructure providers to confidently plan for and use land*”. In our opinion, the Policy does not deliver on this statement, rather it provides uncertainty in the absence of clear definitions/frameworks, as noted in previously.

Policy 5(a)(i) refers to ‘hazard-sensitive development’, which is defined as “*a new development relating to any of the following: (a) residential dwellings, including papakāinga and retirement villages*”. We recommend that this definition should be explicit to include all types of activities/building/structures where people may sleep or reside overnight e.g. tourism accommodation providers including camping grounds, tiny homes, tiny homes on wheels, etc. In high natural hazard risk areas, we do not want new development which encourages people to stay overnight as this poses issues such the inability to assess the increasing hazard exposure during darkness (e.g. rising flood waters) and difficulties associated with emergency management responses.

We also note that Policy 5(a) refers to reducing risks to ‘at least a tolerable level’. We assume that what is actually meant is reducing risks to at least a ‘moderate natural hazard risk’— we suggest that this is reworded if this is the case.

To address our previous concerns regarding inherent conflict with *Te Mana o Te Wai/NPS-FM*, we recommend that Policy 5 includes additional wording regarding ecosystem health:

- Clause (a) insert new subsection (v) the risk can be reduced without adversely affecting ecosystem health
- Clause (b) recognise that mitigation measures are only appropriate where they do not affect ecosystem health (e.g. insert “except where measure affect ecosystem health” at end of sentence

15. What is the potential impact of requiring decision-makers to apply this framework in their decision-making? Will it improve decision-making?

Policy 5 should provide a framework to ensure that new developments are climate-resilient and are located in the right places. However, as currently drafted Policy 5 does not deliver on this because the NPS-NHD does not include clear definitions of high/moderate/low natural hazard risk, tolerance, reasonably practicable, etc.

The Policy requires that risk is reduced to at least a tolerable level or (iv) says risk is reduced as low as reasonably practicable. High natural hazard risk by definition carries an intolerable impact. This could be used to argue that a development in a high natural hazard risk area with an intolerable impact is still appropriate if some of the impact is mitigated – even if it is still intolerable. It will come down to the courage of each respective council to make the right decision against the protests of applicants as part of the resource consent process, or the protests of landowners and communities during plan changes. Policy 5 will not achieve its intended outcome and is unlikely to improve current processes. The perverse outcome will be inconsistent approaches to the implementation of the NPS-NHD across Aotearoa New Zealand, and increased litigation.

Policy 6: Reducing natural hazard risks through mitigation

16. What are the pros and cons of providing direction to decision-makers on the types of mitigation measures that should be adopted to reduce the level of natural hazard risk?

Mitigation is not a fool-proof solution and can result in significant sudden consequences and issues when it fails (e.g. stopbanks). Mitigation can also create a false sense of security and enable perverse outcomes, such as enabling further intensification of development behind stopbanks in hazard-prone areas.

We note that not all mitigation is the same and costs will significantly vary. Policy 6 refers to “most effective” natural hazard mitigation measures but it is not clear who makes that determination. The most effective mitigation might not be the cheapest, in fact it might be the most expensive. Typically, resource consent applicants want to do just enough mitigation for their consent to be granted at the cheapest cost. If councils try to insist on ‘deluxe’ mitigation instead of accepting ‘budget’ mitigation, it is likely that this lead to litigation.

Policy 6 refers to new developments, so is the reference in Clause 6(b) to “area-wide measures” a reference to the area of the development or the area affected by the hazard? And the reference to “site-specific solutions”, is the site the whole development or can a site be considered a site within the development?

Policy 6 creates a tension between the NPS-NHD and the New Zealand Coastal Policy Statement (Policies 25 and 27) (NZCPS) regarding the use of mitigation measures. While we appreciate that the NPS-NHD includes a clause to clarify that the NZCPS prevails over the provisions of the NPS if there is a conflict between them, Policy 6 could be drafted in a manner to avoid this issue.

Similarly, there is a tension with the NPS-FM and Policy 6 should recognise that natural hazard mitigation measures should not adversely affect ecosystem health and Te Mana o Te Wai.

Policy 7: Recognising and providing for Māori and tangata whenua interests and te Tiriti principles

17. Does policy 7 appropriately recognise and provide for Māori rights, values and interests? Why or why not?

The Council supports the intention of Policy 7 to recognise and provide for Maori and tangata whenua interests and te Tiriti principles. However, we are concerned that the way in which Policy 7 is drafted may lead to conflict/tension with the intention of Policy 5.

Policy 7 requires decision-makers to recognise and provide for Māori/tangata whenua values, interests, and aspirations when making decisions on new development on specified Māori land where there is a high or moderate natural hazard risk; however how will this work in practice if Policy 5's focus is on avoidance unless the level of risk is reduced to at least a tolerable - and if there is conflict/tension between differences of opinion on what is tolerable.

18. Can traditional Māori knowledge systems be incorporated into natural hazard risk and tolerance assessments?

No comment.

<p>19. Does the requirement to implement te Tiriti settlement requirements or commitments provide enough certainty that these obligations will be met? Is there a better way to bring settlement commitments into the NPS?</p> <p>No comment.</p>
<p><i>Implementation timing</i></p> <p>20. Is the implementation timeframe workable? Why or why not?</p> <p>Part 4 of the NPS-NHD could be clearer on when councils must give effect to the NPS-NHD by updating their policy statements and plans. For example, do councils give effect to it in relation to targeted council-lead plan changes (where natural hazards considerations may be in scope), or only when councils are reviewing their plan as a whole?</p> <p>The Council recommends that Ministry for the Environment provides national messaging/education to communities and the land development industry on the intention of this national policy statement, rather than individual councils having to do this.</p>
<p>21. What do you consider are the resourcing implications for you to implement the proposed NPS-NHD?</p> <p>Certainly, Council will require greater resourcing, though presently the full implication of the NPS-NHD on resourcing is not clear due to the lack of robust definitions and frameworks embedded within the NPS for undertaking the natural hazards assessments required by the NPS. If councils are expected to implement the NPS-NHD as currently drafted, the ambiguities with the NPS will likely result in additional time spent by council staff negotiating/arguing with applicants through the resource consent process, and objections by landowners/communities through the plan change process, which both will result in increased litigation.</p> <p>As previously noted, Council's natural hazards and sea level rise data used to inform our decision-making processes is based on probability/exposure or susceptibility mapping – it is not risk-based maps in the sense of 'hazard-exposure-vulnerability' where consequence is also considered. Additionally, the Council has not undertaken any strategic work to date understand community risk tolerance to natural hazards in general – rather council staff determine this on a case-by-case basis at the consenting stage based on the proposed development, within the existing legislative framework (e.g. plan rules and relevant national direction). To transition to this type of risk-based approach would require the Council to invest significant resources and data.</p> <p>With respect to Question 18 in the Discussion Document, if Māori knowledge systems are to be incorporated into these natural hazard assessments, then significant resourcing would be required to support iwi and council to work together to incorporate Māori knowledge into these assessments.</p>
<p><i>Implementation guidance</i></p> <p>22. What guidance and technical assistance do you think would help decision-makers to apply the proposed NPS-NHD?</p> <p>As previously noted, the Council recommends that the Ministry for the Environment brings forward the development of the proposed comprehensive 'National Direction for Natural Hazards' – this information is required to implement the NPS-NHD. As the NPS is</p>

currently drafted, councils will struggle to implement the NPS without clear definitions/frameworks for likelihood, consequence, and tolerance; high, moderate, and low natural hazard risk; and the effectiveness of mitigation measures. This includes comprehensive guidance on how to robustly approach identifying and mapping natural hazards.

Guidance is also required for communities and the land development industry to ensure there is nationally consistent messaging and management of the wider community's expectations.

Councils also require tools and guidance to better understand wildfire and how to use the planning system better to build community resilience to wildfire risk.



TASMAN DISTRICT COUNCIL

SUBMISSION ON: Te whakahaere i te whakamahinga me te whanaketanga o ngā whenua whai hua –
Managing the use and development of highly productive land - Potential amendments to the NPS
HPL discussion document.

TO: Ministry for the Environment and Ministry for Primary Industries

highlyproductiveland@mfe.govt.nz

31 October 2023



1.0 Our Submission

Tasman District Council (the **Council**) thanks the Ministry for the Environment (**MfE**) and the Ministry for Primary Industries (**MPI**) for the opportunity to make this submission on 'Te whakahaere i te whakamahinga me te whanaketanga o ngā whenua whai hua – Managing the use and development of highly productive land - Potential amendments to the NPS HPL Discussion document' (the discussion document). This submission is made on behalf of the Council and the community of Tasman District that it represents.

2.0 General comments

The Council appreciates that MfE and MPI have taken on board two issues stakeholders have raised with the National Policy Statement for Highly Productive Land 2022 (**NPS HPL**) since it came into effect (in October 2022). As detailed further in this submission, the Council supports the proposed amendments to the NPS HPL (option 2 for both issues) to address the two issues set out in the discussion document.

However, as detailed further in this submission, the Council is seeking further amendments to the NPS HPL to address the following issues identified by the Council and the Tasman community:

- 1) No clear pathway for developing and using coolstores, packhouses and workers accommodation on HPL (where necessary) where those buildings serve multiple users (not just the land they are built on). These are all considered to be supporting activities of land-based primary production, however, the 'supporting activities' definition does not specifically include all of these activities. An amendment is sought to ensure flexibility for where these land uses can be developed, to ensure they can be located in close proximity to land-based primary productions and used by multiple landowners.
- 2) The NPS HPL definition for 'identified for future urban development' (part (a)) conflicts the National Policy Statement on Urban Development 2020 (**NPS UD**). The introduction of the NPS UD in 2022 removed the requirement for Future Development Strategies to set out timing and sequencing of sites. The NPS HPL definition for 'identified for future urban development' includes 'identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or...'. Future Development Strategies prepared under the NPS UD do not set out the timing of sites, therefore, will not meet this definition. An amendment is sought to align the two instruments and to allow land identified in a Future Development Strategy for future development to be used for that purpose, noting a Future Development Strategy covers a 30-year time period.
- 3) Clause 3.8(1) of the NPS HPL does not clearly provide an exception for boundary adjustments, where some HPL is permanently lost to productive use. The Council asks MfE and MPI to consider amending the NPS HPL to provide for boundary adjustments. This would allow Applicants to subdivide a small block off a rural property (HPL) where the rest of the property is amalgamated with another title to create a larger productive piece of land, that is more likely to be used for land based primary production. For example, where a house is subdivided off a larger block and the larger, productive block is amalgamated into a separate productive block. Tasman District Council has rules in its Tasman Resource Management Plan that allow for a single boundary adjustment on rural land. Any further subdivision on that land is then considered a non-complying activity. The Council consider this an effective tool and would like to see the same reflected or supported in the NPS HPL.

3.0 Specific comments

3.1 – Issue 1 in the discussion document – no clear pathway for new specified infrastructure is provided

Questions outlined in the discussion document:

1. *Are you aware of any other issues that could impede the development of new specified infrastructure on HPL?*



The Council is not aware of any other issues with the NPS HPL that could impede the development of new specified infrastructure on HPL.

2. Do you think the NPS HPL requires an amendment to provide for the construction of new specified infrastructure?

The Council supports an amendment to the NPS HPL to clearly provide for the construction of new specified infrastructure. As currently drafted, Clause 3.9(2)(j)(i) appears to apply to existing infrastructure only.

New specified infrastructure could be constructed on HPL via designation or notice of requirement, as provided for under Clause 3.9(2)(h). However, Council agrees with the issue explanation outlined in the discussion document, whereby specified infrastructure providers that do not have designation rights under the RMA should also be provided with a clear consent pathway to develop on HPL. This is to ensure there are fewer issues when specified infrastructure needs to be developed at pace (for example, to support clean up and repairs in the aftermath of natural hazard disasters). Providing a clear consent pathway for new specified infrastructure under the NPS HPL is consistent with other National Policy Statements.

3. Do you think the proposed amendment to clause 3.9(2)(j)(i) – add ‘construction’ – will resolve the issues?

The Council supports amending Clause 3.9(2)(j)(i) to add the word ‘construction’ to provide a clear pathway for new specified infrastructure. The Council is of the opinion that this small amendment resolves the current issues around potential inconsistent interpretation and implementation of the current Clause 3.9(2)(j)(i) and ensures there is no unnecessary ‘red tape’ for the development of new specified infrastructure.

4. Which option do you prefer? Why?

The Council supports option 2 (as outlined in the discussion document), to amend Clause 3.9(2)(j)(i) to add the word ‘construction’. Option 2 provides a clear consent pathway for constructing new specified infrastructure on HPL. The Council agrees that this amendment should be made sooner rather than later. Option 2 removes the unnecessary ‘red tape’ to construct necessary specified infrastructure and removes the current inconsistencies with the new specified infrastructure consent pathways provided in other National Policy Statements.

3.2 – Issue 2 in the discussion document – intensive indoor primary production and greenhouses

Questions outlined in the discussion document:

1. Do you think the NPS HPL requires an amendment to provide a consent pathway for intensive indoor primary production and greenhouses to be developed on HPL? Why?

The Council agrees that an amendment to the NPS HPL is required to provide a clear consent pathway for intensive indoor primary production and closed greenhouses¹ to be developed on HPL. The Council believes that this amendment should be subject to specific tests being met, (similar to those in Clause 3.9(3)(a) and 3.9(3)(b)) to ensure there is a balance between protecting HPL and providing a practicable location for intensive primary production and closed greenhouses.

Although intensive indoor primary production and closed greenhouses do not necessarily rely on the soil, Council agree that they are a rural activity and locating them elsewhere could result in reverse sensitivity effects. It could also result in locating them away from supporting infrastructure such as cool stores, processing plants and workers accommodation. This would necessitate increased transport costs and greenhouse gas emissions. The Council supports the statement (in the discussion document) that these types of productions contribute to a diverse and resilient primary sector, and Council supports a consent

¹ Closed greenhouses have a sealed ground (to ensure nutrients do not leach into groundwater) and closed nutrient system.



pathway for locating them on HPL (where necessary) to ensure they are economically viable. We note that Council is specifically supportive of closed greenhouses, as these do not result in any nutrient leaching or runoff into waterways as has occurred with open greenhouses on the Waimea Plains in Tasman.

2. What do you think are the risks with amending the NPS HPL to provide for intensive indoor primary production and greenhouses on HPL?

An amendment to the NPS HPL to provide a consent pathway for intensive indoor primary production and closed greenhouses on HPL could potentially result in a large portion of HPL land being used for activities that do not rely on the soil. This would essentially undermine the main objective of the NPS HPL.

Ensuring this amendment is subject to specific tests being met, (similar to those in Clause 3.9(3)(a) and 3.9(3)(b)), will reduce this risk.

3. Do you support option 1 (retaining the status quo)? Why?

The Council does not support option 1 (retaining the status quo), as set out in the discussion document. The Council would like to see MfE and MPI be proactive and amend the NPS HPL to provide for intensive indoor primary production and closed greenhouses on HPL (where they meet a specific test). Restricting intensive indoor primary production and closed greenhouses on non HPL could potentially result in increased reverse sensitivity issues and fewer economically viable locations for these activities to be established.

4. Do you support option 2 (a pathway under Clause 3.9)? Why?

The Council supports option 2 (a pathway under Clause 3.9), as set out in the discussion document. The Council reiterates that this amendment should be subject to specific tests being met, (similar to those in Clause 3.9(3)(a) and 3.9(3)(b)) to ensure there is a balance between protecting HPL and providing a practicable location for intensive primary production and closed greenhouses.

The Council supports providing a clear consent pathway for intensive indoor primary production and closed greenhouses on HPL (where no other non HPL locations are viable). The Council believes it is practicable to provide for these activities in the rural environment, in close proximity to ancillary activities. The Council would like to see MfE and MPI supporting intensive indoor production and closed greenhouses which are considered to contribute to a diverse and resilient primary sector.

3.3 – Additional amendments sought to the NPS HPL

In addition to those issues raised in the discussion document, the Council asks MfE and MPI to make amendments to the NPS HPL to address the following issues identified by the Council:

3.3.1 – no clear pathway for developing and using coolstores, packhouses and workers accommodation on HPL to serve multiple land owners

Coolstores and workers accommodation are considered to be land based primary production supporting activities, however, the current NPS HPL definition for ‘supporting activities’ does not clearly specify this. This could lead to interpretation inconsistencies with Councils and Applicants across New Zealand, and to restricting the development and operation of cool stores and workers accommodation on non HPL land. Restricting coolstores and workers accommodation to non HPL land is likely to result in increased reverse sensitivity effects, increased vehicle movements (including large trucks transporting produce to coolstores using urban roads) and increased transportation costs and green house gas emissions. Overall, this restriction will make these operations and activities less economically viable.

Further, the current ‘supporting activities’ definition restricts the development and use of supporting activities to only service the land they are on. Coolstores, packhouses and workers accommodation are often developed on a single piece of land but service multiple pieces of land (multiple land owners, multiple businesses). This is



considered to be an efficient use of HPL as opposed to each land owner developing their own coolstore, packhouse or workers accommodation.

The Council seeks an amendment to the NPS HPL 'supporting activity' definition to clearly provide for coolstores and workers accommodation. Further Council seeks an amendment to the NPS HPL 'supporting activity' definition and Clause 3.9(2)(a) to ensure the use of coolstores, packhouses and workers accommodation are not restricted to only service the land they are on. The proposed amendments are as follows²:

Definition amendment sought:

Supporting activities, in relation to highly productive land, means those activities reasonably necessary to support land-based primary production ~~on that land~~ (such as on-site processing and packing, coolstores, workers accommodation, equipment storage, and animal housing)

Clause 3.9(2)(a) amendment sought:

(a) *It provides for supporting activities* ~~on the land~~:

3.3.2 – conflict with the National Policy Statement on Urban Development 2020

The NPS HPL 'identified for future urban development' definition (part (a)) is inconsistent with the NPS UD. The introduction of the NPS UD in 2022 removed the requirement for Future Development Strategies to set out timing and sequencing of sites. This was previously a requirement in the National Policy Statement on Urban Development Capacity (policy PC13). MfE guidance indicates this was so that councils could be more responsive to proposals coming forward from developers, in line with other parts of the NPS UD.

All Future Development Strategies prepared under the NPS UD will therefore not meet the NPS HPL 'identified for future urban development' definition. This means that sites identified for future development in Councils Future Development Strategies could potentially be mapped as HPL and be subject to Clause 3.6 (Restricting urban rezoning of highly productive land) of the NPS HPL. Future Development Strategies are a tool for high growth regions to ensure demand for housing and business land over the next 30 years are adequately addressed. Negating the provision of urban land in a Future Development Strategy will have a significant impact on the ability of regions to provide for growth and also distort property markets. The NPS UD states that Future Development Strategies must be informed by every other National Policy Statement under the Resource Management Act (including the NPS HPL). Therefore, subjecting sites in Future Development Strategies to Clause 3.6 of the NPS HPL is seen as unnecessary duplication in processes, wasting both time and rate payer money.

The Council seeks an amendment to the NPS HPL 'identified for future urban development' definition to ensure it is consistent with the NPS UD and does not create unnecessary processes for Council. The amendment requested is as follows:

Definition amendment sought:

identified for future urban development means:

- (a) *Identified in a published Future Development Strategy as land suitable for commencing urban development* ~~over the next 10 years~~; or
- (b) *Identified:*
 - i. *in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and*
 - ii. *at a level of detail that makes the boundaries of the area identifiable in practice*

² Underlined words show where new words have been added. Words crossed out show where words have been removed.



3.3.3 – no clear pathway for boundary adjustments where some HPL is permanently lost to productive use

Clause 3.8(1) of the NPS HPL does not clearly provide an exception for boundary adjustments, where some HPL is permanently lost to productive uses. The Council is supportive of boundary adjustments on HPL where titles are amalgamated to reduce the fragmentation of productive land.

The Tasman Resource Management Plan provides a pathway for boundary adjustments in the Rural 1 and Rural 2 zone, where no additional titles are created, and no allotments less than 5,000m² are created. After an Applicant has used this pathway, second-generation or re-subdivision of that land becomes a Non-Complying activity in the Rural 1 and 2 zones. This allows applicants to subdivide a small block off a rural property (HPL) and amalgamate the rest of the property with another title, to create a larger productive piece of land. A large portion of Tasman's productive land is fragmented and not currently being used for land-based production. Much of this fragmented land is historic lifestyle block potentially too small to be used in an economically viable way. The boundary adjustment pathway provided in the Tasman Resource Management Plan provides an incentive to amalgamate productive land (HPL), and potentially opens land up to land-based production uses and reverses the loss to lifestyle blocks. The Council considers this an effective tool and would like to see the same reflected or supported in the NPS HPL. The Council are required to have regard to the NPS HPL when considering applications for boundary adjustments in the rural environment under the Tasman Resource Management Plan. As a result of Clause 3.8 of the NPS HPL, boundary adjustments are less likely to be approved where any HPL is permanently lost to productive use.

The Council would like MfE and MPI to amend the Clause 3.8(1) of the NPS HPL (by way of adding a new subclause) to clearly provide an exception for boundary adjustments, where some HPL is permanently lost to productive uses.

4.0 Conclusion

Council thanks MfE and MPI for considering this submission on Te whakahaere i te whakamahinga me te whanaketanga o ngā whenua whai hua – Managing the use and development of highly productive land - Potential amendments to the NPS HPL Discussion document' (the discussion document).

Yours sincerely,

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

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10 November 2023

Tēnā koutou

Tasman District Council's submission on the 'Helping nature and people thrive – *Exploring a biodiversity credit system for Aotearoa New Zealand*' due 3 November 2023 (late permission for submission for 10 November 2023).

Tasman District Council (the Council) commends the work of the Ministry for the Environment and Department of Conservation (DoC) and the opportunity to provide feedback into a system that may provide further incentives and support for improving outcomes for Aotearoa New Zealand's biodiversity.

Background

Tasman District Council (the Council) is a unitary council near the top of the South Island. The district has an estimated population of 58,700 residents, in a mix of rural and township settlements.

The Tasman District has a wide range of habitats, and as a result is rich in plant and animal life, including many species found nowhere else in New Zealand. However, the regions lowlands including coastal and river margins and wetland areas have been heavily modified by settlement and biodiversity in these areas of the region has been adversely affected by anthropocentric activities.

Please find responses to the submission as attached.

Ngā mihi nui

Janine Dowding
Chief Executive

Tim King
Mayor

BCS=BIODIVERSITY CREDIT SYSTEM**Submission document and Tasman District Council responses**

- A Will your council be making a submission on the MfE / DoC - Exploring a biodiversity credit system for Aotearoa NZ.

Yes, submission is due by 3 November 2023, but MfE has granted an extension of time for late response by the 10 November 2023 (email confirmation).

Tasman response - YES

Tasman District recognises that NZ is facing a biodiversity crisis and traditional funding methods are not sufficient. Global biodiversity and climate crises need to be addressed by an on the ground action such as novel funding mechanisms as being considered through biodiversity credits. Anecdotally individuals are willing but the current economic system stifles action. Any new system needs to ensure integrity and address key outcomes.

- B What are key implications/considerations in regards the Government's proposal for a biodiversity credit system for local iwi/hapu?

- This question will be up to iwi/hapu to comment on.

Submission Questions

- 1 Does council support the need for a biodiversity credit system (BCS) for New Zealand

Yes, as above.

Should be linked to NPS-IB and Te Mana o te Taiao. Suggest a tiered system where credits go back to both the landowners, but also at a regional level to fund restoration in public space.

Questions

- Will DOC and Councils also get credits to support?
- Is there a way to front load the funding so you do not have to invest up front and get credits later?

- 2 Below are two options for using biodiversity credits. Which do you agree with?

Tasman Response - Both Positive and future loss avoided.

- Administering a reward system for future use would be difficult. Should not reward, rather regulate to avoid future loss. This would encourage activities to be well thought out rather than planting a few trees to offset 25 houses.
- Approach should be 'net gain' rather than 'no net loss.' The RMA allows for many activities to be classed as "no more than minor" and therefore no proper mitigation be required even though there have been detrimental impacts on biodiversity.
- Should recognise long-term activities as nature is seasonal and will respond in time.

Questions

- If credits are for avoiding future loss, do you reward someone every year for not bulldozing biodiversity?
- How long do you reward them for?
- And how to you predict future loss and the impact of an individual in the face of climate change?

3 Which scope do you prefer for a biodiversity credit system?

- Land, freshwater estuary and marine (with boundaries see below)
- Biodiversity and climate crisis not limited to one domain; domains are connected.
Note: Would not support credits in the marine domain directly if it were to a commercial entity such as aquaculture. The marine space is complex and BCS should transfer to iwi, council, DOC, or similar, not commercial entities.
- Future changes to land (sea level rise, increased development etc) means habitats and species need to move across the landscape.
- All domains and needs to be considered in a holistic 'mountains to the sea approach.' Tasman would benefit from biodiversity credit system that recognises reduction in sedimentation for example, so you may not be supporting terrestrial biodiversity directly, but your work on the land would support marine biodiversity.
- Biodiversity credit system needs to be whole of system focussed, not species focussed. Avoid the scramble to get rare species to a site to tick off the biodiversity credit, instead look at improving ecosystem health.
- Need to ensure the credit system is tailored to local context, maybe to eco districts (already used concept within LINZ mapping system). This would reduce costs to local councils/DOC by using an existing system / existing species lists and provides clarity to landowner.

4 Which scope do you prefer for land-based biodiversity credits?

(Limited to certain land categories (private / Māori etc)

- All tenures. But must be linked to NPS-IB and Te Mana o te Taiao/local strategy outcomes. The NPS-IB has set the expectation that biodiversity is to be managed beyond property boundaries and the credit system should match that.
- While domains are connected, and biodiversity does not recognise lines there is a potential issue of Government prioritising BCS to large amounts of DOC land over small private land projects to justify 'easy wins.'
- Private land across lowlands is where biodiversity has been most depleted, and revegetation is needed. Current economic drivers force this area to be maximised for profit. BCS needs to redress this and encourage innovative thinking that supports increased opportunity for supporting biodiversity.
- If Public Conservation Estate is excluded, then regions with large areas of Conservation estate may be excluded from national funding allocation,
- The generated BCS funds if on Crown land needs to be in addition to existing funding, adding to the work DOC does and allowing for more biodiversity work on Public Conservation land and not replace existing funding as a cost-saving measure.

Question: Need to consider how BCS would work for multiple landowners, for example a subdivision where there is a SNA or wetland that crosses multiple properties, and only a handful of people actively work at restoration. Do all the landowners get the credits?

- We do not want to end up being mediators between landowners who are not all agreeing on action between neighbours.

5 Which approach do you prefer for a biodiversity credit system?

Tasman Response -Based primarily on activities.

- Projects are made up of activities and activities all have outcomes. Therefore activity-based is seen as a good middle ground.
- It provides more options to gain BCS and recognises areas/regions have different conservation needs (land stability, pest control, mass revegetation etc.).
- Potential for lower administration/monitoring costs.
- While outcomes may not be locally achieved, nationwide environmental restoration/rehabilitation is needed and will address some of these issues as more activities are underway.

6 Should there also be a requirement for the project or activity to apply for a specified period to generate credits?

Tasman Response - YES

- Results of some BCS activities are not observable in the shorter term, for example plantings take time to establish.
- Benefits of activity need to be demonstrated for reasonable period.
- Minimum periods would be needed to be defined for different types of project/activities and credit value.
- Those applying for BCS could do the bare minimum, gain credits, and walk away even if projects fail e.g., mitigation for developments.

7 Should biodiversity credits be awarded for increasing legal protection of areas of indigenous biodiversity?

Tasman Response – Complexity, yes and no

- Costs of legal protection should be funded by other mechanisms.
- BCs should be awarded for results of covenanting, not the act of covenanting itself as some covenants are not for biodiversity reasons (open space covenants)
- QEII has policies around costs recovery if done as part of subdivision etc. This may result in unnecessary admin when claiming for BCS.
- Support generally but not standalone. It could be staged system that offers additional credits for covenanting on top of activities/outcomes. Could also be a no and rely on the existing rates relief package. Assuming that the credit system increases land value (where it is currently low value as it is not productive), then the rates relief package would become much more significant than it is now.

8 Should biodiversity credits be able to be used to offset development impacts as part of resource management processes, provided they meet the requirements of both the BCS system and regulatory requirements?

Tasman Response - Complexity, yes and no

- Yes, but must show a 'net gain' in biodiversity or conservation outcome rather than offsetting damage to existing biodiversity. For example, no credits awarded for clearance native vegetation but replanting 'better vegetation' elsewhere. Biodiversity credits would be gained from developments that create habitat on formerly cleared pasture that is being built on.

- No, the effects management hierarchy should be reflected, where offsetting is a last resort.

9 Why do we need a biodiversity credit system? Do you think a biodiversity credit system will attract investment to support indigenous biodiversity in New Zealand?

- Demand is evident elsewhere in the world from businesses to philanthropic private investors.
- Investment already underway here and elsewhere, and a BCS would encourage another part of our economy to develop. This is without a national framework but it there is a demand for a more robust system.
- NZ has a green reputation overseas, but this is shifting as more evidence of biodiversity threats and environmental pollution are being reported. We have a high rate of biodiversity loss.
- New trade deals come with high benchmarks for sustainability. BCS could help achieve these benchmarks by encouraging more sustainable/holistic land management practices.
- Yes. Long term stable and consistent funding levels are a key issue with biodiversity action. Funding largely comes from government within projects that do not have long term funding plans (such as jobs for nature of wilding conifer control). Biodiversity credits would offer an ability to put in an initial investment, front load spending and activity, and use the credits to fund ongoing maintenance. This would also offer incentive to smaller landowners who can only afford a small amount of investment up front but could sustain long term.
- Would encourage clever investment from Council knowing you would get a return on investment. Could use ratepayer or government funds to front load restoration efforts knowing that there would be a return on investment to support maintenance. Would also encourage thinking around novel solutions to infrastructure problems such as wetland restoration to prevent flooding or covering some cost if Councils were to purchase land that was no longer suitable for housing and restoring it back.

10 What do you consider the most important outcomes a New Zealand biodiversity credit system should aim for?

E.g., Outcomes (Attract investment, support protection/maintenance/restoration

Honour te Tiriti, recognise landowner efforts, provide a trustworthy way to invest.

Complements other policies, adaptation, mitigation, rm reforms etc.

- BCS offer a potential financial pathway for land managers who would not have access to traditional funding options for improving biodiversity.
- Restoration and revegetation of depleted landscapes e.g., new forests, riparian corridors, new wetlands
- Honouring te Tiriti and encouraging mātauranga Māori land management practices.
- More habitat for native species
- Weed/pest control.
- Improved outcomes for indigenous biodiversity, with particular focus on connected, protected, restored ecosystems on a regional basis.

- Recognition of the biodiversity system in supporting human health and wellbeing, water quality, resilience in the face of climate change
- Support landowners to make more innovative choices on their land, that values and supports indigenous biodiversity as part of a holistic land management system, seeing both biodiversity values increase while maintaining effective productivity.

11 What are the main activities or outcomes that a biodiversity credit system for New Zealand should support?

Tasman Response –

Main activities

- Activities that benefit biodiversity and help reduce our climate impact.
- Fencing habitats
- Weed control.
- Planting waterways
- Habitat creation
- Restoration of ecosystems

Main Outcomes

- Reduction in pest plants and animals
- Increase in native species.
- Improved water quality
- Reduced vulnerability to climatic/weather events
- New financial opportunities for land managers
- More economy opportunities for Aotearoa New Zealand (overseas investment)
- Recognition of ‘marginal land’ as opportunities for biodiversity enhancements
- Reluctant to be using indigenous fauna as an outcome as these must not have a monetary value. The focus must be on ecosystems not individual species. Imagine the potential for the promotion of thieving of species increasing if you got more money for having rare lizards in your back yard!

How should we design and implement a biodiversity credit system?

12 Of the following principles, which do you consider should be the top four to underpin a New Zealand biodiversity credit system?

All are of equal value and underscores the complexity of any future BCS. Noting that 1 requires ongoing commitment to maintenance, so difficult to say something is permanent when ignoring a site for a few years could lead to a weed infestation despite all the work leading up to that moment.

Potential Principle	Tasman District Council Key Points
Principle 1 – Permanent or long-term (e.g., 25-year) impact	Some crucial activities short term (pest weed control) Tasm

Principle 2 – Transparent and verifiable claims	
Principle 3 – Robust, with measures to prevent abuse of the system	Legal recognition would prevent abuse or system e.g., buyers purchasing credits to offset environmental destruction elsewhere. Ensure large business investors are confident in the credibility. They will not invest if they feel their business may lose social license should the BCS fail.
Principle 4 – Reward nature-positive additional activities	Additionality is an important criterion. This compliments Principle 3 as outlined above.
Principle 5 – Complement domestic and international action	Not always necessary as current action (domestic and international) may be well funded.
Principle 6 – No double-counting, and clear rules about the claims that investors can make	Need to prevent greenwashing – something that is becoming evident with carbon credits.
Principle 7 – Maximise positive impact on biodiversity	Some crucial activities needed (pest weed control) While important, the BCS would be purely economic for some, and this would limit engagement

13 Have we missed any other important principles?

Tasman Response – uncertain but keep it simple and accessible for all levels of our community.

- Keep it simple as suggested in the discussion document.
- Accessible to all (credits available to small enough projects to encourage everyone, not just the large landowners with lots of initial investment \$)

14 What assurance would you need to participate in a market, either as a landholder looking after biodiversity or as a potential purchaser of a biodiversity credit?

Tasman Response - Assurance would be needed as follows:

- Activities require labour and resources so landowners need to have a confidence that their efforts will pay off. This means clear guidelines around what qualifies for a BCS are necessary.
- Security and recognition of the system. It needs to withstand changes in Government. The programme should be backed by Government but also be open to investment elsewhere to ensure long-term financial input.
- Large investors need confidence that the system is robust and trustworthy. People will not invest if they risk losing social license.
- Confidence that projects/activities and outcomes are scientifically robust and appropriate to the location and biodiversity needs of the local area.
- Long lasting, robust, transparent system that of flexible enough to recognise changing climate and other impacts on biodiversity.

- Funding allows for the delivery of local strategies.
- System accounts for changes in land ownership and project delivery
- System leads to improved biodiversity as a fundamental outcome, not able to be used for 'greenwashing' and increasing profits without real biodiversity improvement.
- Confidence that māori kaitiakitanga and māori world view is recognised and supported.

15 What do you see as the benefits and risks for a biodiversity credit market not being regulated at all?

Key benefits of **NOT** being regulated.

Note: We are not certain enough of an international system and how it may play out here in NZ.

- Potential for international recognition/standards
- Potential for less local bureaucracy
- No cost of involvement for Council
- Will likely move more quickly, with much less red tape and bureaucracy. A more responsive system that attracts international investment as it would align with what is already happening internationally. Costs would not fall on Councils, and therefore Councils could participate in the system and not be burdened with being the regulator.

Key risks

- Greenwashing
- Poor outcomes for taonga species and the complexity of our unique NZ biodiversity
- Abuse of the system

16 To have the most impact in attracting people to the market, which component(s) should the Government be involved in?

A biodiversity credit system has six necessary components (see figure 5). These are: project provision, quantification of activities or outcomes, monitoring measurement and reporting, verification of claims, operation of the market and registry, investing in credits.

Tasman – Government involvement in all parts is important.

Tasman makes the following Key Points

- Having NZ Government quantify activities provides clear guidance what will be accepted. But this **MUST** have a biodiversity focus. It cannot include activities like exotic tree planting as this has previously led to perverse outcomes e.g., ETS.
- Government as an investor gives confidence to the system, especially for external/international investors.
- Government needs oversight of activities. Monitoring and verification can be outsourced but would be helpful being done internally as this can streamline the process (also depends on what other countries have found useful).

17 In which areas of a biodiversity credit system would government involvement be most likely to stifle a market?

Key Points

- Any BCS system needs to integrate with other land management systems to ensure it is not yet another regulatory hurdle. E.g., freshwater farm plans
- Lack of clarity in roles and who decides on what projects occur where.
- Over-regulation and reporting preventing individuals from navigating the system.
- Policy development that does not consider the wider context and impacts on biodiversity credits. E.g., changes or additional NPS's that change what people can do to improve biodiversity.
- Setting oversight at the regional level but not funding the positions within Council to deliver

18 Should the Government play a role in focusing market investment towards particular activities and outcomes?

For example, highlighting geographic areas, ecosystems, species most at threat and in need of protection, significant natural areas, certain categories of land.

Tasman Response - YES

- Govt must provide leadership via clear national bio strategies, so activities are coordinated towards prioritised / evidence-based outcome.
- Need to flag to market investors where key priorities lie (information to market not restrictions on use).
- It should be clear where regional priorities are and offer targeted restoration opportunities. Seed funding may need to come from government sources for exceptionally large projects.
- Highlight locations of SNA's and the potential to deliver a return might guide investment and land purchasing decisions of individuals.

19 On a scale of 1, not relevant, to 5, being critical, should a New Zealand biodiversity credit system seek to align with international systems and frameworks?

Tasman holds a neutral position on this question.

- specific biodiversity issues and potential solutions are unique to NZ.
- some merit alignment verification/certification to enable foreign investment and to meet NZ international obligations.
- Important to attract international investment and make for an understandable system. Restoration principles are generally universal across the world so systems could be adapted to the NZ context. No point in re-inventing the wheel, and the much larger international market will come to us one way or another. However, NZ is unique with Te Tiriti and our system needs to be different to account for that. We are also traditionally a leading country in biodiversity restoration, and we could be the ones setting the standards rather than waiting for the standard to come to us.

20 Should the Government work with private sector providers to pilot biodiversity credit system(s) in different regions, to test the concept?

If you support this work, which regions and providers do you suggest? Please explain your answer here.

Tasman Response – YES

- Tasman would like to be a pilot region. We are in a position with a large number of identified SNAs but no funding to support landowners with their restoration (given our small ratepayer base). We have started the work through Jobs for Nature weed control work to identify willing landowners and would be able to quickly set up pilot sites on both public and private land. We have the Kotahitanga Mo te Taiao Alliance that would support larger projects with all te Tau Ihu iwi actively involved. The alliance has projects already scoped for delivery and looking for investment.
- Suggest government to pilot the BCS for restoration, saltmarsh/wetlands and retirement native forest and frost flat protection.
- Areas where significant restoration work is already underway and currently unrecognised.
- Liaise with current investors.
- Buy-in with our community and private sector is important right from the beginning.

How a biodiversity credit system could complement the wider system

21. What is your preference for how a biodiversity credit system should work alongside the New Zealand Emissions Trading Scheme or voluntary carbon markets?

Tasman chooses - Little/no interaction: biodiversity credit system focuses purely on biodiversity, and carbon storage benefits are a bonus and comments:

- Linking pilot BCS to native afforestation under ETS obvious, low-risk starter
- Some activities with biodiversity benefits do not have an equivalent carbon metric attached to them e.g., certain pest control or increase in bird biodiversity. This would require lots of extra research. Better to have some overlap (native forest planting, wetland creation) to allow mix and match approach.

22. Should a biodiversity credit system complement the resource management system?

For example, it could prioritise:

Significant Natural Areas and their connectivity identified through resource management processes endangered and at-risk taonga species identified through resource management processes.

Tasman Response -Yes

- SNAs and connectivity, and endangered species identified through RM/NPS-Indigenous Biodiversity processes should feed be communicated to BC markets. This can be done by regional / unitary councils or through increased development of national biodiversity databases.
- Some requirements in NPS-Freshwater and NPS-Indigenous Biodiversity will only be effectively met through a BCS (restoration targets, water quality improvements)
- BCS should not be used to fund RM compliance e.g., consent requirements. It can be used for voluntary consents that go for “net gain” approaches as these recognise additionality.
- BCS would need to look at some existing land and see what activities can be done. E.g., not helpful to give every landowner with an SNA on their property some credits, but they could gain some for doing proactive weed control, fencing, planting etc. Need to establish a baseline and see what can be done to improve this.

- Needs to be aligned with SNA's, biodiversity strategies, and ecosystem restoration that supports locally threatened and taonga species.

23. Should a biodiversity credit system support land-use reform?

For example, supporting the return of erosion-prone land to permanent native forest, or nature-based solutions for resilient land use.

Tasman Response - YES

- BCS could make difference to viability of reestablishment native forest/salt marshes and wetlands.
- Should not fund compliance with legal requirements.
- Will reduce the impacts of climate change/adverse weather events on communities.
- Could encourage better design of our urban systems to cope with sea level rise or floods meaning Councils and Govt will save overall.
- By allowing farmers to retire unproductive areas of land and restore them and gain some financial support for doing so.
- Yes, but the focus needs to be on biodiversity outcomes first, other outcomes second. However, the ability to fund land restoration in aid of erosion control etc would make this far more viable.

Provide general feedback.

- NZ is facing a biodiversity and climate crisis, and traditional funding sources are insufficient to fully mitigate them.
- Any BCS needs to ensure integrity and address key outcomes other it will not stand up to scrutiny.
- Need more strategic approach to biodiversity/conservation activity in NZ, which BCS can support.
- Additionality key principle. The "net gain" instead of "no net loss."
- Should complement not replace central government funding.
- BCS can encourage nature friendly solutions to development and reduce impacts from climate change and weather events.
- Provide financial incentives for landowners who are trapped with either low profitable agriculture or large areas of that cannot be easily converted.
- Must recognise Te Ao Māori and Mātauranga Māori.
- Biodiversity tends to be in places where there are the least people, thus with less ratepayers and less funding for Councils to respond (Tasman, West Coast).
- Need to focus on improving biodiversity for all of NZ, so system must reward long lasting improvements, appropriate to the local ecosystems.
- Do not want to let the potential challenges with administration get in the way of exploring the potential of biodiversity credits. If administered nationally like carbon credits, but with clear feedback to local biodiversity programmes/strategies in DOC and Councils then it would work. Perhaps have dedicated regional council level decision panel with local district and regional council and DOC Representatives that set the criteria locally. Or maybe a tiered system so meeting basic requirements like planting

and pest control gets you some credits, then linking to local strategy outcomes, restoration programmes overseen by DOC or Council gets you more credits, having a recognised SNA gets you more, actively protecting the SNA recognised by Council gets you more etc. Then it could be just an annual/biannual input from local staff rather than creating a whole new role locally.

The following statement was also included in Tasman's recent submission on Commission's draft advice on New Zealand's second Emissions Reduction Plan, another example where BCS support could create positive benefits.

- *Central government should also be encouraged to invest in research and assessment on carbon sinks, particularly the potential for wetlands and blue carbon. Blue carbon is the carbon embodied in marine and coastal ecosystems. One of the key ecosystem services provided by estuarine systems is the sequestration of high levels of blue carbon, primarily in sediment. Due to waterlogging, estuarine sediments are very low in oxygen. These anaerobic conditions mean that the carbon fixed in these sediments as a result of plant processes remains in situ for extremely long periods of time (centuries or millennia) if the sediment remains undisturbed. This is unlike terrestrial soils where soil carbon can be more readily released back into the atmosphere by microbial processes. The international Blue Carbon Initiative (2019) suggests that tidal salt marsh ecosystems can accumulate, on average, 255 tonnes of carbon per ha (which is the equivalent of 935 tonnes of CO₂ per ha).*

1 November 2023

Environment Committee Staff
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Tēnā koe

Tasman District Council's Submission on the Inquiry into Climate Adaptation

Thank you for the opportunity to submit on the Inquiry into Climate Adaptation. We commend the work of the Ministry for the Environment (MfE) on their work on this plan.

Background

Tasman District Council is a unitary council near the top of the South Island. The district's estimated population of 57,900 residents is growing at 1.8% pa, in a mix of rural and township settlements. Many of these dispersed settlements are along our coastline and are vulnerable to the impacts of climate change, including sea-level rise, coastal inundation, river flooding, erosion, drought and wildfire. We have been progressing implementation of our Tasman Climate Response Strategy and Action Plan since its adoption in 2019, which includes several adaptation actions aimed at ensuring the resilience of our communities and our assets.

Submission

We support the submission of Taituarā - Local Government Professionals Aotearoa.

The Council's contact for this submission is: Barbara Lewando, Senior Climate Change Policy Advisor (barbara.lewando@tasman.govt.nz).

Thank you again for the opportunity to submit on this important inquiry. We strongly encourage central government to continue to engage with local government, to ensure the inclusion of a local government voice in the implementation of government adaptation policies and legislation. Local government is the key delivery partner for adaptation planning and we encourage you to work with Taituarā, LGNZ and the local government sector to ensure a joined-up response to climate adaptation across all of government and all of community.

Nāku noa, nā



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



Janine Downing
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The Inquiry and the Importance of a Climate Adaptation Framework

A national framework and legislation that allows communities to adapt to the effects of climate change, including retreat and relocation, is urgently needed. It must address all hazards while also creating the social licence, tools, and funding arrangements necessary for a nationally consistent and cost-effective strategy to climate adaptation that increases equity.

From the Ministry of the Environment's latest reports, with a high degree of confidence, we can say that extreme weather occurrences will become more common and severe. While the frequency of tropical cyclones may decrease marginally, their severity is expected to increase. River flooding will increase. The frequency of coastal flooding and inundation due to storm surges and wave run-up will increase as sea level rises, alongside more frequent and extreme coastal floods. The expenses of recovery will rise because of these developments. Climate change is expected to increase the budgetary cost of floods and storms, with storm damages increasing 3-7% and flood damages increasing 4-12% from now until 2050.

The costs will not be measured solely in dollars. We know that extreme climate events cause elevated levels of anxiety, depression, and post-traumatic stress and that the increased frequency of these occurrences takes an emotional toll and exhausts the resilience of individuals and communities. Affected communities appeal to central and local government for assistance and recovery, and while earlier disasters do not set a precedent, they do psychologically for communities. Cyclone Gabrielle and the Auckland floods have demonstrated that we are not in the best position to respond to disaster aftermath, making ad hoc decisions in times of crisis, nor are we in the best position to adapt to known risks before events occur.

As a result, this Inquiry is both current and critical. As a country, we must step up our efforts to adapt to climate change and shift away from crisis-driven response and recovery.

We need a nationally consistent framework and legislation to enable it, including proactive (managed) retreat and relocation where necessary. Such a strategy must be long-lasting and certain. As a result, it will necessitate bipartisan support and engagement with local governments.

Recommendations:

That the Select Committee agrees

- There needs to be a nationally consistent framework, legislation, tools and funding for climate adaptation and managed retreat.
- Consistent approach and robust methodology for risk adaptation.
- Develop consistent but flexible methodologies and metrics.
- Consider a review timeframe for risk assessments that reflects the change in risk over time and ties in with other planning cycles.
- Provide central government funding to support local government adaptation and prioritise national investment in data and information collection.
- There should be a nationally consistent approach to local adaptation planning and proactive retreat/relocation.

- Roles and responsibilities should be clear reflect a local first approach, harness the strengths of regional and territorial authorities, as well as central government stewardship.
- There should be limited appeal rights and limited liability for councils where decisions are taken in good faith.
- The new system must provide for Māori-led adaptation and devolved decision-making.
- Māori-led adaptation and Māori participation requires substantial investment from the Crown.
- Further investigation and refinement of the total cost of climate adaptation need to be undertaken.
- A coherent funding and financing framework that provides support to communities and increases incentives for people and organisations to begin adapting now.
- Policy settings need to be changed to incentivise building back better post-event and not like-for like.
- A Climate Adaptation Fund be set up.
- The design principles for a climate adaptation fund as set out above are adopted.
- There should be a fair and equitable funding split between central and local government for climate change adaption implementation, not just managed retreat, that incentivises early action.
- Some form of differential within the funding split – or as a top up – for vulnerable communities and councils with a limited ability to pay should be applied.
- Legal, social and business assistance and post-relocation costs as part should be part of the framework.
- The recommendations of the Expert Group on Managed Retreat and the Productivity Commission regarding the establishment of a centralised source for climate science.
- Central government should co-fund costs of data gathering and analysis to support managed retreat.

Below, our detailed responses:

Chapter 1 Key Concepts – Community-led retreat
<i>Community-led retreat</i>
<p>1. Do you think we should use the term 'community-led retreat'? If not, what do you think we should use and why?</p> <p>According to the Ministry for the Environment (MfE) the term community-led retreat is referred to as “relocating people, assets, activities” in a carefully planned process that involves the community at every step. That can be done before a natural disaster or severe weather event happens, or afterwards”. However, there are pros and cons to using the term community-led retreat. Embedding ‘community’ within the term signifies the importance and role that individuals and communities will have in making decisions on their futures. However, given the challenges/complexities with retreat it is likely that the decision-making process will ultimately be led by central/local government (with community representation) – therefore to call it ‘community-led’ retreat would feel somewhat disingenuous. An alternative could simply be ‘climate retreat’ or “planned retreat” (UNFCCC) which would cover aspects of community-led retreat, managed retreat, or retreat because of a significant climate related or natural</p>

hazard event (unmanaged retreat). We note that the term managed 'relocation' is used interchangeably with managed 'retreat'. We consider that 'relocation' better describes the process we are concerned with but also acknowledge that managed 'retreat' is the term currently used by government and others to describe the process. We also note that the term managed resettlement is not used.

Chapter 2 The need for change

Barriers to Māori participation and upholding Māori rights and interests

2. Are there other barriers to Māori participation in adaptation and upholding Māori rights and interests? How can we better support Māori?

The Council welcomes the views of Te Tau Ihu iwi and their perspectives in responding to this question.

Variable quality of risk assessment and local adaptation planning

3. Are there other issues that affect the quality of risk assessments and local adaptation planning? How can we strengthen our approach?

The Council agrees with the list of issues stated on page 16 of the Discussion Document. Staff have identified the following issues:

- Implementation risk assessments approach is consistent across the country
- Variability in staff knowledge and expertise across councils
- Limited resourcing – both staff availability and budget
- The two issues above have seen a reliance on national consulting firms being employed, with an emerging limited market of expertise and varying methodologies being applied. The RMA 1991 is largely focused on new development, there currently is not a legislative framework in place to adequately consider existing development and the need for retreat over the longer term. Additionally, councils' application of the RMA 1991 has tended to focus on how to 'mitigate' natural hazards (e.g. raising ground and floor levels), and there now needs to be more focus and strategic planning to 'avoid' natural hazards (e.g. not building in low-lying coastal areas which could create 'islands' of development with access/servicing issues over the longer term). Central government could provide support in the form of an open-source 'climate adaptation explorer tool' along with detailed supporting documentation that would allow councils to progress with community conversations without being locked into reliance on national consulting firms. Central government could also resource communities of practice (e.g., by part funding the time of council or consultancy practitioners) to contribute to collective open bodies of knowledge for example through developing webinars and videos, wikis or other written resources, to inform and underpin the use of an open-source adaptation explorer tool. Staff believes that scope of risk assessment could be significantly improved. Today's risk assessments evaluate risks in isolation and do not fully and methodologically consider sounding or systemic risks. Moving forward, understanding the full breadth and depth of climate-related risks and enabling the assessment of compounding and systemic risks should be a priority.

Realising this ambition and defining the appropriate scope of a Climate Change Assessment (CRA) requires engagement and capacity building across the community of stakeholders through participatory governance.

- Useful CRAs require a wide range of quantitative and qualitative data that are simultaneously relevant at local scales and consistent with the required scope globally. However, the necessary data are often difficult to access and use (e.g., climate data because of data volumes and domain-specific data formats). Data can also be complex and expensive to generate, such as exposure/vulnerability/policy datasets, and contain inherent uncertainties because of undetermined and unpredictable elements. In addition, as CRAs must be periodically updated, it can be challenging to acquire the necessary data because data providers may not update datasets with the required frequency or spatial-temporal resolution. Today's CRAs typically use either top-down data that provide global coverage but are not locally robust, or bottom-up data that provide detailed local information but cannot be scaled globally.
- Transparency is critical to building trust in the conclusions of CRA; facilitating evaluation and comparison of assessments by communities, investors, regulators and other decision-makers; and enabling a continuous improvement feedback loop by sharing innovations and best practices. For CRAs to be useful, credible scientific methodologies, agreed taxonomies and definitions, and quality-controlled and reliable data must be employed. We recommend the development of common principles and standards to enable transparency, comparison and interoperability of diverse and different risk assessments.

No enduring and comprehensive system for community-led retreat

4. Are there other issues that limit our ability to retreat in advance of a disaster? How can we improve our approach?

The Council agrees with the list of issues identified that limit our ability to retreat in advance of a climate-related event and of a disaster. The only way we can improve our approach is to have an enduring and comprehensive legislative framework to support communities and decision-makers to undertake retreat – whether that is a proactive managed retreat in advance of a disaster, but also a framework to manage retreat post-disaster (to ensure national consistency of approach, rather than ad hoc emergency legislation).

If local government is required to be a leader in the retreat decision-making process, we require significant support from central government. This support could include assistance with natural hazards data, implementation guidance and tools, staff training/professional development, and resourcing support (staff secondments/partnership working, budget). Support the implementation of participatory governance practices to enable the effective participation of multiple stakeholders and accelerate capacity building to enable innovation, knowledge generation and diffusion.

Gaps in our funding approach

5. Are there other issues with the way we fund adaptation? How can we improve our approach?

Another issue that needs to be emphasized is that there is a varying degree of individual/community expectation that central and/or local government will pay for the retreat of private assets and property. Post-disaster buy-outs (e.g. Christchurch earthquake, Matata debris flow, Auckland floods/Cyclone Gabrielle) have further fuelled the belief by some that central and/or local government will ultimately pay for retreat. There is a lack of understanding by some individuals/communities in terms of the role of central government and/or local government and our legislative responsibilities regarding adaptation/retreat – nationally consistent messaging and education are required to address this issue.

The issues and options paper makes no mention of the expected impact (or not) on funding and compensation decisions of 'hazard notices' placed on properties under the Building Act. For example, where Councils have identified hazards and have placed hazard notices on titles, councils should not be contributing to compensation for such properties in the future if they need to retreat.

The international best practice identifies a number of viable financial instruments that can be used to fund adaptation (e.g. insurance premium reduction programme, microinsurance applicable to the agriculture and horticulture sectors, green, social and sustainability bonds, adaptation markets, adaptation equity, blended finance, systemic investment funds). These adaptation finance instruments allow for the diversification of the sources of funding beyond central and local government.

A critical shift is needed to encourage adaptation finance to include:

- Development of metrics, standards and indicators to assess adaptation, to underpin the creation of economic instruments that incentivise risk reduction.
- Improve people's financial literacy and inclusion, so that voluntary risk-taking possibilities are available to all, including marginalised groups.
- Improve knowledge and research to enable financial innovation.

The consequences of not adapting well

6. What do you think the costs are of a failure to adapt or failure to adapt well?

Failure to adapt to climate change puts millions of New Zealand people at risk, jeopardizes future sustainable development, and economic growth, and creates inequalities. The lack of financial resources, as well as multiple nonfinancial obstacles (e.g., market or government failures or uncertainties), often impair the ability to reduce its impact through adaptation. Addressing these obstacles can reduce the cost of adaptation, maximise its benefits, and bring significant economic and sustainable development co-benefits, making New Zealand's economy more robust and productive and communities fairer and more prosperous.

Paragraph 49 of the Discussion Document states that “we have built communities in areas at high risk from climate change, often because we did not know what the future risk might be”. It is important to emphasise that in New Zealand we also built communities in areas at high risk of natural hazards, but at the time we were not aware/still not aware of the hazard exposure. Climate change will further increase the severity and intensity of weather-related natural hazards.

There will be significant costs to bear in relation to climate adaptation and retreat, across the four wellbeing of social, cultural, environmental and economic. The ability to adapt well will help nationally in reducing long-term intergenerational costs, however, there will still remain significant costs in undertaking retreat.

Looking beyond financial costs by removing non-financial and structural obstacles to climate change adaptation would increase resilience, accelerate the wellbeing of our communities, and improve lives without always increasing costs. Targeted adaptation actions and improved management of natural hazards and environmental stressors can contribute to social and economic growth. To ensure that we build long-term resilience and reduce vulnerability, climate change considerations need to be mainstreamed into economic and central and local government policies.

Chapter 3 Te Tiriti-based adaptation

A te Tiriti-based adaptation system

7. What does a te Tiriti-based approach to adaptation mean to you?

The Council welcomes the views of Te Tau Ihu iwi and their perspectives in responding to this question.

8. What does a local mātauranga-based framework for risk assessment look like to you?

The Council welcomes the views of Te Tau Ihu iwi and their perspectives in responding to this question.

9. What innovative approaches to adaptation planning do you have with your own hapori?

The Council welcomes the views of Te Tau Ihu iwi and their perspectives in responding to this question.

10. How can we manage overlapping interests during adaptation planning, including where there is a conflict?

Paragraph 90 of the Discussion Document suggests that regional planning committees could be one option as a means to manage overlapping interests or break down in the adaptation planning process. It is our understanding that the intent is that the National Direction on Natural Hazards could set the legislative framework for adaptation planning under the RMA 1991. However, the regional planning committees would be established under the new resource management legislation and will be regionally staged over a number of years. Therefore, in practice, it is unlikely that the regional planning committees would be able to provide a resolution process unless they are given legislative powers, are regionally established in time, and have the expertise/knowledge required. Rather, the Council suggests that a resolution process as part of adaptation planning is better served by a national agency such as the National Māori Entity.

11. What is your perspective on the Crown's te Tiriti obligations to support community-led retreat? Are there existing examples of what that should or should not look like?

The Council welcomes the views of Te Tau Ihu iwi and their perspectives in responding to this question.

12. What funding approaches have worked for your own iwi, hapū and hapori?

The Council welcomes the views of Te Tau Ihu iwi and their perspectives in responding to this question.

Chapter 4 Risk assessment

Opportunities to improve risk assessment

13. How many stages do you think are needed for risk assessment and what scale is appropriate for each of those stages?

The Council seeks clarity on the use of 'risk assessments' within this Discussion Document and if this is the same as assessing hazard 'risks' under the proposed National Policy Statement for Natural Hazards Decision-making? Currently, the Council uses a range of natural hazards information within the planning process (e.g., plan changes and resource consent decision-making), and these are largely exposure or susceptibility maps of the hazard present. If there is an expectation that detailed risk assessments are to be undertaken for this process, this will require significant resources (budget/staff and consultants) which Council currently does not have.

Research shows that the adaptation community has not yet achieved a consistent framework for the assessment of complex climate change risks. Staff supports the development of a three-tier risk assessment process that encompasses increasing levels of uncertainty by including interactions amongst multiple drivers of climate risk (including adaptation and mitigation), as well as among multiple risks:

- A first-pass risk screening to allow users to conduct a desktop study and screen climate change-related exposure using readily available datasets. This provides guidance on whether a more detailed second or third assessment is required.
- A second-pass risk assessment using national data, local information and expert knowledge. It supports the user in identifying how climate change may compound existing risks or create new ones and advises on whether a more detailed third-level assessment is required.
- A detailed third-pass risk assessment process to allow further investigation of short-listed risks and provide support to prioritise strategies and action.

For each level, staff would welcome guidance, screening templates and a consistent methodology across Councils on how to conduct a risk assessment as well as simple spreadsheet-based tools to record information and conduct risk assessment with stakeholders. Risk assessment approaches should be consistent across adaptation and hazards planning.

14. How frequently should a risk assessment be reviewed?

The Climate Change Response (Zero Carbon) Amendment Act 2019 requires a (national) risk assessment at least every six years. Certainly, the answer to this is 'it depends'. It will be dependent on:

- How frequently hazard information is updated, trading off cost and resourcing against changes in exposure, updated methods of assessment, etc.
- The rate of change of some hazards/hazard drivers such as sea-level change (see changes in exposure, above)
- The occurrence of significant hazard events that alters the communities' perception of or tolerance for risk.

It is important to review and update risk assessments as knowledge of climate risk is constantly evolving, and information gaps are frequently being addressed.

Categorising a risk as tolerable or intolerable

15. What do you think makes a risk tolerable or intolerable (ie, acceptable or unacceptable)?

The Council seeks clarification on Question 15 regarding tolerable/intolerable risk and how this aligns with the proposed National Policy Statement for Natural Hazards Decision-making. The NPS-NHD refers to high natural hazard risk (being intolerable) and moderate natural hazard risk (being more than low risk but is not intolerable). Are responses from this question going to inform the NPS-NHD given that it does not explicitly define tolerable/intolerable?

The Council suggests that intolerable risk should include considerations:

- the potential for loss of life, particularly for slow onset events.
- the type/use of buildings and activities within areas subject to hazard exposure. For example, residential dwellings or activities where people sleep overnight, as this poses issues such the inability to assess the potential for increasing hazard exposure during darkness (e.g. rising flood waters) and difficulties associated with emergency management responses.
- the socio-cultural context and the need to explore climate risk severity: the physical, ecological and social thresholds leading to transformational and possibly abrupt changes, the irreversibility of these changes; and the cascading effects within and across the systems affected to support the development of anticipatory adaptation policies and actions.

Roles and responsibilities for risk assessments

16. Do you think local risk assessments should be carried out or reviewed by a centralised agency or a local organisation? Why?

A Nelson Tasman Regional Climate Risk Assessment is currently being commissioned, however, it does not consider the full spectrum of risk (particularly regarding community risk tolerance) and is a work in progress. There is certainly merit in local risk assessments being carried out and/or reviewed by a centralized agency as they would have access to national data sets that councils may not be able to acquire/purchase, providing consistency and expert knowledge. However, in doing so it may omit local knowledge and community buy-in.

The Council recommends that local risk assessments be managed locally but draw on the support of a centralized agency (regarding access to data, methodology, tools, and upskilling of council staff). We reiterate the need for a consistent national assessment methodology and approach for risk assessments across disciplines.

17. Risk assessments be carried out only by technical experts or should other people also have a role? What role should other people and organisations have?

The Nelson Tasman Regional Risk Assessment is currently underway and the methodology to date has drawn on the input of council staff and stakeholder groups through a series of 'domain' topic workshops. With respect to our participants, staff have observed at these workshops a range of knowledge and understanding of risk assessments and the potential for subjectivity. While we work through these issues in our methodology, a key benefit of involving a wider group is providing a diversity of feedback and stakeholder buy-in.

Ultimately, a risk assessment underpins and informs all subsequent climate and climate-exacerbated hazards management activities. Local communities and businesses can hold practical information about hazards and risks, which can complement technical expert knowledge. Clarity of roles and responsibilities during the assessment needs to be outlined.

Chapter 5 Local adaptation planning

Opportunities for strengthening local adaptation planning

18. Do you think there should be a requirement to undertake local adaptation planning? If so, should the trigger be based on the level of risk or something else?

From 30 November 2022, councils must have 'regard to' the national adaptation plan when preparing or revising regional policy statements, regional plans, and district plans. The Council supports in principle that local adaptation planning becomes a legislative requirement. The RMA 1991 is largely focused on new development, there currently is not a legislative framework in place to adequately consider existing development and the need for adaptation or retreat over the longer term in relation to all natural hazards (noting that NZCPS Policy 27 requires councils to promote and identify long-term sustainable risk reduction approaches from coastal hazards). Additionally, the legislation is not well configured for acquiring land exposed to natural hazards or sea level rise in the circumstances of anticipatory managed retreat. Local territorial authorities could potentially be liable in common law negligence for granting building and resource consents for development in high-hazard zones without due diligence.

Councils' application of the RMA 1991 has tended to focus on how to 'mitigate' natural hazards (e.g., raising ground and floor levels), and there now needs to be more focus and strategic planning to 'avoid' natural hazards (e.g., not building in low-lying coastal areas which could create 'islands' of development with access/servicing issues over the longer term). While the currently proposed regional spatial strategies will go some way to meet adaptation planning requirements, there would be a legislative gap over the next 10+ years while councils transition to the proposed new resource management system. Councils and communities need to start the adaptation planning process sooner rather than later given what is at stake and the longevity of some assets. The trigger could be based on the level of

risk or other considerations such as what is at stake, community values or outcomes, or investment considerations.

Council staff support new laws to address the complex and distinctive issues associated with managed relocation and retreat such as funding, compensation, land acquisition, liability and insurance. Providing clarity on these issues would be a prerequisite for any new legislation.

Providing central government direction on the local adaptation planning process

19. What direction should central government provide on the local adaptation planning process?

Council staff believe that heading towards adaption planning the prerequisite of being required to do is absolute clarity over compensation funding, and preferably cross-party.

As listed in paragraph 151 of the Discussion Document, the Council would welcome the following clear direction/guidance on:

- the development of local adaptation planning outcomes and objectives
- risk assessments
- how to estimate benefits and costs of adaptation pathways
- roles and responsibilities for adaption planning
- communication guideline
- methodology
- managed retreat tools and strategy
- innovation
- citizens' capacity building risks tools and approaches

Requiring the local adaptation planning process to be responsive

20. Do you think there should be a requirement to plan for different scenarios, such as changes in the level of risk or what happens if there is a disaster? Why or why not?

Embedding a range of climate scenarios into adaptation planning would make sense and enable the plan to be more flexible, given that ultimately it is trying to plan for climate change under deep uncertainty.

Establishing core requirements for community engagement

21. How can we make sure that local adaptation planning is inclusive and draws on community views?

The Council is supportive of embedding community participation and views in local adaptation planning. We would welcome resources/tools and community communication materials from central government which could be rolled out nationally, rather than individual councils having to develop their own materials and tools. This would provide national consistency regarding messaging of adaptation planning and how to gather feedback.

Climate change adaptation and retreat are confronting and controversial issues that need to be dealt with sensitively. There is a risk that the process could be hijacked by vocal groups, such as landowners who are directly affected or individuals who are using the process to pursue

their own agendas. We would welcome advice/support to staff to upskill on how to manage expectations and have tricky conversations.

Staff advocate for decisions that are community-based, -driven, and -supported. It will be important for the government and Councils everywhere to co-design and implement equitable community engagement and adaptation approaches, including managed retreat options. Managed retreat should be viewed comprehensively and implemented in ways that can help alleviate or mitigate some of the physical climate and coastal hazard impacts and present inequities facing communities. Moreover, if retreat is “managed” in a proactive, pre-disaster context, it can also help minimize the economic, environmental, and social costs of sudden displacements and more haphazard post-disaster or “unmanaged” responses.

How decisions could be made in the future

22. Who do you think should make decisions about the adaptation pathway we choose and why? How should others be involved in the process?

The Council supports the list of ‘core design elements for a decision-making framework’ as listed in Paragraph 166 of the Discussion Document. Like decision-making processes under the RMA 1991, it is recommended that decision makers for adaption pathway planning should include technical experts, elected representatives, iwi representatives, and independent members.

Chapter 6 Community-led retreat

What should a retreat system aim to achieve?

23. What do you think are the most important outcomes and principles for community-led retreat?

The Council supports the listed potential outcomes and principles for a community-led retreat system (Table 7).

Options for a retreat system

24. Do you prefer option 1 (voluntary) or option 2 (a mix of voluntary and mandatory parts)? Are there any other options?

Option 2 provides a more pragmatic response e.g. provide voluntary retreat until such time that the hazard risk is too great/servicing thresholds are met and then mandatory retreat for those residents unwilling or needing support to leave. The challenge will be to ensure that once residents start voluntary retreat that mechanisms are in place so others do not move in to replace them.

25. Do you agree that affected land should no longer be used at the end of a retreat process (with limited exceptions for things like ceremonial events, recreation, some agricultural or horticultural uses and mahinga kai gathering)? Why or why not?

Yes, in principle.

<p>26. Do you think there should be any other exceptions? If so, what, and why?</p> <p>There may be other short term or temporary activities which could be appropriately located in these areas, in addition to those listed above. These could be determined on a site-by-site basis, recognising particular local circumstances and the opportunity for flexibility in response options.</p>
<p><i>Options for a retreat system Powers to ensure land is no longer used</i></p>
<p>27. Do you agree that these powers are needed to ensure land is no longer used once a decision has been made to retreat? What powers do you consider are needed?</p> <p>Yes, the Council supports the recommended powers as listed in Table 8 (enhance land-use controls; strong powers to acquire land by agreement).</p>
<p><i>Other powers to enable retreat</i></p>
<p>28. What do you think the threshold or trigger should be for withdrawing services once a decision has been made to retreat?</p> <p>This is a complex issue that requires more thought. We recognise servicing is a crucial part of the decision-making process in preparing adaptation plans. This is particularly so given that many services can have an asset life of 80+ years. For example, the need to replace/upgrade aging infrastructure could initiate the retreat process and withdrawing of services, rather than waiting a further 10 years for a hazards trigger to be reached.</p>
<p><i>Protection from potential liability</i></p>
<p>29. In what circumstances, if any, do you think decision-makers should be protected from liability? What are your views on option A, option B or any other possible option?</p> <p>The Council supports the suggestion that decision-makers should be protected from liability where decision-makers act in good faith (Option A). We agree with the statement in Paragraph 199 of the Discussion Document that without some protection from liability, decision-makers may make no decisions or place too much weight on the desire to avoid litigation.</p> <p>As climate change intensifies and sea levels continue to rise, short-term and short-sighted decision making could exacerbate the physical, fiscal, and economic risks already facing many communities and government. Before convening these discussions, however, government must work with communities to build trust where it may not already exist. Additionally, government should work with community members and community-based organizations — especially in economically- and disadvantaged communities — to identify and provide them with tools and information (e.g., data, mapping, and metrics) that are prompting decision makers to take action and include the community as a partner in the process. The work to build local capacity and educate residents should be viewed as a sustained goal — and not a one-off project — so that people can actively participate in and contribute to legal and policymaking processes over the long term.</p>
<p>Chapter 7 Funding and financing</p>
<p><i>Problems with the current approach</i></p>

<p>30. Which parts of the current system work well and which do not? Are there any other issues with our current approach to adaptation funding?</p> <p>The current system is largely premised on beneficiaries paying for adaptation measures. Given the scale of adaptation planning (including retreat) that will be required over the longer term, there will come a tipping point when we simply cannot afford to implement the plan. Local government is already heavily burdened with aging infrastructure, costs associated with servicing growth, increasing requirements to implement central government policy, and providing services to meet community needs and expectations. This is amongst a backdrop of capped rates, cost of living crisis and increasing interest rates.</p>
<p><i>What should a funding approach aim to achieve?</i></p>
<p>31. What do you think are the most important outcomes and principles for funding adaptation?</p> <p>The Council supports funding for climate adaptation must be allocated according to the principles of equity, urgency, efficiency, effectiveness, transparency, accountability, sustainability, flexibility, human rights, and participation. Other principles should be considered such as the recognition justice principle (unjustified loss, damage or disruption should be compensated for), comparative justice principle (alike cases should be treated alike), ability to pay principle, and remedial responsibility principle (people who need help should be given assistance).</p> <p>The principles and outcomes provided by MfE directly reference matters such as limiting the Crown's fiscal exposure and reducing liabilities, including contingent liabilities, on the Crown; as well as ensuring risks and responsibilities are appropriately shared across parties including property owners, local government, central government, banks and insurance industries.</p>
<p><i>When should government contribute to adaptation costs?</i></p>
<p>32. In what circumstances (if any) do you think ratepayers and taxpayers should help people pay for the costs of adaptation?</p> <p>In New Zealand, most people view their house as their key investment asset and expect to get top dollar when selling/downsizing. Some areas of New Zealand have inflated property markets and land values are astronomical. Many councils have aging and/or underinvested infrastructure. Given these issues, the reality is that ratepayers and taxpayers will not be able to afford to fund the total costs of adaptation over the longer term, whether that is a proactive community-led retreat or in response to a significant natural hazard event. This will further exacerbate existing socio-economic inequality issues identified with adaptation.</p> <p>There is also an issue of 'fairness' and how to distinguish between different personal circumstances. For example, there would be sympathy for an elderly couple who have lived at their coastal property for 60 years and require ratepayer/taxpayer financial support to retreat; however, could the same be said for a person who has purchased their property in the last five years with the knowledge of the coastal hazard risk to their property?</p>
<p><i>When should central government help councils to meet adaptation costs?</i></p>
<p>33. In what circumstances should central government help councils to meet adaptation costs?</p>

We support the suggestion that central government could help councils to meet adaptation costs in circumstances where there are Treaty commitments, overwhelming scale, or is of national benefit. However, for the latter two, a clear framework/criteria would need to be developed (and consulted on) to ensure that it is a fair and equitable process.

Should the costs of retreat be shared in the future?

34. What are the benefits and challenges of providing financial support to people needing to retreat?

The main challenge is avoiding maladaptation and the need to explore flexible and effective funding solutions for both people needing retreat and from non-traditional sources.

Issues relating to managed retreat are complex and involve consideration of how risks and costs associated with adaptation should be shared, what a managed retreat process should look like, whether people should be allowed to stay in areas when community services are withdrawn; as well as issues of equity, flood insurance, and managed retreat when climate change affects Māori coastal and river settlements. Many of these issues still remain unanswered in the National Adaptation Plan. It indicates that a hybrid approach using different adaptation options may be appropriate and that the options used may change over time. It also indicates that councils should work with communities to assess options that will be adopted but leave key issues for future processes including further central government direction (including through RMA reform and local government review), the legislative mechanics of managed retreat (if required) and, more importantly, how such matters will be funded.

35. Are there any other approaches for providing support to people needing to retreat that we should consider?

There are several international approaches or a combination of some that could be explored for provision of full property replacement cost, creating a fixed compensation rate or cap, including for owner contributions; through to compensation based on the remaining habitable life of the property (with conversion from freehold to leasehold), and differentiations depending on knowledge of climate-related risk, whether the property is a principal place of residence or not, and the net worth and/or income of the property owner.

And options for creating a public compensation fund, although the cost would be difficult to estimate. Exploring potential revenue sources, including increases in taxes or rates, additional home insurance or fossil fuel levies, new taxes (e.g. a comprehensive capital gains tax) or as part of the Climate Emergency Response Fund (through the Emissions Trading Scheme).

Most people are reluctant to relocate or resettle because of the social connections they have. Proper consideration should be given to this issue as well.

36. What are the benefits and challenges of providing financial support to businesses needing to retreat?

Co-funding options should be explored to compensate and support businesses. Funding solutions should be capped. The nature of any such restrictions and financial caps will require

proper and informed public debate. A long-term funding framework that will facilitate pre-event and post-event retreat, and on an ever-increasing scale is now urgently needed.
<i>If central government decides to invest, what costs could it prioritise?</i>
<p>37. What should central government's initial funding priorities be and why? Which priorities are the most important and why?</p> <p>The Council supports all four priorities listed in Table 12 as being important.</p>
<p>38. How could central government communicate its investment priorities? Please indicate which option you think would be most effective and explain why.</p> <p>More clearly, through a statement of spending priorities and option 3. Aligning policy and investments to enable local government to make effective decisions for climate change mitigation and adaptation, including managed retreat.</p>
<p>39. Should funding priorities cover councils as well as central government?</p> <p>Yes. Also, public and private sectors need to work together to provide the necessary funding and financing to reduce adaptation options.</p>
<i>Funding and financing solutions for adaptation</i>
<p>40. How can the banking and insurance sectors help to drive good adaptation outcomes?</p> <p>The banking and insurance industries play a critical role in adaptation planning and in building climate resilience. These sectors can help support the transition to a more resilient Aotearoa.</p> <p>These sectors would provide the flow of capital to support communities and infrastructure to recover from disasters through risk pooling, risk pricing, and risk diversification. Without adequate insurance, the burden of paying for losses falls largely on individual citizens, ratepayers, government, with a significant impact upon already straining government budgets, and economic and social hardship for those affected.</p> <p>Public-private collaborations will be needed to support residents and local governments as they adjust to new market norms. In collaboration with central and local government, establishing a platform for dialogue is needed to explore the full range of roles banks and insurers can play in supporting adaptation planning.</p>
<p>41. What solutions should be explored for funding and financing adaptation?</p> <p>Some solutions are:</p> <ul style="list-style-type: none"> • Invest in open-source models to put climate risk at the heart of national adaptation and local strategies. • Develop consistent climate adaptation regulations and standards. • Foster banking and insurance innovations that can respond to a changing climate risk landscape. • Strengthen dialogue between insurers, banks, central and local government, communities, and iwi partners around Building Back More Resilient. • Promote and invest in risk literacy throughout society.

Chapter 8 Adapting through recovery
<i>Issues experienced with adaptation through recovery</i>
<p>42. Are there any other issues that make it difficult to adapt during a recovery</p> <p>Barriers to adaptation include:</p> <ul style="list-style-type: none"> • Information barriers: Consistent and accessible information and the capacity to apply it is essential for effective adaptation. For example, inconsistent or poorly accessible information currently mean that insurance premiums and real estate values poorly reflect climate risks such as sea level rise. • Cognitive barriers: Psychological factors influence our ability to act on information about climate change, including our perception of how urgent adaptation is. For example, the long timeframes and uncertainty about impacts make it difficult for decision-makers to understand the problem or scope a solution. • Disincentives for self-preparedness: Even if the risks posed by climate change and options to adapt are understood, markets may not always generate the right signals for individuals and businesses to prepare for climate change. For example, governments often act as insurers of last resort for the adaptation choices made by others, creating moral hazard which reduces incentives for self-preparedness. • Investment barriers: Limiting investment in adaptation for major assets such as roads, rail and ports, because the benefits of doing so are outside the scope and timeframe of private sector investment decisions. • Transaction costs and externalities: Coordinating adaptation across regions can be costly and result in unintended consequences. For example, a challenge for local government is that many adaptation decisions need to be made at a regional scale in order to be effective.
<i>Opportunities for adapting through recovery</i>
<p>43. Do you think our approach to community-led retreat and adaptation funding should be the same before and after a disaster? Why or why not?</p> <p>No, they should not be the same. Future managed retreat and adaptation will need to be creative. Almost all conversation around managed retreat has focused on voluntary residential buyouts because they have been the most common type of retreat in New Zealand and around the world.</p> <p>The more creative we are, the greater our potential to transform society. Retreat creates a new beginning. It begs the mind to imagine what could be: how people could live away from the coast while maintaining or even strengthening ties to the ocean, how coasts could be public lands used for public good, how floodplains could be allowed to ebb and flow with storms, how communities could live with the water rather than battle against it.</p>

TASMAN DISTRICT COUNCIL

FEEDBACK ON: Draft Transitional National Planning Framework

TO: Ministry for the Environment

NationalPlanningFramework@mfe.govt.nz

13 December 2023



1.0 Our Feedback

Tasman District Council appreciates the opportunity to provide feedback to Ministry for the Environment (**MfE**) on the Draft Transitional National Planning Framework (**NPF**). Due to limitations on staff time and the size of the document not all sections of the draft were able to be considered by staff. Given there is considerable overlap with the NPF and existing National Policy Statements (NPS) and National Environmental Standards (NES), the feedback provided on the NPF is focussed on the changes proposed in the NPF and not the grandfathered NPS/NES content (as the Council has previously provided submissions on those regulations). Our feedback is therefore largely limited to the sections we were able to review, within the time available, and where appreciably different to the existing regulations.

We recognise that the NPF is unlikely to proceed further under the current government and for that reason additional feedback has been provided regarding how some of the existing NPS/NES's could improve.

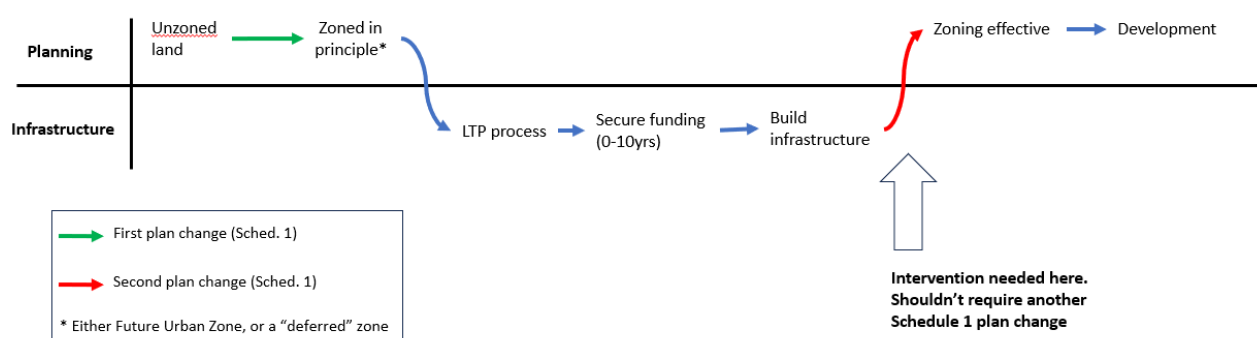
General feedback is detailed below (2.0 General Feedback) and the more specific feedback is provided in section 3.0 Feedback on the Provisions, also detailed below.

2.0 General Feedback

- 2.1 The NPF is a considerably lengthy document consisting of over 500 pages. The opportunity (should it arise) should be taken to condense the material into a more workable framework, to better achieve the outcomes sought. In some places the provisions are quite prescriptive and at other times unnecessary state the obvious e.g. "14.2.8 Regional Spatial Strategies may include appendices, and may group them under appropriate heading". **We recommend** consideration be given to ways in which the NPF can be slimmed down and condensed.
- 2.2 Tasman District Council would welcome MfE developing national erosion and sediment control guidelines for use by councils and the development industry. This could include best practice information to ensure nationally consistent standards, with the ability to introduce additional information/standards to address regional/local circumstances and geologies. **We recommend** MfE consider adding an additional part to the NPF addressing erosion and sediment control.
- 2.3 Tasman District Council recognises that the National Environmental Standard for Commercial Forestry (previously Plantation Forestry) is not included in this version of the NPF and will be considered as part of subsequent NPF proposals. The Council would like to take the opportunity to highlight that central government has previously indicated the 'Erosion Susceptibility Classification' layer within the NES will be revised to better accurately identify areas where more stringency for forestry activities should be applied, especially in terms of geologies with risks from erosion and sedimentation; however, this has not taken place. We recommend through development of the NPF that this work is progressed and funded by MfE/MPI, and we would further recommend that a more effective tool could be a national risk susceptibility model, such as the Maanaki Whenua Landcare Research 'Smarter targeting of erosion Control (STEC)' Oct 2018 - October 2023, Raphael Speikermann. These methods could assist in identification of those areas which should not be afforested or replanted or may need specific attention to how forestry activities are carried out.
- 2.4 Neither the RMA or NBEA have an efficient planning process for releasing land. This is because it almost always requires two plan changes to be done properly. The NPS has a

future urban zone that can be applied to tag land intended for future urban needs. This is an interim zone that must then be changed to the ultimate zone (e.g residential) before development can occur. An alternative approach is to apply a **deferred zone** approach where an area is assessed through a plan change for its ultimate zoning but remains zoned for its current use until servicing can be provided. Alternatively, some councils apply an **overlay approach** which prevents the land from being developed until services are available. However, the land retains the ultimate zone rules (i.e. residential). This can create a situation where land that is identified for urban development may be zoned but the reality is the development is often some years off and the land continues to be used for rural purposes. All three approaches currently used to identify land for future development require two plan changes before the ultimate use can commence. A new method is required which identifies land for future development and then rezones that land for the future use once a predetermined trigger has been reached. **We recommend** that a new methodology be developed and incorporated into the Part 11 of this, or subsequent NPF's.

See diagram below.



3.0 Feedback on the provisions

The feedback below is ordered in accordance with the order in which the Parts appear in the NPF, with feedback on the schedule occurring at the end of this section.

Part 1 Overarching matters

Subpart	Feedback:
1.1—Preliminary provisions	<p>1.1.1 (2)</p> <p>This is very confusing at first glance. Part 3 and Part 2 prevail over different subparts of Part 6. This would require a lot of to and froing when implementing the NPF.</p> <p>We recommend: that a visual guide be provided to enable interpretation or hyperlink to parts affected.</p>

Part 2: Freshwater

Subpart	Feedback:
Subpart 2.1—Preliminary provisions	<p>2.1.2</p> <p>Support focus on management of activities rather than natural resources per se.</p> <p>Support retaining hierarchy of obligations – with clarification of obligations 2 and 3 scope and any sub-hierarchy within obligation 3 – ie social> cultural> economic.</p>
	<p>2.1.2(b)</p> <p>Further national clarification is needed on what is included in the second obligation – eg does human health needs include food? electricity generation?</p> <p>We recommend: The drafting be improved to clarify what is included.</p>
	<p>2.1.3(h)</p> <p>Good that the discrepancy between outstanding and significant values has been resolved for Outstanding Freshwater Bodies– however national guidance on intention of outstanding waterbodies needs clarification - was it meant to provide a regional equivalent to the WCO process or to highlight particularly important values of water identified in an FMU to be protected as a priority? Eg could use of water for food production be an outstanding value?</p> <p>We recommend: Clarify the intention for outstanding freshwater bodies.</p>
	<p>2.1.5</p> <p>Support - provides clarity when relying on science and where there are gaps how to approach this.</p>
Subpart 2.2—Freshwater generally	<p>2.2.2</p> <p>The definition for ‘degraded’ refers to the date 7 Sept. It should instead be to the “best state” – otherwise this assumes it was always better on 7 Sept .</p> <p>The ‘Degrading’ definition should retain reference to naturally occurring processes – otherwise potential perverse outcome of further work required despite a natural cause.</p> <p>We recommend: Amend the reference to “7 Sept” to “best state”.</p> <p>We recommend: Retain reference to naturally occurring processes.</p>
	<p>2.2.3(3)</p> <p>Support</p>
	<p>2.2.4</p> <p>Which plan? - NBEA plan vs RSS or both</p> <p>We recommend: Clarify which plan is being referred to.</p>
	<p>2.2.6</p> <p>Support</p> <p>Clarity needed (in NBEA) on adverse effect (used in clause) - note “adverse effect” is defined in NBEA as "adverse effect does not include a</p>

	<p>minimal effect" but minimal effect is NOT defined. However "Effect" is defined and includes cumulative effects. What is a minimal effect? And are cumulative minimal effects part of "adverse effect" or not?</p> <p>We recommend: Improve the definitions for adverse effect.</p>
	<p>2.2.7 (2)(b) & (c)</p> <p>Guidance needed here otherwise it could cause more documentation than is necessary, a template from MfE would be helpful showing how decisions and reasons are to be recorded and published to satisfy this section.</p> <p>We recommend: Provide more guidance and template to standardise records across councils</p>
	<p>2.2.8</p> <p>National guidance is required on application of the NOF steps to groundwater, in particular appropriate methods, statistics and metrics for use in setting attribute states and limits, taking into consideration the residence time of different aquifers, variability across aquifers and difficulty in defining representative sites and the general difficulty in monitoring and investigation to understand complex hydrogeological systems including linkages with surface water systems.</p> <p>We recommend: Guidance be provided for implementing this provision.</p> <p>2.2.8 (1)(a)</p> <p>Difficult to know what level of engagement is required for each step of NOF process and does this mean engagement for each step has to be done sequentially or can a number of steps be combined to help the process be less resource hungry, more efficient, and effective, especially where iwi and council capacity is constrained.</p> <p>We recommend: Provide greater clarity on the intent and requirements of this clause</p> <p>2.2.8 (2)</p> <p>The requirement to "including the results of EACH step in its plan" is a significant change from the 2020 NPS-FM – further guidance is needed on what this means for each NOF part and where this is considered to fit within the plan structure under the planning standards.</p> <p>We recommend: Further guidance.</p>
	<p>2.2.9(1)(a)</p> <p>How is "appropriate" to be determined? Does this require a certain scientific or mātauranga methodology or a combination or is it tied to engagement required under 2.2.8 (1)(a) and 2(a).</p> <p>We recommend: Provide greater clarity on the meaning of "appropriate"</p> <p>2.2.9 (3)</p> <p>Clarity is needed – it is unclear what implications of (3) are - is this saying environmental limits and targets MUST be set at the FMU level? What if this is not an appropriate scale - is this saying the FMU is the maximum scale or FMU should only be set at scale of the limit – which could be a</p>

	<p>reach scale and be unachievable/unrealistic over an entire region... how does this relate to 2.2.20 (1) with flows/levels set differently for different parts of an FMU?</p> <p>We recommend: Provide greater clarity on the intention.</p> <p>2.2.9(5)</p> <p>Poorly drafted and hard to interpret the use of the words “but for existing freshwater quality, for freshwater activities”.</p> <p>We recommend: Redraft so it is clear what is required.</p>
	<p>2.2.12</p> <p>It is unclear if “non-compulsory” also includes 'other freshwater values' not in the NPF (ie not in FW1 part 1 or 2)</p> <p>We recommend: Redraft so it is clear what is included.</p>
	<p>2.2.13</p> <p>Further national guidance is needed for how natural variability and sampling error should be accounted for, particularly for aquifers including consideration of residence times.</p> <p>We recommend: Provide guidance on the implementation of this provision.</p>
	<p>2.2.16 (2)</p> <p>It is unclear what the exception for hydro-electric generation schemes and specified vegetable growing areas relates in clause (2). Is it the onus on the RPC to demonstrate naturally occurring processes for the schemes and vegetable areas or is it the hydro-electric generation schemes and specified vegetable growing areas don't have to achieve a minimum level target?</p> <p>We recommend: Redraft so it is clear what the exception relates to. Have exceptions for these matters as a separate clause.</p>
	<p>2.2.19(2)(a)(ii)</p> <p>Query -how are “foreseeable effects of climate change” defined and determined?</p> <p>We recommend: Provide greater clarity on what determines “foreseeable” .</p>
	<p>2.2.22</p> <p>Query -how is efficient allocation and use to be determined?</p> <p>We recommend: Provide more guidance to standardise the measuring of efficiency across councils.</p>
	<p>2.2.24</p> <p>If Regional Council are identifying in collaboration with Tangata Whenua monitoring sites for Māori freshwater values, whose responsibility is it to conduct monitoring? Is the assumption council will fund Tangata Whenua to monitor these sites or train staff to monitor in accordance with Mātauranga? Not helpful leaving interpretation up to an assumption, need to have clear understanding what is expected under the NPF and tie back to 2.2.5.</p>

	<p>We recommend: Provide greater clarity on the intent and requirements for conducting monitoring for Māori freshwater values and tie back to 2.2.5.</p>
	<p>2.2.28(2) What about recommendations from Tangata Whenua as kaitiaki of waterbodies and the holders of Mātauranga? We recommend: Provide similar clause recognising the recommendations of Tangata Whenua.</p>
	<p>2.2.29(1) There may be a need to protect data sovereignty and cultural property rights when using data for Māori freshwater values. We recommend: Provide some guidance around data ownership and sovereignty in relation to this clause.</p>
	<p>2.2. 29(2)(g) How are “foreseeable effects of climate change” defined and determined? We recommend: Provide greater clarity on what determines “foreseeable”.</p>
Subpart 2.3—Rivers	<p>2.3.1 The rivers effects management framework compromises TMOTW and should not have a hierarchical approach that allows offsetting. We recommend: Do not take this approach to managing adverse effects.</p>
	<p>2.3.2(1)(a) Query -how is “functional need” determined? We recommend: Provide greater clarity on what determines a functional need that allows loss of river values and extent and what threshold it needs to reach.</p> <p>2.3.2(3) The rivers effects management framework compromises TMOTW and should not have a hierarchical approach that allows offsetting. We recommend: Do not take this approach to managing adverse effects.</p>
Subpart 2.5—Natural inland wetlands	<p>2.5.2 Do not agree with aquatic offset (b) that in the definition the net gain should only be preferable, it should be mandatory. We recommend: Redraft clause to make it mandatory that for all offsets there has to be a net gain.</p>
	<p>2.5.4 What if an inland wetland is a Place of Significance to Māori and information regarding its whereabouts is sensitive because of the need to protect wāhi tapu? We recommend: Provide greater clarity on what should be done in these circumstances.</p>

	<p>2.5.5</p> <p>Any policy exception in a plan needs to consider if an inland wetland is a Place of Significance to Māori.</p> <p>We recommend: Provide greater clarity on what should be done where a inland wetland is a Place of Significance to Māori.</p>
	<p>2.5.41(2)</p> <p>Query -how are significant national and regional benefits and functional need determined and measured? Does that mean the region will receive direct royalties for all extracted minerals and coal in their region?</p> <p>We recommend: Provide clarity and a standardised measure.</p>
Subpart 2.7—Stock exclusion	<p>2.7.4</p> <p>Query -does this mean deer can criss-cross all day long?</p> <p>We recommend: Improve drafting.</p>
Subpart 2.8—Water takes	<p>2.8.3</p> <p>This clause has so many different rates it becomes very confusing and hard to understand what science supports the regulation.</p> <p>We recommend: Improve drafting and amend clause.</p>
	<p>2.8.6</p> <p>Query -shouldn't a water permit require the permit holder to keep accurate records, otherwise how do you know what water has been taken to support accurate accounting for a FMU? This clause contradicts 2.8.10.</p> <p>We recommend: Require permit holder as a condition of the permit to accurately measure water take.</p>
	<p>2.8.8</p> <p>Query -How would you know if you have incorrect information if there is no requirement to measure water take as part of a permit?</p> <p>We recommend: Amend clause.</p>
	<p>2.8.9</p> <p>Query -wouldn't the verification of a device need to align with any industrial standards for that device?</p> <p>We recommend: Amend clause to recognise that calibration and verification of a devise needs to align to any product specifications or industry standards.</p>
	<p>2.8.10</p> <p>This clause contradicts 2.8.6</p> <p>We recommend -Amend 2.8.6 to align with this clause.</p>

Part 3 Coastal Environment

Subpart	Feedback:
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Subpart 3.1—Preliminary provisions	<p>3.1.1 (a) Support the amendment to include the restoration of the coast.</p> <p>3.1.1 (c) Features and landscapes are usually identified separately from natural character. Is the intention of the wording to include features and landscapes within natural character or is the references to protecting features and landscape meant to apply to the broader coastal environment?</p> <p>We recommend-The outcome should be made clearer regarding the last part of the sentence.</p> <p>3.1.1(h) Support the amendment to include restoration.</p> <p>3.1.1 (e) Support the changes- clearer wording than in the NZCPS.</p> <p>3.1.1(g) Should this refer to the management of coastal hazard “risks” or should “coastal hazard” be defined. By changing the outcome to the management of “coastal hazards” it seems to unnecessarily broaden the outcome, pretty much all structures could be considered a coastal hazard either to boats or people. The requirement to protect or enhance the natural defences to coastal hazards e.g. jetties, marine farms, pipes etc could become problematic. We recommend Include the word “risk” or define “Coastal Hazard”.</p>
	<p>3.1.2.(l) NZCPS Pol 7 requires strategic planning for the CE. Policy 12 is about management not strategic planning. Is this policy needed or should the wording be different to better reflect Policy 7?</p> <p>We recommend -The wording be reviewed if this policy is intended to be the new NZCPS Policy 7.</p> <p>3.1.2(v) Support</p>
	<p>3.1.3(c)(ii) Support the use of the word “characteristics” over the original word “qualities” better defines what is requires.</p>
Subpart 3.2—Coastal environment generally	<p>3.2.10 NZCPS Policy 15 requires the avoidance of adverse effects on outstanding natural landscapes and features. 3.2.10 however does not require the mapping of outstanding natural features/ landscapes but requires the identification of <u>all</u> natural landscapes and features by (map or otherwise) and the protection of them. This represents a significant departure from the NZCPS and presumably will require all Councils to reassess landscapes and re-map them. This is likely to be costly and probably continuous/ litigation risk.</p>

	<p>We recommend – Reconsideration of this change to existing policy or provided greater guidance to lessen the cost/ litigation risk.</p> <p>3.2.19.3(f) No guidance is given for what reason you might want a setback for. With the removal of the words “protect the natural character, open space, public access and amenity values” any attempt to practically or reasonably setback more than a few meters could be contested.</p> <p>We recommend -reword to provide guidance on what the setbacks are for.</p> <p>3.2.21(2) Support the extension to include planning for regionally significant ports.</p> <p>3.2.18 (1)(2) (1) requires plans to ensure that harmful organisms are not released or spread, as far as practicable. (2) then requires resource consent for any activity which may spread harmful organisms. (2) may benefit from more wording along the lines of where it is not practical or cannot be avoided then...</p> <p>One of the biggest current growth areas in aquaculture is seaweed production. People are actively introducing and farming underia which is in many areas considered a harmful organism. Consideration should be given to ensure the wording does not impede the farming of undaria, in appropriate places.</p> <p>We recommend- reconsider the wording.</p> <p>3.2.24 We recommend that identification of sea level rise is explicitly mentioned in 3.2.24. This is because sea level rise will cause every day high tides to progressively move inland, and every day high tides are not a ‘natural hazard’, rather a coastal process.</p> <p>3.2.25 Clarity is sought on the extent to which councils are required to manage tsunami based on local circumstances. For example, in the Nelson Tasman region tsunami is a low frequency/high consequence natural hazard. The two councils provide education/advice (via CDEM) on this hazard, but do not control development in areas potentially exposed to tsunami given that it is a low frequency event (e.g. do not avoid or mitigate the effects of tsunami).</p> <p>We recommend that for the avoidance of doubt, that sea level rise is explicitly mentioned in 3.2.25.</p> <p>We recommend A definition of ‘high risk’ is required for Clause (2)(b).</p> <p>We recommend Clarity on the framework for hard protection structures as set out in Clauses (3) and (4). For example, what is the criteria for “significant public or environmental benefit”?</p>
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Subpart 3.3— Management of existing aquaculture activities	<p>3.3.3 Support this change as it makes it clearer what is an inappropriate area. Under the existing NES-MA it is uncertain what constitutes an inappropriate area e.g. an ONL, water quality issues etc. The proposed change clarifies that an area must be identified in the plan as an area inappropriate for marine farming to continue.</p> <p>3.3.9 Support changes, makes it clearer.</p>

Part 4 Land and Soil

Subpart	Feedback:
Subpart 4.2—Highly productive land	<p>4.2.3 & 4.2.11(2) Supporting activities.</p> <p>Coolstores and workers accommodation are considered to be land based primary production supporting activities, however, the current NPS HPL definition and NPF definition for ‘supporting activities’ does not clearly specify this. This could lead to interpretation inconsistencies and to restricting the development and operation of cool stores and workers accommodation on non HPL land. Restricting coolstores and workers accommodation to non HPL land is likely to result in increased reverse sensitivity effects, increased vehicle movements (including large trucks transporting produce to coolstores using urban roads) and increased transportation costs and greenhouse gas emissions. Overall, this restriction will make these operations and activities less economically viable. Further, the ‘supporting activities’ definition restricts the development and use of supporting activities to only service the land they are on. Coolstores, packhouses and workers accommodation are often developed on a single piece of land but service multiple pieces of land (multiple landowners, multiple businesses). This is considered to be an efficient use of HPL as opposed to each landowner developing their own coolstore, packhouse or workers accommodation.</p> <p>We recommend: an amendment to the ‘supporting activity’ definition to clearly provide for coolstores and workers accommodation.</p> <p>We recommend: an amendment to the ‘supporting activity’ definition and 3.9(2)(a) to ensure the use of coolstores, packhouses and workers accommodation are not restricted to only service the land they are on.</p>
	<p>4.2.10(1)</p> <p>The Council is supportive of boundary adjustments on HPL where titles are amalgamated to reduce the fragmentation of productive land. The Tasman Resource Management Plan provides a pathway for boundary adjustments in the Rural 1 and Rural 2 zone, where no additional titles are created, and no allotments less than 5,000m² are created. After an</p>

	<p>Applicant has used this pathway, second-generation or re-subdivision of that land becomes a Non-Complying activity in the Rural 1 and 2 zones. This allows applicants to subdivide a small block off a rural property (HPL) and amalgamate the rest of the property with another title, to create a larger productive piece of land. A large portion of Tasman's productive land is fragmented and not currently being used for land-based production. Much of this fragmented land is historic lifestyle block potentially too small to be used in an economically viable way. The boundary adjustment pathway provided in the Tasman Resource Management Plan provides an incentive to amalgamate productive land (HPL), and potentially opens land up to land-based production uses and reverses the loss to lifestyle blocks. The Council considers this an effective tool and would like to see the same reflected or supported in the NPF. As a result of 4.2.10(1) of the NPF, boundary adjustments are less likely to be approved where any HPL is permanently lost to productive use.</p> <p>We recommend: An amendment to 4.2.10(1) to clearly provide an exception for boundary adjustments, where some HPL is permanently lost to productive uses.</p>
	<p>4.2.11(1)</p> <p>Support the amendment to the NPS to provide a clear consent pathway for intensive indoor primary production and closed greenhouses to be developed on HPL, where necessary.</p>

Part 5: Form

Subpart	Feedback:
Subpart 5.2—Air quality	<p>5.2.1</p> <p>Clarification sought on use of terms within two definitions. Pellet burners and multifuel burners (within 'solid fuel burner' definition) and pellet heaters and multifuel heaters (within 'woodburner' definition) – are these meant to be the same or different (and what is the difference)?</p> <p>We recommend: The definitions be amended to be consistent or additional definitions are provided.</p>
	<p>5.2.15</p> <p>Support the broadening of prohibited discharges from wood burners to apply to solid fuel burners, which includes all new open fires, wood, coal, pellet and multifuel burners, cookers and water boilers.</p> <p>Support the update to the design standard for solid fuel burner discharges (reducing from 1.5 to 1.0 grams of particles per kilogram of solid fuel burnt).</p> <p>Whilst Council staff are aware that some experts question how much this change could actually achieve in improving air quality in comparison to other initiatives, we recognise that this can be 'one tool in our toolbox' for improvement.</p>

	<p>We welcome initiatives by MfE which will help improve overall air quality outcomes but suggest that the NPF does not go far enough to address issues nationally. For example, the NPF does not address:</p> <ul style="list-style-type: none"> Existing ambient air provisions. The Council recognises that this is proposed to be provided for in later NPFs, in time to inform NBE plans. However, councils require clarity in the short term regarding any future proposed requirements to monitor and manage PM2.5 as this will have significant implications for the management of airsheds. Research monitoring in some of Tasman's towns against the 2021 World Health Guidelines for daily PM2.5 suggests that the Council would require significant resources (staff, budget) to initiate monitoring and management programmes. This work would need a lead in time to enable staff to build in the required work programmes into our Long Term Plans. Discharges from existing pre-2005 woodburners – due to the outdated design (particularly the ability to 'bank down', these can contribute to air pollution. Rather than councils having to regulate this locally, national direction would be appropriate in combination with targeted financial support to enable households to upgrade. Outdoor burning for land management purposes (e.g. orchards, horticulture). A number of councils have raised this issue with MfE previously that national direction on outdoor burning would be welcomed. <p>We recommend: That the NPF go further in addressing issues of air quality.</p>
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Part 6 Indigenous biodiversity

Subpart	Feedback:
Subpart 6.1— Preliminary provisions	<p>6.1.1. (c) How is "recognition of the mana of tangata Whenua as kaitiaki" measured?</p> <p>We recommend: more guidance provided on how the outcome will be measured and achieved against this.</p> <p>6.1.8(1) Councils are required to classify and protect indigenous biodiversity under two different assessment criteria (Part 3 and 6) within the Coastal Environment. This is a duplication of effort and cost. Only one assessment criteria should be used for the terrestrial portion of the coastal environment.</p> <p>We recommend: Amend so that the terrestrial area within the coastal environment is subject to only one assessment criteria.</p>
Subpart 6.2—Indigenous biodiversity generally	<p>6.2.2 Support excellent clause reflects authentic partnership intent.</p> <p>6.2.3</p>

	<p>Support excellent clause.</p> <p>6.2.4 Support excellent clause.</p> <p>6.2.5 Support excellent clause.</p> <p>6.2.6 Support excellent clause.</p> <p>6.2.11 (1) (a) (ii) (iii) (iv) & (1) (b) (c) & (2) Disagree with these activities to be treated as an exception. We recommend: remove clauses.</p> <p>6.2.18 Support - commend responsiveness to tangata whenua interests and priorities.</p> <p>6.2.19 (8) Commend the intent of this clause but 6.2.19 (8) is likely to cause issues or perverse outcomes. We recommend: more consideration regarding notification and what is communicated and management of potential conflicting interests.</p> <p>6.2.21 Support - Excellent clause</p>
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Part 8: Cultural Heritage

Subpart	Feedback:
Subpart 8.1—Preliminary provisions	<p>8.1.1 Clear outcome, however is the term “sense of place” meant to reflect a subjective sense and if this is what is intended, We recommend: clarify meaning of “sense of place and ensure any monitoring, limits and targets also reflect this meaning</p>
	<p>8.1.2 (a) This provision is too open for interpretation. We recommend: redefinition of how this section will apply</p>
	<p>8.1.2 (b) Underwhelming clause We recommend: Remove words “but need not” as isn’t that what “may” means.</p>

Part 9: Natural Hazards and effects of climate change

Subpart	Feedback:
Subpart 9.2—Directions	9.2.1

	<p>Support the provisions requiring regional planning committees to consider natural hazards and the effects of climate change when preparing regional spatial strategies ((1)(a)).</p> <p>However, (1)(b) requiring consideration of “the risks, including cumulative, cascading, and residual risks, associated with natural hazards and effects of climate change, and how those risks may change over time” is an extensive body of work that will require significant resources to complete. If this requirement remains within the NPF, the Council requests that MfE provides resourcing to aid regional planning committees in undertaking this task, which should include national guidance, resources, templates; opportunities for staff upskilling and training; access to experts etc. It is important that ‘risk’ is clearly defined and if it includes concepts such as vulnerability or tolerance. It is noted that the Council’s natural hazards models/maps currently identify ‘exposure’ or ‘susceptibility’ and to move to a risk-based framework is likely to require significant resources.</p> <p>We recommend: That MfE provides sufficient resourcing to aid regional planning committees undertake Natural Hazard planning.</p>
	9.2.2 - Support
	9.2.3- Support
	<p>9.2.4</p> <p>9.2.4 (a) refers to “...the development of the content of the relevant plan that addresses the reduction of risks from..”. Clarity is sought on what ‘plan’ this is e.g. is it the NBE Plan, or another plan e.g. CDEM or lifelines etc?</p> <p>We recommend: There is clarification regarding which plan is referred to.</p>

Part 10: Greenhouse gases

Subpart	Feedback:
Subpart 10.2—Directions	<p>10.2.1</p> <p>States that “When preparing a regional spatial strategy, a regional planning committee must consider opportunities to support activities, including land use changes, that lead to reductions in greenhouse gas emissions”. The question is how far are regional planning committees expected to take this consideration – for example is there an expectation that resource management planning should limit stocking rates of cows or change dairying land uses as a means to reduce methane (a GHG emission)?</p> <p>We recommend: Guidance be provided.</p>
	<p>10.2.3.2</p> <p>States that “...regional planning committees must have regard to any nationally consistent methods or tools for assessing greenhouse gas emissions...”. The Council would like to understand if there are any current national methods or tools available, or if MfE proposes to develop these and also provide guidance/training for staff?</p> <p>We recommend: That support be provided to implement this provision.</p>

	<p>10.2.4(a) Refers to “...the development of the content of the relevant plan that addresses the reduction of risks from..”. Clarity is sought on what ‘plan’ this is e.g. is it the NBE Plan, or another plan? We recommend: The reference to a plan be clarified.</p>
Subpart 10.3— Industrial process heat	<p>10.3.1 Support - the intent of this section regarding managing industrial process heat to reduce GHG emissions. However, we would request that MfE provides detailed guidance documents and training to council staff and industry on how to navigate this new national direction (which has been introduced through the NPS/NES for GHGs from industrial process heat). For example, how can council staff practically determine what are “technically feasible and financially viable lower-emissions alternatives”? We recommend: Retain but provide guidance on implementation.</p>

Part 11: Urban Development

Subpart	Feedback:
Subpart 11.1— Preliminary provisions	<p>11.1.3 It is unclear whether “Active Transport” would include e-transport such as e-scooters, hover boards, e-skateboards etc which don’t require physical exercise (i.e. they are entirely self-propelling)</p> <p>Despite several references to housing affordability in the NPF and in the Natural Built Environment Act 2023 (e.g., section 11), there remains no definition of affordable housing. A standard national definition of affordable housing should be provided if, as the Act says, TAs are to enable it. We recommend: Clarify what Active Transport includes. We recommend: Define Affordable Housing</p>
Subpart 11.2—Urban development generally	<p>11.2.3 & 11.2.4</p> <p>11.2.3 clarifies that every regional planning committee must provide at least sufficient development capacity in its tier 1,2,3 urban environments to meet expected demand for housing. Clause 11.2.4 does the same for business. This clarifies that the sufficient development capacity only applies to the urban environment part of a district, rather than the whole district. For Tasman this is important - only part of the District falls within the urban environment with the remainder being rural. However, the requirements in 11.2.3 and 11.2.4 of the draft NPF are inconsistent with section 52 of the Natural and Built Environment Act 2023. S.52 requires territorial authorities to ensure that there is sufficient development capacity of land for housing and business to meet the expected demands of the <u>district</u>. This would therefore include demand from both the urban environment and the rural areas outside. We note former clause 1.3 from the NPS UD has been removed in the NPF. Currently there is inconsistency between the NBE Act and the draft NPF. Similar inconsistency existed between s.30 of the RMA and the NPS UD and it is</p>

	<p>very important to clarify the intent due to the obligations that flow for a TA from providing sufficient development capacity.</p> <p>We recommend: The inconsistency between 11.2.3 and 11.2.4 of the NPF and section 52 of the Natural and Built Environment Act 2023 is removed.</p>
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Part 12: Infrastructure

Subpart	Feedback:
Subpart 12.1—Preliminary provisions	Support definitions for National Grid Subdivision corridor and National Grid Yard.

Part 14: Form of Regional Spatial Strategies and Plans

Subpart	Feedback:
Subpart 14.2—Spatial strategies: content and arrangement	<p>14.2.1 sets out material that must be included under the Headings listed. However, in reading sections 14.2.2- 8 it is clear that not all material e.g. 14.2.4 & 8. is required to be included. 14.2.1 is “subject to other regulations in this subpart” however, it may be beneficial to make it clear that headings are only required to be included where there is relevant material in the regional spatial strategy.</p> <p>We recommend: the words “where applicable” be added to 14.2.1.</p>

Schedule 1 – Index of terms defined in definition regulations

Subpart	Feedback:
Well-functioning urban environment	<p>Well functioning urban environment is referred to many times in the NPF. However in places “well functioning urban and rural areas” is also referred to e.g. 1.2.6 as system outcomes for RSSs and 12.2.1 in relation to infrastructure.</p> <p>There is however no definition of well functioning urban and rural areas. The NPS UD introduced an important definition of a well functioning urban environment. If rural is to be added in places in the NPF, this needs defining. In Tasman, only part of our region forms the tier 2 urban environment rest is rural. It is important to understand the implications of adding rural to the definition.</p> <p>We recommend: That a definition be provided for “well functioning urban and rural areas”.</p>

Schedule FW1 – Freshwater Values

Subpart	Feedback:
Freshwater values	<p>5(2)(e)</p> <p>How will significance for culturally significant species be determined? Can they just be named by Tangata Whenua and what if there are species not yet known or well understood as being significant to the habitat and lifecycle of a taonga species, do they require identifying too, this could have perverse outcomes and may put more pressure on Tangata Whenua for justifying their relationship with and whakapapa to te taiao</p>

	We recommend: Clarify what is the intent of identifying culturally significant species and whether ‘significance’ needs evidence from Tangata Whenua.
	7(1) The term “special significance”. “Significant has been used throughout the NPF with a whole raft of clauses and different implications. This is poor drafting. Where has this definition wai tapu come from? We recommend: Remove the word “special” and assess the use of the word ‘significant’ and how it has been applied throughout the NPF.
	7(2) There is no recognition of birthing waters. We recommend: That this list is checked for completeness.

Schedule FW4 – Exceptions to regulation 2.2.16

Subpart	Feedback:
	Schedule 4 We recommend: Waimea Plains should be included as a specified vegetable growing area and consideration should be made to extending this framework to fruit growing and other food groups considered part of a healthy diet by public health.

7.3 REFERRAL REPORT - GOLDEN BAY COMMUNITY BOARD - GOLDEN BAY KAYAKS - REQUEST FOR A 20 YEAR LEASE (CORNWALL PLACE PARK)

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Robert Cant, Programme Leader - Land & Leases
Report Authorisers:	Richard Kirby, Group Manager - Community Infrastructure
Report Number:	RCN24-02-6

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

- 1.1 To present a recommendation from the Golden Bay Community Board regarding public notification of a request for a 20-year lease term to Golden Bay Kayaks at Cornwall Place Park.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 At its 11 December 2023 meeting, the Golden Bay Community Board resolved as follows:

GBCB23-12-3

That the Golden Bay Community Board:

- receives the Golden Bay Kayaks - Request for a 20-year lease (Cornwall Place Park) RGBCB23-12-3; and*
- recommends to the Tasman District Council that Golden Bay Kayaks request for a 20 year lease term be publicly notified in accordance with Section 138 of the Local Government Act 2002. Staff recommend the 20-year term be by way of a five year lease with a further three rights of renewal,*
- request that consideration be given for Golden Bay Community Board to undertake the responsibility of acting as the hearing panel.*

3. Recommendation/s / Ngā Tūtohunga

That the Tasman District Council

- receives the Referral Report - Golden Bay Community Board - Golden Bay Kayaks - Request for a 20 year lease (Cornwall Place Park) report RCN24-02-6; and**
- approves public notification of Golden Bay Kayaks request for a 20-year lease term in accordance with Section 138 of the Local Government Act 2002; and**
- agrees that the 20-year term be by way of a five year lease with a further three rights of renewal; and**
- appoints the Golden Bay Community Board as the hearing panel to consider submissions to the public notification and to make a subsequent recommendation to**

the Council regarding the granting of the lease to Golden Bay Kayaks at Cornwall Park.

4. Background / Horopaki

- 4.1 The background to this request is set out in the report to the Golden Bay Community Board dated 11 December 2023 which is attached to this report (**Attachment 1**).
- 4.2 The lease would only cover the buildings already on the property and the public will still have access to the remainder of the property to access the beach.

5. Analysis and Advice / Tātaritanga me ngā tohutohu

- 5.1 Under the terms of their delegations, the Golden Bay Community Board only has the power to make recommendations to the Council on the granting of leases and licences within their boundary.
- 5.2 Should they choose this approach, the Golden Bay Community Board, will act as a hearings panel and provide a report and recommendation to the Council in relation to the granting, or not of the lease.

6. Options / Kōwhiringa

- 6.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Approves public notification and appointment of Golden Bay Community Board as hearing panel.	This will give the public the opportunity to provide feedback on the concept of allowing Golden Bay Kayaks to continue to use Cornwall Place "Park" for its commercial operation.	Staff time will be required to support this process.
2.	Decline to renew the lease.	This would avoid the need for public notification.	The community's views will not be heard and there is a risk that Golden Bay loses a business that benefits the region.

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

- 7.1 This decision on notification is considered of low significance to the wider community. However, for the business operations it will be of high significance as the decision not to notify will have an impact on their business.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	No	
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Yes	If the decision is to not notify then this will have an economic impact on the business and the region.
3.	Is there a significant impact arising from duration of the effects from the decision?	No	
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	
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	
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	

8. Communication / Whakawhitiwhiti Kōrero

- 8.1 If public notification is approved, then a communications plan will be put in place. This will include engagement with Manawhenua Ki Mohua and notices in Newsline.

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

- 9.1 There will be staff time and minimal costs associated with this decision. However, should the final lease be granted there will be a nominal financial benefit to the Council.

10. Conclusion / Kupu Whakatepe

- 10.1 As the public notification in 2015 drew substantial public interest (over 50 submissions), staff consider it is appropriate to seek public feedback on the request for a 20-year lease.
- 10.2 In essence, staff feel this decision is of predominantly local importance for Golden Bay, and it is appropriately investigated at a local level.

11. Next Steps and Timeline / Ngā Mahi Whai Ake

- 11.1 If approved, public notification will take place and the Golden Bay Community Board will hear submissions and report back to the Council.

12. Attachments / Tuhinga tāpiri

1. [Download](#) Report to 11 December 2023 Golden Bay Community Board meeting

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8.1 GOLDEN BAY KAYAKS - REQUEST FOR A 20 YEAR LEASE (CORNWALL PLACE PARK)

Decision Required

Report To: Golden Bay Community Board

Meeting Date: 11 December 2023

Report Author: Robert Cant, Programme Leader - Land & Leases

Report Authorisers: Grant Reburn, Reserves and Facilities Manager

Report Number: RGBCB23-12-3

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

- 1.1 To seek a recommendation on whether or not to publicly notify a request by Golden Bay Kayaks to obtain a 20 year lease of part of the Cornwall Place "Park" to use for the storage of its kayaks/paddleboards.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 The Golden Bay Kayaks Business has operated from the Cornwall Place "Park" since 2002. Since Lisa Savage and Tony Bateup took over the business in 2011, it has expanded significantly. This can cause difficulties in busy times.
- 2.2 The lease renewal in 2015 drew significant public interest with over 50 submissions. Any lease of "Park" land ("Park" Land is land which is not subject to the Reserves Act, but is used for Recreation Purposes) issued for longer than 6 months must be publicly notified. Golden Bay Kayaks present lease expires in 2024, and it has requested a 20 year lease (staff are recommending a 5 year lease with 3x rights of renewal, totalling 20 years).
- 2.3 The use of public recreation land for a commercial purpose does not occur elsewhere in the Tasman District. Golden Bay Kayaks use of the Cornwall Place "Park" is unique in this respect. Golden Bay Kayaks operation provides wider benefits to Golden Bay and staff consider that the future of the use of the park for a commercial purpose (if the lease was to be declined, Lisa and Tony advise the business may not be viable) should be considered by way of a public notification.
- 2.4 Staff recommend that the intention to grant a lease with a 20 year term be undertaken in accordance with the requirements of the Local Government Act 2002.

3. Recommendation/s / Ngā Tūtohunga

That the Golden Bay Community Board;

1. **receives the Golden Bay Kayaks - Request for a 20 year lease (Cornwall Place Park) RGBCB23-12-3; and**

GOLDEN BAY KAYAKS - REQUEST FOR A 20 YEAR LEASE (CORNWALL PLACE PARK)

- 2. recommends to the Tasman District Council that Golden Bay Kayaks request for a 20 year lease term be publicly notified in accordance with Section 138 of the Local Government Act 2002. Staff recommend the 20 year term be by way of a five year lease with a further three rights of renewal.**

4. Background / Horopaki

- 4.1 Golden Bay Kayaks operates under a unique arrangement for the Tasman District. As a commercial business, it operates partly from a building on Council land held as a “Park” under the Local Government Act 2002 (i.e. land acquired or used principally for community, recreational, environmental, cultural, or spiritual purposes). The lease provides for a market rental for the building, albeit the annual rental has been “frozen” for the past 6 years due to weather events and COVID. Part of the “Park” land adjacent to the building is used to wash down kayaks, with the remainder available to the public.
- 4.2 In 2015, Golden Bay Kayaks lease renewal was publicly notified. Over 50 submissions were received, and a hearing was held. At the time, staff advice to the hearing panel was that there was no strong arguments to either grant or decline to grant the lease. The majority of the submitters who asked to speak supported the granting of the lease. Some residents of Cornwall Place opposed the continued use of the Cornwall Place Park for the Golden Bay Kayak’s business.
- 4.3 The hearing panel recommended the granting of a new lease on the basis of a 3 year term, with two rights of renewal (9 years in total). Compliance with the terms of the previous lease had been a concern, albeit those lease terms were open to interpretation. The new lease issued in 2015 was significantly more specific in respect of terms designed to minimise the impact on public enjoyment.
- 4.4 Golden Bay Kayaks is operated by Lisa Savage and Tony Bateup. They have operated the business since 2011. The original lease was issued in 2002. Since taking over in 2011, the business has expanded considerably under Lisa and Tony’s management.
- 4.5 The 2015 arrangement is expiring in 2024. Lisa and Tony have asked if it would be possible to obtain more certainty for their business, and have requested a 20 year agreement. It is worth noting that the operation of a business on land subject to the Reserves Act 1977 would be difficult to approve. This land is owned by the Council under a simple freehold title. The land is considered a “Park” under the Local Government Act 2002 (so is not a reserve). This means that any lease of longer than 6 months must be publicly notified.
- 4.6 Staff consider that the future of the business, and its use of the Cornwall Place “Park” should be decided one way or another. The use dates back 20 years. Whether it should cease or continue for another 20 years (or more) is the question to be considered. Similar to 2015, there are no strong arguments either for or against. Issuing a new lease requires public notification, but a decision to decline to issue a new lease would not. It is considered appropriate to seek public feedback on the concept of renewal.
- 4.7 While this report is not intended to consider the merits of granting the lease in detail, the broad arguments for granting the lease involve the benefits to Golden Bay if the Kayak business is given more certainty. The business employs members of the Golden Bay

GOLDEN BAY KAYAKS - REQUEST FOR A 20 YEAR LEASE (CORNWALL PLACE PARK)

community and is a destination business drawing out of town residents to Golden Bay who may not otherwise travel to Golden Bay. This has significant wider benefits. Without the use of this park, Lisa and Tony advise their business may not be viable. Arguments against renewing the lease are based around the impact of large numbers of customers drawn to a small residential street and park, and the ongoing use of a public park to operate a business.

- 4.8 Staff are recommending that the Community Board endorses the concept of undertaking a public notification of the intention to grant a new lease, with the concept of a term of 5 years with 3 rights of renewal (public notice is not needed for rights of renewal) preferred. Staff intend to include a draft lease agreement to be made available to the public. The most recent lease was issued in 2015 was for an initial 3 years with 2x rights of renewal. Staff are recommending a similar concept with a 5 year lease with 3 rights of renewal. There have been issues in the past with compliance with lease conditions. Compared to a single 20 year lease, the 4x 5 year term allows more ability to ensure compliance with lease conditions designed to minimise the impact of the Kayak business on public enjoyment of the "Park".
- 4.9 Staff feel Board Members and Councillors will have a better feel for the public appetite for allowing the Golden Bay Kayak business to continue to use the Cornwall Place "Park". It is an option for the board to recommend that the lease request be declined, without public notification, albeit this is not recommended by staff. Staff recommend the Community Board recommends to the Full Council that the proposal for a 4x 5 year lease (total 20 years) be publicly notified.

5. Analysis and Advice / Tātāritanga me ngā tohutohu

- 5.1 Golden Bay Kayaks has operated on 3 yearly lease agreements since the early 2000s. With the request from Golden Bay Kayaks for more certainty, via a 20 year agreement, it is considered the appropriate time to determine whether this business should continue to operate from the Cornwall Place "Park". This recommendation from the Community Board in relation to public notice should not, in itself, be controversial. It is a legal requirement to publicly notify the consideration of any lease of a "Park" (in this case Council land held for recreation purposes, which is not subject to the Reserves Act).

6. Options / Kōwhiringa

- 6.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Recommend the proposal to lease the land for 20 years to Golden Bay Kayaks be publicly notified	This will give the public the opportunity to provide feedback on the concept of allowing Golden Bay Kayaks to continue to use Cornwall Place "Park" for its commercial operation.	As with any public notice, there is a risk of "debate" taking place on social media.

GOLDEN BAY KAYAKS - REQUEST FOR A 20 YEAR LEASE (CORNWALL PLACE PARK)

Option		Advantage	Disadvantage
2.	Recommend the proposal to lease the land for 20 years to Golden Bay Kayaks be declined.	This would avoid the need for public notification, as the decision to decline is delegated to staff	It seems unlikely a decision to decline the lease request would end the matter. Golden Bay Kayaks would likely challenge the decision.

- 6.2 Option One is recommended. The use of the Cornwall Place “Park” for commercial purposes is unique in the Tasman District. It is appropriate for the ongoing use to be debated in a public environment, and public support/opposition for the ongoing use gauged and considered.

7. Legal / Ngā ture

- 7.1 The Local Government Act gives little guidance on limitations of leases granted for the use of “Park” land. If the land was a Recreation Reserve held under the Reserves Act the commercial use would most likely be declined, as the lease would not benefit the users of the Reserve (the fact the commercial use benefits the public outside a reserve is not considered in the Reserves Act). For this reason, it is probably fortuitous for both Council and Golden Bay Kayaks that the land is not a Recreation Reserve.

8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

If the decision is to undertake Public Notification, Manawhenua Ki Mohua will be invited to provide feedback on the lease proposal.

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

In General, the decision to publicly notify is considered of little significance. If the decision of the board was to recommend the lease request be declined, the level of significance would remain low. While that would be controversial (it is not recommended) the controversy would be relatively localised and not significant when considering the complexity of Council’s overall operations.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	The public notification is a statutory requirement and in itself should not be controversial, but this isn’t to say the lease proposal won’t draw controversy
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Low	The public notification won’t have an impact, but the decision to grant or decline the lease will

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	Issue	Level of Significance	Explanation of Assessment
			have a small economic impact on Golden Bay
3.	Is there a significant impact arising from duration of the effects from the decision?	Low	The public notification won't have an impact, but the decision to grant or decline the lease will have a small impact on Golden Bay, one way or another.
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	Low	The decision to publicly notify will not impact on any strategic asset (the Cornwall Place "Park" is not a strategic asset in isolation, being part of the Recreation network (the network is a strategic asset)
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	
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	The lease is not a "private sector partnership" as such, and this decision is merely to publicly notify.
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	Cornwall Place "Park" is held in fee simple by the Council and has no impact on freshwater.

GOLDEN BAY KAYAKS - REQUEST FOR A 20 YEAR LEASE (CORNWALL PLACE PARK)**10. Communication / Whakawhitiwhiti Kōrero**

10.1 This report is seeking a recommendation to undertake public notification. This will include a low level of communication (i.e. making Manawhenua Ki Mohua aware of the proposal, and a notice in the Newsline publication).

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

11.1 The decision to publicly notify won't have any financial implications. Golden Bay Kayaks pays a market rental for the use of the land/building on Cornwall Place "Park"

12. Risks / Ngā Tūraru

12.1 The decision to publicly notify is considered to be low risk, albeit it will be difficult to control the narrative if people mis-read the public notification as an attempt by staff to close down Golden Bay Kayaks.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

13.1 The decision to publicly notify will have no climate change considerations. The decision on whether or not to grant the lease will consider how the leasing of land which is vulnerable to sea level risk should be managed.

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

14.1 This lease conflicts with the Reserves General Policy which generally does not provide for commercial use of Reserves. As is noted earlier, the Golden Bay Kayaks utilisation has been in place for 20 years (albeit not wholly without controversy), and is considered of special importance to Golden Bay. In addition (again noted earlier) this land is not a reserve subject to the Reserves Act 1977

15. Conclusion / Kupu Whakatepe

15.1 After the public notification in 2015 drew substantial public interest (over 50 submissions), staff consider it is appropriate to seek public feedback on the request for a 20 year lease. Any lease proposal requires public notice anyway. Public feedback, along with the Community Board's perspective, and views of Local Councillors will be very important. In essence, staff feel this decision is of predominantly local importance for Golden Bay, and it is appropriately considered at a local level.

16. Next Steps and Timeline / Ngā Mahi Whai Ake

16.1 Assuming the recommendation is to undertake public notification the recommendation will be put to the Full Council, which will be asked to appoint a hearing panel.

GOLDEN BAY KAYAKS - REQUEST FOR A 20 YEAR LEASE (CORNWALL PLACE PARK)

16.2 Assuming the Full Council endorses the recommendation, public notification will be undertaken, and almost certainly a hearing will take place.

17. Attachments / Tuhinga tāpiri

Nil

7.4 TEMPORARY ROAD CLOSURES

Decision Required

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Tania Brown, Road Network Coordinator
Report Authorisers:	Jamie McPherson, Transportation Manager
Report Number:	RCN24-02-7

1. Summary / Te Tuhinga Whakarāpoto

1.1 This report seeks the Council's approval for temporary road closures for the following local events:

- Annual Muddy Buddy Fundraising event on Sunday 17 March 2024.
- Nelson Car Club Sandy Bay Hill Climb on Sunday 7 April 2024.
- ANZAC Day parades on Thursday 25 April 2024.

2. Recommendation/s / Ngā Tūtohunga

That the Tasman District Council

1. receives the Temporary Road Closures report RCN24-02-7; and
2. approves the following Temporary Road Closures:
 - Aporo Road, Tasman between Dicker Road and Baldwin Road for the annual Muddy Buddy Fundraising event from 10.00 am to 3.30 pm on Sunday 17 March 2024.
 - Riwaka-Sandy Bay Road from the intersection with the Tākaka Hill Highway for approximately 3 kilometres (RP 0.0 - RP 3.0) from 7.00 am to 5.00 pm for the Nelson Car Club Sandy Bay Hill Climb on Sunday 7 April 2024.
 - Queen Street, Richmond from Sundial Square to McIndoe Place, Cambridge Street from Oxford Street to Queen Street, and Oxford Street from Wensley Road to Gladstone Road (SH6) for the annual ANZAC Day parade from 10.00 am to 12.30 pm on Thursday 25 April 2024.
 - Pah Street, Motueka – from Talbot Street to Countdown Carpark exit for the annual ANZAC Day parade from 6.00 am to 7.30 pm on Thursday 25 April 2024.
 - Aranui Road, Māpua – from Higgs Road to the tennis courts for the annual ANZAC Day parade from 10.30 am to 11.30 am on Thursday 25 April 2024.
 - Whitby Way, Wakefield – from Edward Street to Wakefield car park entrance for the annual ANZAC Day parade from 9.00 am to 12 noon on Thursday 25 April 2024.

- **School Road, Riwaka – from the intersection SH60 to 12 School Road for the annual ANZAC Day parade from 8.45 am to 9.30 am on Thursday 25 April 2024.**

3. Background / Horopaki

- 3.1 As specified in the Local Government Act 1974 section 342 and schedule 10, temporary road closures for events can only be approved by the Council or a delegated Committee of the Council.

Muddy Buddy – Fundraising Event

- 3.2 The Tasman School Board of Trustees has applied to temporarily close Aporo Road, Tasman (between Dicker Road and Baldwin Road) on Sunday 17 March 2024 from 10.00am to 3.00pm for the Muddy Buddy event.
- 3.3 The location and road closure has been approved in previous years for this multisport event with an anticipated number of competitors and spectators of approximately 1400.
- 3.4 The event will have an approved Traffic Management Plan in place for the duration of the road closure.
- 3.5 Marshalls will be on duty to allow residents safe access to their properties and to help direct other road users.
- 3.6 There have been no previous complaints or objections to temporary road closures for this event.
- 3.7 The proposed closure was advertised in Newsline on 26 January 2024, and on the Tasman District Council's website.
- 3.8 As at the time of writing this report, no objections have been received. Staff will update the Council on any objections received after this report was prepared.
- 3.9 The emergency services have been advised of the proposed closure and have no objections or concerns.

Nelson Car Club Riwaka-Sandy Bay Hill Climb – Car Rally Event

- 3.10 The Nelson Car Club has applied to temporarily close Riwaka-Sandy Bay Road – from the intersection with the Tākaka Hill Highway for approximately 3 kilometres (RP 0.0 - RP 3.0) on Sunday 7 April 2024 from 8.00am to 5.00pm for the Nelson Car Club Sandy Bay Hill Climb.
- 3.11 This route has been used in previous years for this event.
- 3.12 The rally will be conducted under the provisions of the Motorsport New Zealand National Sporting Code and its Appendices and Schedules including all event Supplementary Regulations and Safety Plans. Motorsport New Zealand will issue an Event Permit for the event upon application which includes Public Liability Insurance.
- 3.13 This proposed closure is also in accordance with the Transport (Vehicular Traffic Road Closure) Regulations 1965.
- 3.14 The proposed closure was advertised in Newsline on 26 January 2024, and on the Tasman District Council's website.
- 3.15 Affected landowners and the Marahau-Sandy Bay Residents Association were sent a letter notifying of the proposed temporary closure.

- 3.16 As at the time of writing this report, no objections have been received. Staff will update the Council on any objections received after this report was prepared.
- 3.17 Emergency services and Waka Kotahi have been advised of this closure and have given feedback that any concerns they have will be remedied through the approval of the traffic management plan for the event. This traffic management plan needs to be approved by both Council staff and Waka Kotahi for the event to proceed.
- 3.18 The Nelson Car Club will deliver a letter advising the closure to affected residents at least one week before the car rally event as well as erecting signs at the location advising of the closure details.

ANZAC Day Parades

- 3.19 The proposed closure ANZAC Day Parades were advertised in Newsline on 26 January 2024, and on the Tasman District Council's website.
- 3.20 The closure of Queen Street will affect the regular bus service that runs along Queen Street. Council staff will work with SBL and the traffic management provider to set up a temporary bus stop on Talbot Street as per previous similar closures and notify the public of this leading up to the event.
- 3.21 As at the time of writing this report, no objections have been received. Staff will update the Council on any objections received after this report was prepared.
- 3.22 The emergency services have been advised of the proposed closures and have no objections or concerns.

4. Options / Kōwhiringa

- 4.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Approve the proposed temporary road closures described in this report.	The events can safely proceed as planned.	Some business owners, residents and road users may be temporarily inconvenienced.
2.	Approve some of the proposed temporary road closures described in this report.	Some of these events can proceed as planned. Less effect on road users or residents.	Some of the events would not be able to proceed, to the disappointment of attendees.
3.	Decline the proposed temporary road closures described in this report.	No effects on road users or residents.	The events would not be able to proceed as planned, to the disappointment of attendees.

4.2 Option one is recommended.

5. Legal / Ngā ture

- 5.1 It is a requirement that temporary road closures for certain types of events made under Schedule 10 Clause 11(e) of the Local Government Act 1974 come to the Council (or

delegated Committee of Council) for approval. Approval for temporary closures for certain events cannot be delegated to Council staff.

- 5.2 As per clause 11 of Schedule 10 of the Local Government Act 1974, consultation with the Police and the New Zealand Transport Agency has been undertaken for the proposed temporary road closures.
- 5.3 As per clause 11(e) of Schedule 10 of the Local Government Act 1974, the road closures will not exceed the aggregate of 31 days for any year.
- 5.4 As per clause 11A of Schedule 10 of the Local Government Act 1974, and clause 5 of the Transport (Vehicular Traffic Road Closure) Regulations 1965, Council staff will advertise the temporary road closures in Newsline and on the Council's website.

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

- 6.1 The following table describes the level of significance of the decision. Overall, the significance is considered low as the effects of the closures are temporary in nature, and appropriate engagement has taken place with affected parties.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	<p>The Nelson Car Club runs a series of annual events and have done so for many years.</p> <p>The Muddy Buddy is a well-supported event and is seen to have a limited impact on the community.</p> <p>The ANZAC Day Parades are part of loved national tradition that are well attended and supported by the community.</p>
2.	Are there impacts on the social, economic, environmental, or cultural aspects of well-being of the community in the present or future?	Low	As above
3.	Is there a significant impact arising from duration of the effects from the decision?	Low	<p>The car rally event is for one day only and if there are any effects on the network the Car Club will remedy these.</p> <p>The Muddy Buddy event is for one day only and alternate access is provided for residents. There are no lasting effects on the roading network.</p>

	Issue	Level of Significance	Explanation of Assessment
			ANZAC Day Parades are well supported community events that are short in duration and will have no lasting effects on the roading network.
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	Low	The Council's roading network is considered a strategic asset but this decision only relates to the temporary closures of small sections of the network for a short duration.
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	
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	
11.	Does the proposal require inclusion of Māori in the decision making process (consistent with s81 of the LGA)?	No	

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

- 7.1 The management of temporary road closures is a normal part of the Council's daily business and there are no financial or budgetary implications. Administrative costs for road closures are covered by the application fees.

8. Risks / Ngā Tūraru

Nelson Car Club Riwaka-Sandy Bay Hill Climb

- 8.1 Some people will be inconvenienced by the temporary road closure of Riwaka-Sandy Bay Road.
- 8.2 The detour route will be via Kaiteriteri, and residents will be let through the closure area between races. Residents have also been given a phone number to call if they need to exit their property.

Muddy Buddy Event

- 8.3 Some people will be inconvenienced by the temporary road closure. However, the closure will be managed, and traffic will be diverted via alternate routes.
- 8.4 There will be many vehicles heading to the event including competitors and spectators, communications will be put out by the event organisers to advise appropriate parking areas for those attending.

ANZAC Day Parade

- 8.5 Some people will be inconvenienced by the temporary road closures. However, the closures will be short in duration and are part of a strong New Zealand tradition that is cherished and supported by the local community. Similar road closures have been in place in previous years for the ANZAC Day parades, and improvements made as needed to traffic management plans from previous years.

9. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

- 9.1 All events involving travel to sites cause emissions, through travel to the site by attendees, and in the case of rally events, use of the site by participants.
- 9.2 Normal daily vehicle usage on these roads also causes emissions.
- 9.3 The potential emissions effects resulting from the decision to either approve or not approve the temporary road closures in this report are impossible to calculate. Not approving the rally event may mean no rallying activity occurs at all (causing nil emissions), or it may mean rally participants travel further afield to attend a different event (causing greater emissions).
- 9.4 Overall, the climate change effects of the proposed road closures are considered negligible.

10. Conclusion / Kupu Whakatepe

- 10.1 The Nelson Car Club rally is part of an annual series and attracts entrants and spectators from all over New Zealand.
- 10.2 The Muddy Buddy event is a well-known community event well attended by local people from across the region, the event has been hosted by the Tasman School for several years now and is seen as a positive outcome for the community.
- 10.3 The ANZAC Day Parades are a positive and loved community event with good attendance by residents.
- 10.4 Temporary road closures for these events require the Council's approval.
- 10.5 Staff recommend that the Council approve the temporary road closures in accordance with the Local Government act 1974 section 374 and Schedule 10.

11. Next Steps and Timeline / Ngā Mahi Whai Ake
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11.1 If the Council approves the proposed temporary road closures:

- 11.1.1 Staff will advertise the closures in Newsline and on the Council website.
- 11.1.2 The Nelson Car Club will undertake a letter drop to affected landowners.
- 11.1.3 Staff will work with SBL to provide an alternative bus route for the day of the Richmond ANZAC Day parade.
- 11.1.4 The applicants will submit a Traffic Management Plan to the Council's Road Corridor Manager for approval one month before the event.
- 11.1.5 Staff will inform emergency services of the road closure details.

12. Attachments / Tuhinga tāpiri

Nil

7.5 AMENDMENT TO THE COUNCIL'S TRAFFIC CONTROL DEVICES REGISTER AND TRAFFIC CONTROL BYLAW 2016

Decision Required

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Mike van Enter, Senior Transportation Engineer
Report Authorisers:	Jamie McPherson, Transportation Manager
Report Number:	RCN24-02-8

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

- 1.1 The purpose of this report is to gain the Council's approval to make changes to the Traffic Control Devices Register and map display, to ensure these are enforceable under the Traffic Control Bylaw 2016.

2. Summary / Te Tuhinga Whakarāpototo

- 2.1 The Council's Traffic Control Bylaw 2016, and its accompanying Traffic Control Devices Register and map display, is the mechanism for the Council to record all authorised traffic control devices such as parking restrictions and regulatory traffic signs.
- 2.2 This report requests the Council's approval for various changes and additions to the Traffic Control Devices Register.
- 2.3 A summary of the changes can be found in Section 5, and a diagrammatic description of each change is in **Attachment 1**.
- 2.4 Traffic Control Devices that are predominantly added by the creation of new subdivisions or additions from recent capital projects where records have simply been corrected or moved slightly, have been identified from our Road Asset and Maintenance Management (RAMM) database and are included in **Attachment 2**. These are Traffic Control Devices on newly constructed roads, or existing traffic control devices that should be added to our Bylaw schedule for completeness.

3. Recommendation/s / Ngā Tūtohunga

That the Tasman District Council

1. **receives the Amendment to the Council's Traffic Control Devices Register and Traffic Control Bylaw 2016 report RCN24-02-8; and**
2. **approves amendments to regulations, controls, restrictions and prohibitions in the Traffic Control Devices Register of the Tasman District Traffic Control Bylaw 2016 (Chapter 7 of Tasman District's Consolidated Bylaw) pursuant to clause 7(3) of the Bylaw, as proposed by the Diagrammatic Descriptions and associated GIS co-ordinates in Attachment 1, Development Traffic Control Devices table in Attachment 2**

to the agenda report, with effect from 15 February 2024 or the date the traffic control device is installed, whichever is later; and

- 3. notes that the Traffic Control Devices Register of the Traffic Control Bylaw 2016 be updated accordingly.**

4. Background / Horopaki

- 4.1 The Council's Traffic Control Bylaw enables the Council to establish, alter or remove traffic control devices by resolution, amending the Traffic Control Devices Register and map display.
- 4.2 Parking restrictions and certain regulatory Traffic Control Devices are managed through this bylaw. Changes require a resolution of the Council to become legally enforceable.
- 4.3 Consultation should be appropriate and in accordance with the Local Government Act Section 82, which sets out the principles of consultation. The consultation principles include:
 - 4.3.1 That persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate.
 - 4.3.2 The nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter.
 - 4.3.3 The costs and benefits of any consultation process or procedure.
- 4.4 Some of the proposed Traffic Control Device changes are considered to have minor or very isolated effects. Where the effects are considered isolated, consultation is typically via letter inviting feedback from adjacent property owners and businesses. Changes that may be wider reaching are typically associated with more significant transportation projects.

5. Analysis and Advice / Tātaritanga me ngā tohutohu

Parking Management

- 5.1 McShane Road no-stopping restriction around the Old Factory Corner (Connings) access. Request due to safety concerns when vehicles are parked on McShane Road around this busy access.
- 5.2 Carmello Grove no-stopping restriction. The proposal is to restrict parking in the turning head to allow drivers to undertake a 180 degree or 3-point turn to exit the road.
- 5.3 Berryfield Drive no-stopping restriction. Install 16m of No Stopping lines across the combined vehicle accessways of Numbers 86 and 88 Berryfield Drive, due to the separating space being used for parking during high demand.
- 5.4 Church Street, add two P10 time restricted spaces to allow daycare pick up and drop off. Specific feedback request that the two spaces are split up so that each residential property still has an unrestricted space along their frontage. This alternative layout would require more signs to be installed as each restriction should be bookended with signs. The layout may be less clear to general motorists.
- 5.5 Charlotte Lane no-stopping restrictions to provide pedestrians with 20m crossing sight distance.

5.6 Memorial Hall carpark, Motueka change from P120 time restriction to P180 time restriction.

Bus Service

5.7 Relocate Bus Stop from 432 High Street to 406 High Street in response to feedback on the current location.

Transport Choices - Motueka

5.8 Te Āwhina Marae Shared Path. New Shared Path from number 99 Pah Street, ending at Whakarewa Street on Queen Victoria Street.

5.9 Whakarewa Street new no-stopping restrictions where the new footpath deviates to bypass existing power poles.

5.10 Queen Victoria Street new shared path from Green Lane to King Edward Street.

5.11 Main Road Lower Moutere shared path from Wildman Road to Community Road and no-stopping restrictions across driveways. This project is constructing a short new section of shared path to enable parking opposite the Lower Moutere store. This existing shared path has not previously been added to our Bylaw.

Development

5.12 The attached list (Development Traffic Control Devices) shows Traffic Control Devices that have been installed and added to our Road Asset and Maintenance Management (RAMM) database. These are predominantly added by the creation of new subdivisions, but the list may also include additions from recent capital projects where records have simply been corrected or moved slightly.

5.13 An example of a capital project that has moved Traffic Control Devices is the Brightwater Town Centre upgrade of Ellis Street. The project extended existing no-stopping lines across driveways (as shown by Figure 1 below). This is not a change to the existing parking provision, but the RAMM data output identifies it as a change to the Traffic Control device. These are included here to ensure consistency between our Bylaw record and on the ground markings.



Figure 1: Example of Traffic Control changes identified by the RAMM output.

6. Options / Kōwhiringa

6.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Approve changes proposed in the report and in Attachment 1 with effect from 15 February 2024, or the date the traffic control device is installed, whichever is later. This is the recommended option.	Improved function and safety of the road network at these locations. Positive feedback from the community who raised some of the concerns and proposals with Council staff.	Minor reduction in on-road parking.
2.	Approve some of the proposed changes	Some improved function and safety of the road network at these locations. There would be some positive feedback from the community who raised concerns with some of the proposals from the Council.	Minor reduction in on-road parking. If changes are not approved, there could be safety issues and negative feedback from the community.
3.	Do not approve the proposed changes.	Nil identified.	There could be safety issues and negative community feedback.

6.2 Option one is recommended.

7. Legal / Ngā ture

7.1 The proposed changes meet the requirements of the Tasman District Council Traffic Control Bylaw 2016.

8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 8.1 Staff used the Tasman District Council iwi portal for engagement and the Transport Choices Motueka project team held a hui with interested Iwi.
- 8.2 No specific iwi engagement has occurred for the changes that are not part of the Transport Choices project. These changes are relatively minor operational issues and isolated in effects.

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

9.1 The following table describes the level of significance of this decision. Overall, the level of significance is considered low as the changes are generally minor and we have consulted with directly affected residents, businesses, and stakeholders.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	<p>Changing road layouts can create a high level of interest, particularly on more highly trafficked roads.</p> <p>This decision affects a relatively small number of roads in the District.</p> <p>The changes associated with projects have had consultation undertaken on the proposed changes and a decision made to proceed with the project.</p> <p>For non-project changes, Council staff have consulted with immediately adjacent landowners.</p> <p>Several proposed changes have come from members of the community who are directly affected.</p> <p>There will be improved road safety or function for many transport system users at the locations of the proposed changes.</p>
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Low	<p>Good management of traffic controls and parking can contribute towards the success of a place; poorly managed and designed traffic controls and parking can undermine efforts to create highly liveable urban areas.</p> <p>The parking restrictions proposed are to address issues identified.</p>
3.	Is there a significant impact arising from duration of the effects from the decision?	Low	<p>Traffic devices are not permanent and can be changed if required.</p>
4.	Does the decision relate to a strategic asset? (refer Significance and	Low	<p>The Council's roading network is considered a strategic asset.</p> <p>The changes are intended to</p>

	Issue	Level of Significance	Explanation of Assessment
	Engagement Policy for list of strategic assets)		improve safety and accessibility of our transport network to a variety of user types.
5.	Does the decision create a substantial change in the level of service provided by Council?	Low	
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Low	Delivering some of the proposed traffic control devices now as part of the Transport Choices projects with external funding, may reduce planned expenditure to deliver these changes in future years.
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	

10. Communication / Whakawhitiwhiti Kōrero

10.1 The Transport Choices projects have included extensive communications.

10.2 Directly affected residents and businesses have been engaged to provide feedback on the proposed changes.

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

11.1 The cost of installing the proposed traffic control devices, and updating the register, will be met from existing budgets.

12. Risks / Ngā Tūraru

12.1 There are safety risks associated with not approving some of the traffic control devices.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

13.1 Providing improved facilities for walking, cycling and public transport, are likely to reduce transport emissions.

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

14.1 The proposed traffic control device changes are consistent with the Council's Walking and Cycling Strategy, the Richmond and Motueka Town Centre Parking Strategy 2018–2038, and the Regional Public Transport Plan (RPTP).

15. Conclusion / Kupu Whakatepe

15.1 The changes to traffic control devices are proposed to ensure the safe functioning of the road network at these locations, and to contribute to achieving the objectives of the Transport Choices projects, the Walking and Cycling Strategy, and the Regional Public Transport Plan.

16. Next Steps and Timeline / Ngā Mahi Whai Ake

16.1 If the Council approves the proposed changes

16.1.1 Staff will provide instructions to our contractors to implement the changes required.

16.1.2 Staff will update the Traffic Control Devices Register as soon as changes are in place.

16.2 Community Infrastructure staff will provide the Communications team with details of the significant approved changes to be included in Newline and on the Council's website.

17. Attachments / Tuhinga tāpiri

1. ↓	Traffic Control Devices - Diagramatic Descriptions	115
2. ↓	Development Traffic Control Devices	140

Traffic Control Devices Updates 15 February 2024 - Diagrammatic Descriptions



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Parking Management - Richmond

McShane Road

New **no-stopping** restrictions around the Conning's access.

Feedback:

Request due to safety concerns when vehicles are parked on McShane Road around this busy access.

Letters posted and e-mailed to properties immediately adjacent. Feedback received:

Thanks for your email - we support the proposal for a no parking zone outside the entrance to Grape Escape and the Old Factory Corner Complex. Its difficult to turn right out of there during peak times and can be made quite unsafe if there are vehicles parked on either side of the road as you approach the entrance - either blocking the view of exiting traffic or entering traffic. There is plenty of off street parking available for larger or towing vehicles at the back of the complex, so no need for them to park on the verge areas outside on the road.

Many thanks to the team who organised the footpath along McShane Road a few months back - it has been well used and created a much safer space for people to reach us 😊

Many thanks



Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
McShane Road	No-stopping	1613168.00	5423994.38	1613230.11	5424044.28
McShane Road	No-stopping	1613174.57	5423985.72	1613202.34	5424009.01
McShane Road	No-stopping	1613211.67	5424016.63	1613236.23	5424036.78

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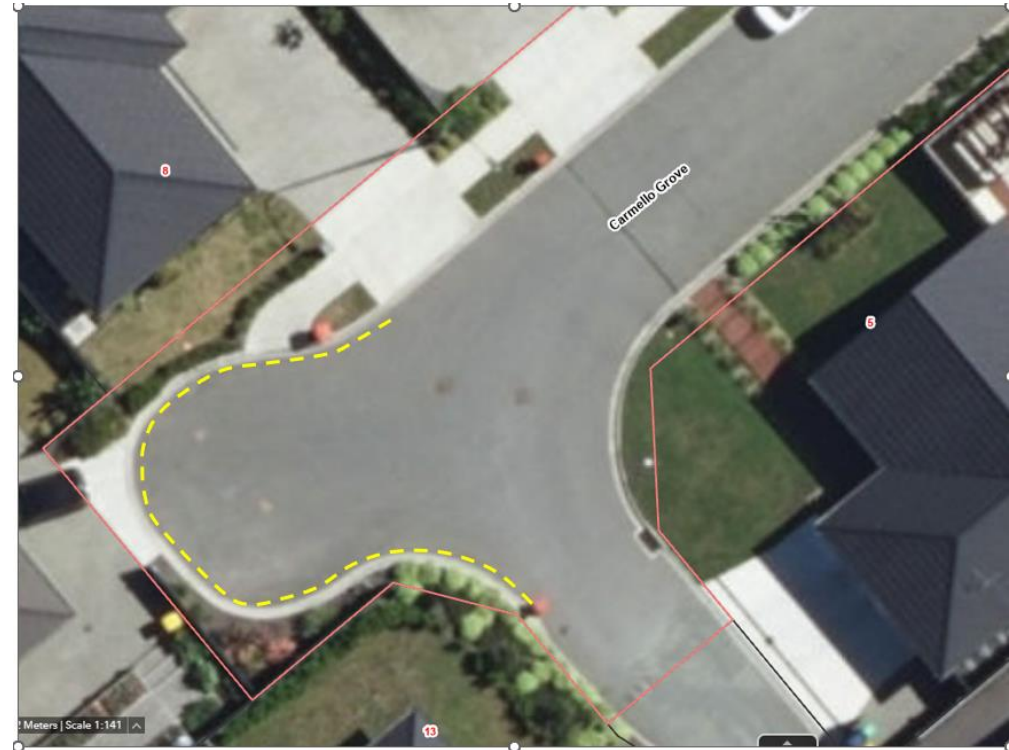
Parking Management – Richmond

Carmello Grove

New **No-stopping** restriction

The proposal is to restrict parking in the turning head to allow drivers to undertake a 180 degree or 3 Point turn to exit the road. Consultation was carried out with affected property owners between Friday 5th January 24 to 5th February 2024.

No objections were received.



	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Carmello Grove	No-stopping	1614555.38	5422319.24	1614561.50	5422307.74

Parking Management – Richmond

Berryfield Drive

New **No-stopping** restriction

Install 16m of No Stopping lines across the combined vehicle accessways of Numbers 86 and 88 Berryfield Drive, due to the separating space being parked in during high demand. The request came from the property owners.



	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Berryfield Drive	No-stopping	1613812.71	5424141.13	1613826.45	5424133.37

Vehicle Accessways 86-88 Berryfield Drive – No Stopping Line Proposal

Parking Management - Richmond

Church Street

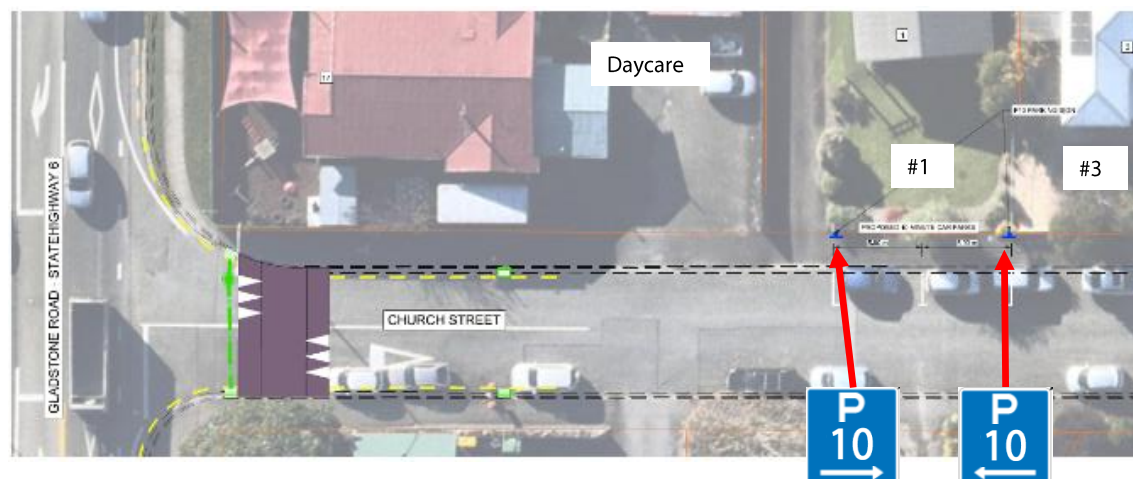
Add 2 x **P10 time restricted** spaces to allow daycare pick up and drop off activity

Request for P10 or P15 parks on the preschool/school side of the church street as it's tricky to find parking at pick up/drop off times with the parks being occupied by all day parkers.

Specific Feedback

Feedback from adjacent property would like to propose that house number 1 and 3 have a park on either side of dividing boundary. It would mean that my neighbours would have at least one park unrestricted in front of their house. It also means that gives any motorist entering church Street time to stop once they have a clear view of the congestion.

This feedback suggests one P10 space and one unrestricted space outside each property (#1 and #3). This alternative layout would require more signs to be installed as each restriction should be bookended with signs. The layout may be less clear to general motorists.



Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Church Street	P10 time restriction	1615020	5423634	1615028	5423625

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te tai o Aorere

Parking Management - Brightwater

Charlotte Lane

Extend **no-stopping** restrictions by 7m to provide pedestrians with 20m crossing sight distance, bringing the total restriction from the intersection up to 15m.

Feedback:

Letters inviting feedback sent to immediately adjacent property owners and dropped to occupiers on-site. No feedback received.



Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Charlotte Lane	No-stopping	1609142.26	5419511.50	1609147.52	5419516.09

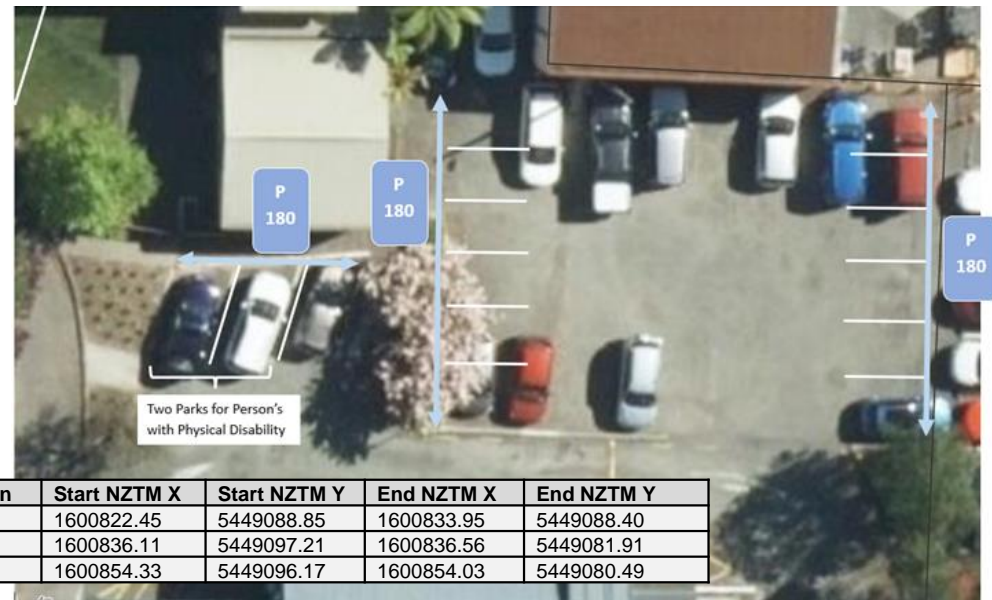
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Memorial Hall Carpark - Motueka

With the upgrade of the Hall carpark last year, the parking layout was changed to provide a more efficient and accessible arrangement. The Time limit for the parking was also changed from 120minutes to 180minutes at the request of the various user groups. Two Disability parks were added to the small separate carpark near the Motueka Senior Citizens Centre. Consultation was carried out with local user groups including Motueka Senior Citizens Association, Motueka Plunket Clinic and Motueka Community Board. No objections were received.



Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Memorial Hall Carpark	P180	1600822.45	5449088.85	1600833.95	5449088.40
Memorial Hall Carpark	P180	1600836.11	5449097.21	1600836.56	5449081.91
Memorial Hall Carpark	P180	1600854.33	5449096.17	1600854.03	5449080.49

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Bus Service - Motueka

406 High Street

Relocate Bus Stop

Add associated **no-stopping** restrictions

The proposal is to relocate the Bus Stop from outside 432 High Street to the frontage of 406 High St in front of the Motueka DOC office.

Consultation involved informing the local DOC Office Manager, Te Atiawa Trust, owner of the property, NZTA's regional office and the bus operator through Council's Public Transport Coordinator. The period of consultation was from the 4th December 2023 to Monday 22nd January 2024. There were no submissions or objection received.

Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
High Street	No-stopping	1600863.10	5447351.16	1600863.96	5447371.88
High Street	Bus Stop	1600863.96	5447371.88	1600864.56	5447384.87
High Street	No-stopping	1600864.56	5447384.87	1600864.87	5447393.36



Proposed Bus Stop 406 High St Near King Edward St Motueka

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te tai o Aorere

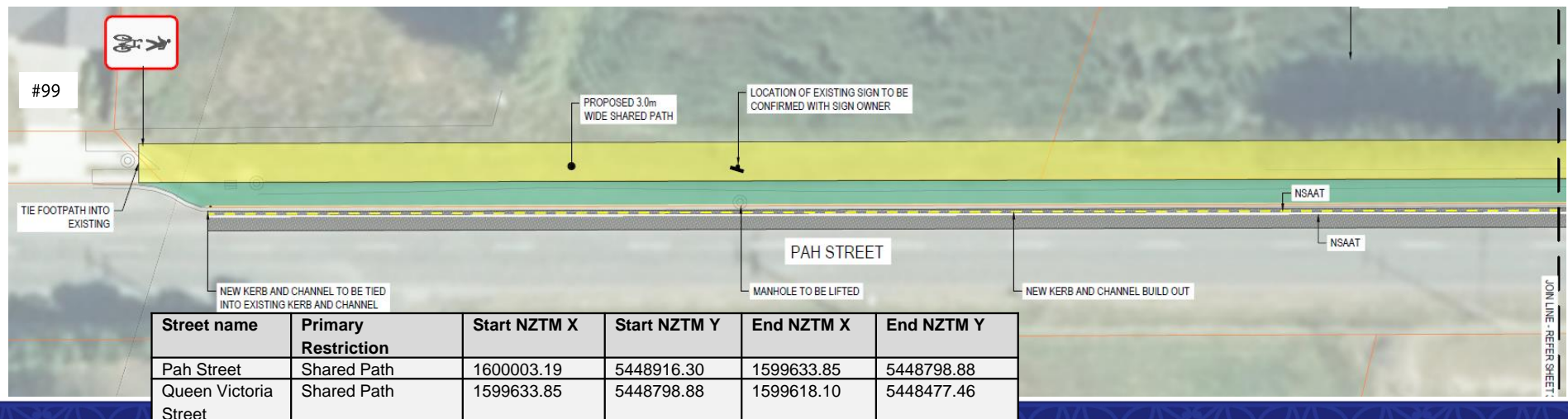
Transport Choices – Motueka

Te Āwhina Marae Shared Path – sheet 1

New **Shared Path** number 99 Pah Street, ending at Whakarewa Street on Queen Victoria Street.
No stopping lines shown are existing and are in our Bylaw.

Specific Feedback

Feedback has been invited from immediately adjacent property owners.
Te Āwhina Marae is supportive and board has approved the proposal
Wakatū Incorporation is supportive

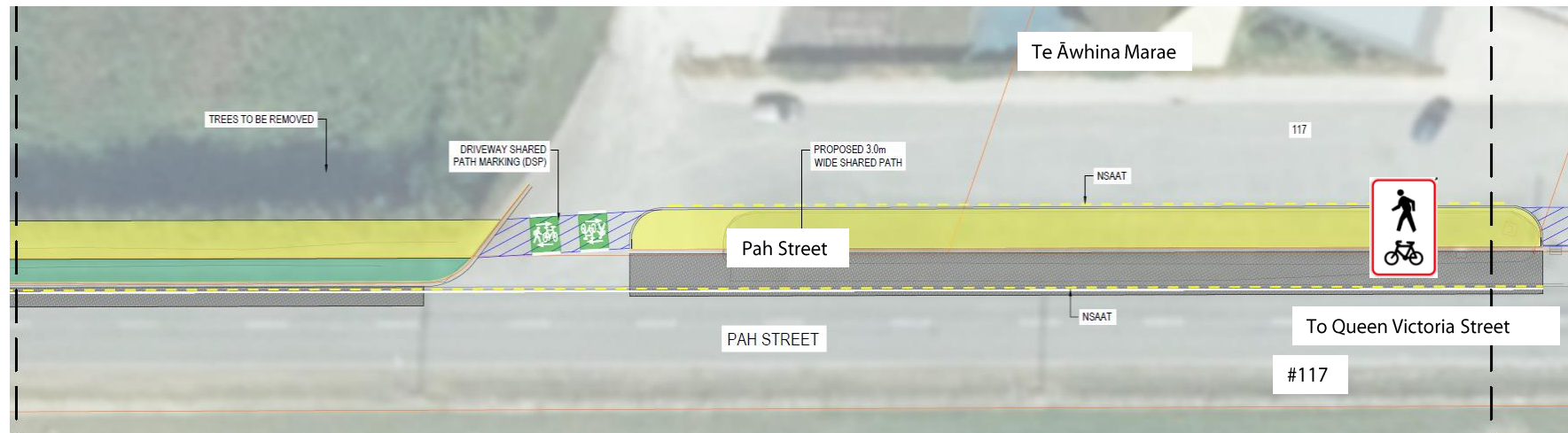


Thriving and resilient Tasman communities

Transport Choices – Motueka

Te Āwhina Marae Shared Path – sheet 2

New Shared Path number 99 Pah Street, ending at Whakarewa Street on Queen Victoria Street.

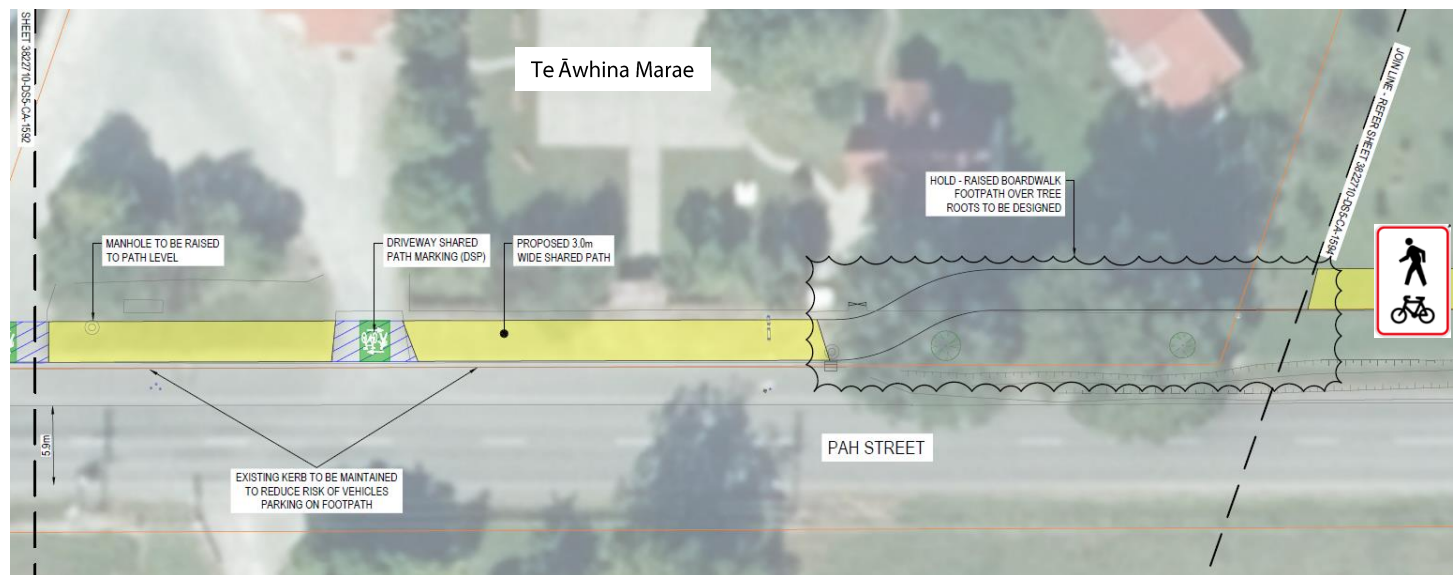


Thriving and resilient Tasman communities

Transport Choices – Motueka

Te Āwhina Marae Shared Path – sheet 3

New Shared Path number 99 Pah Street, ending at Whakarewa Street on Queen Victoria Street.



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Transport Choices – Motueka

Te Āwhina Marae Shared Path – sheet 4



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Te Kaunihera o
te tai o Aorere

Transport Choices – Motueka

Te Āwhina Marae Shared Path – sheet 5



Thriving and resilient Tasman communities

Transport Choices – Motueka

Te Āwhina Marae Shared Path – sheet 6



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te tai o Aorere

Transport Choices – Motueka

Whakarewa Street footpath – sheet 1

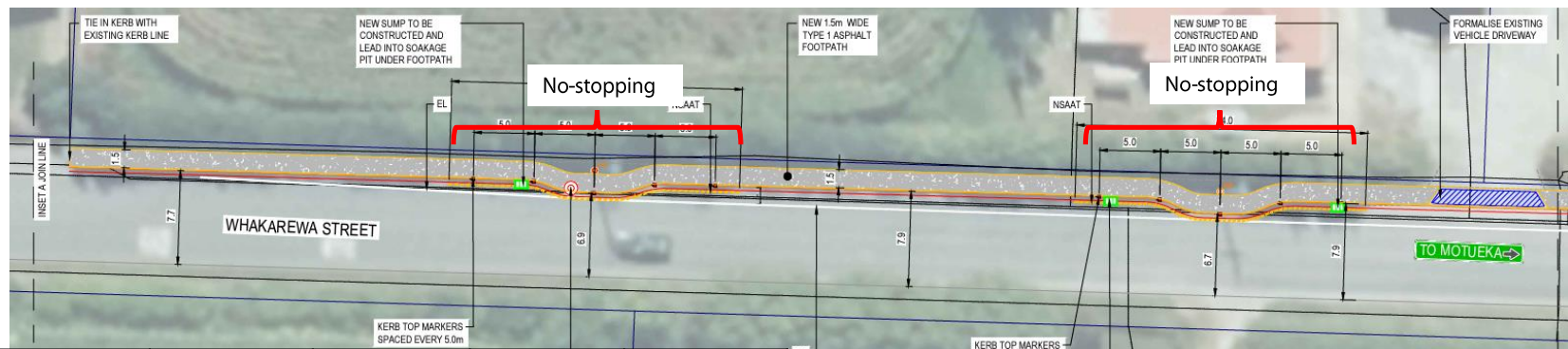
New **no-stopping** restrictions where the path deviates to bypass existing power poles.

Specific Feedback

Feedback has been invited from immediately adjacent property owners.

Wakatū Incorporation no issues

AA Association, suggestions for changes to the 'cut outs' around the power poles, increased yellow lines (full length), trim street side foliage, and white line in centre of road to encourage vehicles to stay on their side of the road



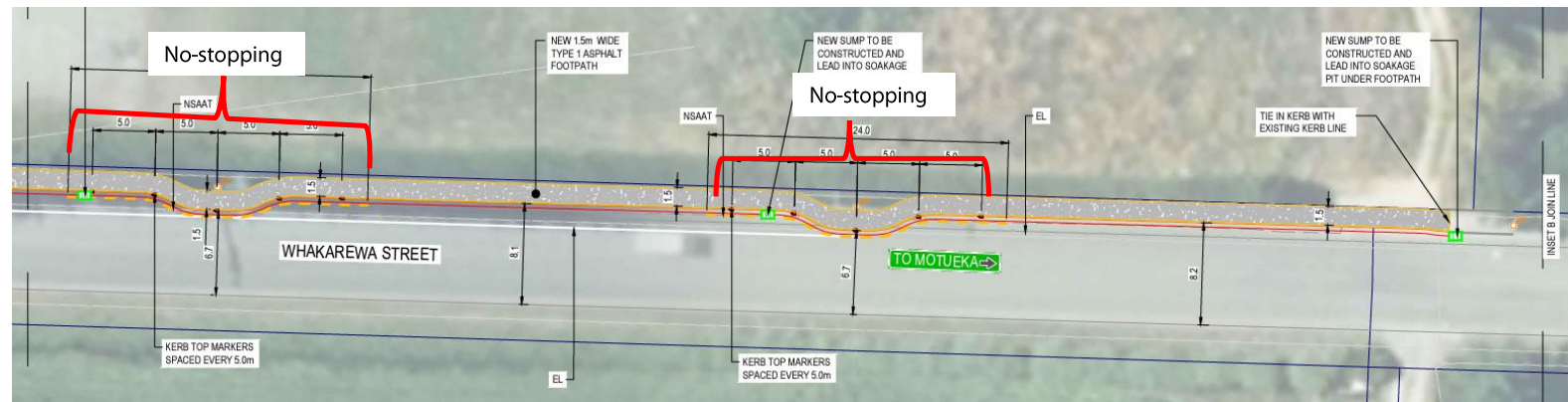
Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Whakarewa Street	No-stopping	1599835.63	5448465.37	1599859.57	5448464.63
Whakarewa Street	No-stopping	1599886.91	5448463.34	1599910.65	5448462.86

Thriving and resilient Tasman communities

Transport Choices – Motueka

Whakarewa Street footpath – sheet 2

New no-stopping restrictions where the path deviates to bypass existing power poles.



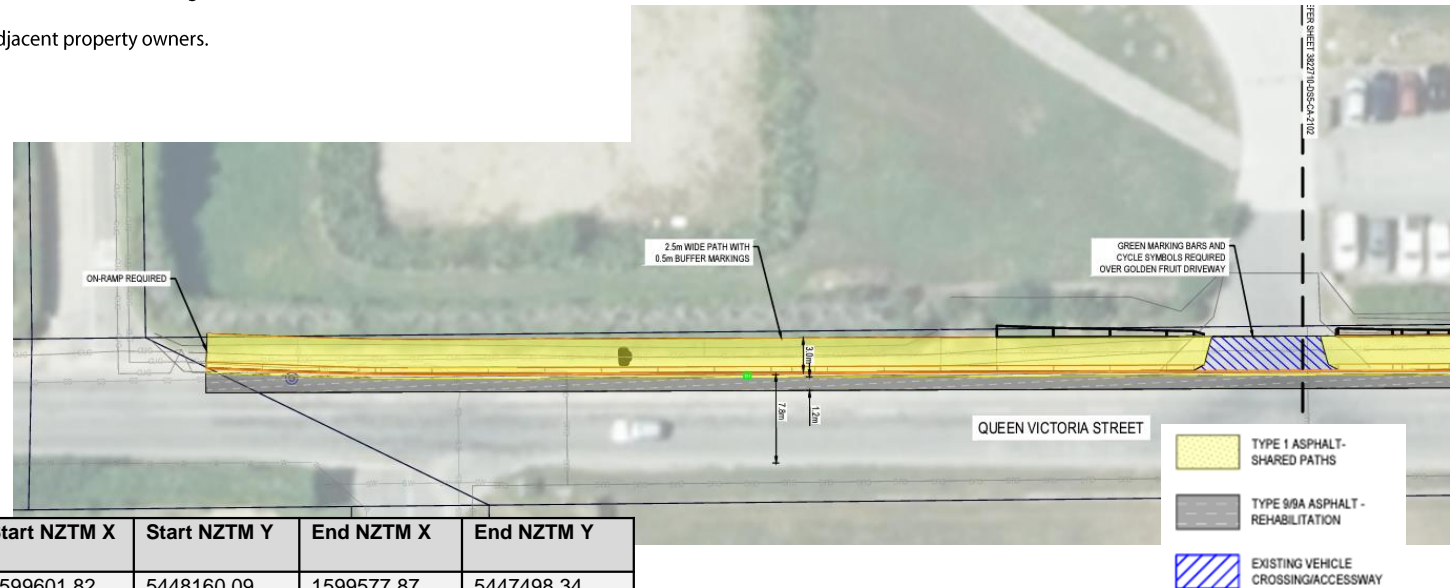
Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Whakarewa Street	No-stopping	1599937.33	5448461.66	1599961.37	5448461.25
Whakarewa Street	No-stopping	1599989.81	5448460.13	1600013.66	5448459.27

Thriving and resilient Tasman communities

Transport Choices – Motueka

Queen Victoria Street shared path – sheet 1

New **shared path** along Queen Victoria Street from Green Lane to King Edward Street
Specific Feedback
 Feedback has been invited from immediately adjacent property owners.
 Wakatū Incorporation no issues



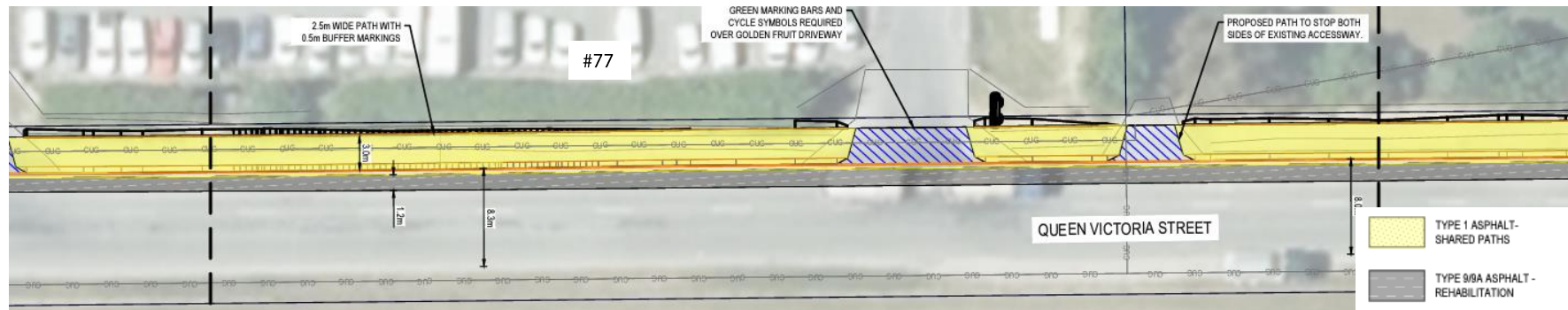
Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Queen Victoria Street	Shared path	1599601.82	5448160.09	1599577.87	5447498.34

Thriving and resilient Tasman communities

Transport Choices – Motueka

Queen Victoria Street shared path – sheet 2

New shared path along Queen Victoria Street from Green Lane to King Edward Street



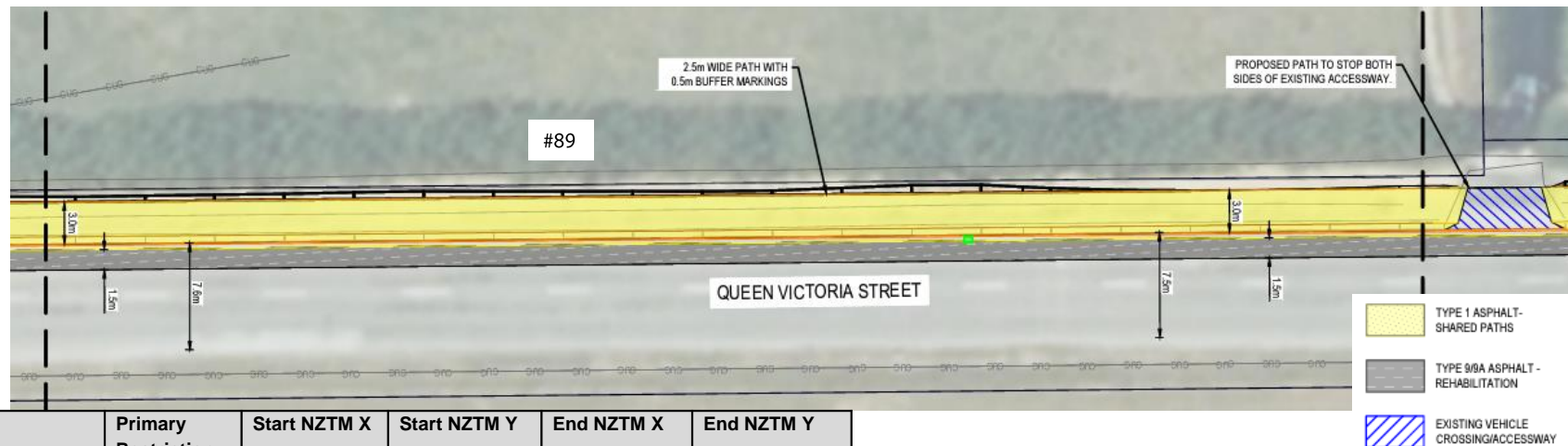
Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Queen Victoria Street	Shared path	1599601.82	5448160.09	1599577.87	5447498.34

Thriving and resilient Tasman communities

Transport Choices – Motueka

Queen Victoria Street shared path – sheet 3

New shared path along Queen Victoria Street from Green Lane to King Edward Street



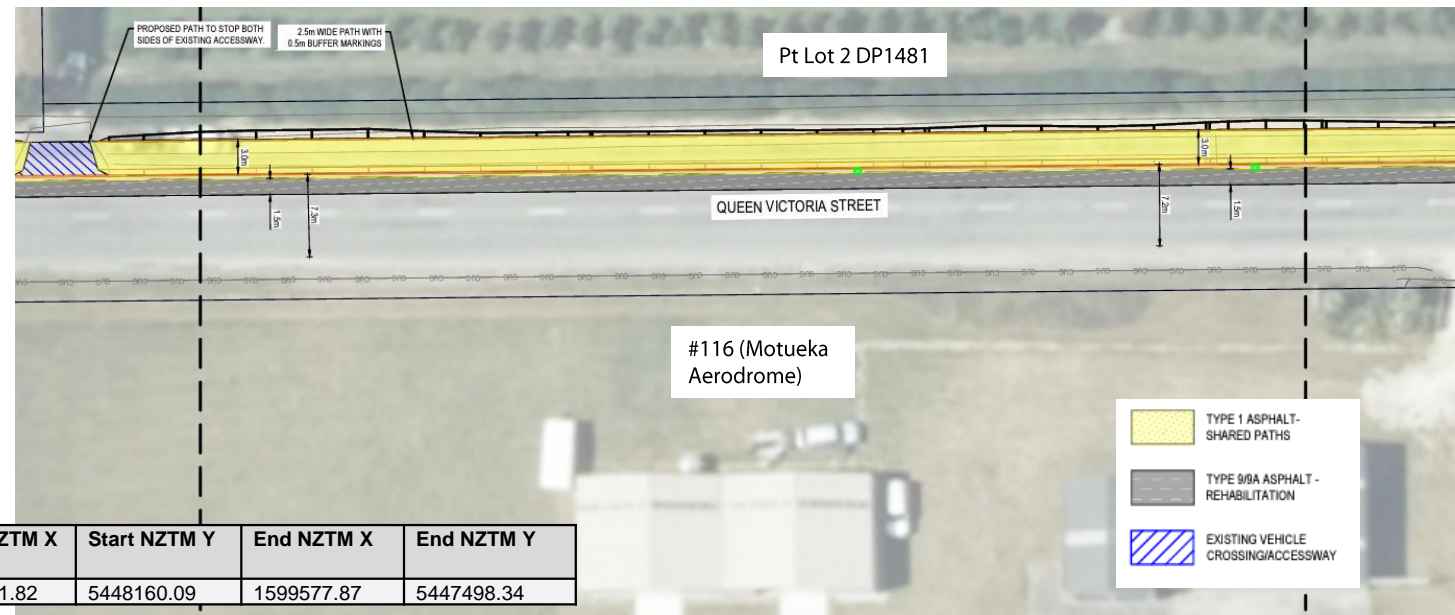
Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Queen Victoria Street	Shared path	1599601.82	5448160.09	1599577.87	5447498.34

Thriving and resilient Tasman communities

Transport Choices – Motueka

Queen Victoria Street shared path – sheet 4

New shared path along Queen Victoria Street from Green Lane to King Edward Street



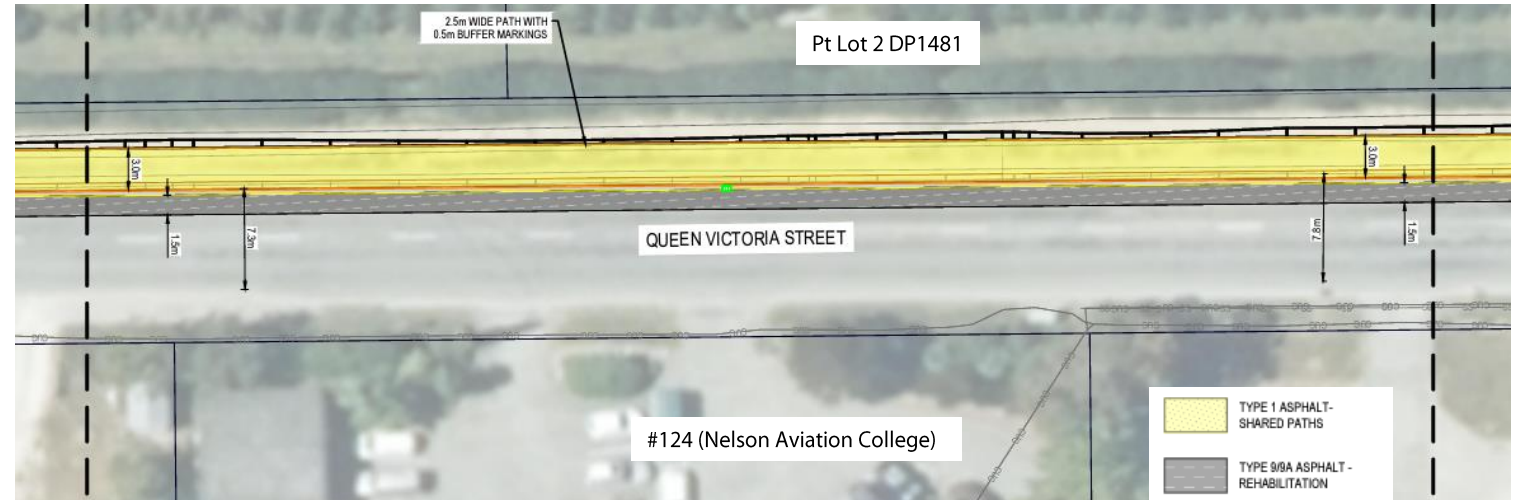
Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Queen Victoria Street	Shared path	1599601.82	5448160.09	1599577.87	5447498.34

Thriving and resilient Tasman communities

Transport Choices – Motueka

Queen Victoria Street shared path – sheet 5

New shared path along Queen Victoria Street from Green Lane to King Edward Street



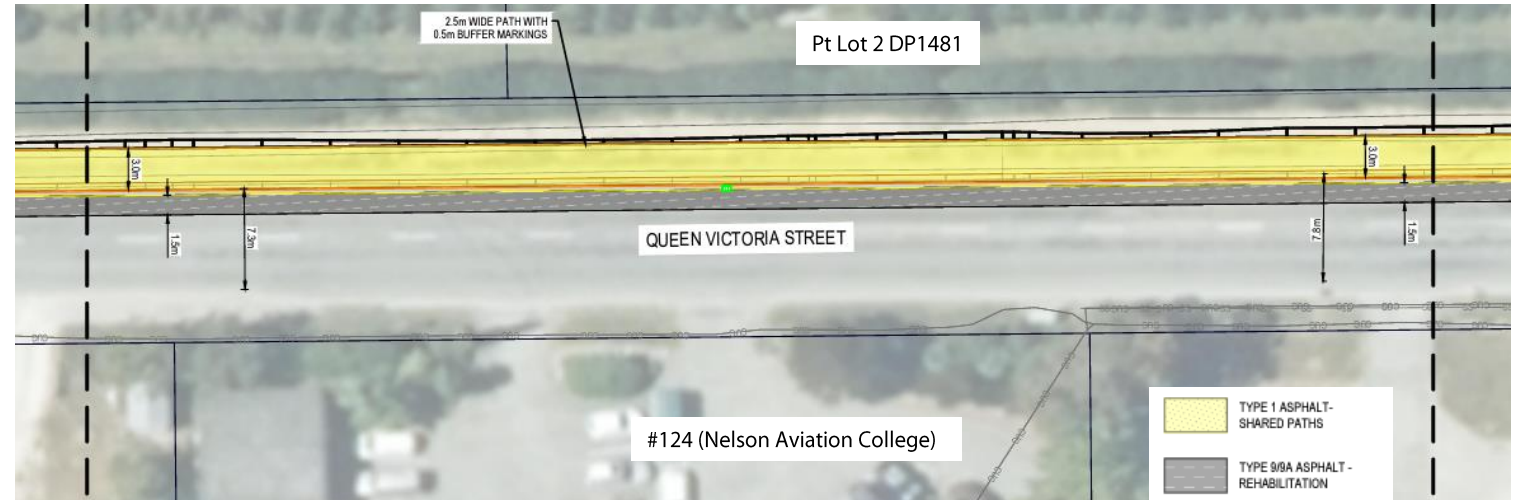
Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Queen Victoria Street	Shared path	1599601.82	5448160.09	1599577.87	5447498.34

Thriving and resilient Tasman communities

Transport Choices – Motueka

Queen Victoria Street shared path – sheet 6

New shared path along Queen Victoria Street from Green Lane to King Edward Street



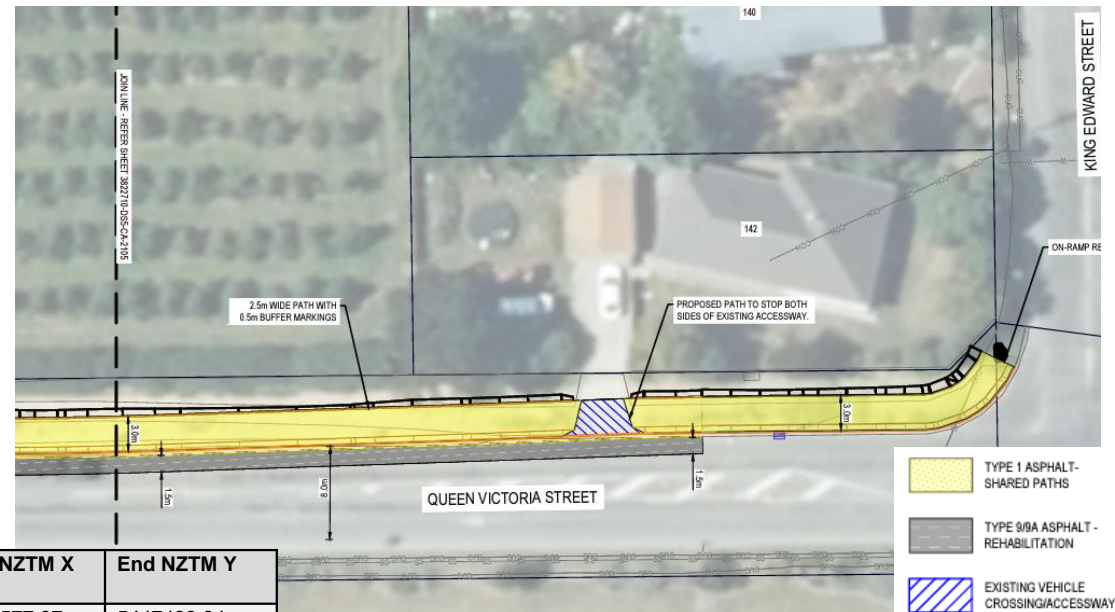
Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Queen Victoria Street	Shared path	1599601.82	5448160.09	1599577.87	5447498.34

Thriving and resilient Tasman communities

Transport Choices – Motueka

Queen Victoria Street shared path – sheet 7

New shared path along Queen Victoria Street from Green Lane to King Edward Street



Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Queen Victoria Street	Shared path	1599601.82	5448160.09	1599577.87	5447498.34

Thriving and resilient Tasman communities

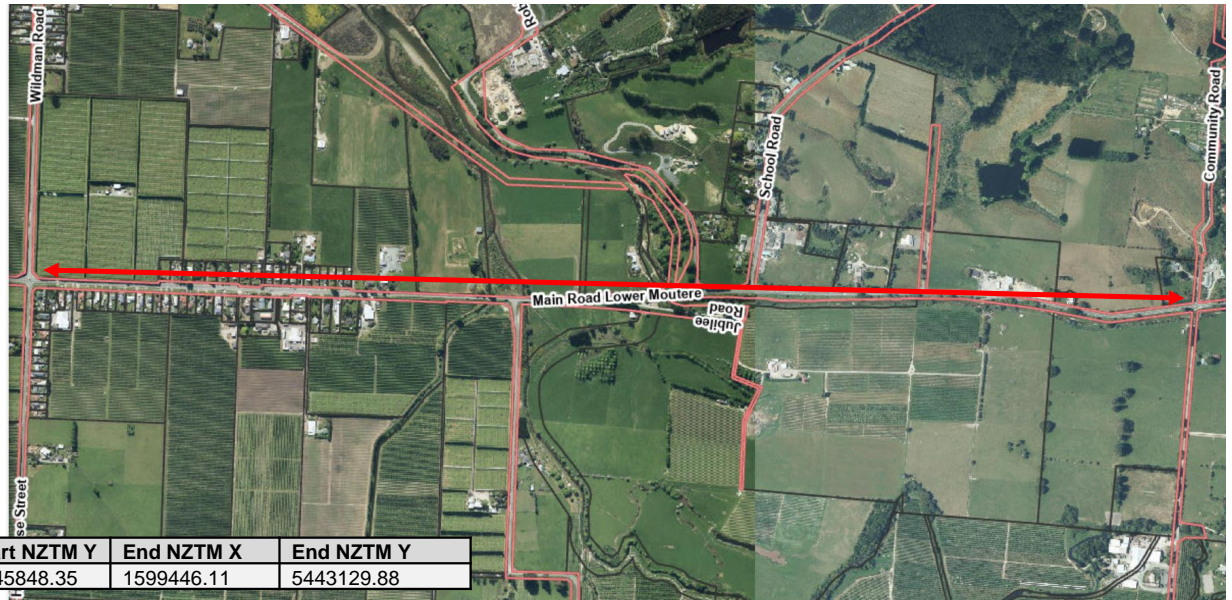
Transport Choices – Motueka

Main Road Lower Moutere shared path – overview

A short new section of shared path is being constructed to enable parking opposite the Lower Moutere store (See next page). This existing shared path has not been added to our Bylaw.

Add existing **shared path** from Wildman Road to Community Road to our Bylaw

Feedback has been invited from property owners immediately adjacent the Lower Moutere store works (see next page).



Street name	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Main Road Lower Moutere	Shared path	1599509.43	5445848.35	1599446.11	5443129.88

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Transport Choices – Motueka

Main Road Lower Moutere shared path – sheet 1

Detail at Lower Moutere Store creates eight car park spaces where there are currently none.

Add existing **no-stopping** restrictions around driveways as shown

Specific Feedback:

In principle marking out carparking opposite the shop is a good idea, there is currently no marked areas for parking and as such at busy times it is a bit of a circus. Formal marking of this space would be good.
Can yellow lines be installed where I have drawn in red on your map? This would improve visibility and safety.
No traffic safety reason why not.
Can the speed limit be lowered to 50km/h? (swap this for returning the NSN to Blenheim road to 100km !!)
Can no further consents or variations to consents be granted without input from a wider array of affected persons?

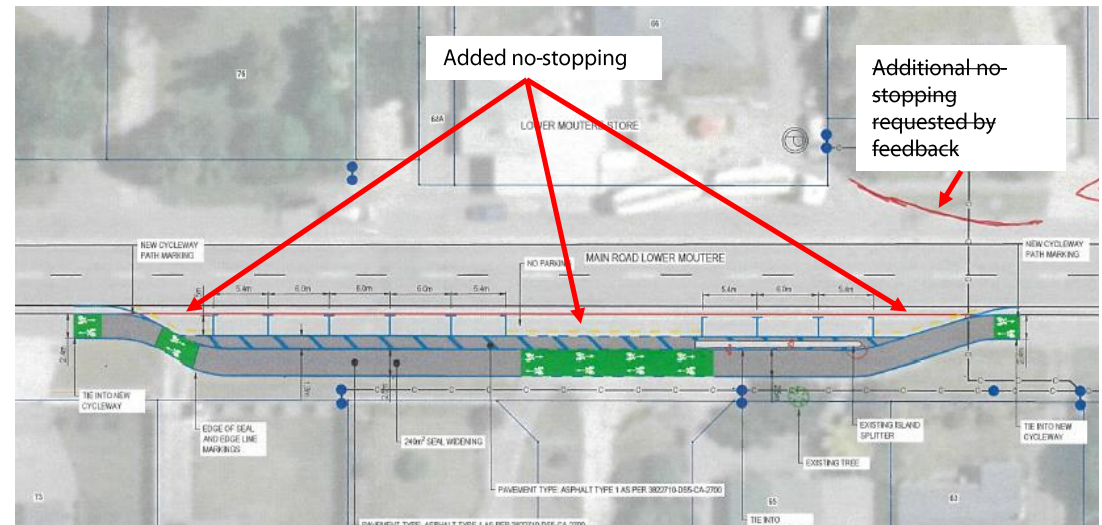
Feedback on additional no-parking request:

#64 is happy with this, it is sometimes hard to see out as you're exiting the driveway with parked cars there.
#62a Vans and higher vehicles are hard to see past, would be supportive of yellow lines. Would also like to see the cycleway moved closer to the house earlier, this would allow more space for truck turning in and out of their accessway at #62a (see image below). They find that they are having to turn left out of the driveway and U-Turn to go back south.

The lower Moutere store would NOT want to lose these car parks, they are used by customers and staff. They would not want "to end up like Pohara Store" and do not want their staff walking a long way up the road after work at night.

School buses stop along where we are proposing the new parking beside the separated cycleway and there is a tricky problematic area on the south side of the store. Trucks often park here the store owner tells me, the pot holes and lean of the road means that its problematic and a truck has clipped the power lines before.

Rumble edge lines suggestion between roads and cycle paths where there is no other separation



	Primary Restriction	Start NZTM X	Start NZTM Y	End NZTM X	End NZTM Y
Main Road Lower Moutere	No-stopping	1599480.04	5445259.46	1599482.13	5445248.94
Main Road Lower Moutere	No-stopping	1599481.54	5445233.11	1599482.06	5445215.20
Main Road Lower Moutere	No-stopping	1599480.04	5445185.34	1599476.83	5445176.61
Main Road Lower Moutere	No-stopping	1599464.47	5445248.00	1599471.42	5445267.40

Thriving and resilient Tasman communities

Marking ID	Road	Start	End	Type	Northing	Easting	Northing E	Easting End
17385	AATA LANE	7		GIVE WAY	5433561	1607996		
19715	AATA LANE	90		GIVE WAY	5433641	1607959		
17408	ABEL TASMAN DRIVE	38		No Stopping At All Times	5477305	1584542		
17409	ABEL TASMAN DRIVE	126		No Stopping At All Times	5477245	1584608		
17410	ABEL TASMAN DRIVE	243		No Stopping At All Times	5477152	1584679		
17411	ABEL TASMAN DRIVE	342		No Stopping At All Times	5477085	1584752		
17412	ABEL TASMAN DRIVE	421		No Stopping At All Times	5477031	1584810		
19577	AMBROSIA STREET	13		GIVE WAY	5424144	1613597		
19289	ARA O PAKI PAKI	48		GIVE WAY	5416011	1603985		
21148	ARA O PUIHI	5		GIVE WAY	5420035	1608907		
21149	ARA O PUIHI	209		GIVE WAY	5420214	1608902		
21147	ARA O WAONUI	11		GIVE WAY	5419870	1608862		
21150	ARA O WAONUI	388		GIVE WAY	5420176	1608867		
18251	ARANUI ROAD	1286		Give Way with Rotary Symbol	5432816	1608345		
18252	ARANUI ROAD	1312		Give Way with Rotary Symbol	5432796	1608364		
18253	ARANUI ROAD	1371		Give Way with Rotary Symbol	5432787	1608422		
18254	ARANUI ROAD	1394		Give Way with Rotary Symbol	5432769	1608440		
21216	ARANUI ROAD	1420		Disabled Parking	5432760	1608465		
21214	ARANUI ROAD	1426		Disabled Parking	5432754	1608469		
21215	ARANUI ROAD	1434		Disabled Parking	5432751	1608476		
20033	ASCOT STREET	304		Give Way with Rotary Symbol	5423824	1614242		
20032	ASCOT STREET	324		Give Way with Rotary Symbol	5423821	1614220		
20039	ASCOT STREET	450		Give Way with Rotary Symbol	5423733	1614129		
20042	ASCOT STREET	475		Give Way with Rotary Symbol	5423724	1614104		
20044	ASCOT STREET	577		GIVE WAY	5423652	1614031		
19008	AYRSHIRE STREET	129		GIVE WAY	5424520	1613945		
18400	BEACH ROAD [COLLINGWOOD]	693		No Stopping	5496642	1573499		
18399	BEACH ROAD [COLLINGWOOD]	709		No Stopping	5496624	1573481		
17425	BEDFONT STREET	51		GIVE WAY	5423965	1614504		
17433	BEDFONT STREET	209		GIVE WAY	5423817	1614340		
15301	BELVEDERE DRIVE	13		GIVE WAY	5421875	1614650		
19591	BERRYFIELD DRIVE	15		GIVE WAY	5424382	1614754		
19593	BERRYFIELD DRIVE	16		GIVE WAY	5424375	1614758		
19615	BERRYFIELD DRIVE	119		BUS STOP	5424321	1614671		
19573	BERRYFIELD DRIVE	280		BUS STOP	5424226	1614540		
15724	BERRYFIELD DRIVE	327		Give Way with Rotary Symbol	5424181	1614466		
17841	BERRYFIELD DRIVE	872		Give Way with Rotary Symbol	5424097	1613991		
17966	BERRYFIELD DRIVE	872		GIVE WAY	5424091	1613991		
17968	BERRYFIELD DRIVE	885		Give Way with Rotary Symbol	5424085	1613977		
17967	BERRYFIELD DRIVE	891		Give Way with Rotary Symbol	5424086	1613970		
17845	BERRYFIELD DRIVE	898		Give Way with Rotary Symbol	5424099	1613965		
17970	BERRYFIELD DRIVE	898		Give Way with Rotary Symbol	5424105	1613965		
17848	BERRYFIELD DRIVE	1098		Give Way with Rotary Symbol	5424154	1613777		
17847	BERRYFIELD DRIVE	1099		Give Way with Rotary Symbol	5424159	1613781		
17852	BERRYFIELD DRIVE	1106		Give Way with Rotary Symbol	5424173	1613786		
17851	BERRYFIELD DRIVE	1113		Give Way with Rotary Symbol	5424177	1613781		
17853	BERRYFIELD DRIVE	1126		Give Way with Rotary Symbol	5424179	1613763		
17854	BERRYFIELD DRIVE	1127		Give Way with Rotary Symbol	5424183	1613767		
17838	BERRYFIELD DRIVE	1339		GIVE WAY	5424338	1613624		
17840	BORCK AVENUE	16		Give Way with Rotary Symbol	5424110	1613980		
17963	BORCK AVENUE	17		Give Way with Rotary Symbol	5424110	1613986		
19006	BORCK AVENUE	479		GIVE WAY	5424510	1613973		
18460	BRONTE ROAD WEST	3252		GIVE WAY	5430040	1603396		
19249	BRYANT ROAD	13		Give Way with Rotary Symbol	5419742	1608980		
13842	CAMPARI DRIVE	13		GIVE WAY	5422459	1614549		
15675	CARGILL PLACE	83		P60 Restricted Parking - Standard Hours	5424513	1615857		
15676	CARGILL PLACE	85		P60 Restricted Parking - Standard Hours	5424514	1615856		
15674	CARGILL PLACE	94		P60 Restricted Parking - Standard Hours	5424522	1615850		
15673	CARGILL PLACE	100		P60 Restricted Parking - Standard Hours	5424527	1615846		
18241	CARMAN DRIVE	8		GIVE WAY	5447948	1601728		
13843	CARMELLO GROVE	64		GIVE WAY	5422360	1614602		
19005	CARMINE CRESCENT	10		GIVE WAY	5424486	1614056		
19010	CARMINE CRESCENT	314		GIVE WAY	5424562	1613964		
18441	CATHERINE ROAD	17		Give Way with Rotary Symbol	5433386	1606911		
18442	CATHERINE ROAD	17		Give Way with Rotary Symbol	5433384	1606904		
17836	CENTRAL PARK LANE	4		GIVE WAY	5424111	1613848		
18511	CENTRAL PARK LANE	158		GIVE WAY	5423970	1613801		
18920	CHAMPION ROAD	142		GIVE WAY	5424239	1616853		
15771	CHISNALL STREET	93		No Stopping - Specified Period - 8am to 6pm Mo	5423823	1615578		
15773	CHISNALL STREET	112		No Stopping - Specified Period - 8am to 6pm Mo	5423838	1615564		
15774	CHISNALL STREET	137		No Stopping - Specified Period 8am to 6pm Mo	5423857	1615547		
15775	CHISNALL STREET	142		No Stopping - Specified Period 8am to 6pm Mo	5423861	1615543		
15776	CHISNALL STREET	152		No Stopping - Specified Period 8am to 6pm Mo	5423869	1615536		
15342	CHURCH STREET	210		NO ENTRY	5423507	1615117		

20665	COMAN DRIVE	16	GIVE WAY	5424627	1613913		
18598	COMMERCIAL STREET (SH60)	1121	STOP	5477720	1583772		
18351	CONCORDIA DRIVE	18	GIVE WAY	5422959	1616782		
17484	CONCORDIA DRIVE	30	NO EXIT	5422953	1616794		
17732	COPPERMINE CRESCENT	6	GIVE WAY	5418706	1608402		
17731	COPPERMINE CRESCENT	206	GIVE WAY	5418742	1608334		
19353	COTTERELL ROAD	788	No Exit	5428043	1610424		
17858	COTTONWOODWOOD LANE	9	GIVE WAY	5424361	1614017		
17981	COTTONWOODWOOD LANE	71	GIVE WAY	5424371	1613955		
19016	COZENS ROAD	13	STOP	5428122	1592025		
19088	CRANFORD STREET	12	GIVE WAY	5423951	1614125		
19089	CRANFORD STREET	177	GIVE WAY	5423828	1614019		
19326	CRANFORD STREET	223	GIVE WAY	5423789	1614072		
19330	CRANFORD STREET	250	GIVE WAY	5423763	1614083		
20040	CRANFORD STREET	280	Give Way with Rotary Symbol	5423740	1614114		
20065	CRANFORD STREET	301	Give Way with Rotary Symbol	5423718	1614119		
20315	CRANFORD STREET	343	Give Way with Rotary Symbol	5423691	1614154		
20317	CRANFORD STREET	368	Give Way with Rotary Symbol	5423666	1614163		
15302	CUPOLA CRESCENT	21	GIVE WAY	5421786	1614551		
18287	DARTNALL LANE	17	GIVE WAY	5424318	1613846		
18286	DARTNALL LANE	147	GIVE WAY	5424392	1613744		
15381	DOVEDALE ROAD	19989	STOP	5422738	1598915		
18761	DRAYTON STREET	14	GIVE WAY	5423864	1614586		
18124	DRY ROAD	3397	Single Lane - Give Way	5506793	1567745		
18071	DRY ROAD	4557	Single Lane - Give Way	5506665	1566640		
18073	DRY ROAD	8649	Single Lane - Give Way	5504644	1564342		
18126	DRY ROAD	10746	Single Lane - Give Way	5504169	1562976		
18128	DRY ROAD	14540	Single Lane - Give Way	5503567	1560671		
18130	DRY ROAD	15560	Single Lane - Give Way	5502977	1560068		
18132	DRY ROAD	17509	Single Lane - Give Way	5502358	1558991		
18134	DRY ROAD	18659	Single Lane - Give Way	5502529	1558348		
17808	ELLIS STREET	818	Give Way with Rotary Symbol	5419721	1608970		
17130	ESTUARY PLACE	13	STOP	5424623	1614591		
18845	ESTUARY PLACE	13	STOP	5424617	1614597		
19344	ETON STREET	330	GIVE WAY	5423582	1614414		
17703	FAIRBURN PLACE	12	GIVE WAY	5456231	1601698		
17431	FAIRMILE ROAD	30	GIVE WAY	5423780	1614364		
17697	FAIRMILE ROAD	108	GIVE WAY	5423849	1614296		
17698	FAIRMILE ROAD	135	GIVE WAY	5423876	1614285		
13719	FALLOW PLACE	16	GIVE WAY	5421789	1615114		
19601	FENN PLACE	18	GIVE WAY	5416132	1604193		
18380	FITZSIMMONS WAY	7	GIVE WAY	5415814	1603001		
17515	GARDNER VALLEY ROAD	8	GIVE WAY	5435413	1600722		
18513	GEORGE FYFE WAY	10	GIVE WAY	5416738	1604293		
15389	GIBBS VALLEY ROAD	20	GIVE WAY	5415233	1604437		
20377	GREENWAY CRESCENT	8	GIVE WAY	5422368	1614363		
19319	GREENWAY CRESCENT	388	GIVE WAY	5422332	1614311		
20349	HALLMARK DRIVE	10	GIVE WAY	5422422	1614404		
18869	HARKNESS PETRIE CARPARK	4	Restricted Parking - Standard Hours	5423808	1615332		
17961	HERRINGBONE STREET	11	GIVE WAY	5424247	1613692		
19607	HERRINGBONE STREET	131	GIVE WAY	5424163	1613605		
19608	HERRINGBONE STREET	154	GIVE WAY	5424163	1613576		
19343	HESTON LANE	5	GIVE WAY	5423502	1614310		
19337	HESTON LANE	92	GIVE WAY	5423562	1614246		
17736	HIAWATHA LANE	199	No Stopping	5477386	1583931		
17737	HIAWATHA LANE	199	No Stopping	5477396	1583932		
15403	HIGGINS ROAD [SPRING GROVE]	2768	GIVE WAY	5416521	1605372		
18436	HIGGS ROAD	1414	Give Way with Rotary Symbol	5433336	1606915		
18437	HIGGS ROAD	1416	Give Way with Rotary Symbol	5433334	1606906		
20830	HUKERE CRESCENT	6	GIVE WAY	5421765	1614670		
21204	HUKERE CRESCENT	199	STOP	5421687	1614799		
18255	IWA STREET	11	Give Way with Rotary Symbol	5432792	1608435		
19713	IWA STREET	1198	GIVE WAY	5433466	1607771		
18940	JOHN WESLEY LANE	118	NO ENTRY	5423389	1615498		
15299	JULIUS PLACE	13	GIVE WAY	5421976	1614691		
19004	KAHIKATEA WAY	11	GIVE WAY	5424437	1614035		
17389	KOTATA STREET	12	GIVE WAY	5424189	1614445		
20558	KOTATA STREET	91	GIVE WAY	5424246	1614390		
20808	LAMMAS ROAD	17	GIVE WAY	5485889	1562077		
19325	LAMPTON STREET	20	GIVE WAY	5423866	1614179		
19329	LAMPTON STREET	144	GIVE WAY	5423780	1614089		
19327	LAMPTON STREET	166	GIVE WAY	5423774	1614066		
18246	LANGDALE DRIVE	11	STOP	5422468	1614868		
17814	LORD RUTHERFORD ROAD NORTH	11	Give Way with Rotary Symbol	5419739	1608950		
19579	LOTUS STREET	13	GIVE WAY	5424171	1613587		

19290	LOUDEN PLACE	10		GIVE WAY	5415877	1604098		
20663	MAANATU WAY	14		GIVE WAY	5424866	1613688		
13431	AATA LANE	47	85	No Stopping Line (yellow) 100mm 1 x 1	5433601	1607975	5433637	1607964
13433	AATA LANE	47	87	No Stopping Line (yellow) 100mm 1 x 1	5433603	1607982	5433641	1607970
12150	ASCOT STREET	223	236	No Stopping Line (yellow) 100mm 1 x 1	5423871	1614306	5423854	1614301
12151	ASCOT STREET	242	254	No Stopping Line (yellow) 100mm 1 x 1	5423852	1614296	5423853	1614281
13443	ASCOT STREET	244	255	No Stopping Line (yellow) 100mm 1 x 1	5423871	1614281	5423857	1614277
13491	BRONTE ROAD WEST	4050	8004	No Stopping Line (yellow) 100mm 1 x 1	5430261	1604441	5430242	1604397
13086	CAMBERLEY ROAD	403	420	No Stopping Line (yellow) 100mm 1 x 1	5423820	1614647	5423812	1614665
13087	CAMBERLEY ROAD	403	424	No Stopping Line (yellow) 100mm 1 x 1	5423815	1614640	5423791	1614646
13106	CAMBERLEY ROAD	318	327	No Stopping Line (yellow) 100mm 1 x 1	5423883	1614584	5423871	1614584
13107	CAMBERLEY ROAD	334	348	No Stopping Line (yellow) 100mm 1 x 1	5423865	1614589	5423858	1614604
13108	CAMBERLEY ROAD	317	346	No Stopping Line (yellow) 100mm 1 x 1	5423889	1614590	5423866	1614609
13439	COOK CRESCENT	221	245	No Stopping Line (yellow) 100mm 1 x 1	5456046	1601599	5456070	1601592
13490	COOK CRESCENT	225	246	No Stopping Line (yellow) 100mm 1 x 1	5455999	1601568	5455991	1601589
13078	DRAYTON STREET	56	63	No Stopping Line (yellow) 100mm 1 x 1	5423831	1614559	5423822	1614557
13079	DRAYTON STREET	67	74	No Stopping Line (yellow) 100mm 1 x 1	5423818	1614555	5423820	1614545
13080	DRAYTON STREET	117	124	No Stopping Line (yellow) 100mm 1 x 1	5423792	1614512	5423782	1614511
13081	DRAYTON STREET	179	186	No Stopping Line (yellow) 100mm 1 x 1	5423753	1614464	5423742	1614462
13082	DRAYTON STREET	191	199	No Stopping Line (yellow) 100mm 1 x 1	5423740	1614459	5423740	1614449
13083	DRAYTON STREET	179	186	No Stopping Line (yellow) 100mm 1 x 1	5423753	1614464	5423742	1614462
13084	DRAYTON STREET	191	199	No Stopping Line (yellow) 100mm 1 x 1	5423740	1614459	5423740	1614449
13098	DRAYTON STREET	253	261	No Stopping Line (yellow) 100mm 1 x 1	5423700	1614411	5423700	1614401
13099	DRAYTON STREET	241	249	No Stopping Line (yellow) 100mm 1 x 1	5423713	1614416	5423703	1614415
13342	DRAYTON STREET	300	312	No Stopping Line (yellow) 100mm 1 x 1	5423675	1614371	5423660	1614368
13362	DRAYTON STREET	379	386	No Stopping Line (yellow) 100mm 1 x 1	5423625	1614310	5423615	1614309
13366	DRAYTON STREET	553	587	No Stopping Line (yellow) 100mm 1 x 1	5423514	1614176	5423487	1614155
12085	EIGHTY EIGHT VALLEY ROAD	248	270	No Stopping Line (yellow) 100mm 1 x 1	5415759	1602981	5415737	1602977
13667	ELLIS STREET	102	114	NO PARKING	5419189	1609449	5419198	1609441
13669	ELLIS STREET	129	140	NO PARKING	5419209	1609431	5419217	1609424
12888	ELLIS STREET	759	824	No Stopping Line (yellow) 100mm 1 x 1	5419686	1609019	5419749	1608993
12982	ELLIS STREET	587	643	No Stopping Line (yellow) 100mm 1 x 1	5419551	1609127	5419593	1609089
12985	ELLIS STREET	649	658	No Stopping Line (yellow) 100mm 1 x 1	5419597	1609085	5419604	1609079
12993	ELLIS STREET	468	476	No Stopping Line (yellow) 100mm 1 x 1	5419461	1609204	5419469	1609201
12957	ELLIS STREET	224	238	No Stopping Line (yellow) 100mm 1 x 1	5419287	1609376	5419297	1609367
12968	ELLIS STREET	142	147	No Stopping Line (yellow) 100mm 1 x 1	5419226	1609431	5419230	1609428
12971	ELLIS STREET	114	127	No Stopping Line (yellow) 100mm 1 x 1	5419207	1609452	5419215	1609442
12973	ELLIS STREET	90	99	No Stopping Line (yellow) 100mm 1 x 1	5419190	1609468	5419196	1609462
12977	ELLIS STREET	74	85	No Stopping Line (yellow) 100mm 1 x 1	5419177	1609479	5419186	1609472
12979	ELLIS STREET	36	51	No Stopping Line (yellow) 100mm 1 x 1	5419149	1609504	5419160	1609494
12934	ELLIS STREET	440	455	No Stopping Line (yellow) 100mm 1 x 1	5419449	1609233	5419460	1609223
12941	ELLIS STREET	365	391	No Stopping Line (yellow) 100mm 1 x 1	5419392	1609282	5419412	1609266
12942	ELLIS STREET	338	353	No Stopping Line (yellow) 100mm 1 x 1	5419372	1609300	5419383	1609290
12947	ELLIS STREET	314	324	No Stopping Line (yellow) 100mm 1 x 1	5419354	1609316	5419361	1609309
12950	ELLIS STREET	288	299	No Stopping Line (yellow) 100mm 1 x 1	5419335	1609333	5419343	1609326
12954	ELLIS STREET	247	253	No Stopping Line (yellow) 100mm 1 x 1	5419304	1609361	5419309	1609357
12916	ELLIS STREET	584	593	No Stopping Line (yellow) 100mm 1 x 1	5419556	1609137	5419562	1609130
12919	ELLIS STREET	563	579	No Stopping Line (yellow) 100mm 1 x 1	5419542	1609152	5419554	1609142
12922	ELLIS STREET	540	549	No Stopping Line (yellow) 100mm 1 x 1	5419523	1609166	5419531	1609162
12925	ELLIS STREET	521	527	No Stopping Line (yellow) 100mm 1 x 1	5419509	1609179	5419513	1609175
12928	ELLIS STREET	501	509	No Stopping Line (yellow) 100mm 1 x 1	5419494	1609192	5419500	1609187
12931	ELLIS STREET	471	485	No Stopping Line (yellow) 100mm 1 x 1	5419472	1609212	5419482	1609203
12889	ELLIS STREET	674	821	No Stopping Line (yellow) 100mm 1 x 1	5419617	1609070	5419713	1608957
12892	ELLIS STREET	744	752	No Stopping Line (yellow) 100mm 1 x 1	5419675	1609029	5419681	1609024
12899	ELLIS STREET	683	699	No Stopping Line (yellow) 100mm 1 x 1	5419629	1609070	5419641	1609059
12906	ELLIS STREET	663	671	No Stopping Line (yellow) 100mm 1 x 1	5419614	1609084	5419620	1609078
12908	ELLIS STREET	649	657	No Stopping Line (yellow) 100mm 1 x 1	5419604	1609093	5419610	1609088
12910	ELLIS STREET	620	633	No Stopping Line (yellow) 100mm 1 x 1	5419582	1609112	5419592	1609104
13091	ETON STREET	51	65	No Stopping Line (yellow) 100mm 1 x 1	5423759	1614627	5423753	1614614
13092	ETON STREET	70	84	No Stopping Line (yellow) 100mm 1 x 1	5423749	1614611	5423737	1614605
13093	ETON STREET	50	85	No Stopping Line (yellow) 100mm 1 x 1	5423755	1614634	5423730	1614608
13094	ETON STREET	121	127	No Stopping Line (yellow) 100mm 1 x 1	5423713	1614576	5423714	1614567
13095	ETON STREET	132	142	No Stopping Line (yellow) 100mm 1 x 1	5423712	1614563	5423700	1614559
13096	ETON STREET	244	251	No Stopping Line (yellow) 100mm 1 x 1	5423634	1614481	5423635	1614472
13596	ETON STREET	666	681	No Stopping Line (yellow) 100mm 1 x 1	5423353	1614120	5423355	1614101
13097	ETON STREET	256	265	No Stopping Line (yellow) 100mm 1 x 1	5423632	1614468	5423620	1614464
13110	ETON STREET	177	190	No Stopping Line (yellow) 100mm 1 x 1	5423678	1614532	5423674	1614519
13111	ETON STREET	194	204	No Stopping Line (yellow) 100mm 1 x 1	5423671	1614516	5423660	1614512
13369	ETON STREET	394	405	No Stopping Line (yellow) 100mm 1 x 1	5423547	1614360	5423533	1614356
13370	ETON STREET	382	390	No Stopping Line (yellow) 100mm 1 x 1	5423549	1614375	5423551	1614362
13595	ETON STREET	671	686	No Stopping Line (yellow) 100mm 1 x 1	5423362	1614122	5423363	1614102
12149	FAIRMILE ROAD	212	235	No Stopping Line (yellow) 100mm 1 x 1	5423933	1614233	5423950	1614216
13442	FAIRMILE ROAD	123	137	No Stopping Line (yellow) 100mm 1 x 1	5423873	1614301	5423876	1614283
12086	FEARON STREET	100	120	No Stopping Line (yellow) 100mm 1 x 1	5449646	1601062	5449643	1601082
13039	GEORGE FYFE WAY	299	321	No Stopping Line (yellow) 100mm 1 x 1	5416943	1604321	5416956	1604344

13040	GEORGE FYFE WAY	299	321	No Stopping Line (yellow) 100mm 1 x 1	5416943	1604321	5416956	1604344
13041	GEORGE FYFE WAY	323	350	No Stopping Line (yellow) 100mm 1 x 1	5416955	1604350	5416928	1604368
13044	GEORGE FYFE WAY	291	352	No Stopping Line (yellow) 100mm 1 x 1	5416933	1604320	5416924	1604361
13065	GEORGE FYFE WAY	8	92	No Stopping Line (yellow) 100mm 1 x 1	5416729	1604287	5416791	1604231
13066	GEORGE FYFE WAY	5	57	No Stopping Line (yellow) 100mm 1 x 1	5416734	1604296	5416770	1604258
13067	GEORGE FYFE WAY	114	159	No Stopping Line (yellow) 100mm 1 x 1	5416811	1604220	5416844	1604225
13068	GEORGE FYFE WAY	115	159	No Stopping Line (yellow) 100mm 1 x 1	5416807	1604216	5416848	1604221
13364	HESTON LANE	83	98	No Stopping Line (yellow) 100mm 1 x 1	5423556	1614253	5423562	1614236
13365	HESTON LANE	84	100	No Stopping Line (yellow) 100mm 1 x 1	5423561	1614258	5423580	1614257
13367	HESTON LANE	0	16	No Stopping Line (yellow) 100mm 1 x 1	5423485	1614300	5423504	1614296
13368	HESTON LANE	0	15	No Stopping Line (yellow) 100mm 1 x 1	5423503	1614322	5423509	1614301
13276	INLET ROAD	21	22	DISABLED PARKING	5457087	1601424		
13424	IWA STREET	1109	1193	No Stopping Line (yellow) 100mm 1 x 1	5433525	1607837	5433476	1607771
13425	IWA STREET	1046	1193	No Stopping Line (yellow) 100mm 1 x 1	5433536	1607902	5433471	1607774
13426	IWA STREET	1047	1103	No Stopping Line (yellow) 100mm 1 x 1	5433544	1607900	5433529	1607844
12741	KAHIKATEA WAY	331	355	No Stopping Line (yellow) 100mm 1 x 1	5424184	1613865	5424161	1613856
12742	KAHIKATEA WAY	333	355	No Stopping Line (yellow) 100mm 1 x 1	5424182	1613867	5424160	1613857
12174	KATANIA HEIGHTS	861	885	No Stopping Line (yellow) 100mm 1 x 1	5418833	1608333	5418850	1608312
13090	KEMPTON LANE	87	93	No Stopping Line (yellow) 100mm 1 x 1	5423780	1614653	5423803	1614670
13301	LOUDEN PLACE	146	168	No Stopping Line (yellow) 100mm 1 x 1	5415905	1603989	5415917	1603969
13592	MAANATU WAY	116	151	No Stopping Line (yellow) 100mm 1 x 1	5424940	1613759	5424968	1613782
13593	MAANATU WAY	116	151	No Stopping Line (yellow) 100mm 1 x 1	5424932	1613765	5424951	1613796
12138	OAKDALE GROVE	5	41	No Stopping Line (yellow) 100mm 1 x 1	5424158	1614425	5424141	1614468
12139	OAKDALE GROVE	1	40	No Stopping Line (yellow) 100mm 1 x 1	5424194	1614480	5424147	1614474
13550	OAKDALE GROVE	239	266	No Stopping Line (yellow) 100mm 1 x 1	5423989	1614596	5423969	1614613
13551	OAKDALE GROVE	239	268	No Stopping Line (yellow) 100mm 1 x 1	5423995	1614602	5423973	1614621
13553	OAKDALE GROVE	405	440	No Stopping Line (yellow) 100mm 1 x 1	5423863	1614701	5423839	1614703
13554	OAKDALE GROVE	405	439	No Stopping Line (yellow) 100mm 1 x 1	5423867	1614708	5423833	1614709
13556	OAKDALE GROVE	477	487	No Stopping Line (yellow) 100mm 1 x 1	5423809	1614679	5423804	1614671
13557	OAKDALE GROVE	476	486	No Stopping Line (yellow) 100mm 1 x 1	5423817	1614674	5423809	1614668
13363	OAKLEY LANE	95	101	No Stopping Line (yellow) 100mm 1 x 1	5423611	1614306	5423612	1614296
11616	O'CONNOR ROAD	20	24	No Stopping Line (yellow) 100mm 1 x 1	5426364	1611121	5426361	1611118
12132	PENNY LANE	3	82	No Stopping Line (yellow) 100mm 1 x 1	5423133	1617785	5423095	1617713
12133	PENNY LANE	5	78	No Stopping Line (yellow) 100mm 1 x 1	5423146	1617771	5423100	1617715
12136	PENNY LANE	81	111	No Stopping Line (yellow) 100mm 1 x 1	5423098	1617712	5423075	1617692
13548	PYKE PLACE	139	156	No Stopping Line (yellow) 100mm 1 x 1	5416680	1604547	5416670	1604561
12154	SALTMARSH LANE	169	182	No Stopping Line (yellow) 100mm 1 x 1	5425071	1614787	5425080	1614779
12155	SALTMARSH LANE	167	181	No Stopping Line (yellow) 100mm 1 x 1	5425075	1614795	5425084	1614784
12156	SALTMARSH LANE	26	35	No Stopping Line (yellow) 100mm 1 x 1	5424954	1614878	5424961	1614872
11708	SANDEMAN ROAD	227	238	No Stopping Line (yellow) 100mm 1 x 1	5425286	1614313	5425293	1614322
13050	SUMMERSFIELD BOULEVARD	743	754	No Stopping Line (yellow) 100mm 1 x 1	5423968	1613796	5423955	1613799
13051	SUMMERSFIELD BOULEVARD	728	736	No Stopping Line (yellow) 100mm 1 x 1	5423976	1613781	5423972	1613792
12131	TALISMAN HEIGHTS	364	394	No Stopping Line (yellow) 100mm 1 x 1	5456251	1601848	5456277	1601848
13429	WAKANINI PLACE	8	346	No Stopping Line (yellow) 100mm 1 x 1	5433525	1607838	5433699	1608061
13430	WAKANINI PLACE	8	231	No Stopping Line (yellow) 100mm 1 x 1	5433528	1607843	5433637	1607963
13432	WAKANINI PLACE	238	346	No Stopping Line (yellow) 100mm 1 x 1	5433660	1607962	5433700	1608061
11577	WHITING DRIVE	0	15	No Stopping Line (yellow) 100mm 1 x 1	5416620	1604088	5416632	1604082
11578	WHITING DRIVE	0	63	No Stopping Line (yellow) 100mm 1 x 1	5416623	1604094	5416678	1604065
11580	WHITING DRIVE	46	67	No Stopping Line (yellow) 100mm 1 x 1	5416661	1604067	5416678	1604057
13042	WILLIAM DALE PLACE	8	24	No Stopping Line (yellow) 100mm 1 x 1	5416954	1604344	5416970	1604351
13043	WILLIAM DALE PLACE	10	30	No Stopping Line (yellow) 100mm 1 x 1	5416955	1604350	5416970	1604359
13346	WOODLEY ROAD	595	608	No Stopping Line (yellow) 100mm 1 x 1	5423600	1614419	5423595	1614432
13361	WOODLEY ROAD	507	524	No Stopping Line (yellow) 100mm 1 x 1	5423657	1614347	5423649	1614366

7.6 PROPOSAL TO STOP UNFORMED LEGAL ROADS**Decision Required**

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Robert Cant, Programme Leader - Land & Leases
Report Authorisers:	Richard Kirby, Group Manager - Community Infrastructure
Report Number:	RCN24-02-9

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

- 1.1 To seek the Council's approval to publicly notify the intention to stop two portions of unformed legal road and to approve the stopping of the relevant roads if no objections are received, and subsequent disposal of the land to adjacent landowners.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 The first of the portions of unformed legal road proposed to be stopped is a short section of road adjacent to 469 Tasman View Road, near Harley Road, Tasman.
- 2.2 The second of the portions of unformed legal road proposed to be stopped is an isolated portion of legal road, which is effectively surrounded by private land at 105 River Road, Appleby.
- 2.3 The road stopping process will be undertaken in accordance with Schedule 10 of the Local Government Act 1974. The process requires approval of the survey plan by Land Information New Zealand prior to public notification of the proposal which provides an opportunity for objections to be made to the proposal.
- 2.4 If no objections are received the road stopping(s) will proceed and be confirmed by the Council by public notice. The Council is asked to delegate to the Chief Executive Officer the authority to sign all documents required to give effect to the stopping of the road(s), and disposal of the land to adjacent landowners.
- 2.5 If objections are received, a hearing panel may consider the objections if the adjacent landowner (or landowners) wish to continue with the process. The Council is asked to appoint a hearing panel to consider any objections. If objections are received in relation to one proposal, but not the other, the panel will only consider the objections pertaining to the relevant property.
- 2.6 The hearings panel will make a recommendation to the Council whether to uphold the objection which will bring the process to an end or refer the matter to the Environment Court to determine.

3. Recommendation/s / Ngā Tūtohunga

That the Tasman District Council

1. receives the Proposal to Stop Unformed Legal Roads report RCN24-02-9; and
2. approves the preparation of survey plans for the portion of road to be stopped adjacent to 469 Tasman View Road, Tasman, 837 sq m (approximately, subject to survey), being unformed legal road adjacent to Sec 2 SO 399229, Pt Lot 9 DP 756 (Record of Title 442909) as shown on the aerial map being Attachment 1 to the report, to be submitted to Land Information New Zealand for approval; and
3. approves the preparation of survey plans for the portion of road to be stopped adjacent to 105 River Road, Appleby, 3971 sq m (approximately subject to survey), being unformed legal road adjacent to Section 1 SO 442090 and Pt Lot 7 DP 232 (Record of Title 653065) as shown on the aerial map being Attachment 2 to the report, to be submitted to Land Information New Zealand for approval; and
4. subject to the approval of Land Information New Zealand to both or one of the survey plans, proceed with public notification of the proposed road stoppings (or stopping) in accordance with Schedule 10 of the Local Government Act 1974; and
5. approves the appointment of a Hearings Panel to consider any objections received to the stopping of the unformed legal roads adjacent to 469 Tasman View Road, or 105 River Road, and to make recommendations to the Council on whether to uphold any objections or refer the matter to the Environment Court in either or both cases, should objections be received; and
6. appoints the following Councillors to the Hearings Panel:
Councillor (Chair)
Councillor
Councillor; and
7. agrees that the Chair shall have the power to appoint other Councillors in substitution should either Councillor appointed to the Hearing Panel be unavailable; and
8. approves the stopping of the unformed legal road adjacent to 469 Tasman View Road, Tasman. 837 sq m (approx., subject to survey), being unformed legal road adjacent to Sec 2 SO 399229, Pt Lot 9 DP 756 (Record of Title 442909); and
9. approves the stopping of the unformed legal road adjacent to 105 River Road, Appleby, 3971 sq m (approximately subject to survey), being unformed legal road adjacent to Section 1 SO 442090 and Pt Lot 7 DP 232 (Record of Title 653065) by public notice, subject to there being no objections received; and
10. approves entering into a Sale and Purchase Agreement for the disposal of the land subject to the road stopping adjacent to 469 Tasman View Road, Tasman, 837 sq m (approximately subject to survey), being unformed legal road adjacent to Sec 2 SO 399229, Pt Lot 9 DP 756 (Record of Title 442909) with a requirement to amalgamate the stopped road with 442909 with the land price to be determined by valuation and subject to the purchaser(s) agreeing to meet all of the Council's costs for the road stopping and disposal process (including survey, legal, valuation and staff costs); and
11. approves entering into a Sale and Purchase Agreement for the disposal of the land subject to the road stopping adjacent to 105 River Road, Appleby, 3971 sq m (approximately subject to survey), being unformed legal road adjacent to Section 1 SO 442090 and Pt Lot 7 DP 232 (Record of Title 653065) with a requirement to

amalgamate the stopped road with 653065, with the land price to be determined by valuation and subject to the purchaser(s) agreeing to meet all of the Council's costs for the road stopping and disposal process (including survey, legal, valuation and staff costs); and

12. delegates to the Chief Executive Officer the power to complete any processes and sign any documentation required to stop the unformed roads and to the disposal of the stopped road land, subject to there being no objections received.

4. Background / Horopaki

- 4.1 Staff routinely respond to enquiries about the stopping of unformed roads in the Tasman District. Many enquirers are discouraged from making a formal application and paying the application fee. Common reasons for discouraging applications include proposals to stop roads that would leave other road land isolated from the wider road network, or where a potential stopping removes public access to other public land (National Parks, Reserves, or other roads). The most common reason to discourage a road stopping application is that it would impact technical road frontage for other ratepayers further along the unformed road.
- 4.2 As a result of that approach, the majority of road stopping proposals involve road exchanges – essentially moving the location of a legal road to facilitate subdivision development.
- 4.3 From time to time, applications are received involving the outright purchase of unformed legal road land, without any new road land being acquired. This report covers two such applications – legal road adjacent to 469 Tasman View Road, near Harley Road, Tasman and an isolated parcel of legal road near River Road, Appleby.
- 4.4 The proposal adjacent to Tasman View Road has been requested by the adjacent owner. The unformed legal road only extends for about 50m and ceases. The proposal retains sufficient legal road to provide road frontage to another adjacent property. There is no obvious reason to retain this land as road. A GIS map showing the road proposed to be stopped is attached to this report (**Attachment 1**).
- 4.5 The proposal near River Road involves an 'orphaned' parcel of legal road which does not connect to any other legal road. It is surrounded by the title to the property at 105 River Road, except at either end, where it fronts the Council's River Berm Title (300+ hectares). There is already well-established public access only a few metres from this road land. There is no obvious reason to retain this land as legal road. A GIS map showing the road proposed to be stopped is attached to this report (**Attachment 2**).
- 4.6 Both road stoppings are proposed to be undertaken under the Local Government Act 1974, using the process in Schedule 10. This involves preparation of a survey plan to be submitted to Land Information New Zealand, and then, if approval is provided, a public notification process – the preferred mechanism where a road stopping involves the disposal of road land.
- 4.7 In both cases, given the proximity of public land (the road land adjacent to 469 Tasman View Road is close to Tasman's Great Taste Trail, and 105 River Road is adjacent to the popular River Berm Land) it would be best practice in any case to allow the public to provide input. In both cases, however, there are already recreational facilities only a few metres from the roads proposed to be stopped.

- 4.8 The road stopping process in the Local Government Act 1974 is that the Council notifies its own intention to stop the road. The Act does not contemplate the practical reality that the Council receives applications from external parties.
- 4.9 There are other parties which the Council will consult prior to the public notice process to notify the Council's intention to stop the road. These include Herenga ā Nuku Aotearoa (formerly Walking Access NZ), Wakatū Inc, relevant iwi and Heritage New Zealand. All these parties would have a right to object as part of the public notice, but staff will specifically draw attention to the proposal. Some of this consultation may have already commenced to minimise the length of the process. Advice to the relevant organisations will be clear that the Council's approval is pending, and not assured.
- 4.10 The process is to publicly notify the intention to stop the roads. This report seeks the appointment of a hearing panel. If objections are received, the panel hears the objections, but can only decide to recommend to the Council to whether to allow the objection. The Council can uphold the objection which will bring the process to an end or if the Council does not agree with the objector, the proposal is referred to the Environment Court to decide whether to stop the road.
- 4.11 The road stopping proposal requires that the applicants (in this case the owners of 469 Tasman View Road, and 105 River Road) must pay all of the Council's costs, including staff time, legal fees, valuation fees, etc. Both parties will sign a formal undertaking to meet the Council's costs before any application to Land Information New Zealand is made and any public notification.
- 4.12 In addition, the value of the land is paid to the Council. The value is determined by a land valuer based on the value the stopped road land adds to the property. The title of the stopped road is amalgamated with the existing land title.
- 4.13 If objections are received, the adjacent landowners/applicants will have the opportunity to cease the process or continue. If they continue, a hearing will be required, and Councillors are asked to appoint a hearing panel. The cost of the hearing will be met by the adjacent landowners/applicants.
- 4.14 If no objections are received, the Council is asked to delegate to the Chief Executive Officer the authority to complete any processes and sign any documents required to give effect to the road stopping and the disposal of the land which will be by way of a Sale and Purchase Agreement. This will include the authority to give public notice that the road has been stopped, and to complete processes for the amalgamation of the titles.
- 4.15 If the road stopping fails, the costs of the process remain payable by the applicant.

5. Analysis and Advice / Tātaritanga me ngā tohutohu

- 5.1 In both cases, the applicants have been clearly advised that the costs of the road stopping process will be payable by them, even if the application is declined following public notice. They will have signed a costs agreement prior to any notification. If there are no objections, or any objections are declined by a Council hearing, and the Environment Court agrees to the road stopping, the value of the land is payable in addition to the costs.
- 5.2 This is a significant disincentive to proceed with the road stopping application, but both have decided the benefits outweigh the risks. Given both applications involve land which is never likely to be formed as road, nor used for public recreation (given the proximity of existing recreation facilities), there is no obvious reason to not commence the road stopping process.

6. Options / Kōwhiringa

6.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	Decline to publicly notify either or both road stopping proposals.	No further work is required.	The opportunity for the potential positive outcome of a mutually beneficial road stopping is lost
2.	Agree to publicly notify either or both road stopping proposals.	Each applicant's private aspirations for the road land are able to be considered through a robust public process	There is a significant amount of staff time involved, albeit the time can be cost recovered.

6.2 Option two is recommended.

7. Legal / Ngā ture

- 7.1 Schedule 10 of the Local Government Act 1974 is quite prescriptive in setting out the process for a road stopping. The land is first surveyed. After the land is surveyed, public notification is undertaken. This includes at least two notices in Newsline, information on the Council's website, and signage erected on the relevant sites. The public has 40 working days to provide an objection. If objections are received, the Council hears the objection, and can either uphold the objection, or send the matter to the Environment Court.
- 7.2 At any stage of the process, the adjacent landowners/applicants would have the opportunity to stop the process. If objections are received, the applicant would have the opportunity to stop the process (considered reasonably likely) given the high cost of a Council hearing, and a potential Environment Court process.
- 7.3 Schedule 10 only provides for the Council to notify its intention to stop the road. The Act does not seem to contemplate the scenario of a private person applying to have road land stopped. Thus, the public notice will advise of the Council's intention to stop the road.

8. Iwi Engagement / Whakawhitiwhiti ā-Hāpori Māori

- 8.1 There is no statutory obligation to consult with iwi, albeit iwi entities have the same ability to object as any party. However, prior to notification staff intend to write to iwi alerting them to the proposal and advising iwi they may object. Pre-engagement will also be held with Wakatū Incorporation.

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

- 9.1 This decision is considered to be of low significance given the areas where the portions of the road are located.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low	While difficult to predict both road stopping proposals have no obvious impact on present or future use of the road land
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	No	
3.	Is there a significant impact arising from duration of the effects from the decision?	No	
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	While both are part of the legal road network (a strategic asset in its whole), neither are formed, nor likely to ever be formed.
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	
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	If the road is stopped, a title will be raised and added to the owners existing land title.
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	

10. Communication / Whakawhitiwhiti Kōrero

- 10.1 As is mentioned earlier in this report, staff will initiate communication with iwi, Wakatū Incorporation and other potentially interested agencies.

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

- 11.1 There should be no unbudgeted costs for the Council as any Council costs, including staff time and legal fees, will be met by the applicants.
- 11.2 The road stopping proposals may have a minor impact on the Council's finances if either or both road stopping proposals are concluded with the land being sold to the adjacent landowners/applicants. The land valuations are based on the value added to the existing land title, so are likely to be low.

12. Risks / Ngā Tūraru

- 12.1 This report seeks to minimise the risks associated with the sale of road land by undertaking the statutory requirement to publicly notify the intention to stop the road and dispose of the land. If there is significant opposition the Council will be able to terminate the process if objections are sustained at the hearing. If by any chance, there was significant opposition the adjacent owners/applicants would have the opportunity to stop the process.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

- 13.1 The intention to stop the relevant roads will have no obvious impact on the Council's climate change obligations or objectives.

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

- 14.1 There is no formal road stopping policy. The present process has evolved over many years, with applications considered by a staff committee, ahead of a decision by the Council on whether to proceed with a road stopping. Each road stopping has its own unique aspects. Development of a formal policy would be very difficult given the wide variation of reasons to seek to stop roads. The present system is considered to work well.

15. Conclusion / Kupu Whakatepe

- 15.1 In both cases, the applications involve road land which is impractical to form or use for public recreation. There seems no obvious reason to refuse to publicly notify the road stoppings.

16. Next Steps and Timeline / Ngā Mahi Whai Ake

- 16.1 The road stopping proposed for Tasman View Road is more advanced, so is likely to be publicly notified in the next month or two, once the survey plan is available. The River Road proposal will involve the applicant commissioning a survey plan. That applicant can also commission a valuation ahead of incurring the cost of a survey plan.
- 16.2 Once public notification has been undertaken, 40 working days are allowed for objectors to submit their arguments. If objections are received, the adjacent owners/applicants will have the opportunity to cease the process, or agree to meet the cost of a hearing.

- 16.3 If no objections are received, a notice is undertaken formally stopping the road. A title to the land subject to the road stopping will be raised and incorporated into the landowners existing land title by way of amalgamation.

17. Attachments / Tuhinga tāpiri

- | | | |
|----------------------|--|-----|
| 1. ↓ | 469 Tasman View Road - Plan of road proposed to be stopped | 152 |
| 2. ↓ | 105 River Road - Plan of Road proposed to be stopped | 153 |

LocalMaps Print



January 18, 2024

- Road Boundaries
- Road Name Label
- Address
- Valuation Boundaries

1:1,128 @A3

0 0.01 0.03 0.06 km

tasman
District Council
te tai o Aorere

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7.7 GRANTING OF COMMUNITY LEASES - GOLDEN BAY**Decision Required**

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Robert Cant, Programme Leader - Land & Leases
Report Authorisers:	Grant Reburn, Reserves and Facilities Manager
Report Number:	RCN24-02-10

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

- 1.1 To obtain approval to grant leases of reserve land to community groups in Golden Bay.
- 1.2 To provide the consent of the Minister of Conservation, acting as the Minister's delegate, to the granting of the community leases.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 Six community leases are proposed to be granted by the Council. All are in Golden Bay. The Golden Bay Community Board has supported the granting of the six leases.
- 2.2 Two leases are to be issued over parts of the Golden Bay Community Centre at 88 Commercial Street. This is Local Purpose Reserve land, so is not required to be publicly notified, nor is the Minister of Conservation's consent required. The two leases are to be issued to Golden Kids Incorporated and Mohua Social Services Charitable Trust.
- 2.3 Four leases are to be issued over various Recreation Reserves. These are not required to be publicly notified, due to the fact they are contemplated in the Reserve Management Plan. Because they are issued on Recreation Reserves, the Minister of Conservation's consent is required. This consenting role is delegated to the Council. These leases are to Aotearoa Playcentre, St John's, Pōhara Bowling Club and the Tākaka Drama Society.
- 2.4 The Council must make a separate decision to consent to the granting of the leases, acting as the Minister of Conservation's delegate.

3. Recommendation/s / Ngā Tūtohunga**That the Tasman District Council**

1. receives the Granting of Community Leases - Golden Bay report, RCN24-02-10; and
2. approves the granting of a five-year lease under Section 61(2A) Reserves Act 1977 to Golden Kids Incorporated, over part of the Golden Bay Community Centre at 88 Commercial Street, Tākaka; and
3. approves the granting of a five-year lease, under Section 61(2A) Reserves Act 1977 with one right of renewal, to Mohua Social Services Charitable Trust, over part of the Golden Bay Community Centre at 88 Commercial Street, Tākaka; and

4. approves the granting of a five-year lease under Section 54(1)(b) Reserves Act 1977 to Pōhara Bowling Club Incorporated, over part of the Pōhara Recreation Reserve; and
5. approves the granting of a five-year lease to Tākaka Drama Society Incorporated, under Section 54(1)(b) Reserves Act 1977 over part of the Golden Bay Recreation “Park”; and
6. approves the granting of a five-year lease under Section 54(1)(b) Reserves Act 1977 to Order of St John South Island Regional Trust, over part of the Golden Bay Recreation “Park”; and
7. approves the granting of a five-year lease under Section 54(1)(b) Reserves Act 1977 to Te Whanau Tupu Ngatahi o Aotearoa – Aotea (Tākaka Playcentre), over part of the Killarney Recreation Reserve – 5 Lake Terrace, Tākaka; and
8. consents to the granting of the leases specified in clauses 4 – 7 of the resolution, acting as the Minister of Conservation, by virtue of a delegation from the Minister of Conservation dated 12 June 2013.

4. Background / Horopaki

- 4.1 The Council has approximately 100 leases issued in favour of community groups throughout the Tasman District.
- 4.2 The community groups listed later in this report have undertaken services which provide benefits to their community. The community groups have operated effectively and in accordance with their respective leases - with the exception of Mohua Social Services (which has not had a lease in the past but has operated effectively).
- 4.3 The Property Transactions team works with the Reserves and Facilities team to review each community lease. In each case listed, the community group has continued to operate effectively, and a new lease is recommended.
- 4.4 The leases are issued under the Reserves Act 1977. The Act does not differentiate between granting a new lease to an existing group and a new group seeking a lease, in terms of the process to decide whether or not to grant a lease to a community group. There is, however, a slightly different process depending on whether the occupation is of Recreation Reserve, or Local Purpose Reserve.
- 4.5 The leases listed below were referred to the Golden Bay Community Board and discussed at the Board meeting in December 2023. The Board recommended the granting of the leases to the following community groups.
- 4.6 The Council is asked to grant the following community leases, acting in its capacity as administering body of the relevant reserves.
- 4.7 Leases of Recreation Reserves (Sec 54, Reserves Act 1977) also require the consent of the Minister of Conservation. In 2013, the Minister delegated the powers to consent to Local Authorities. It is important to distinguish between the decision to grant the lease (Acting as the Council), and the decision to consent to the granting of the lease (Acting as the Minister). To add to the complexity, leases of Local Purpose Reserves do not require the consent of the Minister.
- 4.8 The following two leases are recommended to be granted. These leases are issued over Local Purpose Reserves, so do not require the consent of the Minister.

- 4.9 **Golden Kids Incorporated** – 88 Commercial Street Tākaka. Local Purpose Reserve. The activity is contemplated in the relevant management plan. Granted under Section 61(2A) Reserves Act 1977 for 5 years. Council owned building.
- 4.10 **Mohua Social Services Charitable Trust** (Mohua Social Services) – 88 Commercial Street, Tākaka. Local Purpose Reserve. This is a new lease, so not contemplated in a management plan. The Mohua Social Services group has occupied a part of the Hall Building for many years. On behalf of the Hall Committee, it has administered bookings for the Hall, while paying rent for the office accommodation used by Mohua Social Services. The lack of a formal lease has recently caused issues for Mohua Social Services, and it requested a lease to enable it to obtain funding to continue its work. The proposal is to grant a lease of the relevant portion of the Hall Building for five years, with a right of renewal for a further five years. Mohua Social Services will be obliged under the lease to continue to provide booking and other services to the Hall Committee. In effect, the lease will document long standing arrangements between the Hall Committee and Mohua Social Services, which are working well. Granted under Section 61(2A) Reserves Act 1977. Same Council owned building as Golden Kids.
- 4.11 The following four leases are recommended to be granted for five years. These leases are issued over Recreation Reserves, so also require the consent of the Minister of Conservation (under delegation to the Council). All are contemplated in the relevant management plan so public notice is not required. These leases are to be issued in accordance with Section 54(1) of the Reserves Act 1977 (Leasing of Recreation Reserves)
- 4.12 **Pōhara Bowling Club Incorporated** – Pōhara Recreation Reserve (NL9B/899). The activity is contemplated in the relevant management plan. The building and other improvements (bowling green) are owned by the Club.
- 4.13 **Tākaka Drama Society Incorporated** – Golden Bay Recreation “Park” (Recreation Reserve NL62/224 and NL75/221). The building is owned by the Society.
- 4.14 **Te Whanau Tupu Ngatahi o Aotearoa – Playcentre Aotearoa** (Tākaka Playcentre), 5 Lake Crescent. Recreation Reserve (204583). Building is owned by the Playcentre organisation.
- 4.15 **Order of St John South Island Regional Trust Board**. Golden Bay Recreation “Park” (Recreation Reserve NL62/224 and NL75/221). The building is owned by the Society.
- 4.16 In addition to deciding to grant the leases (acting as the Council – Reserve administering body) the Council is asked to consent to the granting of the leases acting as the Minister of Conservations’ delegate. In acting as the Minister, the Council needs to be satisfied that the granting of the leases does not conflict with the overall purpose of the Reserves Act 1977, and are appropriate activities on Reserve land. Given these activities are longstanding community uses, contemplated in the relevant management plans, providing consent to these leases is considered appropriate.
- 4.17 The Mayor and Councillors will be aware that the development of a community leasing policy is progressing. Ideally these leases would be delayed until the policy was finalised. Given the policy is unlikely to be finalised until late 2024, or early 2025 and these are routine and longstanding occupations, the likelihood of the new policy materially varying how these (and similar) uses operate is considered low. It is considered preferable to have up to date documentation than wait for the policy.

5. Analysis and Advice / Tātaritanga me ngā tohutohu

- 5.1 The occupations by these community groups are longstanding.
- 5.2 The Golden Bay Community Board was consulted on the intention to issue these leases and supported the leases at its meeting in December 2023.
- 5.3 All the occupations, except for Mohua Social Services, are contemplated in the relevant management plans which have undergone public consultation in the past. Mohua Social Services is a new lease, but one which documents a longstanding occupation. A lease is needed to allow Mohua Social Services to seek funding/grants to continue its work.

6. Options / Kōwhiringa

- 6.1 The options are outlined in the following table:

Option		Advantage	Disadvantage
1.	To grant all the community leases, and consent acting as the Minister, as listed	This will allow the important community work undertaken by the relevant groups to continue.	Other than the staff time administering the leases there is no obvious disadvantage.
2.	To refuse to grant some of the leases, but not others	This would mean the relevant groups would have to cease providing their services or find other accommodation.	Without having signalled in advance that the Council was contemplating refusing to issue a new lease, this would create reputational risk.
3.	To refuse to grant all of the leases.	This would mean the relevant groups would have to cease providing their services or find other accommodation.	Without having signalled in advance that the Council was contemplating refusing to issue a new lease, this would create reputational risk.

- 6.2 Option one is recommended.

7. Legal / Ngā ture

- 7.1 Sections 54 and 61 of the Reserves Act 1977 specifically provide for the issue of leases for community groups. The practice of issuing community leases is routine and in keeping with both the spirit and intention of the Act. There is no known legal risk in granting these leases.

8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 8.1 The granting of individual community leases is not an area of the Council's work which has traditionally been consulted on with iwi. Given these are long standing occupations of reserve land and are relatively short terms, it is considered unlikely that iwi would have an interest. Iwi consultation does typically occur when new occupations are contemplated – albeit the Mohua Social Services occupation is of such a long-standing nature iwi consultation isn't considered necessary.

- 8.2 Iwi consultation does occur when ward management plans are developed, albeit the Golden Bay Ward plan dates back to 2003, and would not have been specifically consulted on with iwi.

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

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	No	The renewals seem unlikely to draw any controversy. Even if all or some of the leases were declined (not recommended), the controversy would be comparatively localised.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Yes	Renewal of the leases will enhance community wellbeing.
3.	Is there a significant impact arising from duration of the effects from the decision?	No	These occupations/leases have existed for a long time
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	No	While reserves as a collective are a strategic asset, these individual leases would not be considered strategic in an overall sense.
5.	Does the decision create a substantial change in the level of service provided by Council?	No	These occupations/leases have existed for a long time
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	No	These occupations/leases have existed for a long time
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	No	These occupations/leases have existed for a long time
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	The community groups involved would not meet the threshold of a “private sector partnership”.
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	No	These occupations/leases have existed for a long time

	Issue	Level of Significance	Explanation of Assessment
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	None of the activities will impact on water services.

10. Communication / Whakawhitiwhiti Kōrero

- 10.1 If the decision is to grant these leases, the relevant community groups will be sent a new document to sign. Communication has occurred already informing the groups that new leases are being contemplated.

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

- 11.1 The granting of these leases realistically extends existing arrangements. There are no significant financial implications from granting these leases.

12. Risks / Ngā Tūraru

- 12.1 There is always some risk in dealing with community groups. From time to time, groups go into decline, or there is conflict within the memberships. In these cases, there are no known issues with any of the groups. If there were issues, it would be hoped the Community Board would be aware of them. The risk of granting these leases is considered low.
- 12.2 Having up to date lease documentation reduces the risks to the Council and the community groups. When arrangements are not properly documented, there is a greater risk of misunderstandings, with questions around maintenance and insurance a particular risk if responsibility is not documented.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

- 13.1 These occupations/leases have existed for a long time and seem unlikely to impact Climate Change. The Pōhara Bowling Club location is potentially vulnerable to climate change, but granting this lease will not impact on the vulnerability.

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

- 14.1 Granting these leases is consistent with the Golden Bay Ward Reserve Management Plan (2003) and Reserves General Policy.

15. Conclusion / Kupu Whakatepe

- 15.1 The proposal to offer new leases to the relevant community groups is either contemplated in the relevant management plan or is a long standing occupation (Mohua Social Services) being formalised with an agreement. The Golden Bay Community Board has been consulted and supports the granting of the leases.

16. Next Steps and Timeline / Ngā Mahi Whai Ake
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- 16.1 Assuming the Council resolves to offer these leases to the relevant community groups, documentation will be prepared for signing.

17. Attachments / Tuhinga tāpiri

Nil

7.8 CHANGE OF MEMBERSHIP - ANIMAL CONTROL SUBCOMMITTEE**Decision Required**

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Elaine Stephenson, Team Leader - Democracy Services
Report Authorisers:	Jennie McFarlane, Legal & Democracy Services Manager
Report Number:	RCN24-02-11

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

- 1.1 To make an appointment to the Tasman District Council Animal Control Subcommittee.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 Deputy Mayor Bryant has asked to be removed as a member of the Animal Control Subcommittee and for a replacement member to be appointed in his place.
- 2.2 The Environment and Regulatory Committee has responsibility for regulatory functions relating to Animal Control. The Animal Control Subcommittee is a subcommittee of the Environment and Regulatory Committee.
- 2.3 The Subcommittee's purpose is to conduct hearings and make determinations on matters under the Dog Control Act 1996.
- 2.4 The role of the Subcommittee is to objectively consider objections to Animal Control officers' decisions, take the required matters into account, and to make a determination, where provided for in the Dog Control Act 1996.
- 2.5 This is a quasi-judicial process in which the subcommittee receives an officer report, which sets out:
- 2.5.1 what action has been taken;
 - 2.5.2 The statutory background/authority for the action;
 - 2.5.3 The evidential basis for the decision; and
 - 2.5.4 Any other matters that the Subcommittee is required to have regard to under the Dog Control Act 1996.
- 2.6 The dog owner also needs to be provided with a reasonable opportunity to present their case and provide any evidence to the Subcommittee.
- 2.7 When making a determination, the Subcommittee must have regard to the evidence and matters as required by the Dog Control Act 1996, and its decisions need to be in accordance with the principles of natural justice.
- 2.8 The current membership of the Animal Control Subcommittee is Councillor Hill (Chair), Deputy Mayor Bryant and Councillor Maling. The quorum is two members.

- 2.9 The Subcommittee's Terms of Reference state that the Subcommittee shall consist of three elected members and the Council is therefore requested to appoint a replacement member for Deputy Mayor Bryant.

3. Recommendation/s / Ngā Tūtohunga

That the Tasman District Council

- 1. receives the Change of membership - Animal Control Subcommittee report RCN24-02-11; and**
- 2. notes that Deputy Mayor Bryant is no longer appointed as a member of the Tasman District Council Animal Control Subcommittee; and**
- 3. appoints XXXXXXXX as a member of the Tasman District Council Animal Control Subcommittee, with effect from 15 February 2024.**

4. Next Steps and Timeline / Ngā Mahi Whai Ake

- 4.1 Council staff will undertake the necessary administration regarding this change in membership.

5. Attachments / Tuhinga tāpiri

Nil

7.9 TREASURY QUARTERLY REPORT

Information Only - No Decision Required

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	James Bagnall, Financial Analyst
Report Authorisers:	Mike Drummond, Group Manager - Finance
Report Number:	RCN24-02-12

1. Summary / Te Tuhinga Whakarāpoto

- 1.1 This report provides an update on the Council's Treasury operations, reporting on compliance with the Treasury Policy, along with a finance market update.
At 31 January 2024, Council's total debt had increased to \$327.0 million.
- 1.2 The Council is compliant with most limits in the Treasury Risk Management Policy: §4.2 Borrowing Capacity; §6.2.2 Liquidity Funding/Risk Position; and §6.3 Counterparty Risk.
- 1.3 Available Financial Accommodation as a % of total debt – the "liquidity ratio" – is below the 110% limit due to the facility drawings having to be for a minimum of 30 days each, this technical breach will self-correct mid-February 2024.
- 1.4 The current interest rate risk position is temporarily non-compliant with §6.1.2 Interest Rate Risk limit in future years. The debt forecast includes fixed-rate loans for pass-through lending to Waimea Water Limited (WWL), including re-financing existing advances. However, those WWL loans have not been re-financed yet, so don't drop out of the future forecast position until April 2024 bringing us back into compliance.
- 1.5 The interest rate differential between the amount the Council has pre-funded from the Local Government Funding Agency (LGFA), and the amount re-invested in term deposits is a current side benefit and not the driver of the pre-funding strategy. Currently, the average term deposit rates for all maturities six months or greater is higher than the LGFA borrowing cost, but quotes are solicited from banks as there can still be variation between them.
- 1.6 The Council's cost of borrowing (loan interest, swaps interest differential, facility fees) is 4.794% on Total Debt, compared to a budget of 4.40% (2021-22 budget was 3.63%). The Treasury (internal bank) cost centre now has an operating deficit, despite lower than forecasted debt levels. Since most of our fixed-rate borrowing is pass-through funding, the increased cost is mostly due to our average interest rate after swaps being above budget. Without the use of these swaps to fix interest rates the average cost of borrowing would be higher at 4.977%. The additional financing costs will be passed on to the activities with loans so the treasury operation does not run a deficit for the year.
- 1.7 Inflationary pressures have caused the Reserve Bank to make larger increases to the OCR (Overnight/Official Cash Rate), which is now at 5.50% per annum. The OCR influences the price of borrowing money in New Zealand and allows the Reserve Bank to influence the level of economic activity and, therefore, inflation. Small increases to 5.75% by April 2024

are now predicted, along with a very slow decline after that. That's framed by debate about whether increased interest rates would help with addressing the current inflationary pressures. Those pressures are arising from monetary and fiscal policy settings, along with the global economic situation.

- 1.8 The Council has now pre-funded most of the next 12 months of scheduled LGFA loan repayments (excluding pass-through Shareholder advance lending to WWL) being \$16.6 million due in April 2024 and \$9.0 million due in July 2024. Pre-funding improves the Council's liquidity position and is seen as positive from a credit-rating perspective as it helps reduce refinancing risk. Staff continue to monitor cash flows closely. This monitoring will inform the timing of any drawdown of additional borrowing.
- 1.9 Crown Irrigation Investments Limited (CIIL) interest-free facilities total \$25.5 million following repayment of the first \$2.5 million tranche. They were provided to assist with funding and cost over-runs for the Waimea Community Dam. Additional advances for this project are now all sourced from the LGFA.

2. Recommendation/s / Ngā Tūtohunga

That the Tasman District Council

- 1. receives the Treasury Quarterly Report, RCN24-02-12.**

3. Treasury Activity

- 1.10 At 30 September 2023, the Council's total debt was \$292.4 million. The key activities since the last report were:
 - October 2023
 - Pre-funded \$9 million of Waimea Community Dam borrowing; funds were put on term deposit until they are needed in July 2024.
 - Drew \$7 million from ASB facility for cashflow timing fluctuations (repaid November 2023).
 - November 2023
 - Borrowed \$6 million for the Council's share of the Port Tarohe upgrade project.
 - Borrowed \$5.1million for strategic land purchase (King Edward Street, Motueka).
 - December 2023
 - Re-financed \$2.5 million of CIIL borrowing (Waimea Dam 2018 share purchases) via Local Government Funding Agency.
 - Borrowed \$3 million for Tasman District Council's share of the Nelson Regional Sewerage Business Unit's capital expenditure programme.
 - Re-financed \$9 million Waimea Community Dam shareholder advances (the "CCO Loan").
 - Borrowed \$2.5 million for Waimea Community Dam shareholder advances.
 - Drew \$9 million from ASB facility for cash flow timing fluctuations (to be repaid February 2024).

- Transacted \$15 million of forward-start interest rate swaps (starting between 25 December and 26 December) to provide interest rate risk coverage in future years.
- January 2024
 - Drew \$5 million from Westpac facility for cashflow timing fluctuations (to be repaid February 2024).

4. Treasury January 2024

Borrowing

- 4.1 The Council is compliant with most of the 2023 Treasury Risk Management Policy, §4.2.

§4.2: Borrowing	Jan 2024	Within Limits	Possible Limit	
Net external debt ≤20% of equity*	10.5%	✓	\$436m	Net Debt
Net external debt ≤225% of total operating revenue*	141.0%	✓	\$365m	Net Debt
Net interest* ≤15% of total revenue*	5.4%	✓	\$24m	Net Interest
Net interest* ≤25% of total rates*	9.7%	✓	\$22m	Net Interest
Liquidity ≥110% of total external debt	109.2%	X	\$278m	External Debt
* Latest audited results: Annual Report 2023, published 31-Oct-23				

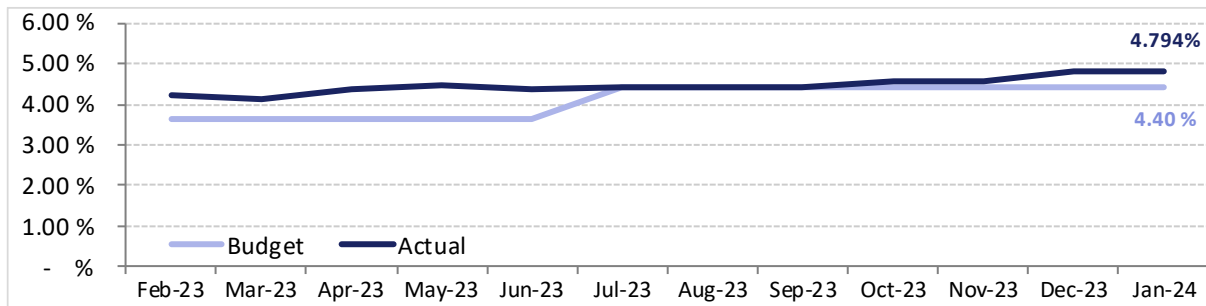
- 4.2 Available Financial Accommodation – the "liquidity ratio" – is below the threshold due to drawdowns from bank facilities. The minimum period is 30 days for each drawdown, so the limit will remain non-compliant until mid-February 2024.
- 4.3 The actual result closest to the limit sets the indicative maximum borrowing amount. When the liquidity ratio regains compliance, the debt-to-revenue limit would be the first one reached if external debt (total debt minus pre-funded loans) rose to \$365 million.
- 4.4 The interest-to-revenue and interest-to-rates limits are sensitive to movements in borrowing costs. The current high limit on potential borrowings is due to the historically low interest rates (perpetuated using interest rate swaps).
- 4.5 LGFA financial covenants continue to be the same or less onerous than 2023 Treasury Policy limits.

Debt Levels

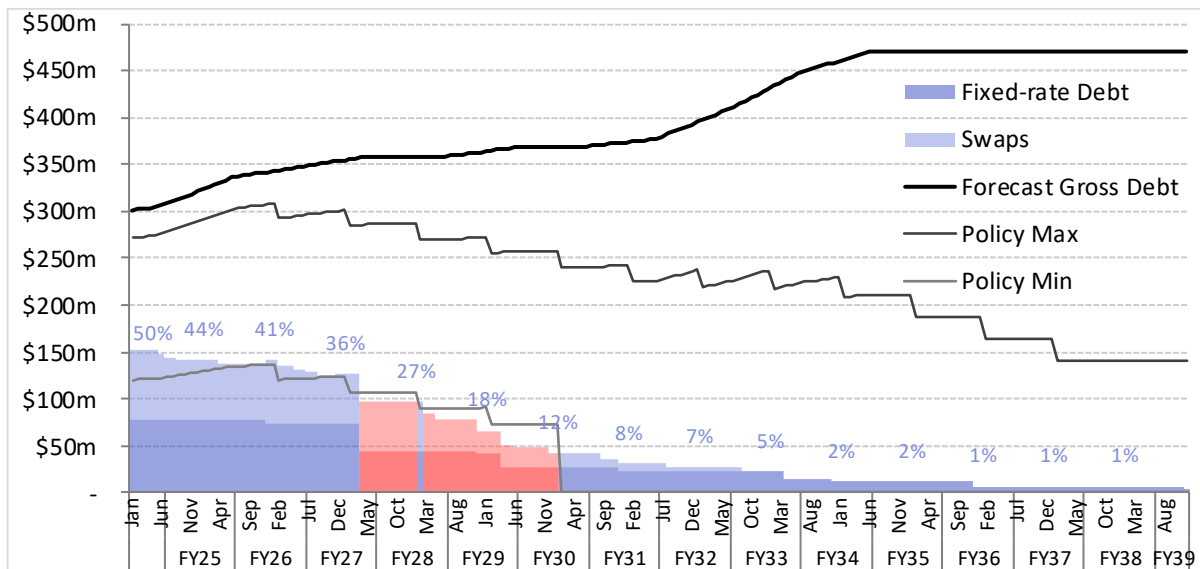
\$327.0m	Total Debt	All borrowing
\$235.8m	Gross Debt	Total Debt, minus pre-funded and pass-through loans
\$229.0m	Net Debt	Gross Debt, minus all other deposits

Cost of Borrowing and Cost of Funds

4.977%	Cost of Loans	Interest, as % of Total Debt
-1.018%	Benefit of Swaps	Interest differential (w.a. -0.230%), as % of Total Debt
0.387%	Cost of Facilities	Line fees (w.a. 0.047%), as % of Total Debt
4.794%	Cost of Borrowing	Total interest and fees, as % of Total Debt



Interest Rate Risk Position



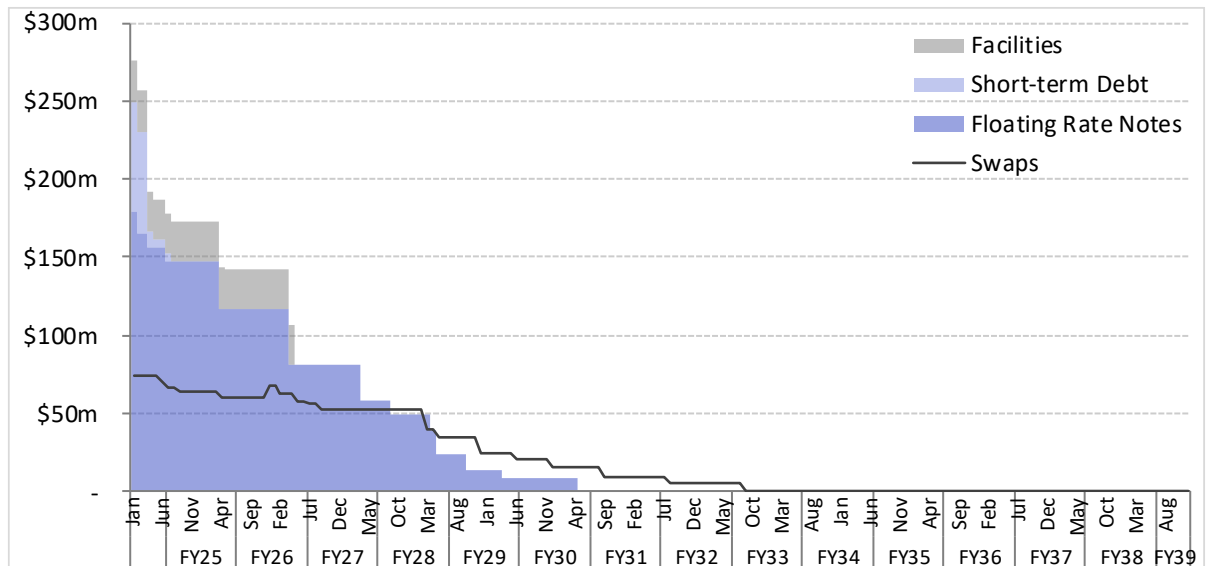
- 4.6 This shows a snapshot of the current fixed-rate debt – fixed-rate loans and floating-to-fixed swaps – with a maturity greater than 12 months, charting its maturity over time against a corridor of the policy maximum and minimum levels (as a % of forecast Gross Debt). "Fixed-rate" is defined as having an interest rate resetting maturity/expiry date greater than 12 months away.
- 4.7 The current debt forecast includes fixed-rate loans for pass-through lending to the Waimea Community Dam. However, those loans have not all been borrowed yet, or mature in April 2024 (therefore dropping out of the metric entirely) even though forecast to be re-financed, making the current position non-compliant in some future years.

\$6.1.2: Interest Rate Risk	Minimum	Maximum	Fixed*	Within Limits
Current	40%	90%	50%	✓
Until Jan 2025	40%	90%	44%	✓
Until Jan 2026	35%	85%	41%	✓

* Fixed-rate loans and swaps still available at future date ÷ forecast debt at future date

Interest Rate Swaps

- 4.8 The Group Manager Finance has delegated authority to enter into interest rate swaps on behalf of the Council, on the proviso that such transactions are reported back to the Council. The Council's approval is required before entering into long-dated swaps with a maturity over 12 years.

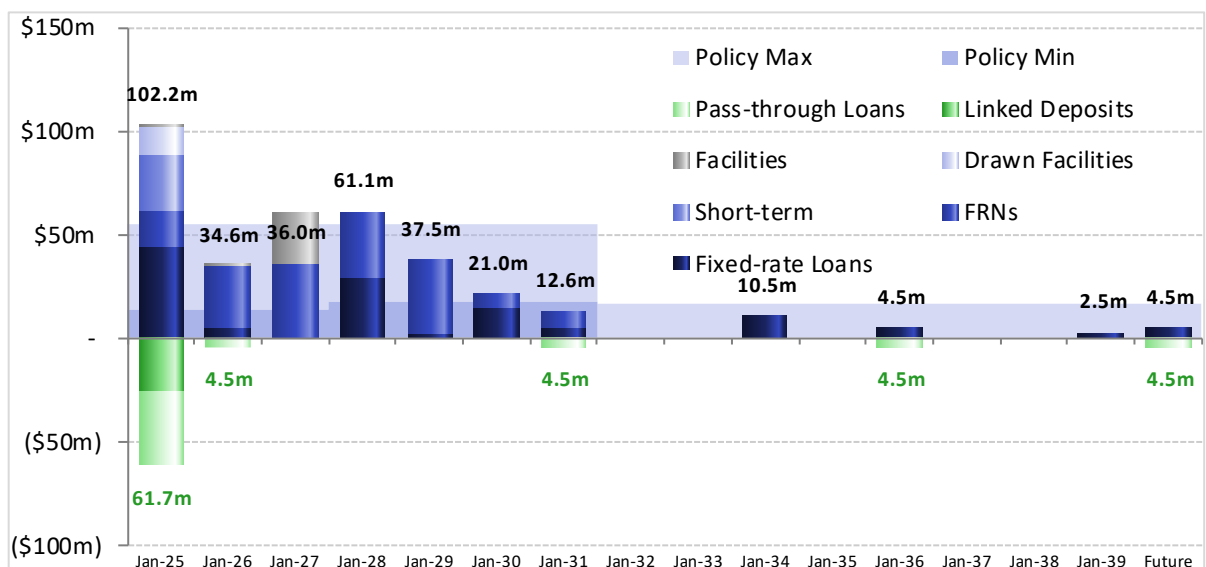


- 4.9 The Council's swap coverage will not currently exceed potential floating-rate debt (FRNs, short-term commercial paper, facilities) for several years.
- 4.10 The Council transacted their first swaps since June 2018 in December 2024, with \$15 million of three-year forward-start swaps coming into effect between December 2025 and December 2026. Swaps prices are currently fluctuating, so \$15 million was the minimum required to remain compliant with Treasury Policy limits when combined with the imminent re-finance of fixed-rate loans.

Liquidity

- 4.11 The liquidity ratio calculation represents the total committed bank facilities and term debt amounts, together with liquid investments – the Available Financial Accommodation – over the external debt amount (total debt minus pre-funded loans). The liquidity ratio is 109.2% (target: >110%) and represents the debt headroom available within the Council's facilities, along with cash available over and above its existing external debt.

Funding Maturity Risk Position



- 4.12 This chart groups loan maturities in 12-month blocks. Also shown are available facilities, deposits linked to pre-funding loans, and pass-through loans. The shaded background

shows the maximum and minimum liquidity maturity bands (including facilities) in the 2023 Treasury Risk Management Policy:

§6.2.2: Liquidity*/Funding Risk	Minimum	Maximum	Jan 2024	Within Limits
0 – 3 Years	15%	60%	49%	✓
3 – 7 Years	25%	80%	47%	✓
7+ Years	0%	60%	5%	✓
* Including facilities, and net of linked deposits				

- 4.13 Ensuring a spread of maturities reduces the risk of having to find large amounts of capital, or refinance loans, at a time in the future in which market conditions may be unfavourable.

Counterparty Credit Risk

- 4.14 The 2023 Treasury Risk Management Policy, §6.3 requires that New Zealand registered banks (as counterparties) must have a minimum S&P (or equivalent) short-term rating of A-1+ or long-term rating of AA-. All the Council's counterparty banks are S&P AA- rated.

§6.3: Counterparty Risk – \$30m	Deposits*	Swaps**	Jan 2024	Within Limits
ANZ	-	\$2.3m	\$2.3m	✓
ASB	\$6.7m	\$1.7m	\$8.4m	✓
BNZ	\$9.0m	-	\$9.0m	✓
Westpac	\$16.6m	\$7.0m	\$23.6m	✓
* 100% of principal				
** 3% of notional value x remaining years				

Current Borrowings

Counterparty	Fixed*	Floating	Jan 2024
LGFA	\$96.2m	\$164.8m	\$261.0m
LGFA (short-term Commercial Paper)	-	\$26.5m	\$26.5m
Crown Irrigation Investments Ltd (interest-free loans)	\$25.5m	-	\$25.5m
ASB Facility/Overdraft	-	\$9.0m	\$9.0m
Westpac Facility	-	\$5.0m	\$5.0m
Total	\$121.7m	\$205.3m	\$327.0m
* Having an interest rate resetting maturity/expiry date greater than 12 months.			

Local Water Done Well

Future debt forecasts include the 3-waters activities remaining with the Council and are based on the draft 2024-34 Long Term Plan projections.

5. Investments

- 5.1 The Council's cash investments total \$32.3 million with an average interest rate of 6.023%. In line with the Treasury Policy, specific reserves are not kept as cash. The Council continues to maintain adequate cash reserves and committed bank facilities to support any drawdown against specified reserves.

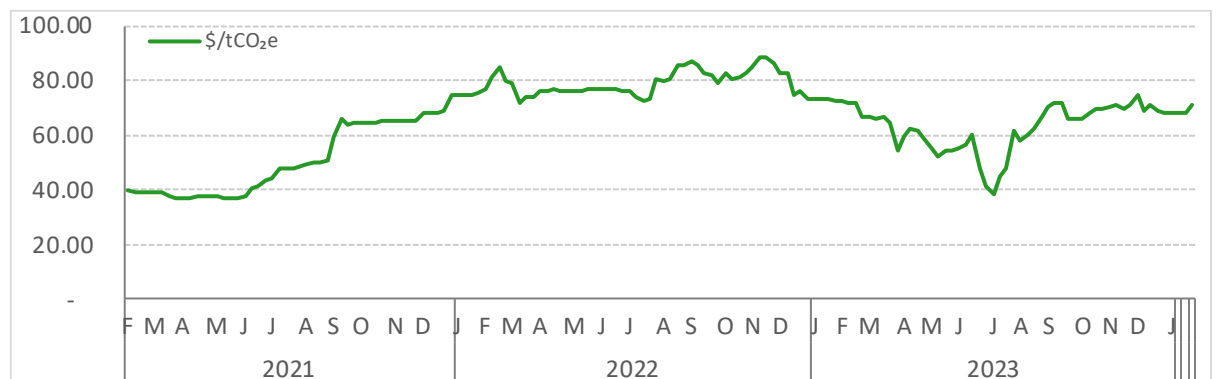
5.2 The individual investment balances are as follows:

Counterparty		Jan 2024	Interest
ASB	Call Account	\$6,704,495	5.50%
BNZ	Call Account	\$100	-
Westpac	Call Account	\$2,243	2.30%
ASB	On-call Money-market	\$3,127	5.35%
Westpac	Term Deposit (238 Days)	\$16,600,000	6.03%
BNZ	Term Deposit (254 Days)	\$9,000,000	6.40%
Total		\$32,309,964	6.023%

- 5.3 Since October 2021, ASB has included the Council in the all-of-government arrangement which pays interest on call account balances at the previous day's OCR. This is currently better than the ASB on-call money-market account rate that other customers receive. This account was usually used for daily surplus cash.

6. Emissions Trading Scheme

- 6.1 The objective of the Emissions Trading Scheme (ETS) carbon credit policy is to minimise the impact of the movements in the carbon credit prices on the Council.



- 6.2 ETS risk is managed under the limits in the 2023 Treasury Risk Management Policy, §6.4.

§6.4: Forward Cover Risk	Minimum	Maximum	Oct 2021	Within Limits
Committed*	80%	100%	100%	✓
Forecast Period				
0 – 1 Years	0%	80%	80%	✓
1 – 2 Years	0%	50%	50%	✓
2 – 3 Years	0%	30%	0%	✓
* Exposure becomes committed in Jan-Mar (quarter following emission period as the Council must report emissions from the previous year)				

- 6.3 Consultation has started on proposed amendments to the ETS. There are two sets of proposed amendments to strengthen the ETS framework and to reduce the complexity around the forestry scheme. The Council has no direct exposure to landfills' ETS liabilities as these are managed through the Nelson Tasman Regional Landfill Business Unit.

7. Market Update

- 7.1 Short term yields are mixed with 2 months to 6 month yields up 1 bp and 1-year yields down 4 bps over the week. Currently, markets are pricing the OCR (currently 5.5%), to be 5.52% at the next Reserve Bank meeting on 28 February 2024 before falling 149 bps by May 2025 to 4.03%. The expected rise in the OCR is because inflation is still high at 4.66% YoY. The recent increase in immigration has provided New Zealand's GDP with a boost – or at least masked the stagnation – but also increased demand (and aided inflation) in areas such as housing.
- 7.2 Long term interest rates are down between -2 bps (Apr 25's) and -11 bps (Apr 33's). LGFA borrowing spreads have been mixed between -1 bp in the short end of the curve and 1 bp in the long end over the week to 1 February 2024. In local news, ANZ's January Business Confidence rose by 4 pts to 36.6 pts while expectations fell to 4.28% (previous 4.61%). In offshore news, the Australian CPI which came out 31 January 2024 had the headline inflation slowing down to 4.1% y/y from 5.4% y/y. Both the RBNZ and US Federal Reserve cautioned markets about getting too bullish on the outlook for rate cuts in the near term.

8. Treasury Cost Centre

- 8.1 The Treasury cost centre operates as the Council's internal bank. It manages the external costs of borrowing and allocates them across internal loans within individual activities. It also pays/charges interest on reserves and activity balances. In accordance with the Treasury Risk Management Policy, these interest rates are set quarterly. For the quarter starting January 2024, interest is charged on loans and overdrawn closed account balances at c5.0% and paid at c4.0% on credit balances for the next quarter. With the unbudgeted increase in borrowing costs these internal rates are still being finalised to ensure that the annual increased cost of borrowing is reflected in activities with loans and the Treasury Cost centre is forecast to end the year without a deficit.

9. LGFA ESG Borrowing

- 9.1 The LGFA is looking to borrowing councils to support its Environmental, Social, and Governance (ESG) reporting and funding initiatives. Investors are increasingly applying these non-financial factors as part of their analysis to identify material risks and growth opportunities. Councils who can align their new borrowing to these factors get a slightly reduced interest rate from the LGFA. Council staff will be reviewing how we can assist with reporting tracking ESG factors and borrowing over the next 12 months.

10. Attachments / Tuhinga tāpiri

Nil

7.10 HALF YEAR FINANCIAL REPORT TO 31 DECEMBER 2023**Information Only - No Decision Required**

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Paul Egan, Senior Management Accountant
Report Authorisers:	Mike Drummond, Group Manager - Finance
Report Number:	RCN24-02-13

1. Summary / Te Tuhinga Whakarāpoto

- 1.1 This six-monthly financial report provides an update on key financial information as at the end of December 2023. The Council's borrowing position, compliance with covenants and projected debt levels are provided in the separate Treasury report to this meeting.
- 1.2 In the six months to December 2023 there have been events with several impacts on the headline financial performance. These arise from changes to operating revenue and expenditure items, sources of funding for capital expenditure and market valuations. Combined, these have a large impact on the reported Accounting Surplus result, even though some are unrealised non-cash items or are capital related.
- 1.3 In the second quarter of the financial year, we have seen the continued impact of cost increases within the current economic environment, this together with the abovementioned factors lead to a larger than budgeted operational deficit.
- 1.4 A full re-forecast to year end is being undertaken and will be presented at the March 2024 Council meeting.
- 1.5 In the current Annual Plan (2023/24), the Council budgeted for a December 2023 year to date controllable deficit of \$14 million; the actual December 2023 result was a deficit of \$16.8 million, which is an unfavourable variance of \$2.8 million. The drivers of the overall unfavourable movement are detailed in **Table 1**, but higher maintenance expenditure, forestry reinstatement and replanting costs and deficits in some Environmental Assurance activities are key drivers. We have budgeted an operational deficit as we are yet to move to fully fund depreciation and some project expenditure for the Tasman Environment Plan and the Digital Innovation Programme is classified as operational but is being loan funded.
- 1.6 The focus of this report is the year-to-date position as at 31 December 2023. **Table 1** provides a reconciliation of the accounting result compared to the operational position. The operational position strips out non-cash items and items that can only be used to fund capital expenditure eg, swap revaluations, vested assets and capital subsidies. This is then a proxy for running a balanced budget where operational expenditure is covered by operational income.

Table 1

Accounting Surplus v Operating Surplus, \$000's				
	YTD Actual Dec 2023	YTD Budget Dec 2023	Variance YTD \$000	Budget 2023/24
Accounting Surplus/(Deficit)	97	12,604	(12,506)	31,419
Less Non Controllable				
Development and financial contributions	10,107	6,871	3,235	13,742
Revaluation of Swaps (non cash)	(1,494)	0	(1,494)	1,555
Vested Assets (non cash)	0	3,979	(3,979)	7,959
Capital subsidies	8,339	15,809	(7,470)	31,617
Share of Associates	0	0	0	3,176
Total	16,952	26,659	(9,708)	58,049
Controllable Operational Surplus/(Deficit)	(16,855)	(14,055)	(2,798)	(26,630)
Explained by				
Income	83,648	79,075	4,573	157,053
Expenditure	100,503	93,130	(7,371)	183,683
Total	(16,855)	(14,055)	(2,798)	(26,630)

2. Recommendation/s / Ngā Tūtohunga

That the Tasman District Council

1. receives the Half Year Financial report to 31 December 2023, RCN24-02-13.

3. Purpose of the Report

- 3.1 The purpose of this report is to update the Council on the financial performance for the six months to 31 December 2023.

4. Background and Discussion

- 4.1 This is the second financial report for the 2023/2024 financial year and covers financial performance for the six months to 31 December 2023.
- 4.2 Controllable operating income for December 2023 YTD is \$83.6 million. This is a YTD favourable variance of \$4.5 million against a December 2023 YTD budget of \$79.1 million. The drivers are set out in Section 6 with Operating Subsidies and Forestry Income being the key drivers.
- 4.3 Controllable operating expenditure for December 2023 YTD is \$100.5 million. This is an unfavourable variance of \$7.4 million on the December 2023 YTD budget of \$93.1 million. The drivers are set out in Section 7 with roading and water maintenance, and forestry harvesting and reinstatement costs being the key drivers.
- 4.4 Capital expenditure to date totals \$37 million at 31 December 2023. The full-year budget including carryovers is \$102.5 million. Capital expenditure is being monitored closely with the high budget and the number of additional capital items approved since the start of the financial year.

- 4.5 Total net debt at 31 December 2023 is \$225.4 million compared to the 2023/24 full-year budgeted net debt of \$249.9 million. Careful management of the Councils cashflow and both capital and operational expenditure will be required to ensure the Council remains under its Net Debt cap of \$250 million.

5. Statement of Comprehensive Financial Performance

Table 2

Statement of Comprehensive Revenue and Expense, \$'000's For the year to December 2023				
	YTD Actual Dec 2023	YTD Budget Dec 2023	Variance YTD	Budget 2023/24
REVENUE				
General rates	26,731	26,357	374	52,713
Targeted rates	22,740	22,465	274	45,117
Development and financial contributions	10,107	6,871	3,235	13,742
Operating subsidies and grants	6,718	6,377	342	12,825
Capital subsidies and grants	8,339	15,809	(7,470)	31,617
Fees and charges	9,606	11,269	(1,663)	21,863
Other revenue	15,226	16,175	(949)	32,365
Fair value gain on revaluation	(1,494)	0	(1,494)	1,555
Other gains	0	31	(31)	62
Finance income	2,627	380	2,247	67
Revenue of joint operations	0	0	0	11,982
Total revenue	100,600	105,734	(5,135)	223,908
EXPENSE				
Finance expense	6,689	5,663	(1,026)	11,325
Employee related expense	19,138	19,223	85	38,987
Other expenses	37,732	36,223	(1,508)	67,024
Maintenance	17,112	12,553	(4,559)	27,410
Depreciation and amortisation	19,832	19,468	(363)	38,937
Expenditure of joint operations	0	0	0	8,806
Total expense	100,503	93,130	(7,371)	192,489
Surplus/(deficit) before taxation	97	12,604	(12,506)	31,419
Income tax expense	0	0	0	
Surplus/(deficit) after tax	97	12,604	(12,506)	31,419
Total other comprehensive revenue and expense	0	0	0	0
Total comprehensive revenue and expense	97	12,604	(12,506)	31,419
TOTAL OPERATING SURPLUS (as above)	97	12,604	(12,506)	31,419
Less Non-Controllable Activities				
Development and financial contributions	10,107	6,871	3,235	13,742
Capital subsidies	8,339	15,809	(7,470)	31,617
Vested assets	0	3,979	(3,979)	7,959
Fair value movement on revaluation	(1,494)	0	(1,494)	1,555
Share of JV & associates surplus/deficit	0	0	0	3,176
Total Non-Controllable Activities	16,952	26,659	(9,708)	58,049
Total controllable surplus/deficit	(16,855)	(14,055)	(2,798)	(26,630)
Explained by				
Income	83,648	79,075	4,573	157,053
Expenditure	100,503	93,130	(7,371)	183,683
Total	(16,855)	(14,055)	(2,798)	(26,630)

- 5.1 Commentary is provided on the revenue and expenditure in Sections 6 and 7.

6. Income Analysis

Table 3

Income by Department December YTD, \$'000's			
	Actual	Budget	Var
Environmental Assurance	7,944	9,363	(1,419)
Community Infrastructure	47,398	43,985	3,413
Service and Strategy	6,274	6,013	261
Information, Science & Technology	5,092	5,461	(368)
Enterprise Portfolio	12,366	11,037	1,329
Council Operations	1,761	1,769	(8)
Departmental Overheads	2,813	1,449	1,363
Total Controllable Income	83,648	79,075	4,571
Non-Controllable Income			
Fair value movement on revaluation swaps	(1,494)	(0)	(1,494)
Capital subsidies and grants	8,339	15,809	(7,470)
Development Contributions	10,107	6,871	3,236
Vested assets	(0)	3,979	(3,979)
Total Income	100,600	105,734	(5,136)

Controllable Operating Income

- 6.1 We have received additional income of \$4.6 million over and above the December 2023 YTD budget. The key drivers of the variance were New Zealand Transport Agency (Waka Kotahi) operating subsidies associated with higher maintenance spend, and forestry revenue in the Enterprise Portfolio.
- 6.2 The key driver of the unfavourable variance to budget in Environmental Assurance relates to reduced revenue for Building Assurance of \$1 million and Resource Consents of \$0.3 million; this is demand-driven and reflects a decline in the number of consents applied for and granted. There has been a large reduction in the building work consent applications, particularly for new dwellings.
- 6.3 The favourable revenue variance in Community Infrastructure is driven by the New Zealand Transport Agency (Waka Kotahi) roading subsidy which has a favourable variance of \$0.9 million. This relates to the subsidy for the roading costs, including the increased and continuing activities maintenance arising from the extreme weather event in August 2022.
- 6.4 The favourable revenue variance in the Enterprise Portfolio is largely driven by forestry harvesting revenues, however, lower log prices have impacted the revenue compared to last year. Forestry harvesting revenue is offset by the corresponding increase in harvesting, reinstatement, and replanting costs. It should be noted that recent harvesting volumes will decline significantly after next year as a low point in the harvesting cycle is reached. The Council does programme to maintain some harvesting even when log prices drop in order to support businesses and continued employment in the region.

Non-Controllable Income

- 6.5 Development and Financial Contributions were \$3.2 million favourable to budget YTD. At this stage of the financial year, we are 74% of the full year budget. This reflects the continued growth the region has experienced, though it must be noted that in recent months both resource and building consent applications have fallen significantly and receipt of development contributions is somewhat volatile during the year.
- 6.6 Capital subsidies and grants were \$7.5 million unfavourable to budget, due mainly timing of New Zealand Transport Agency (Waka Kotahi) subsidies for capital works. A large influence on this has been the general delay in programme detail and funding approvals from New Zealand Transport Agency (Waka Kotahi) for Transport Choices programmes nationwide. Following the election of the new government, these have been released with a reduced scope. The delays mean that less work than budgeted has occurred YTD, on this heavily subsidised programme, and the reductions mean that the programme will end at a lower value than budgeted.

7. Operating Expenditure Analysis

Table 4

Operating expenditure by Department December 2023, \$'000's			
	YTD Actual	YTD Budget	Var
Environmental Assurance	9,510	9,244	(266)
Community Infrastructure	37,910	34,165	(3,743)
Service and Strategy	6,695	6,635	(60)
Information, Science & Technology	4,489	5,126	637
Enterprise Portfolio	11,271	7,887	(3,384)
Council Operations	2,142	2,336	194
Departmental Overheads	1,965	2,606	641
Total Departmental Expenditure	73,982	67,999	(5,982)
Finance expense	6,689	5,663	(1,026)
Depreciation and amortisation	19,832	19,468	(363)
	26,521	25,131	(1,389)
Total (including dep, amort & recoveries)	100,503	93,130	(7,371)
Non-Controllable Expenditure			
Expenditure of joint ventures	0	0	0
Total Expense	(100,503)	(93,130)	7,371

- 7.1 There was an unfavourable December YTD variance of \$7.4 million in operating expenditure. There are several significant items that drive this variance.
- 7.2 Environmental Assurance had a slight favourable YTD variance to budget due to underspent wage related budgets due to vacant positions. These vacancies, driven by strong market competition for experienced staff, were more than offset by lower revenue particularly in consent application fees. Higher non-recoverable operating expenditure is expected before the end of the year, as hearings and appeals occur mainly in the resource consent space.

- 7.3 Community Infrastructure had a \$3.7 million unfavourable YTD variance to budget due mainly to higher levels of roading maintenance expenditure of \$2.4 million, water supply maintenance \$1 million, and reserves and facilities maintenance \$0.4 million. The roading maintenance costs are largely driven by after-effects of the weather events of recent years, and in water supply a combination of increased reactive work and work required to comply with changes to water standards from the Government. With the cessation of the Affordable Waters programme, additional funding that had been expected to meet increased costs of compliance to the proposed transition will not be received.
- 7.4 The Enterprise Portfolio had a \$3.4 million unfavourable YTD variance to budget due to harvesting costs, reinstatement, slash management and replanting costs. Following the accelerated harvesting to clear windthrow from weather events, reinstatement, replanting, and fire risk mitigation costs are now occurring earlier than budgeted.
- 7.5 Operating costs, including maintenance contract costs, have generally had higher inflation impacts than budgeted due to cost pressures in the economy. Where contracts have mandated ways of allowing for inflation in annual rate increases these have generally been higher than our budgeted inflation increase.
- 7.6 Departmental overheads had a \$641,000 favourable YTD variance to budget, due mainly to a combination of lower than YTD budgeted Employee expenses, Professional Fees, and overheads.
- 7.7 Employee related expenses were \$85,000 favourable to budget. Where possible, role vacancies are being held back from commencing recruitment to contain costs and this result reflects the high level of annual leave used during the Christmas period.
- 7.8 Finance expense is higher than budgeted due to higher than budgeted interest rates and pre-funding of loan rollovers. This is partially offset by the favourable variance in Finance income arising from depositing this pre-funding primarily in term deposits, which have benefited from increased interest rates. For more discussion on this refer to the Treasury Report.

8. Statement of Financial Position

Table 5

Statement of Financial Position For the year to December 2023, \$000's		
	YTD Actual Dec 2023	Budget 2023/24
CURRENT ASSETS		
Cash and cash equivalents	10,826	17,218
Trade and other receivables	16,497	14,697
Other financial assets	27,313	602
Non current assets held for resale	0	0
Total current assets	54,636	32,517
CURRENT LIABILITIES		
Trade and other payables	24,618	27,560
Employee benefit liabilities	5,326	3,342
Current portion of borrowings	79,203	34,003
Current portion of derivative financial instruments	(573)	540
Total current liabilities	108,574	65,445
Working capital	(53,938)	(32,928)
NON CURRENT ASSETS		
Investments in associates	205,576	203,157
Other financial assets	51,684	45,456
Intangible assets	4,839	4,384
Forestry assets	30,379	47,579
Investment property	6,665	5,862
Property, plant and equipment	2,174,038	2,203,377
Total non current assets	2,473,181	2,509,815
NON CURRENT LIABILITIES		
Term borrowings	234,325	231,036
Derivative financial instruments	792	778
Employee benefit liabilities	0	391
Provisions	2,012	3,692
Total non current liabilities	237,129	235,897
Total net assets	2,182,114	2,240,990
EQUITY		
Accumulated equity	833,563	1,176,283
Restricted reserves	36,269	29,659
Revaluation reserves	1,312,282	1,035,048
Total equity	2,182,114	2,240,990

- 8.1 Overall, while the financial position of the Council is currently strong, meeting year-end budget expectations will be challenging due to the demands of ongoing debt repayment, capital expenditure and increased inflationary pressures. The increased capital expenditure, including some additional capital expenditure approved by the Council during the current financial year will put pressure on Net debt levels. Careful management and constraint will be required if we are to avoid a breach of the net debt cap.
- 8.2 Cash and cash equivalents are lower than the full-year budget; this reflects the phasing of quarterly cash flows, which are largely driven by the month in which rates receipts fall. February is the next quarterly rates' due month.

- 8.3 In other financial assets, there is a mismatch between current and long term other financial assets. This part of the balance sheet is where we pre-fund any debt maturing in the next six months or any long-term requirements like the CCO pre-funding associated with the Waimea Community Dam. Having a mismatch between short and long-term assets such as this reflects leveraging market conditions in terms of what length of maturity we enter in to.

9. Net Debt

- 9.1 Net Debt is \$225.4 million at 31 December 2023, compared to a full-year budget of \$249.9 million. The increase from an opening net debt of \$201.4 million is due to the funding of capital expenditure during the first three months of the year. The quarterly rates' take impacts on cash flow movements and, therefore, Net Debt. (Net Debt is gross debt less cash on hand and other liquid financial assets). Updated figures at December 2023 are available in the Quarterly Treasury Report

- Opening Net Debt July 2023 \$201.4 million
- Net Debt 30 September 2023 \$207.4 million
- Net Debt 31 December 2023 \$225.4 million
- Net Debt June 2023 per 2023/24 Annual Plan \$249.9 million

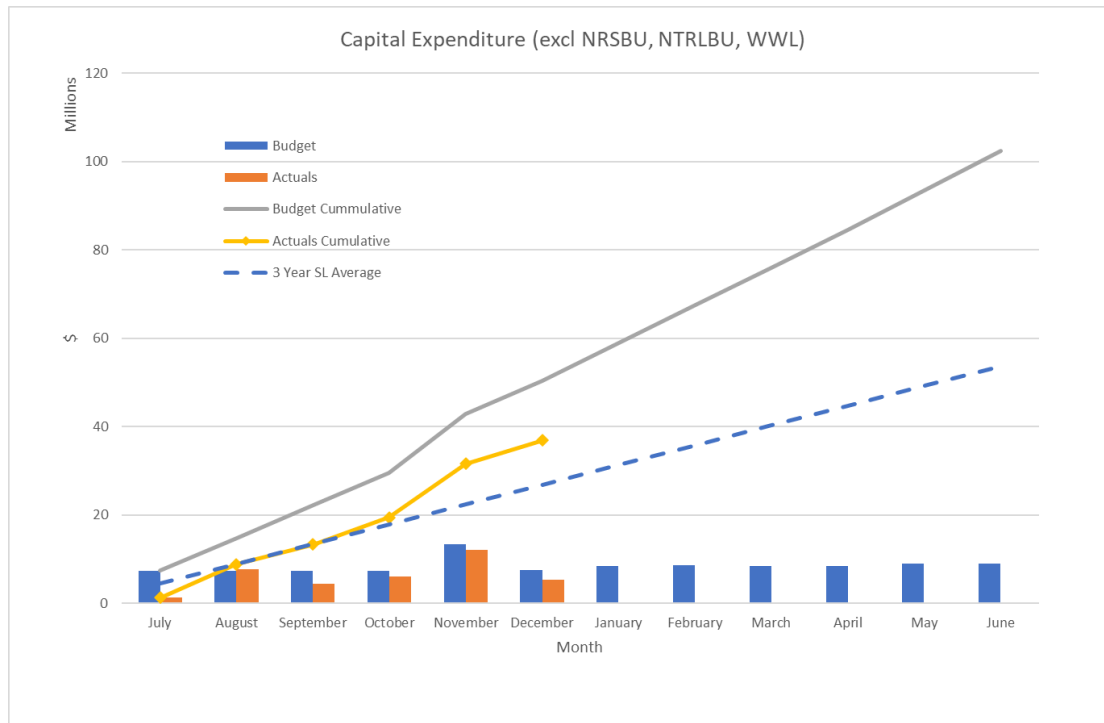
10. Capital Expenditure Analysis

Table 6

Department	YTD December	Remaining in 2023/24	Total FY 2023/24 Forecast Capital Expenditure	Carry Forward	Total Forecast Sum	Total Budget 2023/24
Grand Total	45,203,651	46,739,062	91,942,713	13,430,531	105,373,244	114,384,820
Environmental Assurance	15,686	676	16,362	0	16,362	16,362
Community Infrastructure	38,902,525	33,818,730	72,721,255	10,212,520	82,933,775	91,945,351
Service and Strategy	200,394	354,012	554,406	0	554,406	554,406
Information, Science & Technology	194,026	3,496,857	3,690,883	0	3,690,883	3,690,883
Enterprise Portfolio	4,657,413	6,759,455	11,416,868	3,050,000	14,466,868	14,466,868
Departmental Overheads	1,233,607	2,309,332	3,542,939	168,011	3,710,950	3,710,950
Less Joint Ventures	-8,251,900	-3,644,911	-11,896,811	0	-11,896,811	-11,896,811
Total Excluding Joint Ventures	36,951,751	43,094,151	80,045,902	13,430,531	93,476,433	102,488,009

- 10.1 Overall, the capital expenditure (including approved unbudgeted expenditure) is tracking at 40% of full year budget including Joint Ventures and, on a straight-line basis this is \$12 million below the six-month YTD revised capital budget. Excluding Joint Ventures on a similar straight-line basis, the programme is tracking at 36%, and \$14.3 million behind for six months.
- 10.2 The next full year capital re-forecast will be included in a forecast report to the March Council meeting. This will set the carryover expenditure for inclusion in the Long Term Plan.
- 10.3 The largest impact on the expenditure and forecast expenditure has been the delay, and then reduction of the largely New Zealand Transport Agency-funded Transport Choices programmes for Richmond and Motueka which combine to a \$9 million reduction in the programme.

- 10.4 The impact of pre-construction and design factors together with contractor demand challenges continue to put pressure on delivery, the forecast, and budgets.
- 10.5 Capital Expenditure YTD exceeds the three-year average (see chart on the next page), though this has been influenced by \$14.6m of additional expenditure approved during the year.



- 10.6 During the year to date, additional capital expenditure has been authorised by resolution and this has been added to capital budgets and is shown in the summary below:

Material Additional Capital Expenditure	Amount Authorised
Port Tarakohe Phase 2 funded by Kanoa Loan (Part 2024/25)	\$ 6,000,000
Strategic Land Purchase – Motueka	\$ 5,100,000
Commercial Property Development on Existing Enterprise Land	\$ 1,050,000
Land Purchases for Roading	\$ 850,000
Port Tarakohe Phase 1 Additional Scope	\$ 836,000
Port Tarakohe Temporary Toilet block	\$ 210,000
Other	\$ 589,574
TOTAL ADDITIONAL CAPITAL EXPENDITURE AUTHORISED*	\$ 14,635,574

* At the time of report

- 10.7 The total capital budget is now summarised as follows.

Summary of Capital Expenditure Budget	Amount
Annual Plan 2023/24 Annual Plan	\$ 90,406,189
Net of Carry Forwards per Carry Overs Report	\$ 13,714,000
Additional Capital Expenditure authorised during the year	\$ 14,635,574
Less Budgeted Scope Adjustments for timing	\$ 4,370,943
CAPITAL BUDGET INCLUDING JOINT VENTURES	\$ 114,384,820
Less Joint Venture Component	\$ 11,896,811
Other	\$ 589,574
TOTAL ADDITIONAL CAPITAL EXPENDITURE AUTHORISED*	\$ 102,488,009

* At the time of report

11. Attachments / Tuhinga tāpiri

Nil

7.11 MACHINERY RESOLUTIONS REPORT

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Alexis Brough, Executive Support Officer, Chief Executive's Office
Report Authorisers:	
Report Number:	RCN24-02-14

1. Summary / Te Tuhinga Whakarāpoto

- 1.1 The execution of the following documents under Council Seal requires confirmation by the Council.

2. Recommendation/s / Ngā Tūtohunga

That the Tasman District Council

- 1. receives the Machinery Resolutions report, RCN24-02-14; and**
- 2. agrees that the execution of the following documents under the Seal of the Council be confirmed:**
 - Grazing Lease to Bruce and Julie Taylor Waimea River Berm 53301L1 - This lease grants a term of five years for grazing on the Waimea River Berm land 53301L1. This lease is a standard document originally drafted by Fletcher Vautier and Moore.**
 - Deed of Assignment of Lease – Tasman District Council has had a lease with a group of nine owners of nine private garage buildings located on Council land at 11 Massey Street, Motueka since about 1994. The Deed of Lease states that the Council agrees to the transfer of ownership of Garage #3 to the new owners of the “Associated Land” at #9 Jacket Island.**
 - Grazing Lease to Edens Road Fruit Limited Waimea River Berm 53320L1 – This lease grants a term of three years for grazing on the Waimea River Berm land 53320L1. The lease is a standard document originally drafted by Fletcher Vautier and Moore.**
 - Deed of Sublease – This Deed of Sublease is between Motueka Power Boat Club (MPBC) and Coastal Café. The Council as the Head Landlord must give its permission for the MPBC to sublease to another party on this land. This**

business has been established without the Council's consent for years and part of the negotiation process of their new commercial lease is that the coffee cart would be accounted for.

- **Golden Bay Community Arts Council Incorporated – This lease grants a term of one year for promoting art in Golden Bay. The lease is a standard document.**

7.12 CHIEF EXECUTIVE'S UPDATE**Information Only - No Decision Required**

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Leonie Rae, Acting Chief Executive Officer
Report Number:	RCN24-02-15

1. Summary / Te Tuhinga Whakarāpoto

- 1.1 The purpose of this report is to provide an update on some key activity since the Chief Executive's last report on 13 December 2023.

2. Recommendation/s / Ngā Tūtohunga**That the Tasman District Council**

- 1. receives the Chief Executive's Update report, RCN24-02-15.**

3. Chief Executive Update

- 3.1 On Friday 26 January 2024, we said farewell to Janine Dowding who stepped down from her role as Chief Executive.
- 3.2 I am both honoured and excited to be the new Chief Executive Officer of Tasman District Council, effective from 19 February 2024. As I step into this role, I am deeply inspired by the energy, passion, and dedication I witness from our amazing staff every day. I am genuinely delighted to be leading such an exceptional team of people.
- 3.3 Janine has left 'big shoes' for me to fill. Janine showed us that with determination we can overcome the challenges we have before us and how we can continue to improve our ways of working.

4. Legal and Democracy Services (Leith/Jennie)**Marshall/Buchanan - Pool fencing case**

- 4.1 In February 2023 a judgment was entered against the Council in relation to proceedings issued in 2020. These proceedings related to a pool fencing dispute in relation to a property which received a code of compliance certificate in 2006. The Council's insurers instructed the appeal of this decision, due to the potential implications for the local government sector. The matter will be heard in the Court of Appeal on 21 February 2024. The Council will be advised the outcome of this decision when it is released.

Representation review

- 4.2 Council staff have begun work on the required review of representation arrangements in the Tasman District. To achieve fair and effective representation at elections, local authorities

are required by the Local Electoral Act 2001 to review their representation arrangements at least once every six years.

- 4.3 Council staff are gathering information to begin work on the initial proposal for representation arrangements, which will be consulted on in mid-2024. The representation arrangements will be in place for the 2025 local elections.

Review of information requests in 2023

- 4.4 Every day the Council receives a huge number of requests for information from members of the public. Technically, these are all information requests under the Local Government (Official Information and Meetings Act 1987 (LGOIMA)). Most of these are answered by our incredible customer services team or by Council staff directly. However, if staff are not able to answer the question within a short amount of time, then that request is referred to the Legal team for tracking and monitoring. We refer to these as formal LGOIMA requests.
- 4.5 The following analysis of LGOIMA's received in 2023 only relates to formal LGOIMA requests.
- 4.6 In 2023 the Council received 509 formal LGOIMA requests. This is a significant increase from the 295 received in 2022. Figure 1 below shows how 2023 has compared to previous years.

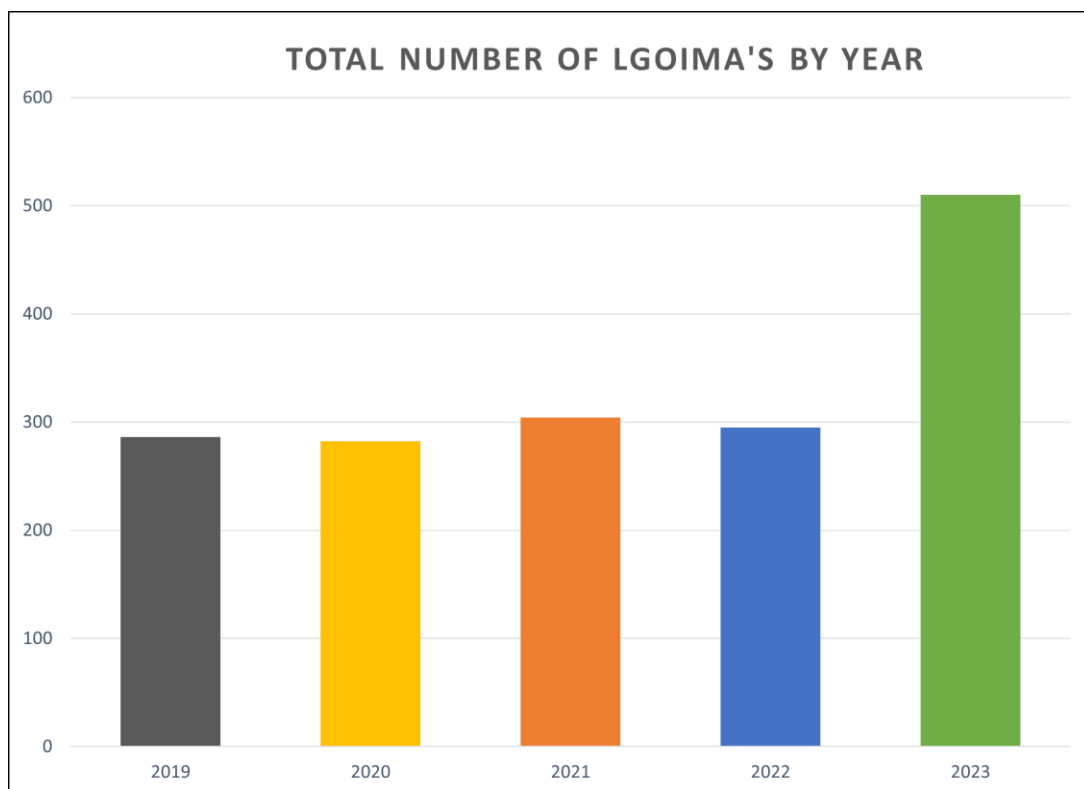


Figure 1 – total LGOIMAs by year

- 4.7 As a comparison, Nelson City Council received 254 LGOIMAs in 2023.
- 4.8 As you can see from Figure 2 below the total number of LGOIMAs per month was greater than almost at any other time. The only time that came close was when the Council was responding to an increased number of LGOIMA requests in 2022 due to the introduction of the Covid-19 Vaccine Pass requirements for its library facilities.

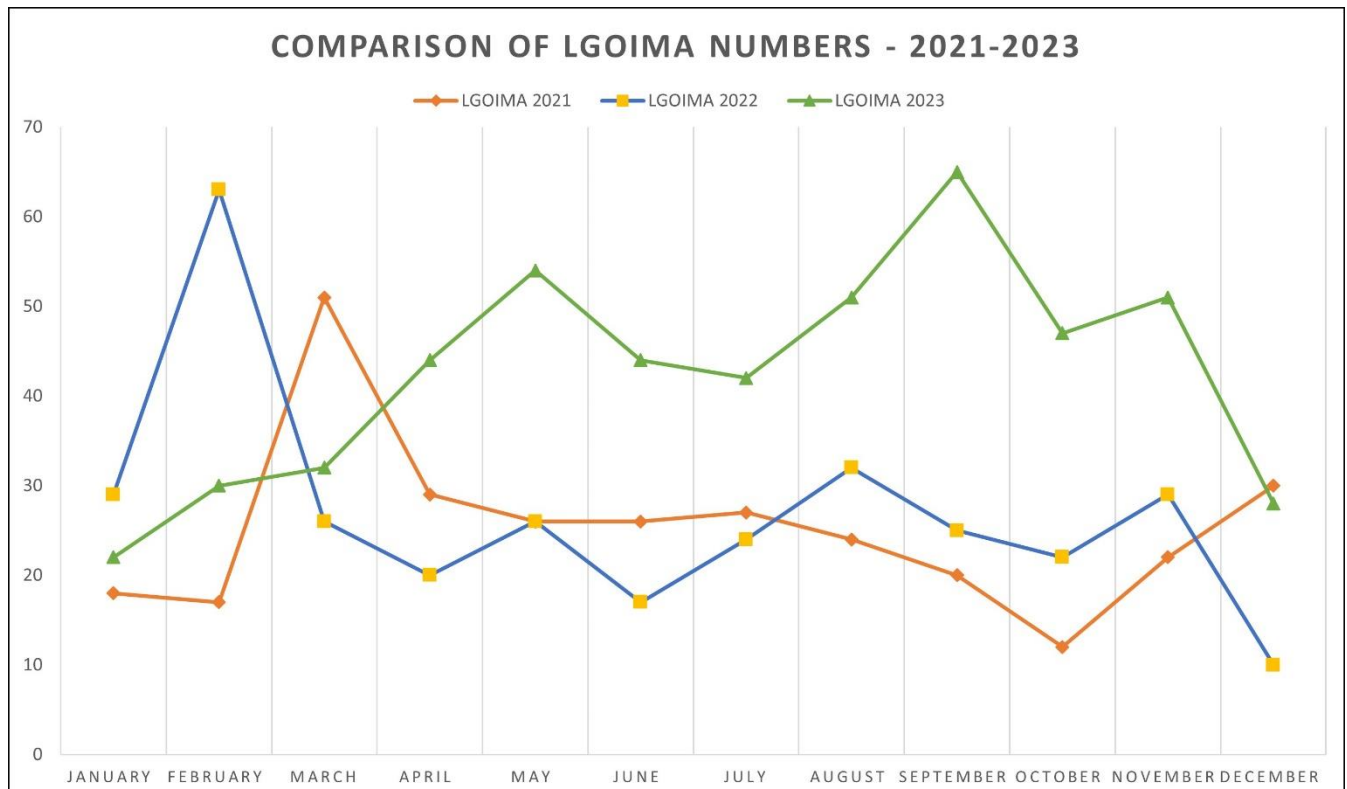


Figure 2 – comparison of LGOIMAs received by month

- 4.9 Despite these increased numbers, and staffing changes, the Council has managed to respond to most of these requests in a timely manner. Figure 3 below shows that for most months the average time to respond was less than 15 working days.

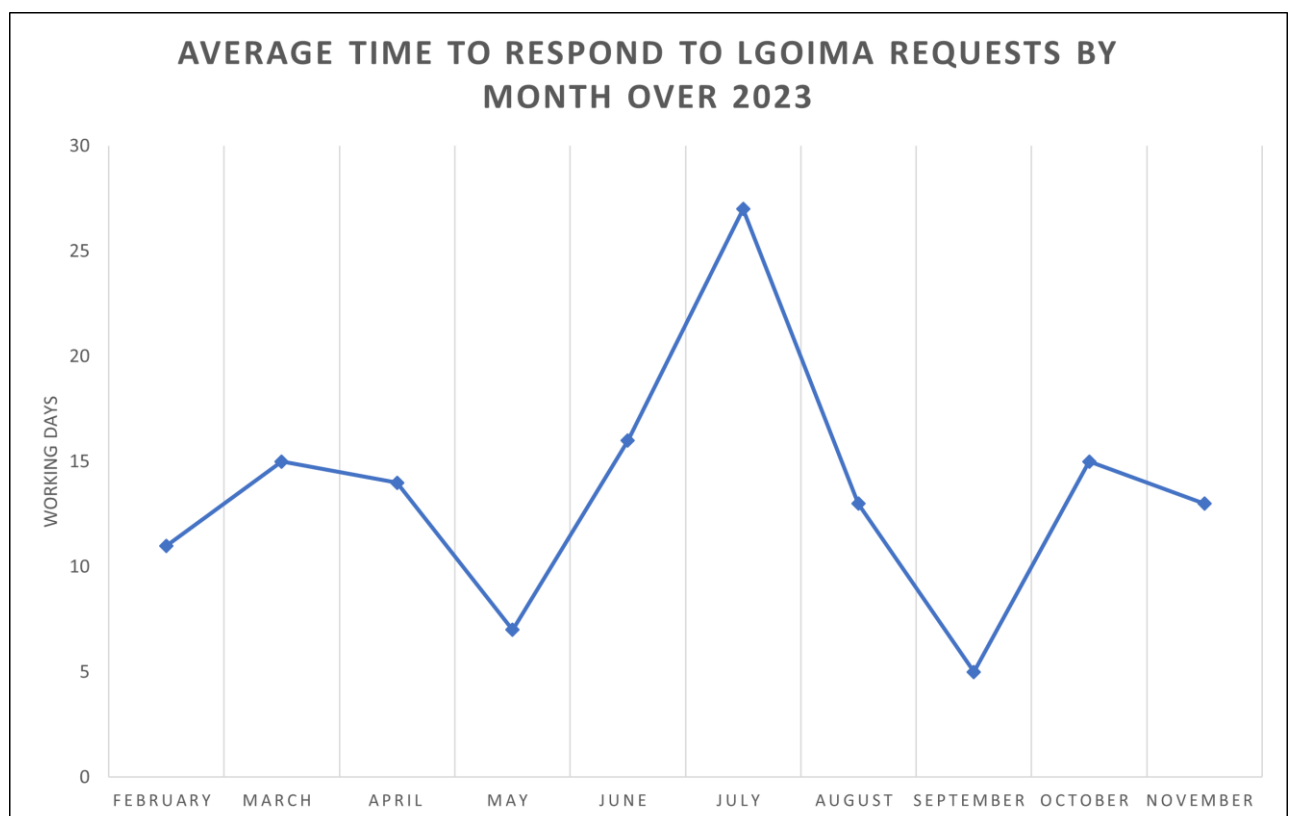


Figure 3 – average time to respond by month.

- 4.10 It is noted that due to the statutory definition of 'working day' under the Act the data for January and December is not included in this graph.
- 4.11 While in July the average time to respond exceeded the 20 working days mandated by the Act, this is not a reflection that the response to LGOIMA requests was outside the statutory timeframes as the Council is able to seek an extension in limited circumstances. Figure 4 below shows that, despite the high numbers, the vast majority of LGOIMA requests were responded to either within the statutory or lawfully extended deadlines.

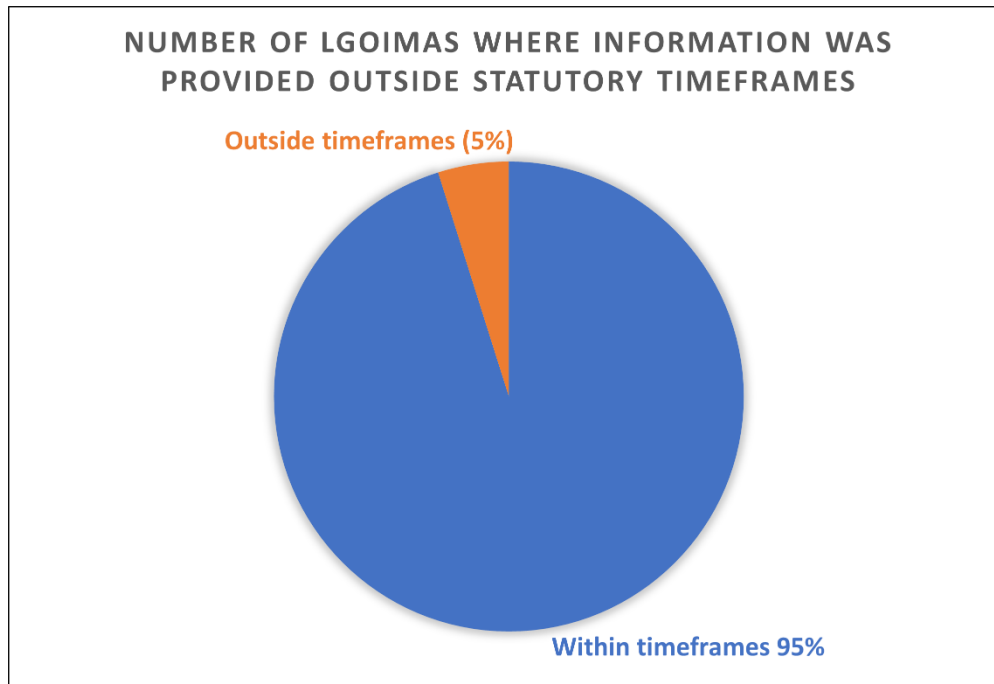


Figure 4 – LGOIMAs outside statutory (or extended) timeframes.

- 4.12 While it is uncertain whether 2023 was an aberration or a new normal for the number of, LGOIMA requests, the Council is taking steps to try and reduce or at least manage the increasing number of LGOIMA requests. This includes increased digitising of files, producing FAQ sheets for major projects and publishing LGOIMA requests and responses of interest on our website.

LGOIMA requests in 2024

- 4.13 The high number of LGOIMAs appears to be a continuing trend in 2024 with the Council having received 73 LGOIMA requests this year (as of 7 February 2024). This breaks down to 58 requests received in January 2024 and 17 received as of 7 February 2024.
- 4.14 Part of this increase is due to many requests coming from two individuals who have made 34 requests in 2024 alone. Many of these requests contain numerous questions seeking information. They have also made several complaints that are not counted as LGOIMAs.
- 4.15 Council staff are working to provide appropriate responses to these requests as resourcing allows. Staff are seeking to charge these requesters for staff time in line with the Ombudsman's charging guidelines as are other tools to manage these significant numbers of requests under the Local Government Official Information and Meetings Act 1987.

Ombudsman Investigations

- 4.16 In December 2023 the Ombudsman released a final opinion regarding the Council's decision to withhold information in relation to the Motueka Aerodrome. This opinion disagreed with the Council's response to two separate LGOIMA requests from one individual. The Council

has accepted the opinion of the Ombudsman and has now taken steps to gather the information for release.

- 4.17 Staff have looked at the position taken by the Ombudsman and will bear this in mind when dealing with future LGOIMA requests.
- 4.18 As of 7 February 2024, there are six number of matters with the Ombudsman. Of these, two are preliminary inquiries. There is also one matter with the Privacy Commissioner which was transferred to them from the Ombudsman.

5. Te Kāhui Hononga – Māori Partnerships and Engagement

Māori Ward

- 5.1 In 2023 the Council resolved to have a Māori ward for the 2025 local elections. One of the decisions that the Council is required to make as part of the representation review is the name of the Māori ward. Council staff have engaged with iwi who unanimously endorse the ward being named 'The Te Tai o Aorere Māori Ward'. This name will form part of the Council's initial proposal in relation to the representation review, with the Council making the final decision after consultation.
- 5.2 It is noted that there has been a signalled legislative change in relation to Māori wards by the Coalition Government. At this stage Council staff are proceeding based on the current legislation. Should any changes be made then staff will consider the effect of those changes on the representation review process.

Other Items

- 5.3 In December 2023 the Te Taihū Together relationship agreement was finalised and signed by the Mayors of the three councils and the Chairs of the eight iwi of Te Taihū. This agreement is another step forward in strengthening the relationships between the councils and iwi across Te Taihū.
- 5.4 Te Kāhui Hononga have been working through the Māpua Masterplan with iwi and in February the iwi will assist to present Māpua to the community at two public consultation events in person and via a video capturing some of the cultural narrative. This is a good example of the Te Taihū Together relationship agreement being put into practice.
- 5.5 The rāhui remains in place covering the area north of the saltwater baths at Motueka to Riuwaka after a failure at the Motueka Wastewater Treatment Plant. Iwi have advised they won't lift the rāhui until further testing is completed. The rāhui is not enforceable and it is noted that some people do ignore the warnings and signage. Te Kāhui Hononga is continuing to work with our iwi partners to connect them to the right agencies to assist with the testing.

6. People Management

Employment Related Legislation Changes

- 6.1 The Government indicated several employment related legislation changes would be happening from December 2023. So far none of the changes announced affect any of the Council's existing employment obligations.

Staffing

- 6.2 The human resources statistics for the quarter ending December 2023 show that we have 408 FTE and a headcount of 433. This has decreased from the 410 FTE (headcount of 434) as at September 2023. Turnover for the quarter was 1.39% and the 12-month rolling period is 9.41%. It is good to report that our rolling turnover is indicating an overall decrease on previous years. The new positions are listed below, and the total headcount has been off-set by a number of disestablished roles and fixed term roles that have finished in the September quarter.
- 6.3 Recruitment continues to remain steady, and we are currently at various stages of recruiting for approximately twenty vacancies. Since the last report, another thirteen appointments have been made with some of these being internal promotions or movements which then result in another vacancy needing to be filled.

7. Dry Weather Advisory Group Update

- 7.1 The Dry Weather Advisory Group was set up at the end of 2023, due to the extended periods of dry weather in the region. The weather and lack of rain forecast were similar to the 2019 summer drought.
- 7.2 The Group consists of the Chief Executive Officer, Executive Leadership Team members, and key staff experienced in water monitoring, water supply, consents, RMA requirements, and iwi relationships. Ministry for Primary Industry representatives have been in attendance along with Fire and Emergency and Civil Defence personnel attending as required.
- 7.3 This group was set up to help inform and guide the Dry Weather Task Force. Recommendations from the Task Force are provided on a weekly basis to review and progress any water restrictions, and actions that may be needed.
- 7.4 There have been restrictions put in place where required and these have been based on rainfall in particular areas. Data analysis continues to occur on a weekly basis.
- 7.5 With the dry weather predictions lasting through to end of March/beginning of April, it may be necessary that higher restrictions are put in place over the coming weeks.

8. Resilience Project – 189 Queen Street, Richmond

- 8.1 The strengthening works are now progressing in Zone 3, on the ground floor of the Council's Richmond office. This is the area where the Chief Executive's Office and Council Operations teams are normally located.
- 8.2 We encountered a few issues when we opened the ceilings and walls but after working with our engineer, these matters have now been resolved.
- 8.3 Works on the ground floor will continue until May.
- 8.4 We will then move to the last phase of this resilience work, which is the first floor where the Service & Strategy team is located. This work is expected to go through until the end of August 2024.

9. Attachments / Tuhinga tāpiri

Nil

7.13 MAYOR'S ACTIVITY UPDATE**Information Only - No Decision Required**

Report To:	Tasman District Council
Meeting Date:	15 February 2024
Report Author:	Tim King, Mayor
Report Number:	RCN24-02-16

1. Summary / Te Tuhinga Whakarāpoto

- 1.1 As this is my first report for 2024, I would like to welcome our elected members and staff back for what will be a busy year ahead.
- 1.2 While finalisation of the Long-Term Plan 2024-2034 will be a major focus in the first half of the year, we have a significant amount of other mahi ahead of us including the Māpua Masterplan, the Speed Management Review, the Representation Review, the Joint Nelson-Tasman Regional Transport and Nelson Tasman Joint Regional Public Transportation Plans, and Dog Control, Cat Management and Public Places Bylaws.
- 1.3 With the change of government in late 2023, we are now waiting on central government direction on the way forward for resource management law reform, three waters management (water, stormwater, and wastewater) and the future of local government.
- 1.4 Nelson City Council Mayor, Nick Smith and I met with the Minister of Local Government, Simeon Brown in Wellington last month. Our discussions focused on roading and transport, housing, and economic development projects in the Nelson-Tasman region that could be included in the Government's City and Regional Deals programme. While the Minister acknowledged our ideas for the region, he made it clear that there is still a lot of policy work to be done around the details for any central government funding that may be available to our region.
- 1.5 I was invited to speak at the recent funeral of local businessman, Heath Wilkins. Heath founded Golden Bay Fruit and was instrumental in driving the company's growth in export tonnages of apples and kiwifruit. A very large crowd (nearly 1500 people) attended to honour Heath who, at just 54, packed a huge amount of mahi into his lifetime and earned the respect of both the local and international communities.
- 1.6 It was great to see the Waimea Community Dam finally spillover last month – a fantastic achievement.
- 1.7 Finally, congratulations to our new Chief Executive Officer, Leonie Rae. I look forward to working with Leonie and the Council staff as we strive to make a difference in our District.

2. Recommendation/s / Ngā Tūtohunga**That the Tasman District Council**

- 1. receives the Mayor's Activity Update report, RCN24-02-16.**

3. Mayoral Activity

- 3.1 The Outstanding Community Awards for Golden Bay were held in Tākaka on 11 December 2023.
- 3.2 Former Local Government Minister, Kieran McNulty and our local MP, Rachel Boyack called in on 11 December 2023.
- 3.3 Mayor Nick Smith, Mayor Nadine Taylor and I met with the eight Te Taihū iwi Chairs on 12 December 2023 where we all signed the Together Te Taihū Partnership Agreement – an historic occasion for the Top of the South.



Iwi Chairs and the Top of the South Mayors

- 3.4 The Multicultural Picnic and Christmas celebration was held at Washbourn Gardens on 16 December 2023.
- 3.5 The Black Caps versus Bangladesh cricket match was a winner for the Black Caps on 20 December 2023. Unfortunately, it was all downhill for the Black Caps for their next games against Bangladesh.
- 3.6 The Community Christmas lunch was held on 25 December 2023. This is an enjoyable occasion and a chance to mix and mingle with local residents. A big thank you to the team from the Richmond Anglican Church who organise this special event.
- 3.7 On New Year's Eve, I took the opportunity to accompany the local Police team on their patrol of Kaiteriteri Beach. A great crowd was in attendance, and all were well behaved and appreciated the Police presence.
- 3.8 Councillors Maru and Mackenzie and I attended the Torrent Bay AGM on Tuesday, 2 January 2024. A big thank you to our new Harbourmaster, Peter Renshaw and Deputy Harbourmaster, Paul Appleby who ferried us over to the Bay on Sentinel.
- 3.9 The Kaiteriteri Recreation Reserve Board met on 9 January 2024.
- 3.10 The Waimea Water Limited Shareholders met on 15 January 2024.
- 3.11 A meeting was held with Ministry of Social Development Regional Manager, Craig Churchill on 18 January 2024.
- 3.12 The annual Golden Bay A&P Show was held on 20 January 2024 – once again a fantastic event.

- 3.13 Nelson City Councillors invited me to speak at their strategic planning day on 25 January 2024. I took the opportunity to talk about the many “shared services” opportunities available to both councils.
- 3.14 It was great to see the large turnout of staff, iwi and guests who farewelled Janine Dowding at the Headingley Centre on 25 January 2024.
- 3.15 The LGNZ Regional Sector meeting was held on 30 January 2024.
- 3.16 I represented Nelson and Tasman at the Waitangi Day celebrations at Whakatū Marae on 6 February 2024.

4. Attachments / Tuhinga tāpiri
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Nil

8 CONFIDENTIAL SESSION

8.1 Procedural motion to exclude the public

The following motion is submitted for consideration:

That the public be excluded from the following part(s) of the proceedings of this meeting. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

8.2 Appointment of Iwi Representative to the Operations Committee

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

8.3 Nelson Regional Sewerage Business Unit - Appointment of Iwi Representative

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. In particular a candidate's merits/skills are being discussed	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.