



AGENDA

Ordinary meeting of the

Planning and Regulatory Committee

**Thursday 21 November 2013
Commencing at 1.30pm
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership:

Councillor Brian McGurk (Chairperson), Her Worship the Mayor Rachel Reese, Councillors Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton (Deputy Chairperson), Matt Lawrey and Mike Ward

21 November 2013

1636140

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Apologies

1. Interests

- 1.1 Updates to the Interests Register
- 1.2 Identify any conflicts of interest in the agenda

2. Confirmation of Order of Business

3. Public Forum

4. Chairperson's Report

PLANNING

5. Review of Nelson's Resource Management Plans 5-21

Document number 1628749

Recommendation

THAT the report Review of Nelson's Resource Management Plans and its attachments (1628749) be received;

AND THAT a Committee workshop be held to identify Nelson's significant resource management issues;

AND THAT issues and options papers for Nelson's significant resource management issues be brought back to the Committee by mid 2014.

Recommendation to Council

THAT Council embarks on a full plan review, aiming to achieve notification within the term of the current Council.

6. Council Hearing - Plan Change 16 Inner City Noise 22-53

Document number 1627440

Recommendation

THAT the report Council Hearing – Plan Change 16 Inner City Noise (1627440) and its attachments (1292769 and 1636624) be received.

Recommendation to Council

THAT the Planning and Regulatory Committee recommends to Council that an independent Commissioner chaired Council assisted Hearing Panel hear and make decisions on submissions on Proposed Plan Change 16 Inner City Noise;

AND THAT the Planning and Regulatory Committee recommends to Council the membership of the Hearing Panel for Plan Change 16 Inner City Noise consists of an independent Commissioner as Chair and and as Council Commissioners.

REGULATORY

7. Regulatory Report for 1 July to 30 September 2013 54-64

Document number 1622238

Recommendation

THAT the Regulatory Report for 1 July to 30 September 2013 (1622238) be received.

8. Environmental Inspections Limited Annual Report 2012/2013 65-89

Document number 1573590

Recommendation

THAT the Environmental Inspections Limited Annual Report 2012/2013 (1573590) and its attachments (1574763, 1573779, and 1574925) be received;

AND THAT the Planning and Regulatory Committee adopt the Nelson City Council Dog Control Activity Report 2012/2013 (1573779);

AND THAT the Planning and Regulatory Committee confirm the report sent to the Secretary for Local Government, as required under the Dog Control Act 1996, s.10A(3) and (4) is the Nelson City Council Dog Control Activity Report 2012/2013;

AND THAT the Planning and Regulatory Committee adopt the Nelson District Licensing Agency Report 2012/2013 (1574925);

AND THAT the Planning and Regulatory Committee confirm the report sent to the Alcohol Regulatory and Licensing Authority is the Nelson District Licensing Agency Report 2012/2013.

Review of Nelson's Resource Management Plans

1. Purpose of Report

- 1.1 To consider options regarding the review of Nelson's resource management plans - The Regional Policy Statement, the Resource Management Plan, and the Air Quality Plan.

2. Recommendation

THAT the report Review of Nelson's Resource Management Plans and its attachments (1628749) be received;

AND THAT a Committee workshop be held to identify Nelson's significant resource management issues;

AND THAT issues and options papers for Nelson's significant resource management issues be brought back to the Committee by mid 2014.

Recommendation to Council

THAT that Council embarks on a full plan review, aiming to achieve notification within the term of the current Council.

3. Background

Nelson City Council, as a unitary authority, has both regional and territorial council functions to fulfil in achieving the purpose of the Resource Management Act (RMA) - sections 30 and 31 of the RMA (refer attachment 1). Council has a responsibility to ensure that our resource management plans are kept up to date and reviewed every 10 years (refer Attachment 1 - RMA section 79). Consequently Nelson has a number of Resource Management Plans at different stages of development :

| Plan | Focus | Review date |
|---|---|---|
| Nelson Regional Policy Statement (NRPS) | Council's overview of regional resource management issues | 2007 (overdue for revue) |
| Nelson Resource Management Plan | District, Regional, and Coastal Plan | 2014 (apart from coastal and freshwater provisions which are due in 2016 and 2017 respectively) |
| Nelson Air Quality Plan | Management of Nelson's air resource | Due for review in 2018 |

- 3.1 Collectively, these plans seek to achieve the sustainable management purpose of the RMA by providing an overview of the region's resource management issues, and by outlining objectives, policies and rules for the integrated management of Nelson's natural and physical resources. These plans set the direction for growth and development while protecting a range of values including our natural landscape, biodiversity, heritage, amenity values, and water and air quality. Council also engages in a number of non-regulatory programmes that support the objectives of the plans.
- 3.2 Numerous plan changes have been undertaken since these plans became operative. Changes to the NRMP have focussed on providing new growth areas around the urban periphery of Nelson, and improving urban design, subdivision and development, and car parking standards. Recent changes to the NAQP have focussed on implementing National Environmental Standards.
- 3.3 A number of other plan changes have also been in development in recent years (refer Attachment 2 -NRMP programme) with the Inner City Noise plan change being notified recently. These plan changes have been undertaken on the basis of a "rolling review" rather than a "full plan review" and have sought to address issues as they arise. Information gathered in the development of plan changes that have not yet been notified can be used to inform future plan development.
- 3.4 A range of resource management issues have recently been comprehensively considered along with significant national policy changes. These matters were captured in the NRMP Efficiency and Effectiveness review in 2012/2013 (refer google drive - 1486178). The review highlighted the existing plan provisions that are working well and do not need changing. Key areas identified for improvement included:

- Managing growth and development – particularly retail location, land use and infrastructure integration, and residential development in sensitive environments;
- The need to recognise a wider representative range of Nelson’s heritage;
- Better management of natural hazards;
- Improving our water management to address flooding, public access and water quality issues;
- Coastal management – particularly provision for aquaculture, management of coastal hazards, and landscape protection;
- Enhanced protection of Nelsons special biodiversity and landscape values;
- The need to work with iwi on an ongoing basis.

3.5 The Chief Executive commissioned an independent review of Council’s resource management functions in 2013 by the Catalyst Group. This report recommended that the NRMP should be reviewed and merged with the NRPS – to become a more integrated Nelson Plan. The report also suggested that the work done to inform Nelson 2060, the Nelson Development Strategy, and the NRMP Efficiency and Effectiveness Review could then be utilised to inform the development of the Nelson Plan. The review also emphasised the need to comprehensively consider regulatory and non-regulatory approaches to addressing resource management issues and align Councils research and policy development work. An informal briefing on the Catalyst review was presented to, and supported by, Council in mid 2013.

4. Discussion

- 4.1 As a unitary authority Nelson is in a relatively unique situation nationally in that alignment between regional and district plans should be easily achieved as both these functions are managed by Nelson City Council. This also provides an opportunity to take more of a strategic approach to planning in that regional objectives and policies can be considered and decided at the same time as district and regional rules. The trend with unitary Councils around New Zealand is to adopt a single plan approach, which foreshadows anticipated RMA reform.
- 4.2 There are principally two key options in reviewing Nelson’s Resource Management Plans. These are either, continuing to pursue a “rolling plan review” or undertaking a “full plan review”. Within these two principal options there are a further range of options but for the purpose of this paper the options are defined as follows:
- 4.3 A full plan review would be reviewing the NRPS and NRMP together and including the Air Plan within the same cover.

- 4.4 A rolling review would be considering issues in a staged manner as they are legally due for review in the following order: NRPS/NRMP objectives and policies (amalgamating the NRPS/NRMP), NRMP rules with the coastal and freshwater provisions towards the end, then the Air Plan, peripheral growth, and urban design.
- 4.5 The process for review is generally the same regardless of which option is pursued. Initially resource management issues are identified and confirmed, a draft plan/plan change is prepared and consulted on, and a final plan change (including a section 32 cost benefit analysis) is notified. Notification is followed by a submission and further submission period. Council officers prepare reports making recommendations in relation to submissions. Hearings are then held to consider submissions and a decision is released. There is a two year time limit between notification and decisions. Once decisions are released submitters have an opportunity to lodge an appeal with the Environment Court. The main distinction between a full plan review and a rolling review is the timing and resourcing requirements and the speed at which single issues can be resolved. The high level costs and benefits of the different options are outlined below.

Costs and benefits of a Full Plan Review vs Rolling Plan Review

- 4.6 With current resourcing the broad timelines for a full plan review compared with a rolling plan review are identified in Attachment 3. These timelines are only indicative as it is unclear what submissions and appeals will be received which can have a significant bearing on timeframes. The main distinction between the options is that there is the potential to complete a full plan review to decision stage in a shorter timeframe (five years versus nine years for a rolling review). A full plan review also has a more definitive end date. With a rolling plan review Council would continually be reviewing plan provisions 10 years after those provisions were last reviewed, rather than focussing on maintaining the plan between review periods.
- 4.7 Apart from timeframes, a broad overview of the costs and benefits is outlined in Attachment 4. Essentially the main difference is that a rolling review offers the opportunity to address discrete issues in the short term while a full plan review provides the ability to address resource management issues in a comprehensive way in a shorter overall timeframe. A full plan review is recommended for the following reasons:
- A full plan review offers a greater opportunity for integrated planning between plans and resource management issues;
 - Stakeholder feedback and consultation is more easily coordinated;
 - Recent consultation as part of Nelson 2060, NDS, and the NRMP Efficiency and Effectiveness review is more current and relevant;

- There is a potential for economies of scale with research, consultation, hearings, and appeals being grouped;
- Issues and options papers would be comprehensively developed in a timeframe to inform the development of regulatory and non-regulatory responses to inform the next LTP;
- Commencing the development of a single resource management plan for Nelson in 2014 would align with RMA plan review requirements and RMA reform principles.

4.8 Regardless of the approach to plan review it is important that the Council is briefed on Nelson's significant resource management issues and the range of options for addressing those issues. It is proposed that a workshop is held with the Planning and Regulatory Committee to consider and confirm Nelson's significant resource management issues. A full set of issues and options papers will then be presented to the Planning and Regulatory Committee by mid 2014. These issues and options papers will examine both regulatory and non-regulatory responses and will form the basis for initial community consultation on the plan review. This will allow Councillors and officers to consider Nelson's significant resource management issues in an integrated way and hear the views of the community before considering amendments to the resource management plans.

Resource Management Act Reform

4.9 A discussion document relating to RMA and freshwater reform was released by the government in February 2013. This work, in part, built on the work of the "Principles Technical Advisory Group". More recently a summary of RMA reform was released in August 2013 responding to feedback to inform the content of the Resource Management reform bill. This document is useful to understand what Council's resource management obligations may be in the years ahead. The key changes proposed in terms of plan development include:

- A drive to have a single resource management plan for districts within three years of enactment based on a national template to be delivered in two years;
- Alterations to the principles of the RMA with a focus on collaboration between and among local authorities and with plan making being targeted to achieve the purpose of the Act;
- The principles of the Act would include natural hazards, land availability, and provision of infrastructure;
- Councils would have an immediate obligation to provide adequate land supply;
- Notification test would need to consider whether a proposal is anticipated by plan objectives and policies;

- The potential for limited appeal rights if Council followed a collaborative or joint planning approach;
 - Central government would have increased intervention powers where a process step or national direction is not followed.
- 4.10 This reform package has implications for NCC as we are currently running a rolling plan review of separate plans rather than working towards a single resource management plan anticipated by the reforms. However, the work that has been completed as part of the rolling review and the efficiency and effectiveness review is focussed in the right direction. For example the Significant Natural Area, Heritage, landscape, energy, hazards, coastal, and infrastructure projects are aligned with the RMA principles of the reform package. Furthermore, progressing issues and options papers in the short term will align with timeframes for developing national templates to guide plan provisions.

5. Conclusion

- 5.1 This report recommends commencing a full review of Nelson's resource management plans as it is considered the most efficient and effective approach to plan development. Commencing the review in 2014/2015 will ensure that Council more closely meets its statutory obligations under the Resource Management Act and addresses significant resource management issues for Nelson. The timing of this review will also allow alignment with proposed Resource Management Act reform.
- 5.2 It is proposed that a full set of issues and options papers will be presented to the Planning and Regulatory Committee by mid 2014.

Matt Heale
Principal Planner (Kaiwhakarite tuatahi)

Attachments

Attachment 1: RMA sections 30,31 and 79

Attachment 2: NRMP Programme

Attachment 3: Plan Review Indicative Timeframes

Attachment 4: Cost Benefit Analysis Full Plan Review vs Rolling Review

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

The development of Resource Management Plans is a core role of Local Government relevant to 'performance of regulatory functions' under the Local Government Act 2002 and required by the Resource Management Act 1991. The appropriateness and cost effectiveness of the plan review approach is considered in this report and plan provisions will be assessed through a Section 32 RMA report required as part of the plan development.

2. Fit with Community Outcomes and Council Priorities

The development of Nelson's resource management plans contributes to Councils outcomes, particularly Healthy Land, Sea, Air, and Water, People Friendly Places, A Strong Economy, and Kind and Healthy People.

Nelson's resource management plans also make a significant contribution to achieving Councils priorities by making Nelson an outstanding place to live (A Leading Lifestyle), connecting people to the fabric of the city (A Rich Diverse Community), enhancing urban design, influencing how the City is planned and developed (Community Hubs), strengthening links to the natural environment (Active Lifestyle), protecting the City's environment (The Nelson Edge and The Natural Environment) and heritage (A Creative City).

3. Fit with Strategic Documents

Nelson's resource management plans are a key implementation tool for delivering on the Nelson 2060 vision and goals. Plan provisions will help shape how we live, work and play in a way that sustains the things Nelson values. Therefore Nelson's resource management plans are key in ensuring we meet the Nelson 2060 vision themes:

Theme one – A sustainable city of beauty and connectivity;

Theme two – Outstanding lifestyles immersed in nature and strong communities;

Theme three – A strong economy built on knowledge and understanding.

How we work with the community to develop resource management plans will determine whether we achieve theme four – successful partnerships providing good leadership.

Integrated planning provisions will be essential to achieving Goal 3 of Nelson 2060: Our natural environment – air, land rivers and sea – are protected and healthy.

4. Sustainability

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. All Plan Changes must demonstrate that they meet this purpose.

Applying the Nelson 2060 sustainability principles and decision framework when developing plan provisions will ensure that the purpose of the

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|---|
| Resource Management Act 1991 is met. |
| <p>5. Consistency with other Council policies</p> <p>A plan review is a statutory requirement and will draw on existing policies in its development.</p> |
| <p>6. Long Term Plan/Annual Plan reference and financial impact</p> <p>The costs of the Plan review are included in the Environment activity.</p> |
| <p>7. Decision-making significance</p> <p>This is not a significant decision in terms of the Council's Significance Policy.</p> |
| <p>8. Consultation</p> <p>The plan review will be subject to the First Schedule Resource Management Act 1991 (RMA) consultation processes. Those people and agencies with an interest in the review will have an initial opportunity to provide feedback once issues and options papers have been reported to Council.</p> |
| <p>9. Inclusion of Māori in the decision making process</p> <p>Iwi will be consulted on the Plan review as required under the First Schedule of the Resource Management Act 1991 and the approach to the plan review will be reported to Kotahitanga.</p> |
| <p>10. Delegation register reference</p> <p>The recommendations in the report reflect the Committee delegations.</p> |

30 Functions of regional councils under this Act

- (1) Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:
 - (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region:
 - (b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance:
 - (c) the control of the use of land for the purpose of—
 - (i) soil conservation:
 - (ii) the maintenance and enhancement of the quality of water in water bodies and coastal water:
 - (iii) the maintenance of the quantity of water in water bodies and coastal water:
 - (iiia) the maintenance and enhancement of ecosystems in water bodies and coastal water:
 - (iv) the avoidance or mitigation of natural hazards:
 - (v) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:
 - (ca) the investigation of land for the purposes of identifying and monitoring contaminated land:
 - (d) in respect of any coastal marine area in the region, the control (in conjunction with the Minister of Conservation) of—
 - (i) land and associated natural and physical resources:
 - (ii) the occupation of space in, and the extraction of sand, shingle, shell, or other natural material from, the coastal marine area, to the extent that it is within the common marine and coastal area:
 - (iii) the taking, use, damming, and diversion of water:
 - (iv) discharges of contaminants into or onto land, air, or water and discharges of water into water:
 - (iva) the dumping and incineration of waste or other matter and the dumping of ships, aircraft, and offshore installations:
 - (v) any actual or potential effects of the use, development, or protection of land, including the avoidance or mitigation of natural hazards and the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances:
 - (vi) the emission of noise and the mitigation of the effects of noise:
 - (vii) activities in relation to the surface of water:
 - (e) the control of the taking, use, damming, and diversion of water, and the control of the quantity, level, and flow of water in any water body, including—

- (i) the setting of any maximum or minimum levels or flows of water:
- (ii) the control of the range, or rate of change, of levels or flows of water:
- (iii) the control of the taking or use of geothermal energy:
- (f) the control of discharges of contaminants into or onto land, air, or water and discharges of water into water:
- (fa) if appropriate, the establishment of rules in a regional plan to allocate any of the following:
 - (i) the taking or use of water (other than open coastal water):
 - (ii) the taking or use of heat or energy from water (other than open coastal water):
 - (iii) the taking or use of heat or energy from the material surrounding geothermal water:
 - (iv) the capacity of air or water to assimilate a discharge of a contaminant:
- (fb) if appropriate, and in conjunction with the Minister of Conservation,—
 - (i) the establishment of rules in a regional coastal plan to allocate the taking or use of heat or energy from open coastal water:
 - (ii) the establishment of a rule in a regional coastal plan to allocate space in a coastal marine area under Part 7A:
- (g) in relation to any bed of a water body, the control of the introduction or planting of any plant in, on, or under that land, for the purpose of—
 - (i) soil conservation:
 - (ii) the maintenance and enhancement of the quality of water in that water body:
 - (iii) the maintenance of the quantity of water in that water body:
 - (iv) the avoidance or mitigation of natural hazards:
- (ga) the establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity:
- (gb) the strategic integration of infrastructure with land use through objectives, policies, and methods:
- (h) any other functions specified in this Act.

(2) A regional council and the Minister of Conservation must not perform the functions specified in subsection (1)(d)(i), (ii), and (vii) to control the taking, allocation or enhancement of fisheries resources for the purpose of managing fishing or fisheries resources controlled under the Fisheries Act 1996.

(3) However, a regional council and the Minister of Conservation may perform the functions specified in subsection (1)(d) to control aquaculture activities for the purpose of avoiding, remedying, or

mitigating the effects of aquaculture activities on fishing and fisheries resources.

(4) A rule to allocate a natural resource established by a regional council in a plan under subsection (1)(fa) or (fb) may allocate the resource in any way, subject to the following:

- (a) the rule may not, during the term of an existing resource consent, allocate the amount of a resource that has already been allocated to the consent; and
- (b) nothing in paragraph (a) affects section 68(7); and
- (c) the rule may allocate the resource in anticipation of the expiry of existing consents; and
- (d) in allocating the resource in anticipation of the expiry of existing consents, the rule may—
 - (i) allocate all of the resource used for an activity to the same type of activity; or
 - (ii) allocate some of the resource used for an activity to the same type of activity and the rest of the resource to any other type of activity or no type of activity; and
- (e) the rule may allocate the resource among competing types of activities; and
- (f) the rule may allocate water, or heat or energy from water, as long as the allocation does not affect the activities authorised by section 14(3)(b) to (e).

31 Functions of territorial authorities under this Act

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
 - (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
 - (i) the avoidance or mitigation of natural hazards; and
 - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
 - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:
 - (iii) the maintenance of indigenous biological diversity:
 - (c) *[Repealed]*
 - (d) the control of the emission of noise and the mitigation of the effects of noise:
 - (e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
 - (f) any other functions specified in this Act.
- (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.

79 Review of policy statements and plans

- (1) A local authority must commence a review of a provision of any of the following documents it has, if the provision has not been a subject of a proposed policy statement or plan, a review, or a change by the local authority during the previous 10 years:
 - (a) a regional policy statement;
 - (b) a regional plan;
 - (c) a district plan.
- (2) If, after reviewing the provision, the local authority considers that it requires alteration, the local authority must, in the manner set out in Part 1 of Schedule 1 and this Part, propose to alter the provision.
- (3) If, after reviewing the provision, the local authority considers that it does not require alteration, the local authority must still publicly notify the provision—
 - (a) as if it were a change; and
 - (b) in the manner set out in Part 1 of Schedule 1 and this Part.
- (4) Without limiting subsection (1), a local authority may, at any time, commence a full review of any of the following documents it has:
 - (a) a regional policy statement;
 - (b) a regional plan;
 - (c) a district plan.
- (5) In carrying out a review under subsection (4), the local authority must review all the sections of, and all the changes to, the policy statement or plan regardless of when the sections or changes became operative.
- (6) If, after reviewing the statement or plan under subsection (4), the local authority considers that it requires alteration, the local authority must alter the statement or plan in the manner set out in Part 1 of Schedule 1 and this Part.
- (7) If, after reviewing the statement or plan under subsection (4), the local authority considers that it does not require alteration, the local authority must still publicly notify the statement or plan—
 - (a) as if it were a proposed policy statement or plan; and
 - (b) in the manner set out in Part 1 of Schedule 1 and this Part.
- (8) A provision of a policy statement or plan, or the policy statement or plan, as the case may be, does not cease to be operative because the provision, statement, or plan is due for review or is being reviewed under this section.
- (9) The obligations on a local authority under this section are in addition to its duty to monitor under section 35.

Section 79: replaced, on 1 October 2009, by section 64 of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009

NRMP programme

| Project | Description | Driver | Status |
|---------------------------|--|---|--|
| Plan Change 16 | Inner City Noise Management | Environment Court and plan administration | Plan change notified following extensive pre-consultation round – Submissions closed 4 October 2013 |
| Significant Natural Areas | Protection of significant indigenous vegetation and habitats Affects approximately 130 (mainly rural) properties | Environment Court directive, Plan Review, NZ Coastal Policy Statement, potential loss of Significant Natural Areas | Mapping being finalised by December 2013 to be followed by discussion with landowners about regulatory and non-regulatory measures to protect Significant Natural Areas in conjunction with Nelson Plan consultation |
| Hazards | Release of hazard information relating to earthquakes, flooding, and contaminated land followed by review of NRMP provisions. Affects approximately 8000 properties | Local Government Official Information and Meetings Act, Building Act, Nelson Plan review, NZ Coastal Policy Statement. To make Nelson more resilient and reduce the risk to people and property. | Feedback phase with affected landowners has commenced for fault hazard overlay. Release of additional hazard information planned over the next month |
| Freshwater | Implementing the National Policy Statement on freshwater | National Policy Statement on freshwater, addressing water quality issues, working with Iwi | National Policy Statement progressive implementation plan adopted by Council in 2012 Catchment information collated Plan changes not now recommended until non- |

| Project | Description | Driver | Status |
|----------------|---|---|---|
| | | | regulatory measures investigated |
| Landscape | Update Landscape provisions in the Plan | Impact on outstanding and significant landscapes and definition of Coastal environment, Resource Management Act reform, NZ Coastal Policy Statement | Landscape character unit identification and description commenced for Champion road to Hira |
| Coastal | Implement New Zealand Coastal Policy Statement | NZ Coastal Policy Statement, provision for aquaculture, hazard management, biodiversity, and defining coastal environment and natural character areas | Data gathering phase |
| Heritage | Address the gap in Nelsons built and cultural heritage protection Affects approximately 200 properties | Impact of earthquake prone building policy on heritage buildings, NZ Coastal Policy Statement, and Resource Management Act requirement to protect historic heritage | Chief Executive review of process complete. Recommendations of the Nelson City Council's Heritage Building Inventory Update will not be used. |
| Plan Change 18 | Plan Change to provide for residential growth between Champion Road and Saxton Field. Environment Court appeal regarding esplanade reserve width for Saxton Creek | Growth, Environment Court, Riparian Values (flooding, recreation, ecological) | Environment Court mediation on hold. Stormwater assessment sent to landowners to be considered as part of Saxton Creek upgrade |
| PC28 Land | Update Land | Land Development Manual | Data gathering phase |

| Project | Description | Driver | Status |
|----------------------------|---|--|--------|
| Development Manual Updates | Development Manual with recent standards and review Council consents to Council to reduce costs | states will be reviewed every three years due in April 2013. Reduce consenting costs | |

Plan Review Indicative Timeframes

| | Full Plan Review | Rolling Plan Review |
|-----------|--|---|
| 2013/2014 | <ul style="list-style-type: none"> ▪ Issues and Options papers to Committee | <ul style="list-style-type: none"> ▪ NRPS/NRMP Objectives and Policies Issues and Options papers |
| 2014/2015 | <ul style="list-style-type: none"> ▪ Feedback on Issues and Options papers ▪ Draft Plan Development ▪ Report to committee on Draft Plan | <ul style="list-style-type: none"> ▪ Feedback on Issues and options papers ▪ Draft Plan provisions ▪ Notify |
| 2015/2016 | <ul style="list-style-type: none"> ▪ Feedback on Draft Plan ▪ Final Plan Development ▪ Notification | <ul style="list-style-type: none"> ▪ Hearings and decisions ▪ Appeals ▪ Issues and Options for natural area issues (Biodiversity, Hazards, Landscape, Coastal, Water) |
| 2016/2017 | <ul style="list-style-type: none"> ▪ Hearings and decisions | <ul style="list-style-type: none"> ▪ Feedback on Issues and options papers ▪ Draft Plan provisions ▪ Notify |
| 2017/2018 | <ul style="list-style-type: none"> ▪ Decisions | <ul style="list-style-type: none"> ▪ Hearings and decisions ▪ Appeals ▪ Issues and Options papers for Growth Development and Air Plan |
| 2018/2019 | <ul style="list-style-type: none"> ▪ Appeals | <ul style="list-style-type: none"> ▪ Feedback on Issues and options papers ▪ Draft Plan provisions ▪ Notify |
| 2019/2020 | | <ul style="list-style-type: none"> ▪ Hearings and decisions ▪ Appeals ▪ Issues and Options papers for peripheral growth and urban design |
| 2020/2021 | | <ul style="list-style-type: none"> ▪ Feedback on Issues and options papers ▪ Draft Plan provisions ▪ Notify |
| 2021/2022 | | <ul style="list-style-type: none"> ▪ Hearings and decisions ▪ Appeals |

Cost Benefit Analysis Full Plan Review vs Rolling Review

| | Full Plan Review (combined NRMPS and NRMP) | Rolling Review (Minimum Legal requirements) |
|----------|---|--|
| Benefits | <p>Integrated between plans and topics (EG) NRPS/NRMP and objectives policies and rules aligned such as hazards and development where specific issues can be seen in a broader context</p> <p>Co-ordinated consultation (speaking to landowners once about multiple topics that affect their property)</p> <p>Consultation undertaken as part of Nelson 2060, NDS and Efficiency and effectiveness review is recent enough to be considered (RMA clause 3 Schedule 1)</p> <p>Potential economies of scale with research, consultation, hearings, and appeals grouped</p> <p>Opportunity to align planning with LTP so funding for review and non-regulatory programmes coordinated.</p> | <p>More dynamic as addresses issues as they arise with individual plan changes decided faster than a full plan review</p> <p>Resource and costs can be spread across more years</p> |
| Costs | <p>May take longer to address specific issues due to integrated approach</p> <p>Additional resource may be required post notification to ensure two year timeframe for decisions is met</p> | <p>May consult with the same landowners over multiple years and topics</p> <p>May weaken the integrity of the plan as different areas of the plan become inconsistent via separate changes</p> <p>Extended timeframes across election cycles may lead to inconsistent decision making</p> <p>Less strategic context</p> <p>May be more costly due to multiple hearings and consultation</p> <p>Plan changes may bridge a number of LTP's so funding commitments may vary for regulatory and non-regulatory responses over time</p> |

21 November 2013

REPORT 1627440

Council Hearing - Plan Change 16 Inner City Noise

1. Purpose of Report

- 1.1 To decide on the preferred hearing process for Plan Change 16 – Inner City Noise.

2. Recommendation

THAT the report Council Hearing – Plan Change 16 Inner City Noise (1627440) and its attachments (1292769 and 1636624) be received.

Recommendation to Council

THAT the Planning and Regulatory Committee recommends to Council that an independent Commissioner chaired Council assisted Hearing Panel hear and make decisions on submissions on Proposed Plan Change 16 Inner City Noise;

AND THAT the Planning and Regulatory Committee recommends to Council the membership of the Hearing Panel for Plan Change 16 Inner City Noise consists of an independent Commissioner as Chair and and as Council Commissioners.

3. Background

- 3.1 For those Councillors wanting a better understanding of Hearing protocols a useful reference for hearing protocol has been produced by the Ministry for the Environment titled 'Keeping it Fair – A Guide to the Conduct of Hearings under the RMA'.¹
- 3.2 The focus of this report is on the hearing process rather than the merit of Proposed Plan Change 16. The appropriate time to consider the merit of

¹ The Ministry for the Environment paper "Keeping it Fair – A Guide to the Conduct of Hearings under the RMA" is available from the Councillors Google drive, or at <http://www.mfe.govt.nz/publications/rma/keeping-it-fair-jul01/> tardis 1065243

the Plan Change is during the hearing. A brief history of the Plan Change development is outlined below to provide context.

- 3.3 The development of Plan Change 16 commenced due to the ongoing issue of the production and management of noise in the Inner City. This issue has been subject to an Environment Court decision (2006) which found that Council is required to effectively enforce the current rules within the Nelson Resource Management Plan (NRMP). This has proven not to be possible due primarily to issues of contamination of noise readings and the subsequent inability to carry out enforcement relying on those readings. Consequentially a Plan Change is required to introduce noise management provisions which are practical and enforceable and provide a long term solution in the best interests of the various parties involved.
- 3.4 In doing this the Plan Change takes the opportunity to assist in achieving the community's and Council's vision for the inner city and its surrounding area as expressed through the Heart of Nelson, Nelson 2060 and the NRMP. This vision can be summarised as Nelson's City Centre being a vibrant and vital place which also provides for residential uses at a standard of amenity appropriate to the location. It recognises that adverse effects should not be created that significantly diminish the amenity of neighbouring areas such as the Residential Zone.
- 3.5 A previous report to Council (report 1292769, 9 August 2012) outlines in more detail the background, consultation and options considered in the development of this Plan Change (See Attachment 1). In summary the Plan Change commenced with a public meeting where options ranging from strict enforcement of existing noise rules, to raising the permitted noise limits were explored with the public, stakeholders, acoustic experts, Council officers and Councillors. The scope was subsequently agreed by Council resolution to focus on NRMP provisions relating directly to noise, and to exclude consideration of closing times. Further consultation with the community and consideration of the response has resulted in a package of plan change methods which are recommended by the Plan Change 16 Working Group (Crs Fulton, Ward and Rackley) for notification.

4. Discussion

Plan Change Hearing Panel Options

- 4.1 The Plan Change was notified on 7 September 2013 with 15 submissions being received. A summary of decisions requested was prepared and was notified for further submissions on 26 October 2013. Two further submissions were received. Attachment 2 includes the summary of submissions and a list of submitters and further submitters.
- 4.2 There are a number of options available to hear these submissions. These options are listed below in descending order of Council involvement in the hearing itself:
- A full Council hearing;
 - A Hearings Panel with a Councillor as chair;

- A Hearings Panel with an independent Commissioner as Chair;
- An Independent Commissioner hearing.

4.3 Traditionally a full Council hearing would be used where a matter has a high level of community interest across a wide area, and where there are no specialist technical matters to consider. An independent commissioner hearing is often more appropriate where the plan change revolves around specialist technical matters, or where Council has a conflict of interest.

Plan Change 16 Hearing Panel

4.4 Plan Change 16 – Inner City Noise and some of the submissions involve specialist technical matters relating to the management and measurement of sound and acoustic insulation. However some of the submissions also represent a community interest in the function of the inner city and how this relates to residential uses and the neighbouring Residential Zones.

4.5 For the reasons above Council officers recommend that Councillors are directly involved in the decision making process as commissioners to the hearing, and are assisted in the specialist technical aspects by an independent commissioner with acoustic expertise. The recommended hearing panel consists of the independent commissioner as chair (due to the extent of specialist technical matters) and two Councillor members of the panel. This hearings panel makeup will also enable the efficient use of Councillors' time.

4.6 Regardless of the exact make up of the panel it is critical that a robust process is followed so that decisions are free from legal challenge. Consequently it is important that the appropriate level of expertise is used and Councillors understand where the boundaries of decision making stand. It is therefore recommended that Councillors on the Hearing Panel are commissioner accredited. However with an independent commissioner as chair this may be an opportunity for a Councillor who has familiarised themselves with the hearing protocols document, referred to in section 3.1 of this report, to gain experience of a hearing under the Resource Management Act 1991. All members of the hearing panel must also declare any actual, or potential, conflicts of interest in the subject matter of the Plan Change, or with people who have made submissions, or further submissions.

Hearing Panel Decision Making Powers

4.7 An independent commissioner can be appointed to a hearings panel because of their technical experience through Delegation RMA5B (Delegations Register 2012). The hearings panel may then be delegated the power to consider and make decisions on submissions to the Plan Change through Delegation RMA6 (Delegations Register 2012). The decisions on the Plan Change would be reported to full Council to make operative if no appeals are received, or after appeals have been resolved.

5. Conclusion

- 5.1 Plan Change 16 – Inner City Noise and submissions involve both specialist technical matters and matters of community interest. This report therefore recommends that the hearing panel consists of one independent commissioner with specialist skills in acoustics as chair and two Council commissioners on the panel. This panel will be delegated authority to consider and make decisions on Plan Change 16.

Reuben Peterson
Planning Adviser

Attachments

- Attachment 1: Previous Council report 'Draft Plan Change 16 – Inner City Noise' 9 August 2012 [1292769](#)
- Attachment 2: Summary of Decisions requested (including list of submitters and further submitters) [1636624](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

The development of plan changes is a core role of Local Government falling under 'performance of regulatory functions' under the Local Government Act 2002. The appropriateness and cost effectiveness of the provisions of Plan Change 16 – Inner City Noise has been assessed through the Section 32 RMA report which concludes that the provisions put forward are the most appropriate.

2. Fit with Community Outcomes and Council Priorities

Provisions of this Plan Change specifically help to achieve the following Community Outcomes:

- Goal 2 – People-Friendly Places;
- Goal 5 – A Fun, Creative Culture.

The provisions of this draft Plan Change specifically help to achieve the following Council Priorities:

- A leading lifestyle;
- A rich diverse community.

This is due to the increasing viability of residential living in the Inner City Zone and recognising the variety and vitality that entertainment venues add to the central area.

3. Fit with Strategic Documents

This Plan Change has taken account of the Nelson Tasman Regional Alcohol Strategy in formulating the scope of work and it does not conflict with the stated action points of the Strategy. Closing times are being considered under the Sale and Supply of Alcohol Act 2012 (Local Alcohol Policies). The Plan Change also fits with the activity objectives of the Heart of Nelson Strategy. Specifically these are:

'To achieve an engaging, activity filled central city, with activities that encourage people into the central city and to spend more time once there'; and 'To encourage more people to live in, or close to, the central city to support the vibrancy and economy of the City Centre'.

The Plan Change supports the vision of Nelson 2060. In particular Theme One: A sustainable city of beauty and connectivity which includes the statement *'The central city is a vibrant, attractive place in which people live, work and play'.*

4. Sustainability

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources. All plan changes must demonstrate that they meet this purpose.

| |
|--|
| <p>5. Consistency with other Council policies This is a statutory procedural step.</p> |
| <p>6. Long Term Plan/Annual Plan reference and financial impact The costs of plan change hearings are included in the Environment activity.</p> |
| <p>7. Decision-making significance This is not a significant decision in terms of the Council's Significance Policy.</p> |
| <p>8. Consultation The plan changes have been subject to the First Schedule Resource Management Act 1991 (RMA) consultation processes. Those people and agencies with an interest in the plan change have had the opportunity to make submissions.</p> |
| <p>9. Inclusion of Māori in the decision making process Iwi have been consulted on this Plan Change as required under the First Schedule of the Resource Management Act 1991.</p> |
| <p>10. Delegation register reference Makeup of the hearing panel is a decision of the Council. Delegation RMA5B (Delegations Register 2012): Appoint Hearing Commissioner/s. Delegation RMA6 (Delegations Register 2012): Power to consider and make decisions on submissions to the Plan Change.</p> |

Draft Plan Change 16 – Inner City Noise

1. Purpose of Report

- 1.1 To advise Council of the background to Plan Change 16 – Inner City Noise including issues, options, consultation and processes to date.
- 1.2 To present the draft Plan Change to Council for consideration.
- 1.3 To gain Council's approval to seek public comment on the draft Plan Change.
- 1.4 To establish a working group of Councillors to assist with developing a final version of the Plan Change; this will then be returned to Council to consider for notification under the Resource Management Act 1991.

2. Executive Summary

- 2.1 This draft Plan Change responds to an ongoing issue of the production and management of noise in the Inner City. This issue has been subject to an Environment Court decision (2006) which found that Council is required to effectively enforce the current rules within the Nelson Resource Management Plan. This has not been possible due to issues explained in this report. Consequentially a Plan Change is required to introduce noise management provisions which are practical and enforceable and provide a long term solution in the best interests of the various parties involved.
- 2.2 The draft Plan Change proposes a package of methods to address noise. This involves noise being managed at both the source and the receiver within the Inner City; a new limit on bass frequencies; retention of the general noise limit at properties within the Residential Zone; use of noise enforcement provisions of the Resource Management Act for excessive and unreasonable noise; and continued education, negotiation and mediation as appropriate.
- 2.3 The report concludes that this package is the most likely to allow more effective control of noise, and ensure that the Inner City of Nelson remains a vital and vibrant place while providing a reasonable level of amenity for residents both within and around the city centre.

3. Recommendation

THAT the Council adopt draft Plan Change 16 – Inner City Noise and the attached draft Plan Change provisions in particular (1249008);

AND THAT public feedback is sought on draft Plan Change 16 - Inner City Noise;

AND THAT a Councillor working group comprised of Councillors -----, -----, and -----, be convened to:

- ***consider the public feedback received,***
- ***recommend to the Council a draft Plan Change for public notification.***

4. Background

- 4.1 The issue of managing noise emanating from premises in the Inner City zoned area of Nelson has long been subject to complaint and has required ongoing enforcement. There is a demonstrated issue of noise reception impacting on people's amenity. This situation resulted in an Environment Court case (Decision No. C9/2066, ENV C 70/05, 30 January 2006). The Court found that Council had not been enforcing its noise rules correctly and, while not issuing a Consent Order, clearly stated its expectation that Council will carry out enforcement in a suitable manner. Council's lawyer at the time, Mr K Beckett, submitted to the Court that if the Court finds Nelson City Council's approach to be unlawful it will change its practice. He also said that the Council does not need to be ordered to do this.
- 4.2 The main rule of concern is ICr.42 Noise where the night time noise limit is 55dBA L10 at the boundary of the site producing the noise. Council's enforcement staff (Environmental Inspections Limited) have attempted to enforce this provision and advise that it is not able to be practicably achieved or monitored, particularly when bands, amplified music and patrons in outdoor areas are involved. A group of people talking generally exceeds 55dBA, background noise levels on the street are generally 60 – 65dBA and other bars nearby cause contamination of the noise readings. The result is that it is difficult, if not impossible, to measure and enforce this noise limit at the boundary of the property producing the noise as is expected by the Environment Court. Currently, enforcement is often undertaken by the use of provisions of the Resource Management Act relating to noise rather than the Nelson Resource Management Plan rule itself.
- 4.3 The relevant sections of the Resource Management Act are Section 16 Duty to avoid unreasonable noise, Section 326 Meaning of Excessive Noise, and Section 327 Issue and effect of excessive noise direction.

- Section 16 states:

'Every occupier of land (including any premises...) shall adopt the best practicable option to ensure that the emission of noise from that land ... does not exceed a reasonable level'.

- Section 326 states:

'...the term excessive noise means any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort and convenience of any person ...'

It excludes noise from moving aircraft, vehicles and trains, and can include noise from a musical instrument, electrical appliance, machine (however powered), person or group of persons, or an explosion or vibration.

- Section 327 allows an enforcement officer to issue an excessive noise direction if they have received a complaint and upon investigation is of the opinion that the noise is excessive.

4.4 The situation explained in the paragraphs above, combined with the pattern of complaints and enforcement actions has resulted in the need for this Plan Change. The table below identifies the key steps to date:

| Date | Step |
|---------------------------------|--|
| 04/12/2008 | Council resolved on 4 December 2008 to develop, as a priority, a Plan Change in respect of the Inner City Noise provisions of the Nelson Resource Management Plan. |
| 23/02/2009 | Issues and options report produced and public meeting held in the Chamber. |
| 04/2009 | Survey of the Inner City noise environment carried out by consultants and Environmental Inspections Limited staff. |
| 29/05/2009 and 19/06/2009 | Reports to Council's Plan Change Subcommittee outlining the background to the Plan Change, the issues and options report, the results of the public meeting, the project scope and presenting options for moving forward. Outcome was to continue to develop the Plan Change under a defined scope, and to undertake consultation. |
| 08/2009 | Targeted consultation with representatives of different affected groups and with individuals. |

| | |
|---------------------------|---|
| 29/04/2010 and 07/05/2010 | Reports to Council's Plan Change Committee with draft Plan Change provisions, consultation outcomes and a recommendation to not include temporary events in the scope of the Plan Change. A number of questions were raised at these meetings and staff were instructed to address these prior to returning to Council. |
| 05/2010 – 04/2012 | Work on Plan Change 16 suspended due to other, higher priority work commitments. |
| 05/04/2012 | Chief Executive's Report includes advice to Council that Plan Change 16 - Inner City Noise is recommencing and general discussion about issues and direction was carried out at the Council table. |

- 4.5 Throughout the process identified above a number of individuals and groups have expressed an interest in the outcomes and there has been media coverage through both Nelson City Council's own avenues and through the Nelson Mail. See further discussion on consultation in section 5.7 of this report.

5. Discussion

Scope

- 5.1 The scope of Plan Change 16 has been considered at various stages in the project. In relation to potential scope the Nelson Tasman Regional Alcohol Strategy 2006 identifies a wide range of possible actions which can influence behaviour and noise, and many of these relate to areas which are outside of the capacity of a Plan Change under the Resource Management Act. These other actions, such as improving the amenity of the Bridge Street environment and improving security in the city are being, or will be, undertaken separately to this Plan Change process.
- 5.2 The scope of the Plan Change was confirmed by resolution to include Nelson Resource Management Plan provisions relating directly to noise, and to include a rule relating to bass frequencies, and to exclude rule ICr.46 Closing times – services to the public.
- 5.3 A subsequent Plan Change Committee meeting confirmed that the scope of the Plan Change was not to include a rule for temporary events (such as festivals or parades) within the city centre. This was seen to be an issue which required a broader approach across the city rather than being specific to one zone. Noise from temporary events is managed under the existing rules of the Nelson Resource Management Plan and the Resource Management Act. It would equally be managed under any new rules proposed by this Plan Change. The removal of temporary events from the scope of the Plan Change simply means that these events will be treated no differently to a permanent activity.

Options

- 5.4 An Issues and Options Report (Attachment 1) has been produced which sets out a number of options to consider in developing the Plan Change. This has formed the basis of consultation and Plan Change development to date.
- 5.5 The current preferred package of methods within the scope of this Plan Change is explained in sections 5.12 with the draft Plan text included in Attachment 2. This involves noise producers undertaking measures to reduce the level of noise being emitted from their properties, and noise receivers undertaking measures to reduce the level of noise entering their properties. In addition controls are proposed over the level of bass frequency noise emitted from a property and other controls over the total noise level received at any property in the Residential Zone. The preferred package of options are summarised as:
- Introduce Plan provisions requiring new and altered residential units, or short term living accommodation units, in the Inner City Zone to be acoustically insulated.
 - Require new or altered noise generating activities (see Attachment 2 for definition) to apply for a resource consent to allow for consideration of noise issues.
 - Introduce Plan provisions controlling bass frequencies.
 - Retain the rule controlling noise at properties in the Residential Zone.
 - Use the excessive noise provisions of the Resource Management Act to enforce general noise at the boundary of properties within the Inner City Zone rather than the current noise rule ICr.42.
 - Ongoing education, negotiation and mediation.
- 5.6 Options originally identified but not being pursued under this Plan Change are:
- Enforce the current noise provision (rule ICr.42) in the Plan.
 - Raise the permitted noise limit in the existing rule.
 - Reduce operating hours.

Consultation

- 5.7 Consultation has been undertaken throughout the development of this Plan Change and is summarised below. In addition, further consultation is planned once Council has approved the draft for release for public comment.

| Date | Consultation |
|---|---|
| Various | Live Nelson articles providing information. |
| 23/02/2009 | Issues and Options Report produced and public meeting held in the Chamber. Widely advertised and well attended. |
| Post public meeting | Meetings with individuals arising from the public meeting. |
| 08/2009 | Targeted consultation with representatives of different affected groups and with individuals. |
| Internal consultation | Internal consultation carried out with Council's Cultural, Social and Recreation Services Department, Environmental Inspections Limited, and the Resource Consents Business Unit. |
| Future consultation planned | |
| 06/2012, 07/2012 and 08/2012 (Internal) | Comment sought from Community Services, Environmental Inspections Limited, and Resource Consents Business Unit. |
| 08/2012 (External) | Wide ranging comments sought from directly affected groups / individuals and with the public generally – this is to inform and to seek feedback to guide the final form of the Plan Change – and includes giving public notice of the proposal to externally reference New Zealand Standards NZS6801 & 2: 2008 (RMA First Schedule, Cl 34). |
| Post-notification | Formal consultation periods under the Resource Management Act. |

Draft Plan Change Content

- 5.8 The draft Plan Change has been developed by considering the findings of the Issues and Options Report, through public and internal consultation, a survey of the Inner City noise environment, with input from acoustic engineers and through the Plan Change Committee of the previous Council. It has also taken into account the methods currently used in the Nelson Resource Management Plan for the Airport and Port Noise Overlays, and other examples of noise management nationally.

5.9 As outlined in section 5.5 the draft Plan Change is a package of methods designed to manage noise production and reception in the Inner City Zone and surrounding residential areas. This package of methods has been reviewed by an acoustic engineer (Keith Ballagh – Marshall Day Acoustics). The review has found the current situation to be 'clearly unsustainable' and that the current Plan is not adequate to resolve conflicts between entertainment venue activities and residential uses both in the Inner City and the adjacent residential areas. The review goes on to say that:

'The proposed Plan Change 16 will be a significant improvement and will allow more effective control of noise however a completely satisfactory acoustical control may not ever be possible'.

5.10 In terms of Part II, Purpose and Principles of the Resource Management Act, the draft Plan Change provisions are considered to achieve the purpose of the Act. It does this by managing the use of the physical resource of the City Centre in a way which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while avoiding, remedying, or mitigating any adverse effects of activities on the environment. The draft Plan Change provisions also reflect the requirement of section 16 of the Resource Management Act for every occupier of land or premises to adopt the best practicable option to ensure that the emission of noise does not exceed a reasonable level.

5.11 The proposed approach recognises that both those producing and receiving noise in the Inner City Zone have a responsibility for managing noise. The proposed approach also recognises the Nelson Resource Management Plan policies which state that the Inner City Zone provides a central area containing activities which enhance vitality and vibrancy, while also providing for a reasonable standard of residential amenity. The policies specifically state that it should be recognised that the fundamental character of the area is non-residential. This is set out in Policies IC4.1 and IC4.3 of the Nelson Resource Management Plan.

5.12 The full proposed Plan Change text is included as Attachment 2 while the package of Plan Change methods is explained as follows:

Method 1: Introduce Plan provisions requiring new and altered residential units, or short term living accommodation units, in the Inner City Zone to be acoustically insulated

5.12.1 The proposed new rule ICr.43B Acoustic Insulation is based on a similar rule relating to the Port Effects Control Overlay. The requirement would be for new or substantially altered residential units, or short term living accommodation units, to be acoustically insulated when building occurs. This would involve a suitably qualified acoustic engineer demonstrating that the unit would meet a reasonable internal noise level. Existing units will retain legitimate existing use rights under the Resource Management Act.

| Pros | Cons |
|---|---|
| Ensures that the internal noise environment in residential units / short term living accommodation units is reasonable for living / sleeping. | Increased cost on development to be funded by the developer themselves. The increased cost for a new build standard inner city apartment of 140m ² floor area is approximately \$30 000 (note this is subject to many variables). Retrofits of existing units range considerably based on the condition and construction type of the building. |
| Places a portion of the responsibility for noise management on the receiver. | No single noise producing entity which is able to take responsibility for paying for acoustic insulation as is the case in the Port Noise Control Overlay. |
| Recognises that the Inner City is noisier than would be expected in the Residential Zone. | Questions over the inclusion of short term living accommodation units in this insulation requirement due to their short term nature – this can be explored through the pre-notification comment round. |
| Benefit to the city generally as it allows for the continuation of activities within the Inner City which add to its vitality and vibrancy. | |
| Consistent with requirement to acoustically insulate in the Airport and Port Control Overlays. | |

Method 2: Require new or extended noise generating activities to apply for a resource consent to allow for consideration of noise issues

5.12.2 The proposed new rule and associated definition, ICr.42A Noise Generating Activities, will seek to have new or extended noise generating activities acoustically insulated and managed in a way which reduces the noise being emitted beyond the site to a reasonable level. This will be achieved through the production and assessment of a noise management plan specifically designed for a particular activity on a particular site. Assessment of the suitability of a site and noise mitigation measures will occur through the resource consent process. Existing noise generating activities will retain legitimate existing use rights under the Resource Management Act.

| Pros | Cons |
|--|---|
| Ensures that noise emission is considered 'up front' when 'noise generating activities' are established or extended. | Increased cost on development and establishment of noise generating activities (both for planning, implementing and possible monitoring of a noise management plan, and the consent process). |
| Places a portion of the responsibility for noise management on the noise producer. | The need for increased guidance and expertise in preparing and assessing the Noise Management Plan requirements. |
| Benefit to the city generally as it allows for the continued operation of 'noise generating activities'. | |
| Reduces noise levels experienced in and around the city thereby improving amenity. | |

Method 3: Introduce Plan Provisions Controlling Bass Frequencies

- 5.12.3 Bass frequencies are the cause of the majority of complaints received about noise from sources in the Inner City so these can be reduced by setting a specific control for bass frequencies. Bass frequency contains more energy than higher frequencies and therefore travels further and is less easily attenuated by intervening structures or vegetation.

| Pros | Cons |
|---|---|
| Targets the most intrusive of the frequencies typically produced by Inner City noise sources. | Impact on bars in particular to control the bass frequencies they produce. |
| Benefit to the city generally as it allows for the continuation of activities within the Inner City which add to its vitality and vibrancy. | Does not control all frequencies so relies on being part of the package of measures proposed in this Plan Change. |
| Less potential for contamination of noise readings at a lower frequency. | |

Method 4: Retain rule ICr.43 controlling noise at properties in the Residential Zone

5.12.4 This rule (ICr.43) is currently operative in the Nelson Resource Management Plan and provides protection to properties within the Residential Zone, from noise produced in the Inner City Zone. The noise level allowable is the same as that for any residential area and recognises that it is a Residential Zone and as such should have a level of amenity appropriate to residential use. The retention of this rule gives residents in these areas certainty that the noise environment they experience will be controlled in the same way as it is now.

| Pros | Cons |
|---|--|
| The current rule, and permitted noise limit, is retained which gives certainty to residents. | Some level of contamination is an issue with this rule which is unresolved – however enforcement has generally been effective. |
| Existing enforcement methods for this rule remain in place. | |
| In combination with other options proposed the overall noise levels, in particular bass frequencies, is expected to be reduced over time. | |

Method 5: Use the unreasonable and excessive noise provisions of the Resource Management Act to enforce general noise at the boundary of properties within the Inner City Zone rather than the existing noise rule ICr.42

5.12.5 The rule within the Nelson Resource Management Plan which is the most difficult to achieve, monitor or enforce requires measuring a particular noise limit at, or as close as practicable to, the boundary of the property producing the noise – this is rule ICr.42. Section 4.2 of this report sets out why the rule is often not able to be enforced. This statement has been confirmed by Keith Ballagh (Acoustic Engineer) of Marshall Day Acoustics who stated that:

'In short, we consider there are no other reliable methods for resolving the contamination issues experienced from entertainment venues when attempting to use the current rule.'

5.12.6 In practice Nelson City Council has been carrying out enforcement using the unreasonable and excessive noise provisions in sections 16 and 327 of the Resource Management Act over the last few years. This is instead of using the existing rule ICr.42. In cases where a noise source is isolated and free of background noise issues or contamination then the existing noise rule is still currently used.

5.12.7 The current approach described above does not meet the Environment Court’s comment that we are required to effectively enforce the rules (ICr.42) within the Nelson Resource Management Plan.

5.12.8 The proposal under this draft Plan Change is to remove existing rule ICr.42 requiring noise to be measured at, or as close as practicable to, the boundary of the property producing the noise. In its place the introduction of a bass frequency control, and enforcement under the Resource Management Act, is proposed to be utilised to control noise production in the Inner City. The retention of the existing rule ICr.43 (see section 5.12.4) controlling noise received at properties in the Residential Zone will ensure that noise received in that zone will be managed to the current limits. The proposals for acoustic insulation at source and at receiver will further manage noise over time.

| Pros | Cons |
|---|--|
| Recognises the difficulties in enforcing the existing rule as expected by the Environment Court. | Uncertainty for residents and noise producers in not having a stated noise limit across the frequency range (aside from bass frequency). |
| Provides for existing proven enforcement methodology under the Resource Management Act to be utilised. | Limited control of cumulative effects as assessment is carried out on a case by case basis. |
| Integrates with the full package of provisions under this draft Plan Change to manage noise – particularly the bass frequency rule controlling the most intrusive aspect of Inner City noise. | Relies on judgement of individual staff or contractors. |
| Allows trained and experienced staff or contractors to exercise their judgement as to when noise is unreasonable or excessive. | |

Method 6: Ongoing Education, Negotiation and Mediation

5.12.9 Council has the opportunity to continue to be proactive in providing information to owners and operators of premises in assisting them to identify practical ways to manage and reduce noise. This non-regulatory approach is already undertaken by Council’s enforcement team when dealing with owners and operators of these premises. Information can also be developed to assist residents of neighbouring zones and within the city centre itself. This could take the form of planning brochures with advice for residents of the potential for noise and provide simple methods for reducing it. Potentially, and dependant on the

circumstances, Council could facilitate meetings between complainants and noise producers or initiate a mediation process.

| Pros | Cons |
|---|---|
| Proactive advice can help raise early awareness of noise issues and potential solutions. | Education, negotiation and mediation alone will not always resolve any issue and can be time consuming and uncertain. |
| Advice and assistance with production of noise management plans can improve the uptake of any new rules / requirements. | |

Next Steps

- 5.13 The draft Plan Change provisions are attached to this report (Attachment 2). The next step, with Council's approval, is to seek public feedback on these provisions and the draft Plan Change package as a whole. This includes giving public notice of the proposal to externally reference New Zealand Standards NZS6801 & 2: 2008 (RMA First Schedule, CI 34). The feedback is for the purpose of refining the provisions and informing the overall approach to the issue.
- 5.14 One of the recommendations of this report is to establish a working group of Councillors for the purpose of refining the draft Plan Change provisions in response to feedback received. The purpose of the working group is to allow more detailed consideration of this complex issue. The intention is to then present the findings to a Council meeting for a decision to notify the Plan Change.

6. Conclusion

6.1 The management of Inner City Noise is a contentious issue which has been the subject of numerous complaints and enforcement action over the years. The package of options presented in this draft Plan Change are considered by staff and Council's noise expert to form a practical solution and a sound basis for seeking public comment prior to finalising the content of the Plan Change for notification. The options presented as a package are considered suitable because:

- The draft Plan Change provisions more clearly recognise the requirements of the Resource Management Act.
- The provisions controlling noise are enforceable and provide a more consistent ability to control excessive and unreasonable noise.
- Bass frequency control will allow direct control of the more intrusive aspect of noise produced from entertainment venues in particular.

- The controls over new or extended noise generating activities ensure that noise reduction and management is considered early in the design process.
- The requirement for acoustic insulation of new noise receivers in the Inner City Zone recognises that living in a busy commercial environment will involve more noise than a purely residential environment.

Contact officer: Reuben Peterson, Planning Adviser.

Richard Johnson
Acting Chief Executive

Attachments

Attachment 1: Issues and Options Report [742785](#)

Attachment 2: Draft Plan Text [1249008](#)

Supporting information follows.

PREVIOUS REPORT

Supporting Information

1) Fit with Community Outcomes and Council Priorities

Provisions of this draft Plan Change specifically help to achieve the following Community Outcomes:

- Goal 2 – People-Friendly Places;
- Goal 5 – A Fun, Creative Culture.

The provisions of this draft Plan Change specifically help to achieve the following Council Priorities:

- A leading lifestyle;
- A rich diverse community.

This is due to the increasing viability of residential living in the Inner City Zone and recognising the variety and vitality that entertainment venues add to the central area.

2) Fit with Strategic Documents

This draft Plan Change has taken account of the Nelson Tasman Regional Alcohol Strategy in formulating the scope of work and it does not conflict with the stated action points of the Strategy. The draft Plan Change also fits with the Activity Objectives of the Heart of Nelson, Central City Strategy. Specifically these are:

'To achieve an engaging, activity filled central city, with activities that encourage people into the central city and to spend more time once there'; and 'To encourage more people to live in, or close to, the central city to support the vibrancy and economy of the City Centre'.

3) Sustainability

By managing noise from both the producer and receiver in the Inner City, land uses (such as bars and residential units) can both contribute to, and be the beneficiaries of, an appropriate level of urban amenity and thereby make better and more sustainable use of the land resource. The proposal also improves the quality of life and well being of local people.

4) Consistency with other Council policies

Provisions of this draft Plan Change are consistent with the Objectives and Policies of the Nelson Resource Management Plan. Specifically these are:

- DO16.1.1 2 Inner City Zone: A City Centre which provides a strong and vibrant focus to the city, together with a City Fringe which supports and complements the City Centre.
- Objective IC4 Activities and Adverse Effects: A diversity of activities which do not adversely affect the environment sought for the City Centre and City Fringe.
 - Policy IC4.1 Range of Activities: Activities which enhance the vitality and vibrancy of the City Centre shall be encouraged.
 - Policy IC4.2 Adverse Effect: Activities should not give rise to levels of

Supporting Information

noise, smell, dust, and smoke, or traffic, landscape, aesthetic or other adverse effects which will detract from the character being sought for the City Centre and City Fringe areas.

- Policy IC4.3 Residential Amenity: The Inner City, and sites used for residential activity, should provide a reasonable standard of residential amenity, but recognising that the fundamental character of the area is non-residential.
- Policy IC5.2 Residential Zones: Special regard shall be had to preventing any deterioration of the amenity of the Residential Zone as a result of expansion of activities from the Inner City Zone, or as a result of adverse effects across the zone boundary.

5) Long Term Plan/Annual Plan reference and financial impact

The Plan Change work is funded from existing budgets and there is no anticipated further financial impact on Council.

6) Decision-making significance

This is not a significant decision in terms of the Council's Significance Policy.

7) Consultation

Initial consultation has been carried out through a public meeting (23 February 2009) and through other avenues as outlined in section 5.7 of this report. Further consultation will be carried out with relevant Ministers, local authorities and tangata whenua (as per RMA First Schedule, Clause 3 (1)), and the public (as per RMA First Schedule, Clause 3 (2)) following Council adoption of this draft Plan Change. Consultation also includes giving public notice of the proposal to externally reference New Zealand Standards NZS6801 & 2: 2008 (RMA First Schedule, Cl 34) in the Plan Change. If a future decision is made to notify the Plan Change the submissions, further submissions, hearing and appeal processes of the RMA First Schedule will commence.

8) Inclusion of Maori in the decision making process

Iwi have not been specifically consulted on this draft Plan Change to date. Consultation with Iwi on the draft Plan Change will be undertaken as part of the RMA First Schedule, Clause 3 (1) requirements and the proposed Plan Change will be provided to Iwi at the notification stage (as per RMA First Schedule, Clause 5 (4)).

9) Delegation register reference

Full Council decision.

NELSON CITY COUNCIL

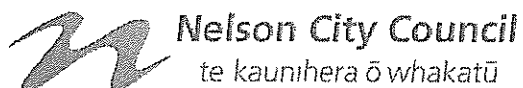
Nelson Resource Management Plan

Proposed Plan Change 16
Inner City Noise

Summary of Decisions Requested

Notification of Submissions Date
07 September 2013

Further Submissions Close
5pm Monday 11 November 2013



Introduction

This document contains a Summary of Decisions Requested by persons making submissions on the Nelson Resource Management Plan, Proposed Plan Change 16 (Inner City Noise). In total 15 submissions were received. The summary is in accordance with the requirements of Schedule 1, Clause 7, Public notice of submissions, Resource Management Act 1991 (RMA).

Format

The decisions sought by each party in their submissions are listed by topic. Where possible the words are those of the submitter. The original submissions should be referred to for a full understanding of the particular points raised by each submitter.

Further Submissions

Further submissions are invited and may be made in accordance with Schedule 1, Clause 8, Clause 8A and Form 6, RMA. A guide to making a further submission is included on the following page. A further submission form is available to ensure that your further submission meets these requirements.

Closing Date

The closing date for further submissions is **5pm, Monday 11 November 2013**.

Contact Person

Reuben Peterson
Planning Adviser
Nelson City Council
PO Box 645
Nelson 7040

03 546 0295

reuben.peterson@ncc.govt.nz

Guide to Making a Further Submission

Important Information:

- Any person representing a relevant aspect of the public interest, or who has a greater interest than the general public, can make a further submission.
- A further submission may only be made in support of, or in opposition to an original submission to Plan Change 16.
- A further submission must state whether you support or oppose an original submission (or part thereof) and whether or not you wish to be heard on your further submission.
- A copy of your further submission must be served on the original submitter to which your further submission relates, within five working days of making your further submission to the Nelson City Council.
- Further submissions must be received by Nelson City Council prior to 5pm, Monday 11 November.

The Summary of Decisions Requested summarises the decisions that have been requested in the original submissions received. If you intend to make a further submission, it is recommended that you read the full original submission.

Full copies of the original submissions are available by contacting Reuben Peterson at the details below.

Copies of this Summary of Decisions Requested document are available for viewing at Civic House and at Nelson, Tahunanui and Stoke Libraries, by contacting Reuben Peterson on 03 546 0295 or reuben.peterson@ncc.govt.nz, or online at www.nelsoncitycouncil.co.nz (search phrase = Plan Change 16). Further submission forms are also available at these locations.

When preparing your further submission, please use the **Submitter Number** and **Statement Number** in the tables below to indicate what submission point you are referring to.

Clearly state whether you support or oppose the decision requested you are making a further submission on.

Give the reasons for your support or opposition.

Use the **Further Submission Form** to help set out your further submission. It is in your best interests to make your further submission as clear as possible. If you have any questions regarding how to prepare a further submission, please contact Reuben Peterson.

One copy of the further submission must be sent to Council and a second copy sent to the original submitter within 5 working days of providing Council with the further submission.

The postal addresses of submitters for the purpose of service of further submissions, as per Schedule 1, Clause 8A, Service of further submissions, RMA, is provided at the end of this document.

Summary of Decisions Requested

Plan Change 16 (Inner City Noise)

| Topic / Submitter Name | Submission Number | Statement Number | Decision Requested |
|--|-------------------|------------------|---|
| Amendment 1 Acoustic Insulation | | | |
| Kent Thomas Inglis | 1 | 1 | Delete acoustic insulation of inner city residential units |
| James Mackay Purves | 4 | 1 | Delete. Deal with the polluter/pollutant at the source, not the results of the problem. This creates work and fees for Council. Let developers/accommodation providers decide what is appropriate in the inner city and if they get it wrong the market will punish them |
| Port Nelson Noise Liaison Committee | 5 | 1 | Retain section AP19.2.iii |
| Port Nelson Limited | 7 | 1 | Retain section AP19.2.iii |
| Graeme Downing and Stephanie Trevena | 8 | 1 | Retain rule ICr.43.A acoustic insulation of accommodation in Inner City Zone |
| Nelson Marlborough District Health Board | 11 | 1 | Retain ICr.43A.1 permitted column with consequential addition. Add to Chapter 2 Definitions, a definition for the acoustical descriptor " $D_{2m,r}^{nT} + C_r$ " which is undefined in the Proposed Plan, or the Operative Plan or NZS6801:2008 or NZS6802:2008 and will otherwise be incomprehensible to readers of the Plan. See Amendment 2, submitter 2, Statement 8. |
| Nelson Marlborough District Health Board | 11 | 2 | Amend ICr.43A.4 as follows: Add new items e) The effectiveness of any noise barriers" and d) Any balconies" and in b) delete the words "of exposure". |
| Nelson Marlborough District Health Board | 11 | 3 | Retain ICr.43A.4 Explanation |
| Nelson Marlborough District Health Board | 11 | 4 | Amend AP19.2 clauses AP19.2.i and AP19.2.ii as follows: Replace bullet points with numeration. In six places delete the terms "dBA L_{eq} (15min)" and substitute "dB LA_{eq} (15min)". Replace "design noise level" with "design sound level". In 19.2.ii b) last sentence delete the word "levels". |
| Nelson Marlborough District Health Board | 11 | 5 | Amend AP19.3 and AP19.3.i as follows: In the second line replace "Insulations" with "Insulation". Replace "design noise level" with "design sound level". |
| Nelson Marlborough District Health Board | 11 | 6 | Amend AP19.3 and AP19.3.ii as follows: In sub clauses a) and b) in two places delete the terms "dBA L_{eq} (15min)" and substitute "dB LA_{eq} (15min)". Replace "design noise level" with "design sound level". In 19.3.ii a) and in 19.3.ii b) in the last sentence of each sub clause, replace "noise levels" with "sound levels". |

| Topic / Submitter Name | Submission Number | Statement Number | Decision Requested |
|--|-------------------|------------------|--|
| Nelson Marlborough District Health Board | 11 | 7 | Retain AP19.3.iv and table 3 and notes |
| Hospitality NZ | 12 | 1 | Retain acoustic insulation of inner city residential units and short term living accommodation |
| Amendment 2 Noise Generating Activity | | | |
| Graeme Downing and Stephanie Trevena | 8 | 2 | Amend Noise Generating Activity definition as follows: First bullet point, delete the words "from a sound system with greater than 100w output". |
| Graeme Downing and Stephanie Trevena | 8 | 3 | Amend Noise Generating Activity definition as follows: First and second bullet points replace "11.00pm" and "1.00am" respectively with 10.00pm. |
| Graeme Downing and Stephanie Trevena | 8 | 4 | Amend ICr.42A.1 as follows: Add new sub clause "or d) Results in any increase in the hours amplified music is played or any increase in the volume the amplified music is played at" |
| Graeme Downing and Stephanie Trevena | 8 | 5 | Amend AP13.1.2 as follows: Add new sub clause "and c) The provision of a Monitoring Report to the Council at least once a year." |
| Graeme Downing and Stephanie Trevena | 8 | 6 | Delete AP13.2 |
| McDonalds Restaurant (NZ) Ltd | 10 | 1 | ICr.42A insert the following exclusion "subpoint (a) above does not apply to internal (unlicensed) restaurant or dining space that would otherwise not fall to be considered a noise generating activity." |
| Nelson Marlborough District Health Board | 11 | 8 | Amend Noise Generating Activity definition as follows: Replace Chapter 2 definition for term "L _{max} " with "L _{max} includes LAF _{max} and is the maximum A frequency weighted, F-time-weighted sound pressure level during a time period as defined in NZS6801:2008." Add new definition - "D _{2m,rnT} +C _{trr} (enlarged for clarity) is a standardised single number in decibel as a measure of facade performance. It is the difference between the outdoor sound level measured 2 metres from the facade (including the effects of reflection from the facade) and the spatial average sound level inside the receiving room. It includes a spectrum adaption term to take into account lower frequency sound. See ISO 140-5 (1998) Acoustics - Measurement of sound insulation in buildings and of building elements - Part 5: Field measurements of airborne sound insulation of facade elements and facades. The single number is evaluated according to the method given in ISO 717-1:2013 Acoustics - Rating of sound insulation in buildings and building elements - Part 1: Airborne sound insulation". |
| Nelson Marlborough District Health Board | 11 | 9 | Retain rule ICr.42A |

| Topic / Submitter Name | Submission Number | Statement Number | Decision Requested |
|--|-------------------|------------------|---|
| Nelson Marlborough District Health Board | 11 | 10 | Retain Appendix 13 |
| Nelson Marlborough District Health Board | 11 | 11 | Amend AP13.1 as follows: a) Replace "design noise level" with "design sound level". b) After "acoustic insulation" add, "or noise barrier" b) Replace "noise levels and meet the design noise level" with "noise and comply with the design sound level" g) Replace "govern the maximum noise output" with "limit sound emissions" |
| Nelson Marlborough District Health Board | 11 | 12 | Retain AP13.2 |
| Nelson Marlborough District Health Board | 11 | 13 | Amend AP13.1.3 as follows: Amend title to "Measurement and assessment of Noise" After the word "and" insert "assessed in accordance with" |
| Nelson Marlborough District Health Board | 11 | 14 | Amend AP13.2.1 as follows: Delete "or in forming an opinion under 327(1)" Delete the last two words in sub-clause AP13.2.1.ii e "or excessive" |
| Nelson Marlborough District Health Board | 11 | 15 | Amend AP13.2.1.ii as follows: In b) Replace "noise level" with "sound level" and Replace b) "noise meter to determine actual noise level" with "sound level meter". |
| Nelson Marlborough District Health Board | 11 | 16 | Retain AP13.2.2 |
| Hospitality NZ | 12 | 2 | Delete. The new Sale and Supply of Alcohol Act together with noise control provisions of the Resource Management Act a robust and sufficient way to address noise generating activities without the need to require noise generating activities to apply for a resource consent to allow for consideration of noise issues. |
| Barbara Riddell | 14 | 1 | Decrease noise levels |
| Amendment 3 Maximum Noise Level ($L_{AF_{max}}$) | | | |
| Nelson Marlborough District Health Board | 11 | 17 | Amend ICr.42 and ICr.42.1 as follows: Amend heading to "Night time noise limits". Replace "noise measured" with "The sound level assessed". Replace "facade" with "side". Replace "maximum noise levels" with "noise limit". Replace Chapter 2 definition for L_{max} with " L_{max} includes $L_{AF_{max}}$ and is the maximum A frequency weighted, F-time-weighted |

| Topic / Submitter Name | Submission Number | Statement Number | Decision Requested |
|---|-------------------|------------------|--|
| | | | sound pressure level during a time period, and is defined in NZS6801:2008". |
| Nelson Marlborough District Health Board | 11 | 18 | Retain ICr.42.4 and ICr.42.5 |
| Nelson Marlborough District Health Board | 11 | 19 | Amend heading in contents page to "Night time noise limits" |
| Barbara Riddell | 14 | 2 | Enforce drum limits. Music, singing are fine. Throbbing from drums is over the top |
| Amendment 4 ICr.43 Noise received at sites in the Residential Zone | | | |
| Graeme Downing and Stephanie Trevena | 8 | 9 | Amend ICr.43 as follows: Add a night time low frequency noise limit |
| Nelson Marlborough District Health Board | 11 | 20 | Amend ICr.43 as follows: Replace two occurrences of LA _{eq} with LA _{eq} (15min) |
| Nelson Marlborough District Health Board | 11 | 21 | Amend ICr.43 as follows: Replace "ambient noise levels" with "ambient sound level". |
| Hospitality NZ | 12 | 3 | Retain ICr.43 |
| Gaile Noonan | 13 | 1 | Properties within say 150 metres of any proposed new development emitting noise on a regular basis should have their properties noise protected at the cost of the applicant not the home owner |
| Amendment 5 Enforce noise using provisions of the RMA | | | |
| Graeme Downing and Stephanie Trevena | 8 | 7 | Oppose deletion of ICr.42. Amend by updating the noise measures to equivalent 2008 NZS Standards as per the parallel proposed amendments to rule ICr.43 and add to the noise levels in rule ICr.42 to deal with bass frequencies at night time "63Hz Octave Band: 70dBL10" |
| Graeme Downing and Stephanie Trevena | 8 | 8 | Delete ICr.42B |
| Nelson Marlborough District Health Board | 11 | 22 | Delete ICr.42B and ICr.42B.5 |
| Hospitality NZ | 12 | 4 | Council should develop and implement guidelines to control officers to help with anomalies |
| Amendment 6 Ongoing education | | | |
| Hospitality NZ | 12 | 5 | Retain, support non regulatory approaches |
| Changes to Policy | | | |
| Graeme Downing and Stephanie Trevena | 8 | 10 | Retain IC5.1 |
| Nelson Marlborough District Health Board | 11 | 23 | Retain IC4.2, IC4.2.ii and IC4.2.iv |
| Nelson Marlborough District Health Board | 11 | 24 | Amend as follows - IC4.2.v use of sections 316, 320 and 322 of the Resource Management |

| Topic / Submitter Name | Submission Number | Statement Number | Decision Requested |
|--|-------------------|------------------|--|
| | | | Act 1991 for enforcement of unreasonable noise, and section 327 of the Act to control excessive noise. |
| Nelson Marlborough District Health Board | 11 | 25 | Amend IC4.3.v by replacing "or" with "and". |
| Nelson Marlborough District Health Board | 11 | 26 | Amend IC5.1.ii by replacing "or" with "and" |
| General Submission | | | |
| Dan McGuire | 2 | 1 | Retain the proposal as a whole |
| Peter Mayes | 3 | 1 | Consider a device that is connected to the electricity supply to amplifiers, at a set noise level it trips the power and cannot be reset for a set time. This is mandatory for use in clubs, pubs in the UK. |
| Charles and Rosemary Shaw | 6 | 1 | Retain the proposal as a whole. It will go some way to improving the enjoyment of people who have chosen to live permanently close to the centre and those who are staying for a short time. |
| Michelle McLean | 9 | 1 | Would like inner city noise to be prevented from intruding into residential areas, after 9pm at the latest during the week. |
| Nelson Marlborough District Health Board | 11 | 27 | Retain the proposal as a whole as it incorporates amendments to rules to avoid, mitigate and reduce adverse effects of noise on environmental health, and to promote the health of the people and communities in the District in a sustainable manner. |
| Hospitality NZ | 12 | 6 | Retain, broadly supportive of the proposed plan change. |
| C Sharp Family Trust | 15 | 1 | LATE SUBMISSION Retain. Excellent proposal to enhance inner city living. Higher density residential is essential if the city is to become a better place to live. |

Address for Service of Submitters
Plan Change 16 (Inner City Noise)

| Sub # | Submitter Name | Submitter Address |
|--------------|--|--|
| 1 | Kent Thomas Inglis | 9 Ajax Avenue Nelson 7010 |
| 2 | Dan McGuire | PO Box 582 Nelson 7040 |
| 3 | Peter Mayes | 2/8 Norwich Street Stoke Nelson 7011 |
| 4 | James Purves | 1 st Floor, 121 Trafalgar Street Nelson 7010 |
| 5. | Port Nelson Noise Liaison Committee | C/- Port Nelson Ltd PO Box 844 Nelson 7010 Attention: Thomas Marchant |
| 6. | Charles and Rosemary Shaw | 15 Erin Street Nelson 7010 |
| 7 | Port Nelson Ltd | PO Box 844 Nelson 7010 Attention: Thomas Marchant |
| 8 | McFadden McMeeken Phillips | PO Box 656 Nelson 7040 Attention: Graeme Downing |
| 9 | Michelle McLean | 6 Harper Street Nelson 7010 |
| 10 | McDonalds Restaurant Ltd | Barker & Associates Ltd PO Box 1986 Shortland Street Auckland 1140 Attention: Kay Panther Knight |
| 11 | Nelson Marlborough District Health Board | Public Health Service PO Box 647 Nelson 7040 Attention: G E Cameron |
| 12 | Hospitality NZ | PO Box 3263 Richmond Nelson 7050 Attention: Jeanette Swift & Ron Taylor |
| 13 | Gaile Noonan | 9 Hathaway Terrace Nelson 7010 |
| 14 | Barbara Riddell | 15 Riverside Nelson 7010 |
| 15 | LATE SUBMISSION C Sharp Family Trust | 319 Hardy Street Nelson 7010 Attention: Chris Sharp |

Further Submitters

| Further Sub # | Further Submitter Name | Further Submitter Address |
|----------------------|-------------------------------|---|
| 1 | Dan McGuire | PO Box 582 Nelson 7040 |
| 2 | Nelson Grey Power | PO Box 2190 Stoke Nelson 7041 Attention: Neville Male |

Regulatory Report for 1 July to 30 September 2013

1. Purpose of Report

- 1.1 To provide a quarterly update on activity and performance for the Council's regulatory functions.

2. Recommendation

THAT the Regulatory Report for 1 July to 30 September 2013 (1622238) be received.

3. Building Unit Performance

Recovery

- 3.1 The Building Unit continues to actively monitor the remaining 28 properties with s.124 Building Act 2004 notices (these are notices issued for dangerous, earthquake prone or insanitary buildings), due to slips and damage occurring during the December 2011 Rainfall Event. The last quarter saw one property have its s.124 lifted.

Earthquake Prone Buildings Policy

- 3.2 The original policy worked on the priority types 1 to 4. Below outlines how many properties have been identified in each priority, this is also shown as a percentage of the total estimated number of properties which exist in that priority;
- **Priority 1 Post Disaster Buildings** - 25 identified to date, (95%)**Priority 2 Crowds, High Value** - 31 identified to date, (48%)
 - **Priority 3 Heritage A & B (NRMP Appendix 1)** - 98 identified – (100%)
 - **Priority 4 Other Buildings, including residential with two storey and more than three units** – 349 identified to date. It is estimated that there could be up to 1500 buildings in this category.
 - **Remainder of Buildings on EQB Register (not included above)** - 171 excluded from scope of policy or fall outside

screening criteria of Initial Evaluation Procedure. 46 Buildings yet to be prioritised.

- 3.3 The Earthquake Prone Building Register has a total of 720 entries to date.
- 3.4 There are 23 buildings with s.124 Building Act 2004 Earthquake Prone Building Notices currently issued. Six are for Council owned buildings and 17 for privately owned. There has been no change in the number of notices lifted in the last quarter and two new notices have been issued.

Building Consents

- 3.5 The total number of building consent applications received over the July 2013 – September 2013 quarter has reduced by 3% from the same period in 2012 (191 to 185).
- 3.6 The total value of work for applications received for all building activity over the quarter has increased by 4% over the previous year's quarter. However, there are trending increases in alterations work for both commercial and residential but a reduction in new build across both sectors.
- 3.7 The total number of building consents granted over the July 2013 – September 2013 quarter has increased 4% from the same period in 2012 (199 to 208).
- 3.8 The last quarter has maintained the increased level (52%) of building consents granted for alterations to commercial buildings. As for last year, the driver is believed to be building owner response to the Council Earthquake Prone Buildings Policy.
- 3.9 The total value of work for granted building consents across all building activity over the quarter has increased by 3% over the same period last year. However, commercial new build numbers have reduced from the peak in March-June 2013 and are at a similar level to the March-June 2012 figures.
- 3.10 Residential activity value of work for granted consents has increased by 18% from the same quarter last year.

Building Consent applications received 1 July – 30 September

| Building Category Trends | 2012 Number of Consents | 2013 Number of Consents |
|---------------------------------|--------------------------------|--------------------------------|
| New House | 54 | 42 |
| Altered Dwelling | 52 | 66 |
| Minor works | 58 | 40 |

| Building Category Trends | 2012 Number of Consents | 2013 Number of Consents |
|---------------------------------|------------------------------------|------------------------------------|
| New Commercial | 9 | 6 |
| Altered Commercial | 18 | 31 |
| Total | 191 | 185 |

Building Consent applications received works value 1 July – 30 September

| Building Category Trends | 2012 Value \$ | 2013 Value \$ |
|-----------------------------------|--------------------------|--------------------------|
| New Houses | 19,168,375 | 16,158,507 |
| Altered Dwelling and Minor works | 3,549,488 | 4,058,285 |
| New Commercial | 4,030,000 | 2,167,000 |
| Altered Commercial | 1,471,100 | 3,281,000 |
| Total Value works | 28,218,963 | 25,664,792 |
| Note: previous quarter comparison | 28,605,625 | 29,981,521 |

Building Consent applications granted 1 July – 30 September

| Building Category Trends | 2012 Number of Consents | 2013 Number of Consents |
|---------------------------------|------------------------------------|------------------------------------|
| New House | 53 | 42 |
| Altered Dwelling | 64 | 74 |
| Minor works | 47 | 54 |
| New Commercial | 10 | 9 |
| Altered Commercial | 25 | 29 |
| Total | 199 | 208 |

Building Consent applications granted, works value 1 July – 30 September

| Building Category Trends | 2012 Value \$ | 2013 Value \$ |
|-----------------------------------|----------------------|----------------------|
| New Houses | 15,747,399 | 14,774,639 |
| Altered Dwelling and Minor works | 3,005,628 | 7,364,529 |
| New Commercial | 3,336,982 | 3,315,220 |
| Altered Commercial | 4,817,895 | 2,308,365 |
| Total Value works | 26,907,904 | 27,762,753 |
| Note: previous quarter comparison | 28,859,729 | 42,312,051 |

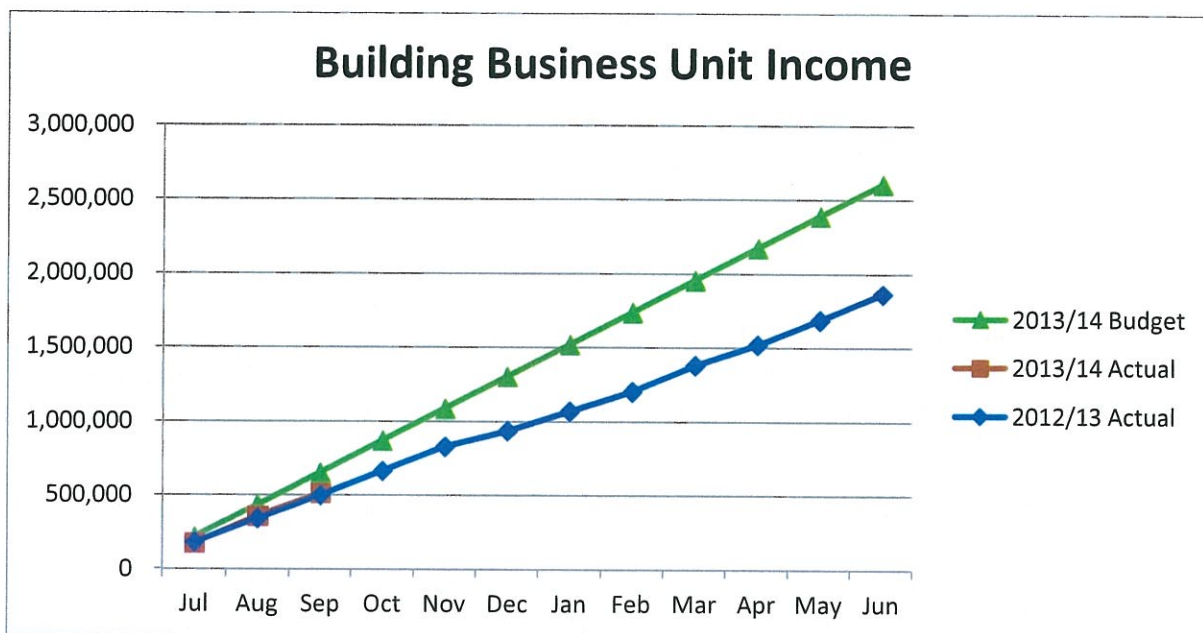
- 3.11 Processing timeframes for building consents are 11 days average compared to a statutory time limit of 20 working days. Please also note that the current turnaround on Code Compliance Certificates is 3 days from final inspection.

Building Consent Authority Processing Time Statistics

| Consent Processing Trends | 1 July - 30 September 2012 | 1 July - 30 September 2013 | Year to date 2012 | Year to date 2013 |
|------------------------------------|-----------------------------------|-----------------------------------|--------------------------|--------------------------|
| Total number of consents granted | 206 | 208 | 739 | 697 |
| Total value of works \$ | 29,112,341 | 27,610,289 | 91,970,709 | 106,209,436 |
| Completed within 20 working days % | 92.23 | 91.63 | 89.31 | 90.10 |
| Average process time (days) | 14 | 12 | 13 | 11 |

Earnings projection and monitoring table as at September 2013:

- 3.12 The following table has been provided to indicate where the Building Unit is tracking currently with earnings to budget projection. Current tracking is indicating a similar trend to last year. The budget projection is felt to be at risk after the first quarter of the new financial year.



Building Unit Highlights

IANZ Accreditation

- 3.13 All information to support clearance of Corrective Action Requests (CARs) was submitted to IANZ on the 6 September, prior to the 15 September deadline. Four of the five CARs were cleared on 12 September, however, further information was requested on CAR #3 this was produced and received by IANZ on 16 October 2013. IANZ notified NCC that CAR#3 was cleared on 31 October 2013.
- 3.14 IANZ has offered Council the opportunity to also gain accreditation for Regulation 18 (due to come in on 1 December). If officers can supply evidence of implementation of the procedure this will be submitted on 7 November for review by IANZ and officers are confident Council will achieve accreditation on this regulation.
- 3.15 IANZ Strong Recommendations, notified to Council in the audit report, are now the next priority and will be formed into a discrete project for action over the next two years before the next accreditation review in 2015.
- 3.16 Due to procedure and other changes in the Building Unit in the last quarter the Building Consent Authority (BCA) has achieved 100% of Building Consents Granted within the 20 day statutory time limit for the month of September. This is the first time the BCA has achieved this and was as a result of significant changes to procedure implemented in August.

Looking Ahead: Building Unit

- 3.17 The Building Unit will complete a full review of cost and time for consents over the next three months. It is important for the BCA to get a full understanding of the real costs and time required for consent

processing and other functions. This will target core function (what is undertaken in a consent process), staff productivity and chargeable time. It will involve more staff (eventually all staff) undertaking timesheets electronically. To ascertain this base information is essential to allow the BCA to fully understand cost to time and output. This will determine future fees and charges structure and expectation of staff productivity and other strategic information.

- 3.18 Developments from the Ministry of Business, Innovation and Employment (MBIE) have resulted in a phasing in of the Regulation 18 requirement. This requires technical staff being either suitably qualified (MBIE has listed suitable qualifications) or enrolled for training by 1 December 2013.

4. Parking Unit Performance 1 July - 30 September 2013

- 4.1 There was a significant drop off in enforcement activity in this period. The factors which led to this (vacancies, training, sick leave) have been addressed.
- 4.2 The free parking on Tuesdays campaign over winter also reduces some infringements.

| Activity | July | August | September |
|--|------------|------------|------------|
| Enforcement | | | |
| Safety | 67 | 31 | 16 |
| Licence labels /WOF | 432 | 277 | 259 |
| Central Business District meters | 328 | 243 | 162 |
| Time Restrictions | 106 | 79 | 50 |
| Total Infringement notices issued | 933 | 630 | 487 |
| Challenges to tickets issued | | | |
| Explanations not accepted | 73 | 39 | 38 |
| Explanations accepted | 115 | 125 | 58 |
| Total explanations actioned | 188 | 164 | 96 |
| Service Requests | | | |
| Abandoned Vehicles | 27 | 17 | 9 |
| Requests for Enforcement | 63 | 49 | 29 |
| Information /advice | 3 | 0 | 6 |
| Total service requests | 93 | 66 | 44 |
| Courts | | | |
| Notices lodged for collection of fine | 334 | 90 | 0 |

Looking Ahead: Parking Unit

- 4.3 Environmental Inspections Ltd took over the Parking Function as at 1 October 2013. It has already recruited two new parking wardens and as they become fully trained there will be an increased enforcement capability compared with recent months.
- 4.4 Figures for October 2013 show an increase with 1236 tickets issued (average for previous 6 months being 838 per month).

5. Resource Consents Performance 1 July - 30 September 2013

- 5.1 The limited notified consent decisions were for an extension of a childcare centre in Dodson Valley (granted) and a dairy/convenience store in Vanguard Street (granted). The Quest Hotel development in Collingwood Street/Buxton Square was granted non-notified in July.
- 5.2 One discount for a consent processed outside the statutory timeframe was given during this period. This represents 1% of all decisions processed incorporated a discount for being late. The total discounted was \$418.20.
- 5.3 The non-notified processing times for the quarter ranged from 1 day to 67 days.

Resource Consents Processing Times

| Month | NON NOTIFIED | | | | NOTIFIED AND LIMITED NOTIFIED | | |
|---------------------------------|---------------------|----------------------|---------------------|-----------------|-------------------------------|----------------------|-----------------|
| | % processed on time | Average process days | Median process days | Consent numbers | % processed on time | Average process days | Consent numbers |
| July 2013 | 93 | 15 | 13 | 27 | | | 0 |
| August 2013 | 100 | 14 | 16 | 35 | 100 | 54 | 1 |
| September 2013 | 100 | 14 | 15 | 31 | 100 | 70 | 1 |
| Average from 1 July 2013 | 98 | 14 | 15 | 31 | 100 | 62 | 1 |
| Total from 1 July 2013 | | | | 93 | | | 2 |
| 2012/13 average | 86 | 23 | 16 | 32 | 67 | 69 | 1 |
| 2012/13 totals | | | | 381 | | | 9 |

Resource Consents Highlights

- 5.4 A steady quarter with a total of 115 applications received, over half for land use consents with the next highest category being subdivision applications.

5.5 A simple consent process was introduced in this quarter to fast-track the simpler applications. Four consents were issued ranging from 1 to 4 processing days with costs ranging from \$257 to \$625. Not surprisingly feedback from these applicants has been very positive.

5.6 The average charges (excluding GST) were as follows:

- Limited notified consents - \$9,719
- Non-notified consents –

| | |
|---------------|--------|
| land use | \$1253 |
| subdivision | \$1182 |
| coastal | \$408 |
| discharge | \$1837 |
| regional land | \$2286 |
| water | \$949 |
| other | \$1073 |

Looking Ahead: Resource Consents

5.7 Proposed changes to the Resource Management Act are likely to have some impact on the team’s work particularly around the calculation of processing timeframes.

6. Environmental Health and Dog Control Activities 1 July - 30 September 2013

6.1 The level of activity is similar to previous years.

Summary of Activities

| Activity | Responses | | | Year to Date |
|-----------------------------|------------|------------|------------|--------------|
| | July | August | September | |
| Dog Control | 120 | 151 | 162 | 433 |
| Resource consent monitoring | 183 | 213 | 174 | 570 |
| Noise nuisance | 57 | 75 | 72 | 204 |
| Bylaw / Building / Planning | 46 | 75 | 66 | 187 |
| Liquor applications | 53 | 44 | 53 | 150 |
| Pollution | 12 | 29 | 22 | 63 |
| Liquor inspections | 11 | 42 | 11 | 64 |
| Stock | 4 | 6 | 9 | 19 |
| Total | 482 | 635 | 569 | 1686 |

7. Harbour Safety Activities

- 7.1 The longest ship to ever come to Nelson, the FPSO Raroa, arrived in Port Nelson on Labour Day. The vessel is 243m long with an additional 10m of Helideck over the stern. The ship will be repaired in Port Nelson over the coming weeks.
- 7.2 Council has received 12 applications for commercial vessel licenses and is working through the applications with the Harbour Master and Deputy Harbour Master.
- 7.3 The Navigation Safety Bylaw 218 includes infringement provisions for non-compliance with the Bylaw. The Parliamentary Counsel provide a legal basis for the infringement regime. The final draft of the regulations has just been approved by the Department of Internal Affairs and officers are hopeful that the regulations will come into force before summer.
- 7.4 Harbourmaster Patrol Hours

| Month | Patrol Hours |
|-----------|--------------|
| July | 112.25 |
| August | 82.25 |
| September | 76 |

8. Summary of Hearing Panel Activities

| Legislation | Matter & date of Hearing | Status |
|------------------------------------|---|-------------------------------|
| Fencing of Swimming Pools Act 1987 | Exemption under section 6, 100 Arapiki Road, Hearing 31 July | Granted subject to conditions |
| | Exemption under section 6, 9 Andrew Street, Hearing 31 July | Granted |
| RMA 1991 | RM135029 Application for a dairy/ convenience store Hearing 5 September 2013 | Granted |

9. Land Information Memorandum Applications

| Month | Percentage processed on time | Average process days | Total LIMs |
|-------------------------------|------------------------------|----------------------|------------|
| July 2013 | 100 | 4 | 56 |
| August 2013 | 100 | 4 | 51 |
| September 2013 | 100 | 4 | 51 |
| Average from 1 July | 100 | 4 | 53 |
| TOTAL from 1 July 2013 | | | 158 |
| 2012/13 Average | 100 | 4 | 45 |
| 2012/13 Total | | | 545 |

10. Official Information Act Requests

| Period | Number received | Number completed | Number outstanding |
|----------------------------|-----------------|------------------|--------------------|
| 1 July – 30 September 2013 | 44 | 41 | 3 |

11. Summary of Legal Proceedings

| Party | Legislation | Matter & date of initial action | Status |
|--|----------------------------|--|--|
| Gibbons Holding Ltd and Fulton Hogan Ltd | RMA 1991 (ENV-2012-WLG-86) | Plan Change 17 Appeal – 10 August 2012 | Consent order authorised by the Environment court 28 August 2103 – Plan change 17 was made operative on 9 September 2013 |
| McFadden Family Trust | RMA 1991 (ENV-2012-WLG-83) | Plan Change 18 Appeal – 9 August 2012 | Environment Court mediation deferred pending Saxton Creek upgrade design. |
| Hamilton and Hardyman | RMA 1991 (ENV-2012-WLG-84) | Plan Change 18 Appeal – 9 August 2012 | Environment Court mediation deferred pending Saxton Creek upgrade design. |
| Raine | RMA 1991 (ENV-2012-WLG-85) | Plan Change 18 Appeal - 10 August 2012 | Environment Court mediation deferred pending Saxton Creek upgrade design. |
| RG Griffin Children's Trust | RMA 1991 (ENV-2012-WLG-87) | Plan Change 18 Appeal - 10 August 2012 | Environment Court mediation deferred pending Saxton Creek upgrade design. |
| King | RMA 1991 | Prosecution for unlawful discharge 24 January 2013 Prosecution for failure to comply - 1 March 2013 | Council agreed to suspend the prosecutions as long as agreed actions to remedy the situation were undertaken by 15 December. |

| Party | Legislation | Matter & date of initial action | Status |
|----------------------|----------------------------|---|--|
| G & R Williams | RMA 1991 (ENV-2013-WLG-58) | Appeal against abatement notice about a solid fuel wood burner – 25 July 2013 | Environment Court mediation 13 November 2013 |
| Gibbons Holdings Ltd | LGA 2002 | Failure to pay development contributions for BC081189 – 5 August 2013 | Statement of claim and information capsules lodged with District Court |
| Jatco Holdings | WHRS Regulations 2007 | Building defects, claim for negligence in NCC issuing building consent and Code Compliance Certificate in 2004/2005 | Statement of Defence was lodged by FVM on the 25 October 2013. Await further contact from Lawyers. |

12. Summary of Insurance Claims

There are no current insurance claims lodged with our insurers.

Nicky McDonald
Acting Group Manager Strategy and Environment

Attachments

None.

No supporting information follows.

Environmental Inspections Limited Annual Report 2012/2013

1. Purpose of Report

- 1.1 To receive a report summarising the activities undertaken by Environmental Inspections Limited for the 12 months ending 30 June 2013.
- 1.2 To adopt the Nelson City Council Dog Control Activity Report and the Nelson District Licensing Agency Report for the year 2012/2013 to meet statutory requirements.

2. Recommendation

THAT the Environmental Inspections Limited Annual Report 2012/2013 (1573590) and its attachments (1574763, 1573779, and 1574925) be received;

AND THAT the Planning and Regulatory Committee adopt the Nelson City Council Dog Control Activity Report 2012/2013 (1573779);

AND THAT the Planning and Regulatory Committee confirm the report sent to the Secretary for Local Government, as required under the Dog Control Act 1996, s.10A(3) and (4) is the Nelson City Council Dog Control Activity Report 2012/2013;

AND THAT the Planning and Regulatory Committee adopt the Nelson District Licensing Agency Report 2012/2013 (1574925);

AND THAT the Planning and Regulatory Committee confirm the report sent to the Alcohol Regulatory and Licensing Authority is the Nelson District Licensing Agency Report 2012/2013.

3. Background

- 3.1 The Dog Control Activity report and the Nelson District Licensing Agency report were sent to the relevant authorities as required by statute with advice that the reports were yet to be formally adopted by the Council.
- 3.2 The Council is required to adopt these reports as this function is not delegated to staff.

4. Conclusion

- 4.1 This information is a summary of statutorily required duties performed by Environmental Inspections Limited for 2012/2013. The Council has the option of receiving and adopting the reports or seeking further information.

Mandy Bishop

Manager Resource Consents

Attachments

- Attachment 1: Environmental Inspections Limited Annual Report 2012/2013 [1574763](#)
- Attachment 2: Nelson City Council Dog Control Activity Report 2012/2013 [1573779](#)
- Attachment 3: Nelson District Licensing Agency Report 2012/2013 [1574925](#)

No supporting information follows.

**ANNUAL REPORT TO NELSON CITY COUNCIL
ENVIRONMENTAL INSPECTIONS LTD
FOR YEAR ENDING JUNE 30, 2013**

GENERAL

This report provides a general overview of the key functions with particular reference on workload levels and trends for the period 1 July 2012 to 30 June 2013.

In the past year we responded to a total of 4039 Requests for Service (RFS). These Requests for Service were where investigation/response was required and does not include Requests for Service requiring information etc.

| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
|--------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| NOISE | 1064 | 1249 | 1264 | 1350 | 1368 | 1329 | 1315 | 1287 | 1232 | 1164 | 1156 |
| DOGS | 1580 | 1310 | 1310 | 1130 | 1127 | 1389 | 1433 | 1409 | 1964 | 1736 | 1816 |
| POLLUTION | 165 | 347 | 259 | 203 | 188 | 203 | 226 | 215 | 287 | 270 | 327 |
| BYLAWS | 411 | 547 | 569 | 496 | 465 | 582 | 653 | 495 | 579 | 635 | 653 |
| STOCK | 44 | 69 | 47 | 49 | 48 | 48 | 53 | 57 | 94 | 70 | 87 |
| TOTAL | 3264 | 3522 | 3449 | 3228 | 3196 | 3551 | 3680 | 3463 | 4156 | 3875 | 4039 |

During the year we lost the Services of Neil Green who resigned to take a similar position with TDC.

It is considered that Environmental Inspections Limited has met the key performance criteria of the contract and we consider that we have maintained a good working relationship with the Council.

POLLUTION RESPONSE

Two oil spill exercises were carried in conjunction with Tasman District Council.

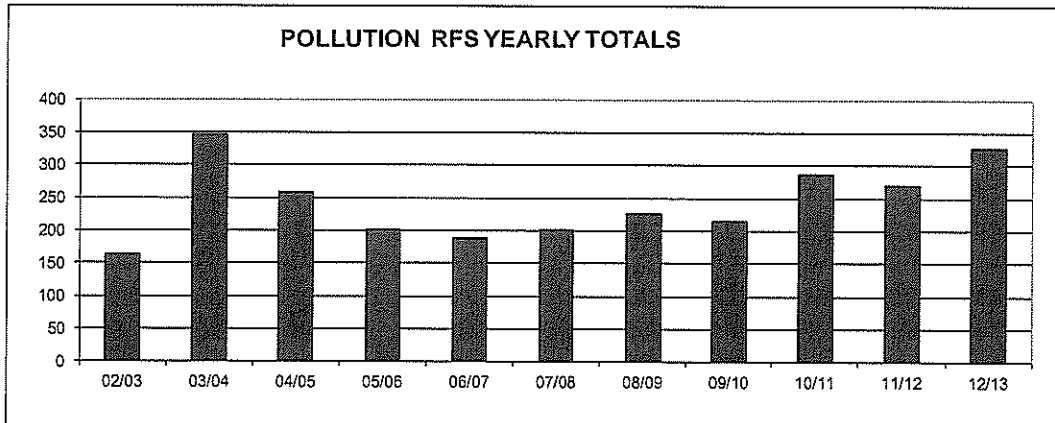
Responses this year have resulted in a successful prosecution of Fuel Installations, for the discharge from the Caltex Bishopdale site of hydrocarbon contaminated water to the York Stream (\$24,000 fine). Unfortunately hydrocarbon contamination continues to infiltrate the York Stream in this vicinity, and is the subject of an on-going investigation.

Complaints regarding the discharge of dairy farm effluent led to the preparation of an enforcement order and prosecution against Warwick King Farm (The Glen). In this instance the prosecution has not proceeded, but significant changes in farm practice and infrastructure upgrades have been instigated as a result of the enforcement order. This situation will continue to be closely monitored over the next 12 months to ensure on-going compliance.

Air quality complaints continue at high level with the majority relating to residential discharges. There is a high awareness by the public on the air quality rules.

| POLLUTION RFS 2012/2013 | | | | | | | | | | | | | |
|-------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | APRIL | MAY | JUNE | Total |
| Outdoor Burning | 1 | 0 | 1 | 2 | 4 | 1 | 5 | 0 | 2 | 0 | 0 | 0 | 16 |
| Air Quality General | 26 | 15 | 8 | 7 | 12 | 10 | 4 | 10 | 14 | 15 | 18 | 14 | 153 |
| Odour | 1 | 1 | 1 | 3 | 1 | 2 | 3 | 1 | 6 | 0 | 0 | 0 | 19 |
| Spray Drift | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 1 | 0 | 4 |
| Discharge to Land | 4 | 4 | 0 | 2 | 2 | 4 | 3 | 4 | 1 | 2 | 1 | 1 | 28 |
| Marine Oil Spills | 0 | 0 | 0 | 1 | 1 | 3 | 0 | 1 | 2 | 0 | 0 | 0 | 8 |
| Water pollution | 2 | 5 | 3 | 8 | 8 | 4 | 9 | 7 | 10 | 1 | 4 | 3 | 64 |
| Dangerous Goods | 2 | 6 | 0 | 4 | 4 | 2 | 5 | 5 | 3 | 1 | 1 | 2 | 35 |
| Total | 36 | 31 | 13 | 27 | 32 | 27 | 29 | 29 | 39 | 19 | 25 | 20 | 327 |

| POLLUTION - YEARLY RFS TOTALS | | | | | | | | | | | | |
|-------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--|
| | 02/03 | 03/04 | 04/05 | 05/06 | 06/07 | 07/08 | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | |
| Outdoor Burning | | 104 | 47 | 21 | 34 | 38 | 35 | 36 | 31 | 13 | 16 | |
| Air Quality General | | 129 | 88 | 73 | 59 | 70 | 92 | 99 | 139 | 138 | 153 | |
| Odour | | 15 | 18 | 23 | 22 | 17 | 21 | 13 | 39 | 17 | 19 | |
| Spray Drift | | 2 | 2 | 2 | 2 | 2 | 1 | 4 | 6 | 2 | 4 | |
| Air Pollution Total | 88 | 250 | 155 | 119 | 117 | 127 | 149 | 150 | 215 | 170 | 192 | |
| Discharge to Land | | 15 | 19 | 22 | 32 | 16 | 21 | 14 | 21 | 32 | 29 | |
| Marine Oil Spills | | 11 | 16 | 12 | 7 | 13 | 13 | 10 | 6 | 6 | 11 | |
| Water pollution | | 44 | 55 | 67 | 43 | 41 | 42 | 52 | 34 | 30 | 54 | |
| Dangerous Goods | | 7 | 7 | 3 | 2 | 1 | 0 | 1 | 4 | 4 | 6 | |
| TOTAL COMPLAINTS | 165 | 347 | 259 | 203 | 188 | 203 | 226 | 215 | 287 | 270 | 327 | |



NUISANCE NOISE

The number of noise Request for Service was consistent with last year.

91% of Requests for Service were responded to within 30 minutes which exceeded the contract requirement of 80%. This response level is the same as last year.

| NOISE RFS RECEIVED 2002 - 2013 | | | | | | | | | | | | | |
|--|------|-----|------|-----|-----|-----|-----|-----|-----|-------|-----|------|-------|
| | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | APRIL | MAY | JUNE | Total |
| 2002/2003 | | | | | | | | | | | | | 1064 |
| 2003/2004 | 75 | 66 | 71 | 95 | 128 | 137 | 171 | 99 | 94 | 98 | 109 | 79 | 1222 |
| 2004/2005 | 102 | 72 | 94 | 92 | 128 | 130 | 173 | 162 | 125 | 87 | 65 | 65 | 1295 |
| 2005/2006 | 71 | 67 | 86 | 114 | 101 | 179 | 156 | 141 | 103 | 116 | 102 | 90 | 1326 |
| 2006/2007 | 95 | 91 | 94 | 139 | 128 | 139 | 143 | 167 | 116 | 123 | 75 | 79 | 1389 |
| 2007/2008 | 74 | 92 | 75 | 125 | 130 | 177 | 178 | 165 | 138 | 67 | 76 | 59 | 1356 |
| 2008/2009 | 47 | 71 | 100 | 131 | 149 | 160 | 184 | 118 | 118 | 118 | 42 | 51 | 1289 |
| 2009/2010 | 73 | 101 | 78 | 129 | 126 | 145 | 170 | 137 | 113 | 108 | 65 | 42 | 1287 |
| 2010/2011 | 42 | 72 | 92 | 131 | 136 | 149 | 185 | 125 | 90 | 86 | 62 | 62 | 1232 |
| 2011/2012 | 82 | 66 | 81 | 111 | 118 | 127 | 141 | 111 | 130 | 89 | 49 | 59 | 1164 |
| 2012/2013 | 55 | 74 | 92 | 105 | 115 | 151 | 100 | 113 | 130 | 74 | 76 | 71 | 1156 |
| TABLE OF ACTIONS AND RESPONSES 2012 - 2013 | | | | | | | | | | | | | |
| | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | APRIL | MAY | JUNE | Total |
| RFS | 55 | 74 | 92 | 105 | 115 | 151 | 100 | 113 | 130 | 74 | 76 | 71 | 1156 |
| Action Taken | | | | | | | | | | | | | |
| no noise | 14 | 27 | 38 | 44 | 36 | 49 | 32 | 43 | 44 | 20 | 28 | 25 | 400 |
| not excessive | 9 | 8 | 9 | 15 | 13 | 20 | 13 | 22 | 19 | 12 | 9 | 8 | 157 |
| No action required | 23 | 35 | 47 | 59 | 49 | 69 | 45 | 65 | 63 | 32 | 37 | 33 | 557 |
| verbal warning | 10 | 16 | 19 | 14 | 26 | 35 | 17 | 14 | 21 | 12 | 18 | 22 | 224 |
| excessive noise direction | 17 | 22 | 25 | 25 | 32 | 40 | 33 | 27 | 42 | 28 | 15 | 16 | 322 |
| seizure | 3 | | | 3 | 6 | 2 | 1 | 3 | 2 | 0 | 1 | 0 | 21 |
| other | 2 | 1 | 1 | 4 | 2 | 4 | 4 | 4 | 2 | 2 | 5 | 0 | 31 |
| Action required | 32 | 39 | 45 | 46 | 66 | 81 | 55 | 48 | 67 | 42 | 39 | 38 | 598 |
| Priority and Response | | | | | | | | | | | | | |
| High priority | 55 | 74 | 92 | 105 | 115 | 151 | 100 | 113 | 130 | 74 | 76 | 71 | 1156 |
| Respond within 30 min | 50 | 65 | 83 | 98 | 104 | 136 | 92 | 98 | 122 | 72 | 62 | 67 | 1049 |
| Respond within 60 min | 52 | 73 | 92 | 105 | 113 | 147 | 99 | 109 | 128 | 74 | 72 | 70 | 1134 |
| % within 30 Minutes | 91 | 88 | 90 | 93 | 90 | 90 | 92 | 87 | 94 | 97 | 82 | 94 | 91 |
| %within 60 minutes | 95 | 99 | 100 | 100 | 98 | 97 | 99 | 96 | 98 | 100 | 95 | 99 | 98 |

CONTAMINATED SITES

Continue to administer the Contaminated Sites Register and provide information during LIM, PIM and Building Consent Processes.

Since January 2012 a National Environmental Standard (NES) for Assessing and Managing Contamination in Soil to Protect Human Health has come into effect which has resulted in additional work in conjunction with the Resource Consents team in managing the NES process.

EIL has given advice/assisted where requested with the project on identifying the HAIL sites.

BYLAW/PLANNING/BUILDING

The increased extreme weather events over the past two years have resulted in an increase in drainage/stormwater complaints.

Planning complaints relate mainly to signs, earthworks, additional living units on a residential site and resource consent compliance.

Fire hazards are investigated on a complaint only basis.

| BYLAW/PLANNING/BUILDING RFS 2012/2013 | | | | | | | | | | | | | |
|---------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | APRIL | MAY | JUNE | Total |
| Fire Hazards | 1 | 3 | 3 | 3 | 8 | 10 | 21 | 9 | 8 | 0 | 1 | 1 | 68 |
| Nuisances - General | 4 | 6 | 7 | 9 | 10 | 5 | 9 | 8 | 12 | 7 | 5 | 6 | 88 |
| Litter | 5 | 1 | 1 | 5 | 3 | 0 | 3 | 3 | 3 | 1 | 2 | 1 | 28 |
| Planning (Investigation Required) | 16 | 16 | 16 | 20 | 17 | 16 | 16 | 20 | 11 | 14 | 8 | 8 | 178 |
| Drainage/Stormwater | 8 | 25 | 4 | 6 | 3 | 2 | 15 | 3 | 2 | 17 | 7 | 12 | 104 |
| Building Act Compliance | 3 | 7 | 2 | 4 | 6 | 2 | 8 | 4 | 10 | 5 | 10 | 5 | 66 |
| Noise Plan Rule | 4 | 4 | 8 | 13 | 15 | 9 | 19 | 12 | 5 | 10 | 7 | 6 | 112 |
| Port Noise | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 2 | 1 | 1 | 0 | 7 |
| Airport Noise | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| Total | 42 | 62 | 41 | 62 | 63 | 44 | 92 | 59 | 53 | 55 | 41 | 39 | 653 |

| BYLAW/PLANNING/BUILDING YEARLY RFS TOTALS | | | | | | | | | | | | |
|---|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--|
| | 02/03 | 03/04 | 04/05 | 05/06 | 06/07 | 07/08 | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | |
| Fire Hazards | 74 | 69 | 50 | 55 | 57 | 72 | 73 | 64 | 49 | 75 | 68 | |
| Nuisances - General | 125 | 139 | 151 | 124 | 97 | 152 | 123 | 94 | 235 | 101 | 88 | |
| Litter | 17 | 22 | 20 | 33 | 20 | 14 | 22 | 36 | 31 | 18 | 28 | |
| Planning (Investigation Required) | 108 | 138 | 128 | 138 | 102 | 139 | 100 | 115 | 80 | 176 | 178 | |
| Drainage/Stormwater | 68 | 80 | 96 | 29 | 51 | 49 | 74 | 53 | 79 | 104 | 104 | |
| Building Act Compliance | 19 | 61 | 87 | 77 | 66 | 75 | 109 | 44 | 24 | 37 | 66 | |
| Noise Plan Rule | | 21 | 29 | 33 | 57 | 63 | 137 | 64 | 72 | 103 | 112 | |
| Port Noise | | 12 | 7 | 7 | 9 | 13 | 11 | 8 | 4 | 17 | 7 | |
| Airport Noise | | 5 | 1 | 0 | 6 | 5 | 4 | 17 | 5 | 4 | 2 | |
| TOTAL COMPLAINTS | 411 | 547 | 569 | 496 | 465 | 582 | 653 | 495 | 579 | 635 | 653 | |

STOCK

Issues with wild stock (mainly pigs and goats) continue to cause problems on the rural fringe of the city especially along the Atawhai Hills and Matai Valley.

| STOCK RFS 20012/2013 | | | | | | | | | | | | | |
|----------------------|------|-----|------|-----|-----|-----|-----|-----|-----|-------|-----|------|-------|
| | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | APRIL | MAY | JUNE | Total |
| Total 2012/2013 | 6 | 7 | 5 | 8 | 11 | 14 | 10 | 4 | 1 | 9 | 6 | 6 | 87 |
| Total 2011/2012 | 7 | 9 | 7 | 4 | 4 | 3 | 5 | 12 | 10 | 3 | 3 | 3 | 70 |
| Total 2010/2011 | 9 | 6 | 7 | 7 | 7 | 5 | 5 | 3 | 13 | 13 | 11 | 8 | 94 |
| Total 2009/2010 | 7 | 6 | 7 | 2 | 5 | 1 | 3 | 2 | 4 | 2 | 11 | 12 | 55 |
| Total 2008/2009 | 5 | 5 | 5 | 2 | 3 | 6 | 3 | 4 | 7 | 1 | 5 | 7 | 53 |
| Total 2007/2008 | 4 | 7 | 4 | 3 | 3 | 3 | 10 | 2 | 4 | 2 | 0 | 6 | 48 |
| Total 2006/2007 | 4 | 8 | 0 | 3 | 4 | 8 | 1 | 1 | 10 | 1 | 4 | 4 | 48 |
| Total 2005/2006 | 3 | 8 | 3 | 5 | 4 | 11 | 5 | 3 | 27 | 2 | 2 | 1 | 49 |
| Total 2004/2005 | 8 | 12 | 2 | 6 | 1 | 0 | 4 | 3 | 1 | 4 | 4 | 2 | 47 |
| Total 2003/2004 | | | | | | | | | | | | | 69 |
| Total 2002/2003 | | | | | | | | | | | | | 44 |

DOG CONTROL

The review of the policy and bylaw was completed in March 2013 and a start has been made in implementation of some of the changes. The \$5 discount for neutered dogs took effect from this year's registration period. The Good Dog Owner Scheme is operating under the new criteria but a further report to Council is still to be made on the operating criteria for the scheme.

One prosecution was commenced (still before the court) and 285 Infringement Notices were served. Environmental Inspections Limited maintained an excellent working partnership with the Nelson Society of Prevention of Cruelty to Animals.

| DOG RFS 2012/2013 | | | | | | | | | | | | | |
|----------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | APRIL | MAY | JUNE | Total |
| Person Attacked by Dog | 1 | 2 | 1 | 3 | 7 | 2 | 2 | 3 | 2 | 3 | 3 | 3 | 32 |
| Animal Attacked by Dog | 3 | 5 | 6 | 10 | 6 | 5 | 5 | 4 | 3 | 2 | 5 | 2 | 56 |
| Dog Aggression | 5 | 13 | 7 | 14 | 6 | 5 | 7 | 10 | 6 | 9 | 7 | 7 | 96 |
| Barking | 33 | 46 | 38 | 58 | 36 | 41 | 50 | 57 | 97 | 72 | 47 | 34 | 609 |
| Fail Comply Classification | 0 | 0 | 2 | 4 | 4 | 1 | 2 | 1 | 0 | 1 | 0 | 1 | 16 |
| Fouling | 6 | 9 | 2 | 2 | 1 | 1 | 1 | 3 | 4 | 1 | 1 | 1 | 32 |
| Wandering | 27 | 36 | 27 | 26 | 33 | 30 | 38 | 34 | 33 | 33 | 48 | 34 | 399 |
| Unregistered | 2 | 10 | 4 | 12 | 3 | 5 | 2 | 2 | 4 | 0 | 2 | 1 | 47 |
| Welfare | 2 | 1 | 4 | 4 | 6 | 4 | 1 | 2 | 4 | 2 | 2 | 0 | 32 |
| In restricted Area | 0 | 4 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 2 | 1 | 10 |
| Not on Lead | 1 | 4 | 0 | 2 | 2 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 11 |
| Not under Control | 4 | 14 | 6 | 8 | 5 | 2 | 7 | 6 | 7 | 5 | 10 | 3 | 77 |
| Impounded | 25 | 32 | 36 | 36 | 35 | 34 | 34 | 34 | 37 | 30 | 40 | 27 | 400 |
| Total | 109 | 176 | 133 | 179 | 145 | 128 | 147 | 154 | 196 | 156 | 168 | 114 | 1817 |

| IMPOUNDING STATISTICS 2012/2013 | | | | | | | | | | | | | |
|---------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | APRIL | MAY | JUNE | Total |
| Returned to owner | 23 | 28 | 31 | 26 | 29 | 29 | 34 | 29 | 29 | 26 | 36 | 22 | 342 |
| Euthanased | 1 | 4 | 3 | 9 | 5 | 4 | 0 | 4 | 4 | 4 | 4 | 4 | 46 |
| Rehomed | 1 | 0 | 2 | 1 | 1 | 1 | 0 | 1 | 4 | 0 | 0 | 1 | 12 |
| Total | 25 | 32 | 36 | 36 | 35 | 34 | 34 | 34 | 37 | 30 | 40 | 27 | 400 |

| DOGS-YEARLY RFS TOTALS | | | | | | | | | | | | |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--|
| | 02/03 | 03/04 | 04/05 | 05/06 | 06/07 | 07/08 | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | |
| Person Attacked by Dog | 84 | 34 | 32 | 24 | 18 | 21 | 25 | 22 | 25 | 24 | 32 | |
| Animal Attacked by Dog | 106 | 48 | 69 | 41 | 45 | 39 | 67 | 46 | 39 | 78 | 56 | |
| Dog Aggression | | 76 | 56 | 65 | 46 | 71 | 77 | 68 | 63 | 70 | 96 | |
| Barking | 441 | 379 | 378 | 328 | 390 | 472 | 405 | 465 | 514 | 522 | 609 | |
| Fail Comply Classification | NR | NR | NR | NR | NR | NR | NR | NR | NR | NR | 16 | |
| Fouling | 35 | 31 | 33 | 21 | 22 | 36 | 24 | 32 | 26 | 37 | 32 | |
| Wandering | 469 | 315 | 280 | 249 | 233 | 286 | 307 | 266 | 734 | 424 | 399 | |
| Unregistered | 11 | 11 | 19 | 21 | 32 | 30 | 17 | 14 | 26 | 48 | 47 | |
| Welfare | 59 | 27 | 21 | 21 | 14 | 17 | 28 | 27 | 32 | 33 | 32 | |
| In restricted Area | | 3 | 4 | 10 | 10 | 9 | 8 | 4 | 11 | 22 | 10 | |
| Not on Lead | | 4 | 3 | 0 | 1 | 0 | 2 | 5 | 7 | 5 | 11 | |
| Not under Control | | 14 | 9 | 35 | 25 | 30 | 33 | 33 | 39 | 51 | 77 | |
| Impounded | 375 | 368 | 406 | 315 | 292 | 378 | 440 | 427 | 448 | 422 | 400 | |
| TOTAL | 1580 | 1310 | 1310 | 1130 | 1128 | 1389 | 1433 | 1409 | 1964 | 1736 | 1817 | |

| DOGS-YEARLY IMPOUNDING TOTALS | | | | | | | | | | | | |
|-------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--|
| | 02/03 | 03/04 | 04/05 | 05/06 | 06/07 | 07/08 | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 | |
| Impounded | 375 | 368 | 406 | 315 | 292 | 378 | 440 | 427 | 448 | 422 | 400 | |
| Returned to owner | 288 | 303 | 317 | 253 | 247 | 315 | 369 | 366 | 373 | 345 | 342 | |
| Euthanased | 53 | 46 | 69 | 46 | 26 | 51 | 41 | 44 | 56 | 54 | 46 | |
| Rehomed | 32 | 19 | 17 | 16 | 19 | 12 | 30 | 17 | 19 | 23 | 12 | |

LIQUOR LICENSING

EIL continue to be involved in the already established (2006) Nelson Tasman Local Alcohol Accord which meets regularly to look at new and innovative ways of dealing with alcohol problems in the community. It involves Police, District Licensing Agencies Nelson and Tasman) Public Health, ACC, Ambulance and representatives of the liquor industry.

363 monitoring inspections were made during the year with those inspections being a combination of after hours, day visits and controlled purchase operations.

There have been five Controlled Purchase Operations. There have been a total of 102 visits to premises made with two premises caught selling liquor to

under age buyers. One off licence is waiting on a hearing from the Authority, one off licence suspended for 6 days and one General Managers' certificate was suspended for three weeks. We continue to see Controlled Purchase Operations as a very effective enforcement and monitoring tool. The local Police are promoting an increased number of Controlled Purchase Operations.

Liquor Licensing Inspectors have maintained good liaison with Police, Public Health, HANZ and Tasman District Council Licensing Inspectors including attendance at the local Liquor Liaison Group meetings, Accord Meetings and separate meetings with the local enforcement agencies.

Considerable time and effort is being spent altering processes and systems to accommodate the Sale and Supply of Alcohol Act 2012 requirements. The new Act has resourcing implications but the new fees structure should compensate for that increased requirement.

| LIQUOR YEARLY ACTIVITY TOTALS | | | | | | | | | | | |
|-------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | 02/03 | 03/04 | 04/05 | 05/06 | 06/07 | 07/08 | 08/09 | 09/10 | 10/11 | 11/12 | 12/13 |
| On Licence New | | 25 | 9 | 5 | 8 | 6 | 6 | 6 | 3 | 7 | 9 |
| On Licence Renewal | | 26 | 22 | 40 | 30 | 23 | 38 | 30 | 24 | 35 | 32 |
| On Licence Variation | | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Off Licence New | | 12 | 1 | 6 | 6 | 6 | 0 | 4 | 0 | 2 | 5 |
| Off Licence Renewal | | 17 | 14 | 15 | 17 | 14 | 15 | 16 | 14 | 9 | 13 |
| Off Licence Variation | | | 3 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 |
| Club Licence New | | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 |
| Club Licence Renewal | | 14 | 1 | 9 | 7 | 2 | 11 | 15 | 2 | 4 | 10 |
| Club Licence Variation | | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Winemakers | | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| General Manager New | | 130 | 136 | 139 | 148 | 159 | 107 | 110 | 106 | 115 | 144 |
| General Manager Renewal | | 167 | 136 | 143 | 153 | 160 | 128 | 171 | 153 | 99 | 173 |
| Club Manager New | | 2 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Club Manager Renewal | | 9 | 4 | 1 | 0 | 0 | 0 | 0 | 0 | 16 | 0 |
| Temporary Authority | | 59 | 29 | 71 | 50 | 69 | 17 | 32 | 53 | 23 | 17 |
| Special Licence | | 87 | 102 | 111 | 98 | 109 | 109 | 115 | 107 | 136 | 154 |
| Total Applications | 528 | 552 | 463 | 540 | 517 | 548 | 434 | 499 | 462 | 447 | 557 |
| Inspections | | | | 351 | 354 | 310 | 297 | 440 | 281 | 350 | 363 |
| Total Monitoring | 358 | 323 | 320 | 351 | 354 | 310 | 297 | 440 | 281 | 350 | 363 |

| LIQUOR APPLICATIONS RECEIVED 2012/2013 | | | | | | | | | | | | | |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|
| | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | APRIL | MAY | JUNE | Total |
| On Licence New | 1 | 3 | 1 | 2 | 1 | | | | 1 | | | | 9 |
| On Licence Renewal | 3 | 1 | 8 | 4 | 5 | | 1 | 2 | 3 | 1 | 4 | | 32 |
| On Licence Variation | | | | | | | | | | | | | 0 |
| Off Licence New | | 1 | 1 | | 1 | 1 | | | 1 | | | | 5 |
| Off Licence Renewal | 2 | 1 | 1 | 4 | 1 | | | 2 | | | 1 | 1 | 13 |
| Off Licence Variation | | | | | | | | | | | | | 0 |
| Club Licence New | | | | | | | | | | | | | 0 |
| Club Licence Renewal | 4 | 1 | | | 2 | 1 | | | 2 | | | | 10 |
| Club Licence Variation | | | | | | | | | | | | | 0 |
| Winemakers | | | | | | | | | | | | | 0 |
| General Manager New | 10 | 7 | 15 | 20 | 10 | 7 | 19 | 14 | 12 | 7 | 11 | 12 | 144 |
| General Manager Renewal | 10 | 22 | 13 | 16 | 11 | 8 | 14 | 13 | 18 | 18 | 19 | 11 | 173 |
| Club Manager New | | | | | | | | | | | | | 0 |
| Club Manager Renewal | | | | | | | | | | | | | 0 |
| Temporary Authority | | 1 | 2 | 4 | 1 | | 3 | 2 | | 3 | 1 | | 17 |
| Special Licence | 16 | 15 | 11 | 17 | 13 | 5 | 11 | 16 | 10 | 14 | 17 | 9 | 154 |
| Total | 46 | 52 | 52 | 67 | 45 | 22 | 48 | 49 | 47 | 43 | 53 | 33 | 557 |
| MONITORING | | | | | | | | | | | | | |
| Inspections | 45 | 18 | 40 | 21 | 2 | 25 | 0 | 34 | 57 | 42 | 38 | 41 | 363 |
| Total | 45 | 18 | 40 | 21 | 2 | 25 | 0 | 34 | 57 | 42 | 38 | 41 | 363 |

| Year | Total Applications | Total Monitoring |
|-------|--------------------|------------------|
| 02/03 | 520 | 350 |
| 03/04 | 550 | 320 |
| 04/05 | 450 | 320 |
| 05/06 | 530 | 340 |
| 06/07 | 510 | 350 |
| 07/08 | 540 | 300 |
| 08/09 | 430 | 280 |
| 09/10 | 490 | 420 |
| 10/11 | 450 | 270 |
| 11/12 | 440 | 340 |
| 12/13 | 550 | 350 |

HEALTH LICENCES

All registered premises have been inspected as per contract obligation. Some of the previously under-par premises have shown improvement which is encouraging. Market stalls continue to pose challenges but again overall standards are being met. Overall we have had only a few complaints about food premises standards and notifications of food borne illnesses have (apart from one case) not been proven from any of Nelson's food premises.

A lot of time is spent engaging with prospective food premises operators (stalls included) to get them on the right path prior to eventually registering them. However a good percentage of those initially seen do not follow through with their plans.

The Safe Food Smiley Award was launched and has been well received. Its main aim is to reward premises that have a Food Control Plan and it also provides an incentive for others to make the transfer in advance of the introduction of the new Food Act. This should help reduce impact of workload as the more we can transfer over voluntarily the smaller the 'log-jam' will be when the Food Act deadline is eventually reached.

Also a similar concept is being piloted for market stalls, again to focus on safe food risk management.

The long awaited introduction of the Food Act looks set for the end of the year.

We are continuing the push to move eligible food premises onto the Food Control Plan and we are holding another joint workshop with TDC this month and we already have good attendance confirmed from Nelson.

Nelson was chosen to pilot the specialised Ministry for Primary Industries Food Control Plan for Butchers and Bakeries.

The big rainfall event earlier this year had a major effect on some of our food premises.

EIL are currently working with Building Control to determine protocols and procedures to deal with change of use of premises. Cafes and restaurants have a higher use category than retail outlets and changes from retail to café/restaurant may require upgrades to toilet facilities, means of access for disabled persons and fire safety.

As well as food premises, other registered premises inspected include Hairdressers, Mortuaries and Funeral Directors, Offensive Trades and Camping Grounds.

RESOURCE CONSENT MONITORING

The contract requires up to 3100 hours of monitoring is carried out. Actual hours were 3347. Total combined hours required with Permitted Activity Monitoring were 3735 with actual hours worked being 3915.

The 2012 / 2013 year has been busy. Recent weather events have resulted in a significant increase in related consents such as slip remedial works, NCC gravel extraction consents and various other in-river infrastructure repair consents.

The consents involving works within waterways have involved an increased emphasis on ecologist involvement for fish removal and environmental controls. EIL have worked closely with both NCC and other parties throughout the year, to help ensure that environmental impacts are minimised and outcomes successfully achieved on these consents.

Other significant consents include the second stage of the duplicate Maitai pipeline installation which has now been successfully completed and the on-going development and expansion of the Cawthron Glen aquaculture facility.

| | RESOURCE CONSENT MONITORING ACTIONS 2012-2013 | | | | | | | | | | | | | Total |
|-----------|---|-----|------|-----|-----|-----|-----|-----|-----|-------|-----|------|------|-------|
| | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | APRIL | MAY | JUNE | | |
| 2012/2013 | 111 | 99 | 93 | 88 | 147 | 98 | 38 | 132 | 160 | 219 | 313 | 231 | 1729 | |
| 2011/2012 | 146 | 175 | 158 | 93 | 154 | 49 | 83 | 134 | 163 | 82 | 114 | 112 | 1463 | |
| 2010/2011 | 107 | 166 | 161 | 142 | 159 | 116 | 101 | 118 | 142 | 191 | 172 | 138 | 1713 | |
| 2009/2010 | 210 | 115 | 123 | 60 | 161 | 114 | 83 | 124 | 204 | 145 | 86 | 162 | 1587 | |
| 2008/2009 | 175 | 97 | 153 | 184 | 147 | 124 | 115 | 149 | 134 | 128 | 148 | 210 | 1764 | |
| 2007/2008 | 98 | 130 | 139 | 172 | 140 | 163 | 90 | 102 | 123 | 157 | 117 | 139 | 1570 | |
| 2006/2007 | 153 | 123 | 186 | 67 | 102 | 81 | 140 | 142 | 149 | 178 | 142 | 162 | 1625 | |
| 2005/2006 | 59 | 77 | 122 | 157 | 98 | 112 | 128 | 99 | 135 | 154 | 127 | 110 | 1378 | |

PERMITTED ACTIVITY MONITORING

The contract requires up to 400 hours of permitted activity monitoring and for this year an additional 235 hours were allocated specifically for airshed monitoring making a total of 635 hours. Total hours worked were 568 with 497 of those hours allocated to airshed monitoring.

EIL has carried out air shed monitoring looking specifically at dwellings that are still using solid fuel appliances past the cessation date as required in Nelson Air Quality Plan.

The monitoring is carried out with an initial desk top exercise to identify properties of interest followed up by visits to the properties for further investigation.

To date the desk top exercise has been completed for airsheds A and B1 and the field work has been completed for approximately two thirds of airshed A. So far 94 properties have been identified as using non-compliant fires, most of which have resulted in Abatement Notices being issued. Apart from two Notices that are under appeal and those which still have time to run before the Notice takes effect, all Notices have been complied with, with the applicable site files being noted accordingly.

The reasons for non-compliance with the Air Quality Rules are varied but common reasons are:

- New owners of properties purchased that have missed the cessation date for replacement fires and are unaware of the situation through not carrying out due diligence at the time of purchase i.e. did not apply for LIMS.
- Owners who did not replace fires are aware that fires can no longer legally be used but are doing so anyway.

Airshed monitoring is continuing for the 2013/14 year.

SPACEHEATER INSPECTIONS

Level of inspections required has decreased again now that the second phase out period is completed under the Air Quality Plan. The level of installation of new or replacement heaters is expected to be relatively low for the next few years.

DANGEROUS GOODS/HASNO

EIL carries out Council's role in terms of the Hazardous Substances and New Organisms Act 1996 (HSNO Act) which remains restricted to Public Places and Private Dwellings. The majority of work involves LPG installations in new dwellings, mainly during the Building Consent process.

EIL continues to maintain a 24/7 response to HSNO emergencies with a particular focus on the Environmental/Resource Management Act aspects, and continues to be a member of the Hazchem Substances Technical Liaison Committee.

PROJECTS

Recreational water sampling and clearance of air filters carried out.

Stephen Lawrence

MANAGER

14 August 2013

**Nelson City Council
Dog Control Activity Report for 2012-2013
(Pursuant to the Dog Control Act 1996, S.10A)**

| Section 10A(2) Ref | Requirement | | Number |
|---------------------------|---|----------|---------------|
| (a) | Number of registered dogs | | 5207 |
| (b) | Number of probationary owners | | Nil |
| | Number of disqualified owners | | 1 |
| (c) | Number of dogs classified as dangerous under s.31 | | 15 |
| | Relevant provision under which the classification is made: s.31(1)(b) | | 15 |
| (d) | Number of dogs classified as menacing under s.33A or s.33C | | 75 |
| | Relevant provision under which the classification is made: Under s.33A(1)(b)(i) Under s.33(C) (1) | 16 59 | |
| (e) | Number of infringement notices | | 285 |
| (f) | Number of complaints and nature of complaints | | |
| | Dog attack human | 32 | |
| | Dog attack animal | 56 | |
| | Dog aggression | 96 | |
| | Barking | 609 | |
| | Fouling | 32 | |
| | Wandering | 399 | |
| | Unregistered | 47 | |
| | Welfare | 32 | |
| | In restricted area | 10 | |
| | Not on lead | 11 | |
| | Not under control | 77 | |
| | Impounded | 399 | |
| | Total | | 1800 |
| (g) | Number of prosecutions | | 1 |

Signed

Mandy Bishop
Acting Executive Manager Regulatory

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P 03 546 0200
F 03 546 0239

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13 August 2013

The Secretary
Alcohol Regulatory and Licensing Authority
Department of Justice – Tribunals Division
PO Box 5027
WELLINGTON

Dear Sir

NELSON DISTRICT LICENSING AGENCY ANNUAL REPORT – 2012/2013

As Secretary of the Nelson District Licensing Agency I make this Annual Report to the Alcohol Regulatory and Licensing Authority.

1. Overview of the Agency's workload and personnel:

There have been no changes to the Agency's structure since the last report.

There have been no hearings.

2. Agency Initiatives:

Continue to be involved in the already established (2006) Nelson Tasman Local Alcohol Accord which meets regularly to look at new and innovative ways of dealing with alcohol problems in the community. It involves Police, District Licensing Agencies (Nelson and Tasman) Public Health, ACC, Ambulance and representatives of the Liquor Industry.

3. Sale of Liquor Policy:

Nelson City Council has a Sale of Liquor Policy that was last reviewed in 1996. The Council has commenced development of a Local Alcohol Plan under the Sale and Supply of Alcohol Act 2012. The Local Alcohol Plan is currently out for consultation.

4. Enforcement and Inspections:

363 monitoring inspections were made during the year with those inspections being a combination of after hours, day visits and controlled purchase operations.

There have been five Controlled Purchase Operations. There have been a total of 102 visits to premises made with two premises caught selling liquor to underage buyers. One off licence is waiting on a hearing from the Authority, one off licence suspended for 6 days and one General Managers' certificate was suspended for three weeks. We continue to see Controlled Purchase Operations as a very effective enforcement and

monitoring tool. The local Police are promoting an increased number of Controlled Purchase Operations.

| Year | Applications Determined | Monitoring Inspections |
|-------------|-------------------------|------------------------|
| 1998 - 1999 | 379 | 462 |
| 1999 - 2000 | 461 | 391 |
| 2000 - 2001 | 505 | 349 |
| 2001 - 2002 | 464 | 248 |
| 2002 - 2003 | 528 | 358 |
| 2003 - 2004 | 559 | 323 |
| 2004 - 2005 | 473 | 320 |
| 2005 - 2006 | 535 | 351 |
| 2006- 2007 | 551 | 354 |
| 2007 - 2008 | 569 | 310 |
| 2008 - 2009 | 421 | 297 |
| 2009- 2010 | 531 | 440 |
| 2010-2011 | 523 | 281 |
| 2011 - 2012 | 320 | 350 |
| 2012 - 2013 | 405 | 363 |

5. Liaison with other agency groups:

Liquor Licensing Inspectors have maintained good liaison with Police, Public Health, HANZ and Tasman District Council Licensing Inspectors including attendance at the local Liquor Liaison Group meetings, Accord Meetings and separate meetings with the local enforcement agencies.

6. Other Matters:

Considerable time and effort is being spent altering processes and systems to accommodate the Sale and Supply of Alcohol Act 2012 requirements.

7. Statistical Information:

Attached is the annual return and current listing of licensed premises.

Please contact myself or Adrienne Ward-Hamilton (phone 546 0346), if you have any enquiries concerning this report.

Yours faithfully

Richard Johnson
Secretary
Nelson District Licensing Agency

ANNUAL RETURN – NELSON DISTRICT LICENSING AGENCY – 2012/2013

| Category | Number of applications received | Number of applications determined | Number of new premises | DLA Revenue |
|-----------------------------------|--|--|-------------------------------|---------------------|
| On-Licence New | 8 | 8 | 7 | \$6345.92 |
| On-Licence Variation | 3 | 1 | | \$2379.72 |
| On-Licence Renew | 31 | 47 | | \$23932.13 |
| Off-Licence New | 7 | 5 | 5 | \$5552.68 |
| Off-Licence Variation | | | | |
| Off-Licence Renew | 12 | 16 | | \$8860.57 |
| Club Licence New | | | | |
| Club Licence Variation | | | | |
| Club Licence Renew | 10 | 12 | | \$7932.40 |
| General Manager's Certificate New | 142 | 134 | | \$19160.06 |
| General Manager's Renewal | 166 | 173 | | \$22398.38 |
| Club Mgr's New | 2 | 2 | | \$269.86 |
| Club Mgr's renew | 8 | 7 | | \$1079.44 |
| Subtotal | 389 | 405 | 12 | \$97,911.16 |
| | | | | |
| Special Licences | 154 | | | \$9917.60 |
| Temp Authority | 20 | | | \$2698.60 |
| TOTAL | 563 | 405 | 12 | \$110,527.36 |

| Business Name | Expiry Date | Issue Date | Type | Location |
|---------------------------------|-------------|------------|------------------|-------------------------------------|
| 623 In The City | 26/07/15 | 9/06/00 | ON | TAVERN |
| 623 ITC Limited | | | 050/ON/298/2011 | 221 Hardy Street, Nelson |
| 623 On The Rocks | 4/08/15 | 14/11/06 | ON | HOTEL |
| 623 OTR Limited | | | 050/ON/299/2011 | 623 Rocks Road, Tahunanui, Nelson |
| Abel Tasman Crusader | 21/01/15 | 13/12/10 | ON | Conveyance |
| Abel Tasman Sea Shuttle Limite | | | 050/ON/286/2011 | Wakefield Quay, Nelson |
| Accents on the Park | 15/05/12 | 27/08/03 | ON | HOTEL |
| Tasman Hospitality Limited | | | 050/ON/231/08 | 335 Trafalgar Square |
| Air New Zealand Koru Lounge | 20/06/16 | 28/05/12 | ON | General |
| Air New Zealand Limited | | | 050/ON/309/2012 | Nelson Airport, Trent Drive, Nelson |
| Albert`s & Prince Albert`s Bar | 3/10/13 | 7/12/93 | ON | HOTEL |
| Albert`s Limited | | | 050/ON/313/2012 | 113 Nile Street, Nelson |
| Anchor Bar & Grill | 9/03/15 | 29/03/94 | ON | General |
| Double B Hospitality Limited | | | 050/ON/161/05 | 62 Vickerman Street, Nelson |
| Asian Food Store | 7/12/14 | 10/06/93 | OF | GROCER |
| Koki International Company Lim | | | 050/OFF/25/2001 | 117 Hardy Street |
| Atawhai Four Square Supermarket | 28/03/14 | 17/03/94 | OF | GROCER |
| Scott Management Services Limi | | | 050/OFF/130/2013 | 664 Atawhai Crescent, |
| Bar Berlin | 30/10/13 | 4/09/02 | ON | TAVERN |
| Urgentinc Limited | | | 050/ON/260/09 | 8 Church Street, Nelson |
| Beachcomber Motor Inn | 14/11/15 | 26/04/94 | ON | HOTEL |
| The Beachcomber Motor Inn Limi | | | 050/ON/289/2011 | 23 Beach Road, Nelson |
| Bel-Aire Tavern | 25/03/14 | 31/08/12 | OF | General |
| Raymond Bruce Weston | | | 050/OFF/129/2013 | 37 Tahunanui Drive, Nelson |
| Bel-Aire Tavern | 25/03/14 | 31/08/12 | ON | TAVERN |
| Raymond Bruce Weston | | | 050/ON/331/2013 | 37 Tahunanui Drive, |
| Tahunanui, Nelson | | | OF | General |
| Brewers | 25/01/15 | 25/07/94 | ON | TAVERN |
| Washing Machine Services Nelso | | | 050/OFF/121/2011 | 172 St Vincent Street, |
| Nelson | | | ON | TAVERN |
| Brewers | 25/01/15 | 21/01/03 | 050/ON/287/2011 | 172 St. Vincent Street, |
| Washing Machine Services Nelso | | | | Nelson |
| Bush Inn Tavern | | | OF | General |
| Bush Inn Tavern | 30/07/14 | 17/02/94 | 050/OFF/136/2013 | 87 Grove Street, Nelson |
| The Bush Tavern 2013 Limited | | | ON | TAVERN |
| Bush Inn Tavern | 30/07/14 | 17/02/94 | 050/ON/339/2013 | 87 Grove Street, Nelson |
| The Bush Tavern 2013 Limited | | | | |

| | | | |
|--------------------------------|------------------|-----------|-------------------------|
| Cafe Affair | | ON | General |
| 3/03/14 | 1/09/99 | | |
| Cafe Affair Limited | 050/ON/109/04 | 295 | Trafalgar Street |
| Cafe Olive | | ON | General |
| 19/12/15 | 29/04/93 | | |
| Anatolia Limited | 050/ON/163/05 | 136 | Hardy Street, Nelson |
| Casa del Vino | | OF | General |
| 28/03/14 | 22/07/93 | | |
| Banks Wine Company Limited | 050/OFF/95/2007 | 214 | Hardy Street, Nelson |
| Chokdee Thai Cuisine | | ON | General |
| 19/01/16 | 4/12/92 | | |
| Chokdee Limited | 050/ON/249/09 | 89 | Hardy Street, Nelson |
| Columbus Coffee Nelson | | ON | General |
| 13/09/14 | 7/12/07 | | |
| Signora Cafe Limited | 050/ON/279/2010 | 220 - 244 | Hardy Street, |
| Nelson | | | |
| Comida Espresso & Wine Bar | | OF | General |
| 18/06/14 | 27/03/13 | | |
| Comida Espresso & Wine Bar Lim | 050/OFF/131/2013 | 7 | Alma Street, Nelson |
| Comida Espresso & Wine Bar | | ON | TAVERN |
| 18/06/14 | 28/03/13 | | |
| Comida Espresso & Wine Bar Lim | 050/ON/337/2013 | 7 | Alma Street, Nelson |
| Business Name | | | Type Location |
| Expiry Date | Issue Date | | |
| ===== | | | |
| ===== | | | |
| Countdown | | OF | GROCER |
| 14/11/13 | 22/08/97 | | |
| General Distributors Limited | 050/OFF/66/2005 | 35 | St Vincent Street, |
| Nelson | | | |
| Countdown Stoke | | OF | GROCER |
| 13/06/15 | 2/04/08 | | |
| General Distributors Limited | 050/OFF/105/2008 | 12 - 22 | Putaitai Street, |
| Stoke, Nelson | | | |
| Countdown Trafalgar Park | | OF | GROCER |
| 18/03/14 | 13/01/98 | | |
| General Distributors Limited | 050/OFF/69/2005 | Cnr | Tahaki & Halifax |
| Streets, Nelson | | | |
| Crusoe`s Cafe & Bar | | ON | General |
| 25/05/16 | 10/02/94 | | |
| Efamily Limited | 050/ON/307/2012 | 671 | Main Road, Stoke, |
| Nelson | | | |
| Dollshouse | | ON | Night Club |
| 17/07/15 | 19/12/94 | | |
| Customhouse Nelson Limited | 050/ON/236/08 | 123A | Bridge Street, Nelson |
| Eatalian | | ON | General |
| 17/10/13 | 1/08/12 | | |
| Eatalia Limited | 050/ON/316/2012 | 7 | Morrison Street, Nelson |
| Elsewhere | | ON | TAVERN |
| 29/10/15 | 24/10/00 | | |
| Elsewhere NZ Limited | 050/ON/241/08 | 145 | Bridge Street |
| Fiction Bar | | ON | TAVERN |
| 27/04/15 | 29/11/04 | | |
| Fiction Bar Limited | 050/ON/198/07 | 144 | Bridge Street, Nelson |
| Ford`s Restaurant & Bar | | ON | General |
| 15/11/14 | 3/08/93 | | |
| Camber Enterprises Limited | 050/ON/282/2010 | 276 | Trafalgar Street, |
| Nelson | | | |
| Founders Brewery | | OF | General |
| 27/10/15 | 27/01/99 | | |
| Duncan Beverage Services | 050/OFF/24/2001 | 87 | Atawahi Drive |
| Founders Brewery | | OF | Caterers |
| 14/07/13 | 15/06/09 | | |
| Duncan Beverage Services Limit | 050/OFF/112/2009 | 87 | Atawahi Drive, Nelson |

| | | | |
|--------------------------------|-----------------|---------|------------------------|
| Founders Brewery | | ON | TAVERN |
| 27/10/15 27/01/99 | | | |
| Duncan Beverage Services | 050/ON/52/2001 | 87 | Atawhai Drive |
| Fresh Choice Nelson City | | OF | GROCCER |
| 29/10/15 13/12/91 | | | |
| Nelson City Supermarkets Limi | 050/OFF/74/2005 | 69 | Collingwood St, Nelson |
| Garindale Estate | | ON | General |
| 18/07/13 18/06/03 | | | |
| M & D Thomas,A ,J & R Wall | 050/ON/89/2003 | 248 | Wakapuaka Road |
| Golden Bell Thai Restaurant | | ON | General |
| 4/10/13 19/03/03 | | | |
| Golden Bell Thai Restaurant Li | 050/ON/314/2012 | 106 | Hardy Street, Nelson |
| Good & Tasty | | ON | General |
| 22/09/15 22/08/11 | | | |
| Good & Tasty Limited | 050/ON/300/2011 | 114 | Bridge Street, Nelson |
| Gourmet Sailing - Sh`Khinah | | ON | Conveyance |
| 19/11/13 5/10/12 | | | |
| Nelson Charters Limited | 050/ON/319/2012 | K Dock, | Nelson Marina, Port |
| Nelson | | | |
| Gourmet Sailing - Simply Wild | | ON | Conveyance |
| 19/11/13 5/10/12 | | | |
| Nelson Charters Limited | 050/ON/318/2012 | K Dock, | Nelson Marina, Port |
| Nelson | | | |
| Grand Mercure Nelson Monaco | | ON | HOTEL |
| 18/12/13 12/02/04 | | | |
| Monaco Management Limited | 050/ON/248/09 | 8 | Point Road, Monaco, |
| Nelson | | | |
| Hangar 58 | | ON | TAVERN |
| 00 1/08/12 | | | |
| H58 Limited | 050/ON/317/2012 | 58 | Collingwood Street, |
| Nelson | | | |
| Happy Valley Adventures | | ON | General |
| 27/01/14 13/10/97 | | | |
| Jillyan Peterson & Keith Ander | 050/ON/98/2003 | 194 | Cable Bay Road |
| Harbour Light Bistro | | ON | General |
| 16/02/15 22/10/93 | | | |
| Coyne Enterprises Limited | 050/ON/288/2011 | 341 | Wakefield Quay, Nelson |
| Hardys Bar & TAB | | ON | TAVERN |
| 4/06/16 30/03/01 | | | |
| Maximum Holdings Limited | 050/ON/184/06 | 135 | Hardy Street, Nelson |
| Harrys | | ON | TAVERN |
| 15/06/15 30/09/04 | | | |
| Battersea Projects Limited | 050/ON/296/2011 | 296 | Trafalgar Street, |
| Nelson | | | |
| Business Name | | Type | Location |
| Expiry Date Issue Date | | | |

| | | | |
|--------------------------------|-----------------|-------|----------------------|
| Hong Yun Restaurant | | ON | BYO Restaurant |
| 30/05/16 8/05/03 | | | |
| Mei Hao Yang & Lie Hong Yang | 050/ON/85/2003 | 2 - | 508 Main Road, Stoke |
| Hopgood`s Restaurant & Bar | | ON | General |
| 28/09/15 29/03/99 | | | |
| Hopgood Restaurants Limited | 050/ON/154/05 | 284 | Trafalgar Street, |
| Nelson | | | |
| House of Gifts | | OF | General |
| 23/06/14 17/05/04 | | | |
| Prices Pharmacy Limited | 050/OFF/61/2004 | 286 | Hardy Street, Nelson |
| Kraut`s Restaurant & Bar | | ON | General |
| 8/03/14 18/07/12 | | | |
| Efficient Hospitality Solution | 050/ON/330/2013 | 2/214 | Trafalgar Street, |
| Nelson | | | |
| Kush Coffee | | ON | General |
| 19/05/15 12/10/09 | | | |

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| | | |
|--|------------------|---|
| Kush Coffee Limited La Gourmandise 17/11/15 11/10/11 | 050/ON/295/2011 | 5 Church Street, Nelson ON General |
| La Gourmandise Limited Lambretta`s 8/10/15 11/08/99 | 050/ON/303/2011 | 276 Hardy Street, Nelson ON TAVERN |
| Russmckodey Company Limited Lighthouse Brewery 19/12/14 27/11/07 | 050/ON/99/2003 | 204 Hardy Street, Nelson OF General |
| R. E. Tout & Son Limited Liquid Alchemy 25/07/14 26/06/13 | 050/OFF/99/2007 | 21 Echodale Place, Nelson OF General |
| Liquid Alchemy Limited Liquid NZ Bar 2/06/16 5/07/92 | 050/OFF/135/2013 | 14 Vivian Place, Nelson ON TAVERN |
| Liquid Limited Liquor King 27/07/14 22/05/90 | 050/ON/332/2013 | 75 Bridge Street, Nelson OF General |
| Lion Liquor Retail Limited Liquorland Nelson 24/08/15 1/04/04 | 050/OFF/111/2009 | 305 Hardy Street, Nelson OF General |
| Mamoru Limited Little India Bistro & Tandoor 21/12/14 21/10/04 | 050/OFF/123/2011 | 31 Vanguard Street, Nelson ON General |
| Little India (Nelson) Limited Little Rock Bar and Nightclub 13/02/16 11/08/93 | 050/ON/141/04 | 269 Hardy Street, Nelson ON TAVERN |
| Nelson Projects 2 Limited Lone Star Cafe & Bar Nelson 29/06/15 29/06/00 | 050/ON/139/2004 | 165 Bridge Street, Nelson ON General |
| Horncastle Group Limited Nelson Malbas Nelson 9/11/15 9/11/93 | 050/ON/297/2011 | 88 - 92 Hardy Street, ON TAVERN |
| Coastal Hospitality Limited Mango 25/03/15 16/09/04 | 050/ON/302/2011 | 131 Bridge Street, Nelson ON General |
| Mango Group Limited Nelson Marist Rugby Football Club 22/08/15 7/07/92 | 050/ON/224/08 | 227-229 Hardy Street, CL Club |
| Marist Rugby Football Club Inc Masa`s Restaurant & Sake Bar 17/07/16 9/03/94 | 050/CL/7/92 | Hathaway Terrace ON General |
| M & Y Kumagai Limited McCashins Brewery 5/10/13 29/11/91 | 050/ON/310/2012 | 306 Hardy Street, Nelson OF General |
| 660 Main Road Stoke Limited Nelson McCashins Brewery Cafe 10/05/12 27/10/10 | 050/OFF/120/2010 | 660 Main Road, Stoke, ON TAVERN |
| 660 Main Road Stoke Limited Nelson Melrose House Cafe 28/04/12 17/03/11 | 050/ON/293/2011 | 660 Main Road, Stoke, ON General |
| Melrose House Cafe Limited Mint Dining Room 10/11/13 15/09/09 | 050/ON/292/2011 | 26 Brougham Street, Nelson ON General |
| Mint Dining Limited Morrison Street Cafe 12/12/13 10/11/98 | 050/ON/261/09 | 20 Harley Street, Nelson ON General |
| Morrison Street Cafe Limited Business Name Expiry Date Issue Date | 050/ON/323/2012 | 244 Hardy Street, Nelson Type Location |

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Nelson Aero Club                                CL   Club
12/08/15   7/07/92
Nelson Aero Club Incorporated 050/CL/1/96   Hangar 4, Nelson Airport
Nelson Airport Cafe           ON   General
3/10/15   18/02/94
Spotless Facility Services (NZ 050/ON/315/2012 3 Trent Drive, Nelson
Nelson Bays Brewery           OF   General
9/03/16   9/03/94
Nelson Bays Brewery Limited   050/OFF/12/2001 89 Pascoe Street
Nelson Bowling Club Incorporated CL
27/07/15   25/08/92
Nelson Bowling Club Incorporat 050/CL/13/2009 29 Examiner Street, Nelson
Nelson City New World        OF   GROCER
22/03/14   22/11/06
Mountain Limited             050/OFF/94/2007 60 Gloucester Street,
Nelson
Nelson Golf Club             CL   Club
11/12/15   25/08/92
Nelson Golf Club Incorporated 050/CL/3/96   38 Bolt Road
Nelson North Country Club    CL   Club
24/07/15   6/03/92
Nelson North Country Club Inco 050/CL/4/91   State Highway 6, Wakapuaka,
Nelson
Nelson North Country Club    OF   Club
14/03/14   29/06/95
Nelson North Country Club Inco 050/OFF/68/2005 Main Road, Wakapuaka
Nelson Oriental Restaurant   ON   General
8/08/14   16/07/01
Mok King To Enterprises Limite 050/ON/42/2001 119 Hardy Street
Nelson Rugby Football Club   CL
22/08/15   24/03/92
Nelson Rugby Football Club Inc 050/CL/16/2011 Trafalgar Park Lane
Nelson Squash Rackets Club    CL
21/03/16   4/11/91
Nelson Squash Rackets Club Inc 050/CL/11/2008 Rutherford Park
Nelson Suburban Club         CL   Club
5/04/16   9/09/91
Nelson Suburban Club Incorpora 050/CL/6/04   168 Tahunanui Drive, Nelson
Nelson Suburban Club Incorporated OF   General
17/10/15   4/11/91
Nelson Suburban Club Incorpora 050/OFF/87/2006 168 Tahunanui Dr
Nelson Suburbs Football Club CL
00   7/04/09
Nelson Suburbs Football Club I Saxton Field, Stoke, Nelson
Nelson Yacht Club           CL
2/08/15   7/07/92
Nelson Yacht Club Incorporated 050/CL/7/2005 322 Wakefield Quay, Nelson
New Asia Restaurant & Chinese Takeaway ON   General
18/11/15   23/07/97
Skyrise Company Limited      050/ON/244/08 279 Hardy Street, Nelson
Ngawhatu Bowling Club       CL
23/12/13   20/11/03
Ngawhatu Bowling Club Incorpor 050/CL/4/2003 300 Montebello Avenue,
Nelson
Oasis Cafe Bar              ON   General
17/06/15   7/04/05
Oasis Cafe & Bar Limited      050/ON/148/05 81 Trafalgar Street, Nelson
Ocean Lodge                 OF   General
30/04/15   14/04/93
Ocean Lodge (1995) Limited    050/OFF/44/2003 33 Beach Road, Tahunanui,
Nelson

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| Paradox | | ON | TAVERN |
| 19/12/13 15/03/02 | | | |
| Crazygal Limited | | 137 | Bridge Street, Nelson |
| Pizza Bar | | ON | General |
| 6/10/13 14/09/06 | | | |
| Mac Pizza Limited | 050/ON/217/07 | 105 | Hardy Street, Nelson |
| Poppy Thai | | ON | General |
| 18/06/14 26/04/93 | | | |
| Jitpanich Limited | 050/ON/336/2013 | 142 | Hardy Street, Nelson |
| Post Boy Hotel | | ON | HOTEL |
| 27/04/16 30/07/91 | | | |
| Benwat Investments Limited | 050/ON/306/2012 | | Cnr Gloucester & Vanguard |
| Streets, Nelson | | | |
| Premier Catering/Tahuna Function Centre | | ON | General |
| 26/11/13 20/04/93 | | | |
| Premier Catering Limited | 050/ON/263/09 | 70 | Beach Road, Tahunanui, |
| Nelson | | | |
| Business Name | | | Type Location |
| Expiry Date Issue Date | | | |

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| Quality Inn Nelson | | ON | HOTEL |
| 10/09/13 14/04/94 | | | |
| Leisure Lodge Limited | 050/ON/269/10 | 40 | Waimea Road |
| Raeward Fresh Richmond | | OF | GROCER |
| 00 23/05/13 | | | |
| Black Jam Limited | | 4 | Champion Road, Nelson |
| Rattle n Hum | | ON | TAVERN |
| 26/07/16 25/11/93 | | | |
| Bonnar Craig Anderson | 050/ON/311/2012 | 141 | Bridge Street, Nelson |
| Relish Waterfront Dining | | ON | General |
| 9/03/14 30/04/99 | | | |
| Fern and Thistle Limited | 050/ON/266/10 | 322 | Wakefield Quay, Nelson |
| Renato Estate | | OF | General |
| 7/03/16 14/02/06 | | | |
| Kina Holdings Limited | 050/OFF/80/2006 | 90 | Glen Road, Nelson |
| Rhythm and Brown | | ON | TAVERN |
| 29/01/14 25/08/08 | | | |
| Rhythm & Brown Limited | 050/ON/328/2013 | 19 | New Street, Nelson |
| Rising Sun Tavern | | OF | General |
| 23/07/14 27/04/94 | | | |
| Riser Limited | 050/OFF/134/2013 | 31 | Waimea Road, Nelson |
| Rising Sun Tavern | | ON | TAVERN |
| 23/07/14 27/04/94 | | | |
| Riser Limited | 050/ON/338/2013 | 31 | Waimea Road, Nelson |
| Rutherford Hotel Catering | | OF | Caterers |
| 11/10/14 12/02/01 | | | |
| Rutherford Hotel Holdings Limi | 050/OFF/119/2010 | 27 | Nile Street, Nelson |
| Rutherford Hotel Nelson | | OF | General |
| 3/11/15 15/11/93 | | | |
| Rutherford Hotel Holdings Limi | 050/OFF/91/2006 | | Cnr Nile Street & Trafalgar |
| Square | | | |
| Rutherford Hotel Nelson | | ON | HOTEL |
| 3/11/14 15/11/93 | | | |
| Rutherford Hotel Holdings Limi | 050/ON/333/2013 | | Trafalgar Square, Nelson |
| Secrets | | ON | Night Club |
| 3/06/14 28/03/94 | | | |
| Woodthree Enterprises Limited | 050/ON/116/2004 | 106 | Hardy Street |
| Shark Bar | | ON | TAVERN |
| 29/11/14 25/02/93 | | | |
| Shark Bar Limited | 050/ON/46/2001 | 132-136 | Bridge Street |
| Smugglers Pub and Cafe | | ON | TAVERN |
| 12/01/15 10/11/04 | | | |

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| Fouratplay Limited Tahunanui, Nelson Speight's Ale House 13/12/15 9/09/11 | 050/ON/250/09 | 8 Muritai Street, ON TAVERN |
| Golden Bay Hospitality Limited Sprig & Fern Tavern 21/06/14 8/12/06 | 050/ON/304/2011 | 99 Quarantine Road, Nelson OF General |
| Sprig & Fern Milton Street Lim Sprig & Fern Tavern 21/06/14 8/12/06 | 050/OFF/118/2010 | 134 Milton Street, Nelson ON TAVERN |
| Sprig & Fern Milton Street Lim Sprig & Fern Tavern - Hardy Street 28/10/15 17/07/08 | 050/ON/327/2013 | 134 Milton Street, Nelson ON TAVERN |
| Sprig & Fern Hardy Street Limi Sprig & Fern Tavern - Hardy Street 28/10/15 17/07/08 | 050/ON/240/08 | 280 Hardy Street, Nelson OF General |
| Sprig & Fern Hardy Street Limi Sprig & Fern Tavern Tahunanui 12/12/13 21/09/12 | 050/OFF/110/2008 | 280 Hardy Street, Nelson OF General |
| Sprig & Fern Tahunanui Limited Sprig & Fern Tavern Tahunanui 12/12/13 23/10/92 | 050/OFF/125/2012 | 13 Beach Road, Tahunanui, ON TAVERN |
| Sprig & Fern Tahunanui Limited Squires Pub & Cafe 7/12/15 14/12/98 | 050/ON/324/2012 | 13 Beach Road, Tahunanui, ON TAVERN |
| Squires Pub & Cafe Limited Stefano's Cafe 27/11/13 15/04/94 | 050/ON/162/05 | 522 Main Road, Stoke, Nelson ON General |
| Multi Showcase Cinemas of New Stoke Bowling Club Incorporated 2/08/15 7/07/92 | 050/ON/322/2012 | 91 Trafalgar Street, Nelson CL |
| Stoke Bowling Club Incorporate Business Name Expiry Date Issue Date | 050/CL/14/2009 | 18a Ranui Road Type Location |
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| Stoke New World 16/11/15 11/11/92 | | OF GROCER |
| Anderson Supermarkets Limited Stoke Rugby Football Club 27/01/16 24/03/92 | 050/OFF/124/2011 | 107 Neale Avenue, Nelson CL |
| Stoke Rugby Football Club Inco Sun City Darts 11/05/14 16/02/10 | 050/CL/1/2001 | Cnr Songer St & Neale Ave CL |
| Sun City Darts Incorporated Super Liquor Tahunanui 28/01/14 25/01/10 | 050/CL/15/2010 | Guppy Park, Nelson OF General |
| Nelson Holdings Limited Tahunanui, Nelson Suter Cafe 31/10/13 4/03/94 | 050/OFF/126/2013 | 2 Muritai Street, ON General |
| Katrina Kallil & Nicola Cantri Sweet As 16/11/14 27/08/09 | 050/ON/189/06 | 208 Bridge Street, Nelson ON General |
| Nelson Regional Foods Limited Nelson Tahunanui Bowling Club 5/12/15 24/03/92 | 050/ON/283/2010 | 270 Trafalgar Street, CL Club |
| Tahunanui Bowling Club Incorpo Tasman Bay Cruising Club 2/08/15 7/07/92 | 050/CL/2/97 | 131 Tahunanui Drive, Nelson CL Club |
| Tasman Bay Cruising Club Incor | 050/CL/13/92 | 8 Cross Quay, Port Nelson |

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| Thai Tahuna | | ON | General |
| 17/10/15 | 23/01/97 | | |
| Rough Diamond Limited | 050/ON/155/06 | 14 | Tahunanui Drive, Nelson |
| The 19th Cafe & Bar | | ON | General |
| 14/01/14 | 7/11/06 | | |
| The 19th Nelson Limited | 050/ON/326/2013 | 36 - 38 | Bolt Road, |
| Tahunanui, Nelson | | | |
| The Beach Cafe | | ON | General |
| 11/05/15 | 14/10/98 | | |
| The Beach Cafe Limited | 050/ON/147/05 | | Tahunanui Sands Reserve |
| The Boat Shed Cafe | | ON | General |
| 26/01/14 | 19/10/94 | | |
| Fried Eggs on Toast Limited | 050/ON/265/10 | 350 | Wakefield Quay, Nelson |
| The Boathouse | | ON | |
| 18/03/15 | 8/08/94 | | |
| The Boat House Society Limited | 050/ON/312/2012 | 326 | Wakefield Quay, Nelson |
| The Free House | | OF | General |
| 19/02/14 | 12/12/12 | | |
| The Free House Limited | 050/OFF/128/2013 | 95 | Collingwood Street, |
| Nelson | | | |
| The Free House | | ON | TAVERN |
| 6/04/16 | 10/11/08 | | |
| The Free House Limited | 050/ON/335/2013 | 95 | Collingwood Street, |
| Nelson | | | |
| The Honest Lawyer | | ON | HOTEL |
| 2/08/14 | 20/07/94 | | |
| The Honest Lawyer 2010 Limited | 050/ON/274/10 | 1 | Point Rd, Monaco, Nelson |
| The Hot Rock Gourmet Pizza Pasta Bar | | ON | General |
| 15/04/16 | 2/04/98 | | |
| Raymond Bruce Weston | 050/ON/80/2003 | 8 | Tahunanui Drive, Nelson |
| The Indian Cafe | | ON | General |
| 17/08/14 | 10/08/93 | | |
| Lokhande Enterprises Limited | 050/ON/209/07 | 94 | Collingwood Street |
| The Lounge | | OF | General |
| 13/02/14 | 20/11/12 | | |
| Conner`s Limited | 050/OFF/127/2013 | 20 | Tahunanui Drive, Nelson |
| The Lounge | | ON | TAVERN |
| 13/02/14 | 30/11/93 | | |
| Conner`s Limited | 050/ON/329/2013 | 20 | Tahunanui Drive, |
| Tahunanui, Nelson | | | |
| The Mill | | OF | General |
| 18/07/14 | 11/04/94 | | |
| The Mill Retail Holdings Limit | 050/OFF/132/2013 | 32 | New Street, Nelson |
| The Mill | | OF | General |
| 18/07/14 | 14/02/05 | | |
| The Mill Retail Holdings Limit | 050/OFF/133/2013 | 675 | Main Road, Stoke, |
| Nelson | | | |
| The Ocean Lodge | | ON | TAVERN |
| 30/04/15 | 14/04/93 | | |
| Ocean Lodge (1995) Limited | 050/ON/14/2000 | 33 | Beach Road, Tahunanui, |
| Nelson | | | |
| The Organic Green Grocer | | OF | GROCER |
| 18/11/15 | 27/10/05 | | |
| Seager John Mason & Susan Jane | 050/OFF/75/2005 | 40 | Tasman Street, Nelson |
| Business Name | | | Type Location |
| Expiry Date | Issue Date | | |

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| The Rata Room | | ON | General |
| 8/12/15 | 6/05/93 | | |
| Nelson Marlborough Institute o | 050/ON/252/09 | 71 | Nile Street, Nelson |
| The Royal Hotel | | ON | HOTEL |
| 22/05/14 | 4/12/92 | | |
| Black Cat Hotels Limited | 050/ON/334/2013 | 152 | Bridge Street, Nelson |

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| The Sails Nelson | | ON | HOTEL |
| 22/11/13 5/09/12 | | | |
| Sails Accommodation Limited | 050/ON/321/2012 | | 7 Trafalgar Street, Nelson |
| The Styx Restaurant | | ON | General |
| 22/11/13 5/08/93 | | | |
| Fore Sure Dining Limited | 050/ON/320/2012 | | 272 Wakefield Quay, Nelson |
| The Verdict Restaurant & Ale House | | ON | TAVERN |
| 20/07/14 10/03/94 | | | |
| The Verdict (2007) Limited | 050/ON/207/07 | | 189 Bridge Street, Nelson |
| The Vic Rose Brew Bar | | ON | TAVERN |
| 8/07/14 17/01/94 | | | |
| Williams Davey Limited | 050/ON/294/2011 | | 281 Trafalgar Street, |
| Nelson | | | |
| Trailways Hotel Nelson | | ON | HOTEL |
| 3/08/15 3/08/93 | | | |
| Munro Hotels Limited | 050/ON/177/06 | | 66 Trafalgar Street, Nelson |
| Turf Hotel | | OF | General |
| 30/03/14 1/03/10 | | | |
| Turf Hotel (2010) Limited | 050/OFF/116/2010 | | 228 Songer Street, Stoke, |
| Nelson | | | |
| Turf Hotel | | ON | HOTEL |
| 30/03/14 22/04/94 | | | |
| Turf Hotel (2010) Limited | 050/ON/267/10 | | 228 Songer Street, Stoke, |
| Nelson | | | |
| Turf Liquorland | | OF | General |
| 29/07/13 22/04/94 | | | |
| Wilsfield Holdings Limited | 050/OFF/52/2003 | | 228 Songer Street, Stoke, |
| Nelson | | | |
| United Bowling Club Incorporated | | CL | Club |
| 22/08/15 24/03/92 | | | |
| United Bowling Club Incorporat | 050/CL/6/92 | | 9 Gardiner Place, Nelson |
| Victory Square Sports Complex | | CL | |
| 3/02/15 7/11/91 | | | |
| Victory Square Sport Associati | 050/CL/1/97 | | 151 Toi Toi Street |
| Waahi Taakaro Golf Club Incorporated | | CL | Club |
| 25/08/15 11/10/91 | | | |
| Waahi Taakaro Golf Club Incorp | 050/CL/3/98 | | 336 Maitai Valley Road, |
| Nelson | | | |
| Wakatu Hotel | | OF | General |
| 20/06/15 13/04/93 | | | |
| The Stage Coach Company Limite | 050/OFF/71/2005 | | 83 Collingwood Street, |
| Nelson | | | |
| Wakatu Hotel | | ON | HOTEL |
| 20/06/15 13/04/93 | | | |
| The Stage Coach Company Limite | 050/ON/228/08 | | 83 Collingwood Street, |
| Nelson | | | |
| When in Rome | | ON | General |
| 5/10/13 14/08/09 | | | |
| Ambis Limited | 050/ON/259/09 | | 278 Hardy Street, Nelson |
| World of Wearable Art & Collectable Cars | | ON | General |
| 19/11/14 13/08/97 | | | |
| NZWA Classic Cars Limited | 050/ON/50/2001 | | 95 Quarantine Road |
| Yaza Cafe Bar & Venue | | ON | TAVERN |
| 24/03/16 4/11/98 | | | |
| 4 K Nel Limited | 050/ON/32/2001 | | 117 Hardy Street, Nelson |
| Yonder Star | | ON | Conveyance |
| 6/08/13 19/09/03 | | | |
| Yonder Star Limited | 050/ON/256/09 | | Fisherman's Wharf, |
| Vickerman Street, Port Nelson | | | |
| de Ville | | ON | General |
| 11/01/15 17/09/07 | | | |
| Geoff & Gail McLean Limited | 050/ON/219/07 | | 22 New Street, Nelson |