



 **Nelson City Council**  
te kaunihera o whakatū

# AGENDA

**Ordinary meeting of the**

**Planning and Regulatory Committee**

**Tuesday 28 January 2014  
Commencing at 1.00pm  
Council Chamber  
Civic House  
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

Guidelines for councillors attending the meeting, who are not members of the Committee, as set out in Standing Orders:

- All councillors, whether or not they are members of the Committee, may attend Committee meetings (SO 2.12.2)
- At the discretion of the Chair, councillors who are not Committee members may speak, or ask questions about a matter.
- Only Committee members may vote on any matter before the Committee (SO 3.14.1)
- It is good practice for both Committee members and non-Committee members to declare any interests in items on the agenda. They should withdraw from the table for discussion and voting on any of these items.

**28 January 2013**

A1129436

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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**

- 3.1 User-Friendly Parking in the Central Business District

Nicole Begg will speak about ideas for user-friendly parking in the Central Business District.

### **4. Confirmation of Minutes – 21 November 2013**

**7-12**

Document number A1107833

Recommendation

***THAT the minutes of the meeting of the Nelson City Council – Planning and Regulatory Committee, held on 21 November 2013, be confirmed as a true and correct record.***

### **5. Chairperson's Report**

## REGULATORY

### 6. Freshwater Reforms

13-31

Document number A1120162

Recommendation

**THAT the report Freshwater Reforms (A1120162) and its attachments (A1115587 and A79281) be received;**

**AND THAT the attached submission (with any amendments made by the Committee) is forwarded to the Ministry for the Environment by 4 February 2014.**

### 7. Reserves Bylaw

32-54

Document number A1126619

Recommendation

**THAT the report Reserves Bylaw (A1126619) and its attachments (A916989, A915962, A917532 and A10978) be received;**

**AND THAT the Statement of Proposal in document A916989 be approved and advertised using the Special Consultative Procedure (section 83 of the Local Government Act);**

**AND THAT the Planning and Regulatory Committee hear submissions on 20 March 2014;**

**AND THAT the Planning and Regulatory Committee deliberate on submissions and make recommendations to full Council.**

**8. Update – Draft Local Approved Products Policy (Psychoactive Substances)**

**55-56**

Document number A1131745

Recommendation

***THAT the report Update – Draft Local Approved Products Policy (Psychoactive Substances) (A1131745) be received;***

***AND THAT hearing and deliberating of submissions to the draft Local Approved Products Policy by the Planning and Regulatory Committee be delayed until further information is available from the Ministry of Health.***

**ENVIRONMENT**

**9. Review of Council’s Resource Management and Strategic Planning Functions**

**57-58**

Document number A1131986

Recommendation

***THAT the report Review of Council’s Resource Management and Strategic Planning Functions (A1131986) be received;***

***AND THAT the Catalyst Group report “Nelson City Council Review of The Resource Management and Strategic Planning Functions June 2013” be endorsed, in particular the simplification of the resource management policy platform.***

## 10. Tasman Nelson Environment Awards and Ecofest Options

59-65

Document number A1120552

Note: The attachments to this report are circulated separately to the agenda. They are available to councillors on the google drive, or by contacting an Administration Adviser.

Recommendation

***THAT the report Tasman Nelson Environment Awards and Ecofest Options (A1120552) and its attachments (A115950 and A1126202) be received;***

***AND THAT a roadshow-style Ecofest event be delivered in Stoke and Motueka combined with an 'Ecofest Week' of activities with a local focus, instead of the Expo event planned for the Trafalgar Centre;***

***AND THAT the Ecofest event will include a people's choice environment award to replace the Tasman Nelson Environment Awards scheduled for March 2014;***

***AND THAT officers report back to the Planning and Regulatory Committee on the trial, with recommendations for delivery of the Ecofest and Environment Awards events in future years.***

### NOTE:

- **Youth Councillors Carla Lindley and Hannah Malpas will be in attendance at this meeting.**

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## **Minutes of a meeting of the Planning and Regulatory Committee**

**Held in the Council Chamber, Civic House, Trafalgar Street,  
Nelson**

**On Thursday 21 November 2013, commencing at 1.37pm**

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Present: Councillor B McGurk (Chairperson), Her Worship the Mayor (R Reese), Councillors R Copeland, E Davy, K Fulton (Deputy Chairperson), M Lawrey, and M Ward

In Attendance: Councillors P Matheson and G Noonan, Chief Executive (C Hadley), Acting Group Manager Strategy and Environment (N McDonald), Group Manager Infrastructure (A Louverdis), Manager Human Resources (S Gully), Manager Communications (A Ricker), Administration Adviser (E-J Ruthven), and Youth Councillors (C Lindley and J Gibson)

Apologies: Councillor I Barker, and Councillor E Davy for lateness

### **1. Apologies**

Resolved

***THAT the apologies be received and accepted from Councillor Barker, and Councillor Davy for lateness.***

Copeland/Ward

Carried

### **2. Interests**

There were no updates to the Interests Register.

Councillor Noonan declared a conflict of interest in relation to item 6 (Council Hearing – Plan Change 16 Inner City Noise).

### **3. Confirmation of Order of Business**

The Chairperson outlined guidelines for councillors attending the meeting who were not members of the committee.

### **4. Public Forum**

There were no public forum presentations.

## 5. Chairperson's Report

There was no Chairperson's report.

## PLANNING

### 6. Review of Nelson's Resource Management Plans

Document number A1102454 (1628749), agenda pages 5-21 refer.

Principal Planner, Matt Heale, joined the meeting and presented the report. He explained the options available for carrying out a review of the Nelson Resource Management Plan, and gave a PowerPoint presentation that indicated the different timelines for a full Plan review option and a rolling review option (A1109004).

In response to questions, Mr Heale explained the costs and benefits of adopting the full-Plan approach over the rolling-review approach, and highlighted opportunities that the Council would have for input into developing a draft and final plan prior to notification. In response to further questions, he outlined the opportunities for community consultation.

Attendance: Councillor Davy joined the meeting at 1.44pm.

Councillor Fulton, seconded by Councillor Copeland, moved the following motion, and recommendation to Council:

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

*AND THAT a Council 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.*

Councillors discussed whether it was preferable to adopt a full-Plan review approach or a rolling-review approach, with the majority view favouring a full-Plan review approach. There was further discussion around whether to allow for targeted Plan Changes should specific resource management issues arise, and a variety of views were expressed.

Her Worship the Mayor, seconded by Councillor Fulton, moved an amendment:



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

*AND THAT a Council 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 the Council embarks on a full plan review, aiming to achieve notification within the term of the current Council, noting that where a specific resource management issue arises a targeted Plan Change may occur separately.*

The amendment was carried, and became the substantive motion.

Councillor Davy requested that his vote against the amendment be recorded.

Resolved

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

***AND THAT a Council 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***

Fulton/Copeland

Carried

Recommendation to Council

***THAT the Council embarks on a full plan review, aiming to achieve notification within the term of the current Council, noting that where a specific resource management issue arises a targeted Plan Change may occur separately.***

Fulton/Copeland

Carried

Councillor Davy requested that his vote against the motion be recorded.

Attendance: The meeting adjourned from 2.26pm to 2.28pm.

## **7. Council Hearing – Plan Change 16 Inner City Noise**

Document number 1627440/A1103816, agenda pages 22-53 refer.

Attendance: Councillor Noonan declared a conflict of interest, and left the meeting at 2.28pm.

Principal Planner, Matt Heale, and Planning Adviser, Reuben Peterson, joined the meeting and presented the report. They explained that a small number of submissions had been received, and outlined the hearings process.

There was a discussion regarding whether the Hearings Panel would be best served by councillors who had been involved in the working party to develop the Plan Change, or by councillors who had had no involvement in the process to date.

Attendance: Her Worship the Mayor left the meeting at 2.41pm, having seconded the motion.

Resolved

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

Davy/Her Worship the Mayor

Carried

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 Councillor Copeland and Councillor Barker as Council Commissioners.***

Davy/Her Worship the Mayor (pro forma)

Carried

**REGULATORY**

**8. Regulatory Report for 1 July to 30 September 2013**

Document number 1622238/A697446, agenda pages 54-64 refer.

Manager Building, Martin Brown; Manager Environmental Inspections Limited, Stephen Lawrence; and Team Leader Resource Consents, Carl Jenkins joined the meeting and provided verbal updates to the report.

Resolved

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

Fulton/Ward

Carried

**9. Environmental Inspections Limited Annual Report 2012/2013**

Document number 1573590/A676356, agenda pages 65-89 refer.

Manager Environmental Inspections Limited, Stephen Lawrence, presented the report.

In response to a question, he outlined the steps taken by Council and a land-owner to rectify a source of on-going contamination into York Stream.

Resolved

***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.**

McGurk/Davy

Carried

There being no further business the meeting ended at 3.00pm.

Confirmed as a correct record of proceedings:

\_\_\_\_\_ Chairperson \_\_\_\_\_ Date

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## **Freshwater Reforms**

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### **1. Purpose of Report**

- 1.1 To consider the implications of the Government's proposed amendments to the National Policy Statement for Freshwater Management 2011.
- 1.2 To decide whether or not to make a submission on the proposed amendments (a draft submission is shown in Attachment 1).

### **2. Recommendation**

***THAT the report Freshwater Reforms (A1120162) and its attachments (A1115587 and A79281) be received;***

***AND THAT the attached submission (with any amendments made by the Committee) is forwarded to the Ministry for the Environment by 4 February 2014.***

### **3. Background**

- 3.1 In 2011 the Government released a National Policy Statement for Freshwater Management (NPS-FM) that requires regional councils to:
  - maintain or improve overall water quality within a region;
  - safeguard the life-supporting capacity, ecosystem processes and indigenous species of freshwater;
  - set freshwater objectives and limits for all water bodies;
  - develop and publicly notify a Freshwater Implementation Programme to implement the NPS-FM by 2030.
- 3.2 At the time the NPS-FM was released, it was acknowledged that more direction would be needed to help councils implement the NPS-FM.
- 3.3 Council adopted its Freshwater Progressive Implementation Programme on 9 August 2012 (see Attachment 2). The Programme indicates that research would be undertaken in 2012/2013 followed by policy

development and implementation work in later years. Information on each water catchment was collated in 2012.

- 3.4 Subsequently, the Chief Executive commissioned an independent review of Council's resource management functions in 2013 by the Catalyst Group. Their report recommended that a full plan review be undertaken; that the freshwater policy work be put on hold; and that non-regulatory measures be investigated for achieving water quality, biodiversity and land use objectives.
- 3.5 In November 2013, the Ministry for the Environment (MfE) published the discussion document "Proposed amendments to the National Policy Statement for Freshwater Management 2011". This is available at the following website address: <http://www.mfe.govt.nz/publications/water/proposed-amendments-nps-freshwater-management/index.html>.
- 3.6 A summary of the proposed amendments is also available, and is included as Attachment 3 to this report. Submissions on the discussion document close on 4 February 2014.

#### **4. Discussion**

- 4.1 The proposed amendments to the NPS-FW have been developed to achieve improved and more consistent management of freshwater around New Zealand. They are broadly in line with Nelson City Council's proposed direction for freshwater management, as the changes to the national framework will support the Council's intention to improve water quality where it is degraded.
- 4.2 However, the proposed new requirements for additional accounting and monitoring will impose significant costs on Council, both in terms of officer time and money.
- 4.3 The proposals also have implications for the timing of changes to the Council's freshwater quality provisions in the upcoming Nelson Plan. The Council will not be able to develop objectives or set targets for freshwater quality improvements (as required by the NPS-FM) until after the new monitoring and accounting practices are in place.
- 4.4 This delay in the review of the freshwater quality provisions in the Nelson Resource Management Plan is aligned with the direction outlined in clause 3.4 of this report – to focus on non-regulatory measures first, and to delay freshwater policy development. The proposed NPS-FM requirements do not impact on the timing of the Council's non-regulatory actions to improve water quality. These actions are discussed further in clause 4.13 of this report.
- 4.5 Following agreement with the Chair of the Planning and Regulatory Committee, officers have prepared a draft submission for consideration by the Committee (Attachment 1). It was decided that a report should be brought to the Committee to update Councillors on the NPS-FM and to highlight the implications for Nelson. The submission supports the

general approach outlined in LGNZ's submission and raises specific issues for Nelson.

- 4.6 The submission outlines the changes NCC will need to make to align with the proposed National Objectives Framework and to carry out the accounting requirements. It seeks a five year timeframe to implement these changes, rather than the two years proposed by the Government. It also requests that the Ministry for the Environment provide a standardised accounting process, both for efficiency and to promote national consistency.
- 4.7 The submission seeks more guidance on the timeframes and resourcing required for involving the community in an iterative process for setting freshwater objectives. It also raises questions about how future changes to the National Objectives Framework can be efficiently incorporated into regional plans.
- 4.8 More clarity is sought on the application of the national bottom lines, and exceptions to them. The key issues raised in the submission are discussed in further detail below.

## **The Proposed Amendments**

### **Accounting for Freshwater Quality and Quantity**

- 4.9 Establishing and operating an accounting system to assess all water takes (including permitted takes such as stock drinking water and domestic water use, and unauthorised water takes) and all sources of relevant contaminants (including diffuse discharges) is a new proposed requirement. Diffuse discharges are pollutants which enter water bodies via run off from rural land and from stormwater in urban areas.
  - 4.9.1 Information used in this accounting system may include measurements, modelling results, and estimates.
  - 4.9.2 The accounting requirements will take effect two years after the proposed amendments are adopted by the Government (which is likely to happen in mid-2014). Regional councils will then be required to establish and operate accounting systems before they set or review freshwater objectives and limits.
  - 4.9.3 This accounting requirement has implications for the Nelson Plan timetable and our existing Progressive Implementation Programme (see Attachment 2) – as there will be no benefit in reviewing the NRMP freshwater quality objectives until the freshwater accounting system has been set up (proposed by mid 2016), and applied for two years.
  - 4.9.4 While this does represent a delay, this requirement is supported because managing the impact of diffuse discharges on freshwater quality is the most difficult aspect of freshwater management. Improved information on all sources of contaminants entering waterbodies will be very valuable for catchment management planning. In addition, improved understanding of all water takes, including permitted ones, will help

resource consent officers to more thoroughly assess the cumulative effects across a whole catchment of any individual applications to take water. The submission seeks that the implementation timeframe be extended from two years to five years due to resource implications.

### **National Objectives Framework (NOF)**

- 4.10 The NOF introduces a new classification system (from A to D). So far it includes a number of compulsory values related to ecosystem health and human health (secondary contact recreation). It outlines what indicators are to be measured, and what levels equate to the A, B, C and D classifications. This system is different to the current classification system used by Nelson City Council to monitor and report on freshwater quality. The current classification system is a key element of the freshwater objectives in the NRMP.
- 4.11 Under the new national classification system, it will be up to the community to decide whether it wants to work towards A, B or C classifications for each of the indicators (while ensuring that the overall quality of freshwater within a region is maintained or improved). The D classification will not be acceptable and it will be a national requirement that any water body with a D classification for any of the compulsory indicators must be progressively improved to at least C quality.
- 4.12 Secondary contact recreation is a compulsory value for all freshwater bodies. Secondary contact is defined as contact with fresh water that does not involve immersion and includes wading or boating (except boating where there is high likelihood of immersion).
- 4.13 Communities will have the ability to choose which freshwater bodies should have a higher objective of contact recreation (being safe for swimming). Where this value is chosen, the existing recreational bathing water quality classifications for contact recreation (swimming) will apply. This is a national classification system. The submission seeks that the implementation timeframe be extended to five years due to resource implications and to allow additional attributes to be added to the NPS-FW prior to plan changes taking place.
- 4.14 In future the NOF will also include attributes for some other optional values, such as mahinga kai and irrigation. The Government proposes to progressively add new values into the NPS-FM in 2016 and 2019.
- 4.15 In the meantime, councils can come up with their own measures (or retain their existing ones) for other attributes such as sediment and heavy metals and invertebrates.
- 4.15.1 Implications for NCC:
- While we can rely on NCC's existing water classification system to provide ongoing information about trends in water quality, that system will not be able to be used to set objectives in the Nelson Resource Management Plan in the future;



- NCC's state of the environment monitoring and reporting is currently based on our existing water classification system (A to E). To avoid confusion this will need to be changed to align with the NOF;
  - Changing our monitoring approach (and water quality classification system) will lead to loss of continuity of data, limiting our ability to track long term trends;
  - Additional monitoring (monthly compared to quarterly), equipment and analysis will be required to collect information required by the NOF on parameters which we do not currently monitor;
  - The progressive nature of the new values being added in to the NOF every few years could be disruptive for both monitoring and planning processes;
  - We will need to amend the Progressive Implementation Programme to reflect the new requirements. The NPS-FM requires councils to do this within 18 months of the date of gazetting any amendment to the NPS.
- 4.16 A wide range of non-regulatory measures can be implemented ahead of changes being made to the NRMP including:

- catchment management planning;
- working with community stream care and monitoring groups;
- riparian planting and fencing on NCC and private property;
- working with landowners to protect wetlands on private land;
- working with industrial land owners to change practices which result in contaminants entering water bodies;
- working with iwi to establish the Freshwater Advisory Board, as required by Treaty settlements;
- undertaking monitoring and research to investigate water quality issues across our region;
- ensuring capital works on our infrastructure align with our wider environmental programmes outcomes and objectives.

### **Exceptions to National Bottom Lines**

- 4.17 The proposed amendments recognise that it is impossible for some water bodies to meet national bottom lines even over a long timeframe. The proposed grounds for exceptions are:
- natural conditions of the water body, eg a native bird colony nesting above a river which puts E. coli bacteria in the river;

- historical activities that have created impacts on water quality that cannot reasonably be fixed without creating even worse environmental effects;
  - significant existing infrastructure (eg a dam) that affects a water body.
- 4.18 Exceptions for natural conditions and historical impacts would be decided as part of regional planning. Significant existing infrastructure exceptions would be decided by the Government after public consultation.
- 4.19 Council officers are concerned that it is not clear how decisions would be made about what is “significant existing infrastructure” and the implications of this for Nelson.

## **5. Conclusion**

- 5.1 The proposed amendments to the National Policy Statement for Freshwater Management are likely to lead to improved and more consistent management of freshwater in Nelson and around New Zealand.
- 5.2 The proposed amendments do present challenges for the Council as, given the timing of the reforms, it is unrealistic to set new freshwater quality objectives and targets as part of the development of the Nelson Plan.
- 5.3 Despite the delay this represents for the setting of new freshwater quality objectives in the Nelson Plan, a wide range of non-regulatory methods can be carried out in the meantime.

Debra Bradley  
**Planning Adviser**

## **Attachments**

- Attachment 1: Draft Submission – [A1115587](#)
- Attachment 2: Progressive Implementation Programme – [A79281](#)
- Attachment 3: Proposed amendments to the National Policy Statement for Freshwater Management 2011 – [A1127051](#)

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

The recommendations comply with the purpose of the Local Government Act because the submission considers how to perform Council's regulatory functions in the most cost-effective way.

### 2. Fit with Community Outcomes and Council Priorities

Community Outcome 1 - Healthy Land, Sea, Air and Water

The natural environment is a Council priority. "Council wants to promote Nelson as a city that takes seriously its guardianship of the environment."

### 3. Fit with Strategic Documents

Goal Three of the Nelson 2060 Strategy is that our natural environment – air, land, rivers and sea – is protected and healthy.

### 4. Sustainability

Making a submission is not directly related to sustainability, but the purpose of implementing the freshwater reforms is to minimise water pollution and to use water resources efficiently.

### 5. Consistency with other Council policies

The freshwater quality provisions of the Nelson Resource Management Plan will need to be changed to meet the requirements of the NPS-FM.

### 6. Long Term Plan/Annual Plan reference and financial impact

The financial impact of the freshwater reforms has not yet been budgeted.

### 7. Decision-making significance

Making a submission on the proposed amendments to the NPS-FM is not a significant decision in terms of the Council's Significance Policy.

### 8. Consultation

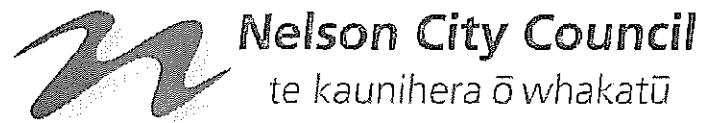
Ministry for the Environment officers met with Council officers to discuss the proposed amendments.

### 9. Inclusion of Māori in the decision making process

The government is responsible for involvement of Māori in the development of the freshwater reforms.

### 10. Delegation register reference

The Planning and Regulatory Committee has delegated authority to make submissions to the Ministry for the Environment.



**Ministry for the Environment**  
**The Proposed Amendments to the National Policy Statement**  
**for Freshwater Management 2013**

**DRAFT SUBMISSION FROM NELSON CITY COUNCIL**

To:	Freshwater Reform Ministry for the Environment PO Box 10362 Wellington 6143
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**4 February 2014**

**This submission is made by:** Nelson City Council

**Address for service:**

**Postal:** Nelson City Council

PO Box 645

Nelson

Attention: Principal Planner

**Email:** [debra.bradley@ncc.govt.nz](mailto:debra.bradley@ncc.govt.nz)

**Fax:** (03) 546 0239

**Contact person:** Debra Bradley, Planning Adviser

**Direct phone:** (03) 546 0261

**Signed**

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Date 4/2/2014

Rachel Reese

Mayor of Nelson

# **Submission on The Proposed Amendments to The National Policy Statement for Freshwater Management 2011**

Thank you for the opportunity to provide feedback on the proposed amendments to the National Policy Statement for Freshwater Management 2011 (NPS-FM).

Nelson City Council (NCC) generally supports the proposed approach, and agrees with Local Government New Zealand that it provides a solid basis for implementing the NPS-FM. NCC also recognises that this new approach will take significant time and resources to be fully implemented.

## **1. National Objectives Framework – A to D Classification System**

### **Implications for NCC**

Our current water quality classification system is integrated within the freshwater provisions in the Nelson Resource Management Plan. This policy framework will need to change to meet the requirements of the NPS-FM.

This also has implications for our long term monitoring data – some of which does not relate to the attributes in the National Objectives Framework (NOF). NCC will need to consider how our long term monitoring information can be used (and communicated) in future.

### **Changes Sought**

A transition period is needed, and therefore NCC seeks more time (eg five years) to achieve policies CC1 and CC2 than is currently provided for. (Policy CC1 is proposed to take effect 24 months after the amendments are adopted.) A shorter timeframe will have significant resourcing implications for NCC.

## **2. Accounting for Water Quality and Quantity**

### **Implications for NCC**

There is a need to build up skills in order to deliver the accounting requirements.

A lot of monitoring and analysis work will need to be carried out before NCC takes that information to the community and uses it to set objectives. There is a high cost to this data gathering and analysis. For

example, NCC lacks information about groundwater resources, as well as permitted takes and discharges.

### **Changes Sought**

To improve efficiency and effectiveness, there needs to be consistent implementation of the water quality and quantity accounting requirements throughout the country. A standardised process for doing this accounting should be provided by the Ministry for the Environment.

A five year period (rather than the proposed two) before Policy CC1 takes effect would be more achievable, particularly if the accounting is required on a region-wide basis. This would give time for MfE to develop standardised accounting and modelling methodology for the proposed measures, and for Maori values as discussed on the following page of this submission, and for this to be implemented around the country.

Regarding Objective CC1 (on page 62 of the discussion document), clarification is needed on whether this accounting is required for the whole region or only for catchments for which freshwater objectives are currently being set. NCC seeks the latter.

## **3. A Process to Use for Linking Values and Freshwater Objectives**

Page 18 of the discussion document outlines an iterative process for involving the community in setting freshwater objectives. Given the time and knowledge required to be involved in an iterative process for managing freshwater, a longer lead in time may be required to ensure full involvement of the wider community, and to effectively implement the National Policy Statement.

### **Changes Sought**

Provide more guidance on timeframes and resourcing required for iterative processes involving the community in setting freshwater objectives.

## **4. A Partly Populated National Objectives Framework**

### **Changes Sought**

The NOF attribute tables are only partly populated at this stage (as discussed on page 19), with the intention that further additions are made in the future through an amendment to the NPS-FM, possibly in 2016 and 2019. This is another reason to delay the accounting requirements for five years – it will be more efficient to implement the accounting requirements after the attribute tables have been completed.

Thought needs to be given to how these incremental inclusions can be incorporated into planning processes, or into operative plans, without the need to go through a plan change. Consider whether a National Environmental Standard is the best way to achieve this.

## **5. National Bottom Lines**

Pages 23 – 27 of the discussion document discuss national bottom lines for each of the attributes of the compulsory values. NCC is concerned that the NPS-FW could result in “managing down” to the bottom of the C level.

Policy CA1 (f) should not provide the ability to set a state that is lower than the current state of the waterbody [see Policy CA1(f)]. Allowing for a lower standard is not supported by NCC and is not consistent with Objective A2 which is to “maintain or improve” the overall quality of freshwater within a region.

### **Changes Sought**

Change the wording of Policy CA1 to make it clear that maintaining or enhancing the existing quality in a waterbody is required.

## **6. Exceptions to National Bottom Lines**

### **Changes Sought**

The discussion document (page 27) refers to exceptions for historical activities that have created lasting impacts on water quality. Clarification is needed on what “historical” means in this context.

The document also refers to exceptions proposed for water quality where it is affected by significant existing infrastructure. Clarification is needed regarding who would be entitled to apply for this type of exception. Would it be a council (only) or could infrastructure providers also apply? Would there be a list of entities which could apply for exceptions, similar to the list of requiring authorities for designations?

NCC is not comfortable with Policy CA2 as currently written (on pages 59-60), particularly as it is not clear how decisions would be made about what is “significant existing infrastructure”. Clarification is needed on what would be considered “significant” infrastructure. For example, does this mean infrastructure of regional or national significance?



## **7. Articulating Tangata Whenua Values**

### **Changes Sought**

The discussion document proposes to include the safeguarding of Te Mana of te Wai in Objective A1. There should be mandatory reporting related to this objective.

There also needs to be a shared methodology and a standardised approach for cultural health investigations.

## **8. Attribute Tables – periphyton and cyanobacteria**

### **Implications for NCC**

NCC does not have long term data for the proposed indicators of periphyton and cyanobacteria. There will be two laboratory processes required for each of these tests, and the council will have to build up background data to enable calibration.

It is unlikely that other councils will have this long term data either, as most have been following the national monitoring protocol.

### **Changes Sought**

The periphyton and cyanobacteria measures on pages 72 and 73 of the discussion document are new. NCC would like clarification on why the national freshwater monitoring protocol for measuring periphyton and cyanobacteria is no longer appropriate, and for the government to consider reverting to the current national protocol.

## **9. Attribute Tables - nitrates**

### **Implications for NCC**

The nitrate toxicity and ammonia toxicity measures on pages 70 and 71 of the discussion document require knowing the flow at the monitoring site, so that the concentrations of ammonia can be determined. There will be a significant cost to NCC to meet the requirements of the new attribute tables.

### **Change Sought**

There is a need for a nitrate measure related to nutrient levels, as well as the nitrate toxicity measure.

NCC seeks a five year transition period to full implementation, once amendments to the NPS-FW are adopted.

## Progressive Implementation Programme

### Part A – Collaborative Stakeholder Group development of policy direction and action plan

Phase	Task	Due Date
<b>Planning</b>	- Project Initiation Document and Project Plan developed	July 2012
	- Early discussions with staff on options and priorities for water quantity and quality improvements	May 2012
	- Early discussion with iwi about how they wish to be involved in the development of the progressive implementation programme.	June 2012
	- Discussions with Tasman District Council regarding their proposed approach to implement the NPS	July 2012
	- Establishment of core project team	August 2012
	- Identification of key stakeholders	August 2012
	- Report to Council on NPS for freshwater management requirements and proposed process	August 2012
	- Finalised Progressive Implementation Programme to be considered by Council	November 2012
<b>Research – water quality and quantity</b>	Step 1: Scan of information available for each catchment, beginning with the Maitai, and summary of key information.	By September 2012
	Step 2: Report considering the options that maximise benefit and minimise disadvantages	2012/13
	Step 3: Workshop of Council staff and technical adviser(s) to reach an agreed list of information and matters to be addressed by the Collaborative Stakeholder Group, and to inform the development of catchment management plans (see Part B of implementation programme).	2012/13
<b>Initiate collaborative process</b>	Transparent public process with iwi involvement for establishing a Collaborative Stakeholder Group with a balanced representation of stakeholder interests, including manawhenua. Confirm the chair and terms of reference for the process; and confirm resourcing, timeframes and protocols for running the group, including ongoing engagement with the council and the community.  Sub groups (or catchment committees) can be progressively set up related to specific areas, to oversee specific projects such as catchment management planning. (This would be funded from the catchment management programme.)	2013

## ATTACHMENT 2

Phase	Task	Due Date
<b>Collaborative policy development</b>	Policy is developed with the involvement of the Council and independent experts and scientists.	2013/14
<b>Translate policy into plans</b>	The Collaborative Stakeholder Group works with the Council to translate policy resolutions into both resource management plan provisions and a plan for non-regulatory actions.	
<b>Decision-making process</b>	The Collaborative Stakeholder Group provides draft resource management provisions and a draft action plan for non-regulatory actions, for consideration, possible amendment, and adoption by the Council.	
<b>Public consultation</b>	Council seeks feedback from the public on the proposed Resource Management Plan provisions and the draft action plan for non-regulatory actions.	
<b>Adoption of programme</b>	Meeting with the Collaborative Stakeholder Group to assess feedback received from submitters. Collaborative Stakeholder Group recommends amendments to the progressive implementation programme and identifies any financial implications. Council receives and discusses the recommendations and decides on any changes to draft programme and financial implications, before approving a final progressive implementation programme. Publication and publicity about the programme. Inclusion of budgets in future Annual Plans or Long Term Plan.	
<b>Implementation of programme</b>	This will include notification of a plan change to the Nelson Resource Management Plan, as well as implementation of a non-regulatory action plan.	
<b>Formal public consultation on plan change</b>	Submissions and further submissions on the proposed plan change to the Nelson Resource Management Plan, in accordance with the First Schedule requirements in the Resource Management Act.	
<b>Decisions on plan change</b>	Council hears and considers submissions and makes decisions on changes to the Nelson Resource Management Plan.	

**Part B – Council actions in the short to medium term**

<b>Actions</b>	<b>Timing</b>
Monitor and enforce compliance with resource consent conditions	Ongoing
Increase investigation into water quality problems and solutions	Ongoing
Prepare catchment management plans for all Nelson catchments as integrated land use strategies, starting with the Maitai Catchment Management Plan over the first three years.	Maitai River plan by 2015 and for all other catchments by 2022.
Increase and target community advocacy work to raise awareness and encourage community action, such as through the Stoke Streams Rescue project. One area for improvement identified as part of this work is more integration between the management of the wet areas and planting of the adjacent land, to protect inanga spawning habitats.	Stoke Streams project is for three years, finishing in 2013/2014 year
Improve the stormwater and waste water systems through the development of a stormwater inflow and infiltration strategy, to reduce the effects of discharges to water courses. One area for improvement is earlier notification and follow up action on freshwater issues arising from pipe failures.	2012/13 (strategy development)
More emphasis on stormwater pollution prevention, through increased monitoring and enforcement of Nelson Resource Management Plan rules controlling discharges to the stormwater system or direct to freshwater water or the coastal marine area	Increased funding for this in 2012/13 year
Support the work of any future Iwi Water Management Advisory board as set up through Treaty of Waitangi settlements for the Top of the South Island iwi	As required
Improvements to channel design to avoid impacts on freshwater quality while retaining channel capacity for flood events. One example is the ongoing fish passage improvements for Brook Stream, scheduled to be completed by 2017/18.	Ongoing



## Improving our freshwater management: Proposed amendments to the National Policy Statement for Freshwater Management 2011

**Fresh water is New Zealand's most important natural asset. Councils, communities and iwi have responsibility for managing their fresh water so it will continue to support New Zealand's environment, economic growth and our way of life into the future.**

To do this, councils, communities and iwi need:

- good information to support decisions on fresh water in their region
- good processes for deciding how to manage fresh water
- protection of values that are important to all New Zealanders
- good information on the values they choose and the impacts of those choices.

To make this happen, the Government is proposing some additions to the National Policy Statement for Freshwater Management (NPS-FM).

### Existing requirements of the NPS-FM

The NPS-FM already requires regional councils to:

- maintain or improve overall water quality within a region
- safeguard the life-supporting capacity, ecosystem processes and indigenous species (including their associated ecosystems) of fresh water
- set freshwater objectives and limits for all water bodies.

These requirements will still be in the NPS-FM alongside the proposed additions.

## Proposal 1: Accounting for water quality and quantity

(Section 4.1 in the discussion document)

New Zealand needs a better understanding of what goes into our water and how much water is used so that we can manage it better.

The proposed changes to the NPS-FM will mean that regional councils know about all water takes and where contaminants are coming from. This information will help councils and communities make better decisions about how to manage fresh water. This information will also tell us whether there is headroom to use more of our freshwater resource, or whether we are already using more than the system can cope with sustainably.

## Proposal 2: National Objectives Framework

(Section 4.2 in the discussion document)

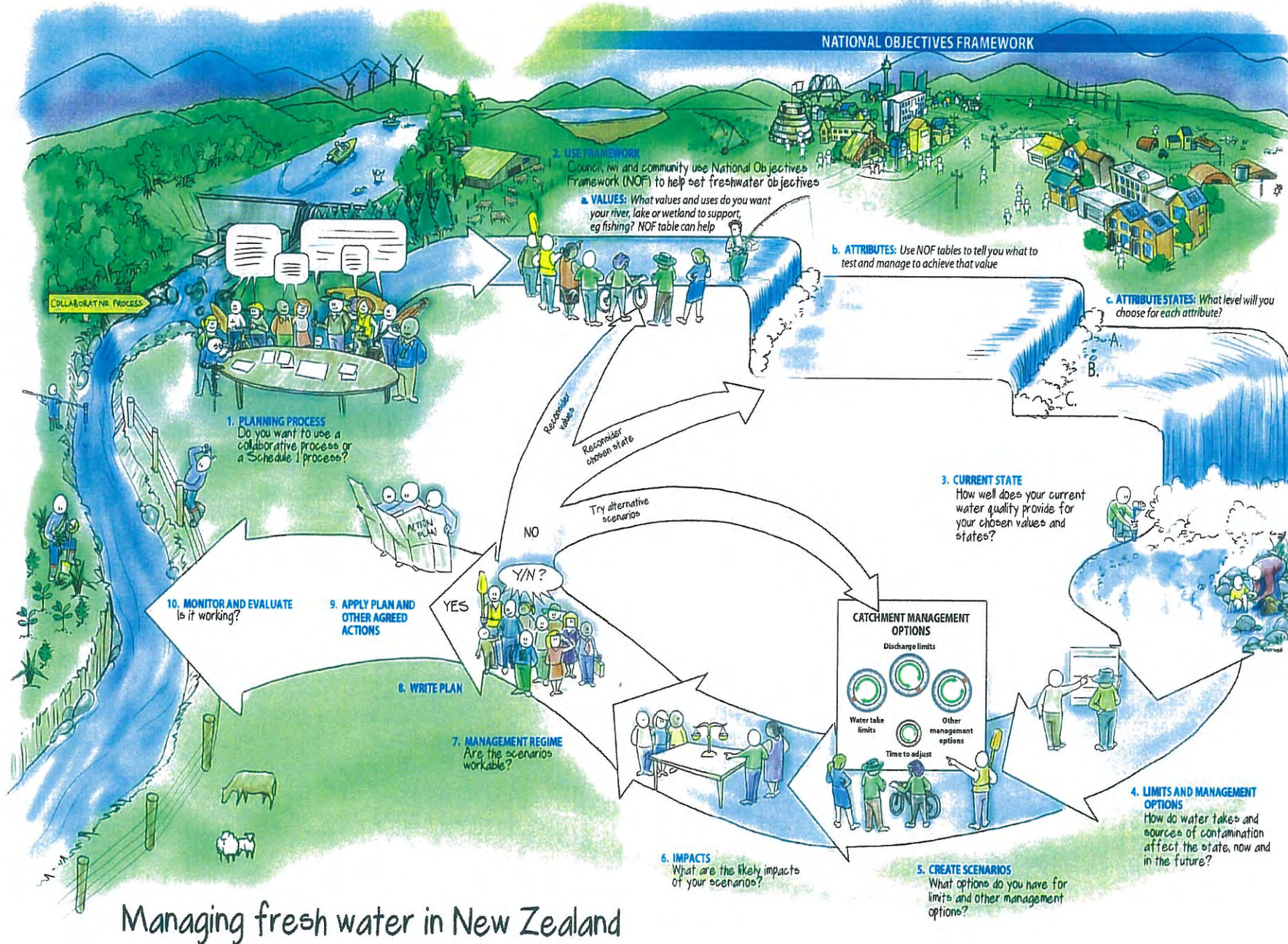
The proposed National Objectives Framework will help councils and communities better provide for the things they value most about fresh water. The framework provides:

- a list of values for communities to choose from to reflect what is important to them (eg, fishing, irrigation)
- a list of the attributes that affect water quality (eg, *E. coli* bacteria, periphyton (slime), etc)
- the technical details that a council can use in their regional plans to provide for the community's values (eg, what level of *E. coli* is acceptable for boating and wading)
- a process for setting freshwater objectives.

The framework will help communities discuss what to manage their fresh water for. For example:

- while the community may want to build a dam for renewable hydro-electricity generation, they will also need to ensure sufficient flow for the life of the river
- discharges from municipal or farming sources will need to be managed more carefully where whitebaiting is important.

In deciding what we value about fresh water, councils and communities will need to consider the impacts of different choices. The framework will provide a clear process for how



## Managing fresh water in New Zealand

to set freshwater objectives to provide for the community's values. If the community wants to improve water quality but it will cost a lot and require changes to land use, then the community may need to set a long timeframe to adjust or, in exceptional cases, seek a transitional arrangement. This may mean that it will take longer to see improvements in water quality, but it also means less disruption to resource users.

Disagreements about the science add costs and delays, and often end up in the courts. So the framework will provide the science once at a national level, where agreed, and reduce the amount of science work that councils have to do. This will also mean that communities don't have to argue the science every time they talk about managing fresh water.

The amended NPS-FM will initially contain Version 1 of the framework. More will be added to it in later versions as the scientific work is progressed.

## Proposal 3: Compulsory values

(Section 4.3 in the discussion document)

Some of the values of fresh water are so important to New Zealanders that they should be provided for in all waterways. We all want our water to be healthy for aquatic life, and we want to be able to use it for recreation.

That's why the Government is proposing to make ecosystem health and human health for secondary contact recreation (eg, boating and wading) national values that must be protected across New Zealand. Communities can choose other values for their waterways too.

## Proposal 4: National bottom lines

(Section 4.4 in the discussion document)

The proposed changes add numeric bottom lines for the national values (ecosystem health and human health) so that everyone knows what level of water quality is needed to provide for them.

The quality of most of our waterways is already above these bottom lines. Communities will have to plan how to improve the health of the unacceptably degraded waterways over a manageable timeframe.

The NPS-FM already requires councils to maintain or improve the overall water quality in each region, so setting national bottom lines won't allow waterways that are in good shape to be degraded down.

## Proposal 5: Exceptions to national bottom lines

(Section 4.5 in the discussion document)

For a few waterways, it will not be possible to meet national bottom lines even over a long timeframe, so the proposed changes provide a way of deciding on exceptions to the bottom lines. The proposed grounds for exceptions are where a water body breaches a bottom line due to:

- natural conditions of the water body, eg, a native bird colony nesting above a river which puts *E. coli* bacteria in the river

- historical activities that have created impacts on water quality that can't reasonably be fixed, even in the long term, without creating even worse environmental effects

- significant existing infrastructure (eg, a dam) that affects a water body.

Exceptions for natural conditions and historical impacts would be decided as part of regional planning. Significant existing infrastructure exceptions would be decided by the Government after public consultation.

Questions? Email: [watercomments@mfe.govt.nz](mailto:watercomments@mfe.govt.nz)

## Proposal 6:

### Tāngata whenua values

(Section 4.6 in the discussion document)

Māori have a special relationship with fresh water, so it's important that this is recognised. The proposed changes more clearly articulate tāngata whenua values for fresh water, including Te Mana o te Wai. Tāngata whenua values are also part of the National Objectives Framework so they must be considered as part of decisions on managing fresh water. For example, regional councils, iwi and communities will need to consider whether they should manage a water body for mahinga kai.

## Proposal 7:

### Monitoring

(Section 4.7 in the discussion document)

These proposed changes would make it clear that regional councils need to identify a range of representative sites in waterways at which to monitor progress towards, or achievement of, freshwater objectives. The additions also recognise that water quality needs to be monitored over long-term trends.

## Have your say

It's important we get this right as part of New Zealand's long term vision for improving the way we manage our fresh water, so we want to hear from you. You can have your say on the Government's proposals to amend the NPS-FM by making a written submission:

- online at [www.mfe.govt.nz](http://www.mfe.govt.nz), or
- by email to [watersubmissions@mfe.govt.nz](mailto:watersubmissions@mfe.govt.nz), or
- by posting it to Freshwater Reform, Ministry for the Environment, PO Box 10362, Wellington.

Submissions need to be received by 5pm on 4 February 2014. Further details on making a submission can be found in section 7 of *Proposed Amendments to the National Policy Statement for Freshwater Management 2011: A discussion document*. This can be found at [www.mfe.govt.nz](http://www.mfe.govt.nz) along with supporting studies and other material.

If you have questions, email: [watercomments@mfe.govt.nz](mailto:watercomments@mfe.govt.nz)

If the proposed changes to the NPS-FM go ahead, there may be some changes to regional plans. So get involved with your regional council and be part of the conversation on the implications of choices made under the NPS-FM in your region.



28 January 2014

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**REPORT A1126619**

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## **Reserves Bylaw**

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### **1. Purpose of Report**

- 1.1 To consider a draft Reserves Bylaw (Attachment 1) and approve a draft Statement of Proposal (Attachments 2 and 3) for formal consultation.

### **2. Recommendation**

***THAT the report Reserves Bylaw (A1126619) and its attachments (A916989, A915962, A917532 and A10978) be received;***

***AND THAT the Statement of Proposal in document A916989 be approved and advertised using the Special Consultative Procedure (section 83 of the Local Government Act);***

***AND THAT the Planning and Regulatory Committee hear submissions on 20 March 2014;***

***AND THAT the Planning and Regulatory Committee deliberate on submissions and make recommendations to full Council.***

### **3. Background**

- 3.1 The previous Reserves Bylaw (shown in Attachment 4) came into force in July 2006, and expired in July 2013. The previous bylaw regulated the following activities in public reserves:

- use of motor vehicles (only using formed entrances and exits, and areas where motor vehicles were permitted, and not going faster than 20 km per hour in those areas);
- respect for other users (with Council having the ability to require someone to leave the reserve if they were interfering with other people's use of the reserve);
- where golf could be played (only on part of Neale Park and at the Waahi Taakaro Golf course in the Maitai Valley);



- access to reserves (with Council having the ability to restrict public access to reserves);
  - the leaving of gates as they were found (ie. open or closed).
- 3.2 There was also a general provision that activities in reserves could not be contrary to any instruction given by an authorised officer or any sign in the reserve.

#### **4. Discussion**

##### **New Draft Bylaw**

- 4.1 The key differences between the previous Reserves Bylaw and the new draft bylaw are that the new one:
- has an expanded list of other relevant legislation, bylaws and related documents;
  - includes a general provision that any activity in a reserve should not cause a hazard to users of reserves, or damage to reserves or structures in reserves;
  - does not allow the playing or practising of golf in Neale Park;
  - lists activities which require a permit, such as use of chainsaws, taking of materials, possession of firearms, the shooting of game birds and pest control, planting, and landing of recreational aircraft.
- 4.2 The new draft bylaw does not cover activities addressed in other bylaws or legislation, such as dog exercise areas, alcohol consumption and commercial activities in reserves.

#### **5. Bylaw Development Process**

- 5.1 The Local Government Act 2002, section 160, sets out the process for reviewing bylaws.
- 5.2 A local authority must “determine whether a bylaw is the most appropriate way of addressing the perceived problem” (s155 (1)).
- 5.3 In developing a new draft Reserves Bylaw, Council officers considered how best to address a wide range of reserves-related issues identified in: Nelson’s reserve management plans; matters included in Nelson’s 1992 Reserves Bylaw provisions but not included in the 2006 Reserves Bylaw; and issues addressed in other councils’ reserves bylaws.
- 5.4 Council officers considered which issues were best addressed through a reserves bylaw, taking the approach that the draft bylaw should only include activities in reserves which the Council intends to enforce. This assessment is summarised on pages 3-5 of the draft Statement of Proposal, shown in Attachment 1 of this report.

## Informal Consultation

- 5.5 On 5 November 2013, copies of the draft bylaw and draft statement of proposal were sent to 17 organisations likely to have an interest in a reserves bylaw, and to the eight Nelson iwi. It was also sent to one individual (Helen Black) who had specifically requested information about the development of the Reserves Bylaw.
- 5.6 Feedback was invited from these people, with responses requested by 29 November 2013. Four responses were received, as outlined below.

Organisation	Comments
Ngati Koata Trust	A question was raised about how Ngati Koata's fossicking rights under its pending deed of settlement might be affected by section 6.1 of the draft bylaw, which states that Council permission is required for the taking of rocks, minerals and sand.
About 'N Out Ltd	Clarification was sought on the definition and use of motorised vehicles within reserves, as Segways are still considered by the Ministry of Transport to be motor vehicles.  This company currently pays a monthly concession fee to operate Segway tours within Council's reserves, and wishes to ensure that the bylaw will not prevent the continued use of the Segway machines as at present.  The company asked Council to confirm that Segways will be able to continue to operate, by either: <ul style="list-style-type: none"> <li>- exempting them from the definition of a motor vehicle, or</li> <li>- exempting them from rules in clause 4.2 about the use of motor vehicles in reserves.</li> </ul>
Tiakina te Taiao	With respect to the activities requiring permission in clause 6.1, Tiakina te Taiao asked to be informed about any plantings in reserves to ensure that native plants are used as much as possible in appropriate locations, when such activities are to be undertaken.
National Council of Women	No comment was provided at this stage, but the organisation would like to be part of the public consultation process.

- 5.7 Ngati Koata Trust's concern could be addressed by adding the following exemption, as clause 12.2: "Nothing in this bylaw shall prevent Iwi from carrying out activities in reserves which are provided for in any Deeds of

Settlement between Iwi and the Crown.” This change is shown in the attached draft Reserves Bylaw.

- 5.8 About 'N Out Ltd's concerns could be addressed through an amendment to its lease agreement with the Council. This could state that the lease agreement means permission of an authorised officer has been granted for the purposes of clause 6.2 of the Reserves Bylaw.
- 5.9 Tiakina te Taiao's request regarding the planting of seeds or shrubs can be addressed through the implementation of the bylaw.
- 5.10 No change is requested by the National Council of Women.

## **6. Conclusion**

- 6.1 Development of a new Reserves Bylaw will enable the Council to manage a number of activities in Nelson reserves which are not covered by other legislation or plans.

Debra Bradley  
**Planning Adviser**

### **Attachments**

- Attachment 1: Statement of Proposal to Adopt a Nelson City Council Reserves Bylaw (Bylaw No. 222 – January 2014 – [A916989](#))
- Attachment 2: Draft Reserves Bylaw (No. 222 – January 2014 – [A915962](#))
- Attachment 3: Draft Summary of Statement of Proposal – January 2014 - [A917532](#)
- Attachment 4: Reserves Bylaw 2006 (No. 211) - [A10978](#)

Supporting information follows.

## Supporting Information

### 1. Fit with Purpose of Local Government

The development of a reserves bylaw in a consultative manner is aligned with the purpose of the Local Government Act related to democratic local decision-making.

The requirement to perform regulatory functions in a way that is most cost-effective for households and businesses also needs to be considered when making decisions related to a reserves bylaw.

### 2. Fit with Community Outcomes and Council Priorities

Community outcomes:

People-friendly places - urban and rural areas are designed to be child, family and people friendly.

Kind, healthy people – we are part of a welcoming, safe, inclusive and healthy community.

Council priorities:

Easy access to an active lifestyle.

### 3. Fit with Strategic Documents

Relevant plans prepared since 2006, and which have informed the development of the draft Reserves Bylaw, include:

Esplanade and Foreshore Reserves Management Plan

Conservation and Landscape Reserves Management Plan

Parks and Reserves Activity Management Plan 2012.

### 4. Sustainability

The draft Reserves Bylaw enables Council to control activities in reserves in order to maintain community safety (for both people and property).

### 5. Consistency with other Council policies

The policies in the Parks and Reserves Activity Management Plan, Reserve Management Plans and the Nelson Resource Management Plan were taken into account during the development of the draft bylaw.

### 6. Long Term Plan/Annual Plan reference and financial impact

Page 155 of the Long Term Plan: "New and increasing use of parks and reserves can result in conflict between different uses. This is monitored by staff and booking systems. Bylaws and booking systems may be adjusted in response."

### 7. Decision-making significance

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

**8. Consultation**

Informal consultation has been carried out with groups and individuals identified as likely to have an interest in a reserves bylaw. This will be followed by a special consultative procedure which will give everyone an opportunity to comment on the draft bylaw.

**9. Inclusion of Māori in the decision making process**

Early, informal consultation has been carried out with iwi. Wider consultation with Māori will be provided for through the ensuing special consultative procedure.

**10. Delegation register reference**

The Planning and Regulatory Committee is delegated the power:

- to approve statements of proposal; and
- to hear and deliberate on submissions for special consultative procedures falling within their areas of responsibility.



**Statement of Proposal to Adopt a Nelson City  
Council Reserves Bylaw (Bylaw No. 222)**

**January 2014**

**This document constitutes the Statement of Proposal for the purposes of  
Section 83(1)(a) of the Local Government Act 2002.**

## **1. Introduction**

- 1.1. The Nelson City Council Reserves Bylaw 2006 expired in July 2013.
- 1.2. The Council undertook a review of the implementation of the previous Reserves Bylaw. The focus of this review was on whether or not a Reserves Bylaw was necessary in order to manage Nelson parks and reserves effectively. The outcome of this review is that Council considers a new Reserves Bylaw is required.

## **2. Proposal**

- 2.1. Council proposes to adopt a new Nelson City Council Reserves Bylaw (Bylaw No. 222).
- 2.2. In accordance with section 86 (2) of the Local Government Act 2002 the Council, when adopting a bylaw, is required to include the following in the Statement of Proposal:
  - a) A statement that the proposed bylaw is to be adopted;
  - b) The reasons for the proposal; and
  - c) A report of any relevant determinations by Council under section 155 of the Local Government Act 2002.

## **3. Reasons for the Proposal to adopt a reserves bylaw**

- 3.1. Some activities in reserves, which have potential to impact on either the reserves or users of them, are most effectively addressed through bylaw provisions.
- 3.2. These activities are not covered by the Reserves Act 1977 or the Land Transport Act 1998, or by Council's other bylaws such as the Control of Dogs Bylaw 2013, the Control of Drinking in Public Places Bylaw 2003 or the Parking and Vehicle Control Bylaw 2011.
- 3.3. Activities to be controlled in the draft bylaw include: motor vehicle use, use of chainsaws, taking of rocks, minerals and sand, killing of pests and game birds, planting of seeds or shrubs, and landing of recreational motorised aircraft, and golf. The bylaw also enables the Council to manage any adverse impacts of other activities such as cycling and sports, and to close a reserve for a range of reasons.
- 3.4. The draft bylaw only includes activities in reserves which the Council intends to enforce.

## **4. Issues and options to address them**

In developing a proposed Reserves Bylaw, the Council considered how best to address a wide range of issues identified in Nelson's reserve management plans, matters included in Nelson's 1992 reserve bylaw provisions but not included in the 2006 reserves bylaw, and issues addressed in other councils' reserves bylaws.

- 4.1. As part of this process, the Council reached conclusions about which issues are best addressed through a Reserves Bylaw. This is reflected in the proposed Reserves Bylaw attached to this Statement of Proposal.

**From Nelson's reserve management plans**

<b>Issues</b>	<b>Proposed approach</b>
Weed and garden waste dumping	This is a major issue, which is currently managed under the Litter Act. This continues to be the best option because \$200 instant fines can be issued, and it applies to wherever the dumping occurs (not only in reserves).
Motor vehicles	Parking enforcement is sometimes needed in reserves (for example, at Saxton Field). This could be provided for in either the Reserves Bylaw or in a new schedule in the Parking and Vehicle Control Bylaw.
Reserve encroachment	This is partly covered in the 'activities requiring a permit' section of the draft Reserves Bylaw – which does not allow planting of seeds or shrubs without a permit. The Council is also able to control reserve encroachment onto public land, in its role as the land owner.
Small scale development of unauthorised mountain-bike tracks	This can generally be managed informally, without a bylaw. However, any significant damage would be covered by the general clause 5.1 that states that activities in reserves must not cause a hazard or damage.
Firearms	Under section 94 (4) of the Reserves Act people are not allowed to be in possession of, or discharge, a firearm in a reserve.  General controls on firearms are in the Arms Act 1983, and breaches are managed by Police.
<ul style="list-style-type: none"> <li>- Shooting of game birds</li> <li>- taking of rocks, minerals and sand;</li> <li>- landing of a recreational motorised aircraft</li> </ul>	<p>These activities are covered in the 'activities requiring permission' section of the draft Reserves Bylaw.</p> <p>Note: under section 13 of the Resource Management Act, excavating or otherwise disturbing the bed of a river is not permitted unless expressly allowed by a rule in a regional plan or a resource consent.</p>
Open fires	The Conservation and Landscape Management Plan 2008 prohibits open fires in conservation and landscape reserves. The Nelson Air Quality Plan prohibits open fires in the urban area. Breaches are responded to by the Fire Service.
Fishing, swimming and boating activities in the Roding and Maitai Water Reserves	These activities are prohibited in the Roding and Maitai Water Reserves under the Conservation and Landscape Management Plan 2008. These activities have not occurred, so a bylaw is not required in order to enforce these policies.



Mountain biking restrictions (eg cycling is not allowed on Kahikatea Track).	This is not currently a significant issue, and does not need to be controlled through a bylaw.
Smoking in reserves (eg in a children's playground, and in the Rutherford and Trafalgar Parks Reserve Management Plan).	This doesn't need to be reflected in a bylaw as peer pressure is more effective than official enforcement.
Golf	This activity is covered by the 'golf' section of the bylaw.

**From the reserves provisions in Nelson's 1992 consolidated bylaw**

<b>Issues</b>	<b>Proposed approach</b>
Use of water (not wasting it)	A bylaw provision is not needed for the general public's use of water, as the taps are self-stopping ones. Other water use is covered as part of licensing conditions.
Tents and booths	Commercial tents and booths are covered by the Trading in Public Places Bylaw. Individual tents put up for shade don't need to be controlled.
Trading and intoxicating liquor	These activities are covered by the Trading in Public Places Bylaw No. 213 and the Control of Drinking in Public Places Bylaw No. 206.
Assemblies	Control has not proven to be necessary for assemblies of people.
Interference with employees	There has been an issue of some people intimidating parks maintenance staff, and this can be managed through the 'respect for others' section of the draft bylaw.
Sports and games	The effects of these activities can be covered by the "hazard or damage" section of the bylaw.
Closing in special circumstances	A general ability to close a reserve should be added to the bylaw. This is covered by the 'public access to reserves' section of the draft bylaw.

**From other councils' reserve bylaws**

Issue	Proposed approach
Cycling in parks	The effects of this activity can be covered by the "hazard or damage" section of the draft bylaw.
Restoration sites	Hamilton's reserves bylaw provides for the ability to control the public's access to reserves for a range of reasons including fire risk, health and safety, and for ecological restoration. This issue is covered by the 'public access to reserves' section of the draft bylaw.
Management of pest animals	<p>A permit should be required prior to the killing of any animals. This is important, as the incorrect use of bait and traps could pose a risk to non-pest animals and users of the park.</p> <p>This control has been included in the "activities requiring permission" section of the draft bylaw.</p>
Exemptions	There should be an exception to the bylaw provisions for Council contractors working in reserves.
Types of permits	Currently the Council gives verbal permission for low risk activities such as picking flowers, and formal permits for higher risk activities such as hunting in a Water Reserve. This can be managed through the implementation of the bylaw.
Planting of seeds or shrubs	<p>This activity is included in the "activities requiring permission" section of the draft bylaw.</p> <p>Note: under section 13 of the Resource Management Act, planting in, on, or under the bed of a river is not permitted unless expressly allowed by a rule in a regional plan or a resource consent.</p>
Respect for other users	<p>Include section 8 from the 2006 Reserves Bylaw:</p> <p><b>'RESPECT FOR OTHER USERS</b></p> <p>No user of any reserve shall interfere with the safety and legitimate enjoyment of the reserve by other users. In addition to any other action which may be initiated, any user interfering with another user of the reserve may be requested by an authorised officer to leave the reserve.'</p>

## **5. Section 155 of the Local Government Act 2002**

- 5.1. Section 155 (1) of the Local Government Act 2002 requires a local authority to determine whether a bylaw is the most appropriate way of addressing a perceived problem.
- 5.2. It is not a legal requirement to have a Reserves Bylaw. Some councils don't have one, including Tasman District Council. However, as outlined in section 4 of this Statement of Proposal, there are a number of activities occurring in Nelson reserves which are most appropriately addressed through a bylaw.
- 5.3. Section 155 (2) states that if a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw –
- a) Is the most appropriate form of bylaw, and
  - b) Gives rise to any implications under the New Zealand Bill of Rights.
- 5.4 The draft Reserves Bylaw is the most appropriate form of bylaw because it focuses on activities which do occur in Nelson's parks and reserves. It only manages the activities which are not controlled through other legislation and bylaws.
- 5.4. The draft Reserves Bylaw meets the following tests:
- It is not repugnant to the general laws of New Zealand
  - The bylaw is certain and provides clear direction
  - The bylaw is reasonable
  - The bylaw is not overly restrictive, onerous on any person, or impractical.

## **6. Does the Proposed Bylaw Give Rise to Any Implications Under the New Zealand Bill of Rights Act 1990 (NZBORA)?**

- 6.1 Part 2 of the NZBORA sets out 20 rights that are affirmed and protected under the NZBORA, subject to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society" (section 5 of the NZBORA). Section 16 (freedom of peaceful assembly) and section 18 (freedom of movement) of the NZBORA are particularly relevant. The draft Reserves Bylaw is consistent with these sections because no restrictions on assembly are proposed and movement is only proposed to be restricted if there are impacts on the safety and legitimate enjoyment of the reserve by other users, or there is a risk of damage to a reserve.

## **7. Submissions**

- 7.1. Any person or organisation is welcome to make a submission on this Statement of Proposal to adopt a Nelson City Council Reserves Bylaw (Bylaw No. 222). Council will be taking account of all submissions made when it decides on the final content of the Reserves Bylaw.
- 7.2. Submissions must be received by Council no later than 4.00pm on Monday, 3 March 2014.
- 7.3. A submission form is available on the Nelson Council website [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz) or can be obtained from the Nelson City Council.
- 7.4. Submissions can also be sent in letter or email form and should be:

Posted to:               Reserves Bylaw Consultation  
                              Nelson City Council  
                              PO Box 645  
                              Nelson 7040

Or emailed to:        submissions@ncc.govt.nz

Please state in your submission whether or not you wish to speak at a hearing in support of your submission.

- 7.5. Submitters should note that their submission will be copied and made available to the public after the submission period closes.
- 7.6. Council will contact all submitters (who wish to be heard) in writing to advise the confirmed time, date and venue of the hearing.
- 7.7. All enquiries should be directed to Debra Bradley, Planning Adviser, on telephone 546 0261 or by email to [debra.bradley@ncc.govt.nz](mailto:debra.bradley@ncc.govt.nz).

## **8. Related Documents**

- 8.1. The Nelson City Council Draft Reserves Bylaw (Bylaw No. 222) is attached to this Statement of Proposal. Additional copies are available to view or download from the Nelson City Council website [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz) (search phrase = draft reserves bylaw).
- 8.2. Copies of the Nelson City Council Draft Reserves Bylaw (Bylaw No. 222) are available free of charge from the customer service centre at Civic House, or on request.



**DRAFT RESERVES BYLAW  
(NO. 222)**

**January 2014**

## **CONTENTS**

- 1. Title**
- 2. Commencement**
- 3. Purpose**
- 4. Other relevant legislation, bylaws and related documents**
- 5. Definitions**
- 6. Motor vehicle use**
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- 10. Golf**
- 11. Public access to reserves**
- 12. Exemptions**
- 13. Breach of bylaw**
- 14. Penalties**

## **1 TITLE**

The title of this bylaw is the 'Reserves Bylaw 2014'.

## **2 COMMENCEMENT**

The bylaw came into effect on [day and date].

## **3 PURPOSE**

The purpose of the bylaw is to manage activities which may impact on other users of reserves, to ensure public safety and to avoid damage to reserves.

## **4 OTHER RELEVANT LEGISLATION, BYLAWS AND RELATED DOCUMENTS**

The following documents do not form part of this bylaw. However, they do contain provisions which regulate the use of reserves and which may apply where this bylaw is silent.

- Reserves Act 1977
- Freedom Camping Act 2011
- Litter Act 1979
- Land Transport Act 1998
- Resource Management Act 1991
- Nelson Resource Management Plan
- Nelson City Council Land Development Manual 2010 (section 12)
- Control of Dogs Bylaw 2013 (No. 221)
- Control of Drinking in Public Places Bylaw 2003 (No. 206)
- Parking and Vehicle Control Bylaw 2011 (No. 207)
- Conservation and Landscape Reserves Management Plan
- Esplanade and Foreshore Reserves Management Plan
- Saxton Field Reserve Management Plan
- Rutherford and Trafalgar Parks Reserves Management Plan

- Tahunanui Reserves Management Plan
- Haven Holes Esplanade Reserve Management Plan

## 5 DEFINITIONS

**Authorised officer** means any member of the staff of the Council, a Police Officer or any other person appointed by the Council to act on its behalf and with its authority.

**Council** means Nelson City Council.

**Motor vehicle** has the same meaning as in the Land Transport Act 1998.

**Reserve** means any land which is owned by or under the control of the Council and which is set aside for public enjoyment as a reserve, park, garden or open space. It does not include road reserve.

## 6 MOTOR VEHICLE USE

- 6.1 No person shall, without the prior permission of an authorised officer, drive a motor vehicle in excess of 20km/h in a reserve.
- 6.2 No person shall drive, ride or park any motor vehicle on any area of any reserve except:
- on those areas developed and/or set aside specifically for that purpose, or
  - where signs or markings indicate that motor vehicles are permitted, or
  - at the direction or with the permission of any authorised officer.

## 7 HAZARD OR DAMAGE

- 7.1 No person is permitted to undertake any activity in any reserve which causes, or is likely to cause, a hazard to users of the reserve or damage to any part of the reserve or any structure on a reserve.



## **8 ACTIVITIES REQUIRING PERMISSION**

8.1 The following activities must not be undertaken in any reserve without the written permission of Council:

- use of chainsaws
- taking of rocks, minerals and sand
- possession of firearms of any kind or the killing of any animals, including shooting of game birds and control of pests
- planting of seeds or shrubs
- landing of recreational motorised aircraft.

8.2 Any permission given under this Bylaw may be subject to such terms and conditions as Council sees fit, and may be revoked at any time where those terms and conditions are not complied with.

## **9 RESPECT FOR OTHER USERS**

9.1 No user of any reserve shall impact on the safety and legitimate enjoyment of the reserve by others. In addition to any other action which may be initiated, anyone who does not comply with this requirement may be requested by an authorised officer to leave the reserve.

## **10 GOLF**

10.1 No person shall practise or play golf on any area of any reserve other than on the Waahi Taakaro Golf Course.

## **11 PUBLIC ACCESS TO RESERVES**

11.1 No person shall enter or remain in any reserve during any time that the Council has determined that the reserve should be closed to the public. Reasons for access restrictions include fire risk, health and safety, and ecological restoration.

## **12. EXEMPTIONS**

12.1 Nothing in this bylaw shall prevent authorised officers from carrying out activities in reserves.

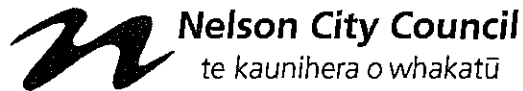
- 12.2 Nothing in this bylaw shall prevent Iwi from carrying out activities in reserves which are provided for in any Deeds of Settlement between Iwi and the Crown.

### **13 BREACH OF BYLAW**

- 13.1 Any person who breaches this Bylaw must, on request by an authorised officer, immediately stop the activity, and leave the reserve if requested by the authorised officer to do so.
- 13.2 Any person failing to promptly comply with a request under sub clause 13.1 commits a further offence against this Bylaw.

### **14 PENALTIES**

- 14.1 Any person convicted of an offence against this bylaw is liable to a fine not exceeding \$20,000.



### Summary of Statement of Proposal

#### DRAFT RESERVES BYLAW – JANUARY 2014

This statement is made for the purposes of sections 83 and 89 of the Local Government Act 2002. That means it summarises the information in the Statement of Proposal to adopt a Reserves Bylaw, and also explains how to access the full Statement of Proposal. It also provides details of the period during which the Council will accept submissions on the proposal.

#### Key points in the Statement of Proposal:

1. Nelson's 2006 Reserves Bylaw expired in July 2013. The Council has decided a new Reserves Bylaw is required to manage some activities in reserves.
2. These are activities that are not covered by the Reserves Act 1977 or the Land Transport Act 1998, or by Council's other bylaws such as the Control of Dogs Bylaw 2013, the Control of Drinking in Public Places Bylaw 2003 or the Parking and Vehicle Control Bylaw 2011.
3. The contents covered in the draft Reserves Bylaw are:
  - Motor vehicle use
  - Hazard or damage
  - Activities requiring permission
  - Respect for other users
  - Golf
  - Public access to reserves
  - Exemptions
  - Breach of bylaw
  - Penalties.
4. A number of issues related to management of reserves were considered, and decisions made about which of these issues were most appropriately addressed

through a bylaw. The full list of identified issues and the Council's proposed approach to each of them is shown in the Statement of Proposal.

5. The Statement of Proposal (including the draft bylaw) is available to view or download from the Nelson City Council website [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz) (search phrase = draft reserves bylaw). Paper copies of the Statement of Proposal are also available free of charge from the customer service centre at Civic House, and on request.

### **Submissions**

Any person or organisation is welcome to make a submission on the Statement of Proposal to adopt a Nelson City Council Reserves Bylaw (Bylaw No. 222). Council will be taking account of all submissions made when it decides on the final content of the Reserves Bylaw. Submissions must be received by Council no later than **4.00pm on Monday, 3 March 2014.**

A submission form can be obtained from the Nelson City Council, and is also available on the Nelson Council website [www.nelsoncitycouncil.co.nz](http://www.nelsoncitycouncil.co.nz).

Submissions can also be sent in letter or email form and should be:

Posted to: Reserves Bylaw Consultation  
Nelson City Council  
PO Box 645  
Nelson 7040

Or emailed to: [submissions@ncc.govt.nz](mailto:submissions@ncc.govt.nz)

Please state in your submission whether or not you wish to speak at a hearing in support of your submission.

Submitters should note that their submission will be copied and made available to the public after the submission period closes. Council will contact all submitters (who wish to be heard) in writing to advise the confirmed time, date and venue of the hearing.

All enquiries should be directed to Debra Bradley, Planning Adviser, on telephone 546 0261 or by email to [debra.bradley@ncc.govt.nz](mailto:debra.bradley@ncc.govt.nz).

NELSON CITY COUNCIL



**NELSON CITY COUNCIL  
RESERVES BYLAW (No 211)  
(Incorporating amendments 1 and 2)**

The NELSON CITY COUNCIL in pursuance of the powers and authorities vested in it by the Local Government Act 2002, the Reserves Act 1977, the Bylaws Act 1910 and all other acts, powers, and authorities enabling it in that behalf, hereby makes the following bylaw.

**1. SHORT TITLE AND COMMENCEMENT**

- 1.1 This bylaw may be cited as the Nelson City Reserves Bylaw.
- 1.2 This bylaw was made at the Ordinary Meeting of the Nelson City Council held on 29 June 2006 and shall come into force on the 10<sup>th</sup> day of July 2006.
- 1.3 This bylaw incorporates amendments made by the Council at its meetings held on Thursday 28 May 2009 (amendment No1) and Thursday 28 January 2010 (amendment No2).

**2. REPEALS**

- 2.1 The following bylaw is hereby repealed:  
“The Nelson City Council Consolidated Bylaw 1992 – Part 3 Reserves”

**3. OTHER RELEVANT LEGISLATION, BYLAWS AND RELATED DOCUMENTS**

- 3.1 The following documents do not form part of this bylaw, however they contain provisions which regulate the use of reserves and which may apply where this bylaw is silent.

Reserves Act 1977  
Land Transport Act 1998  
Control of Dogs Bylaw No 197  
Control of Drinking in Public Place Bylaw No 206  
Parking and Vehicle Control Bylaw No 207  
Reserves Management Plans

**4. DEFINITIONS**

**Authorised officer** means any member of the staff of the Council, a Police Officer or any other person appointed by the Council to act on its behalf and with its authority.

**Council** means the Nelson City Council.

**Motor vehicle** has the same meaning as the Land Transport Act 1998.

**Reserve** means any land which is owned by or under the control of the Council and which is set aside for public enjoyment as a reserve, park, garden, or open space.

**5. FORMED ENTRANCES AND EXITS ONLY TO BE USED**

- 5.1 No person shall enter or exit a reserve using a motor vehicle except through  
entrances or exits formed by the Council.

A10978

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**6. OBSTRUCTION OF ENTRANCES, EXITS AND WALKWAYS**

6.1 No person shall obstruct any entrance, exit, walkway, or other public facility on a reserve.

**7. MOTOR VEHICLE USE**

7.1 No person shall, without the prior permission of an authorised officer, drive a motor vehicle in excess of 20km/h in a reserve.

7.2 No person shall drive, ride or park any motor vehicle on any area of any reserve except on those areas developed and/or set aside specifically for such purpose or where indicated by signs or markings that motor vehicles are permitted, or at the direction or with the permission of any authorised officer.”

**8. RESPECT FOR OTHER USERS**

8.1 No user of any reserve shall interfere with the safety and legitimate enjoyment of the reserve by other users. In addition to any other action which may be initiated any user interfering with another user of the reserve may be requested by an authorised officer to leave the reserve.

**9. GOLF**

9.1 No person shall practice or play golf on any area of any reserve other than on the Waahi Takaroa Golf Course and the designated area in Neale Park.

**10. PUBLIC ACCESS TO RESERVES**

10.1 No person shall enter onto or remain on any reserve during any time that the Council has determined that the reserve shall be closed to the public.

10.2 No person shall enter onto or remain on any reserve without having first paid any entrance or other fee which may at that time be payable for the use of or access to the reserve.

**11. GENERAL AUTHORISATION**

11.1 No person shall carry out any activity on or undertake any use of any reserve contrary to any instruction given by an authorised officer or any sign erected on the reserve by or under the authority of the Council.

**12. GATES**

12.1 Any person using any gate on any reserve shall ensure that such gate is left in the position in which it is found: i.e. if open left open, if closed left closed.

~~13. SLEEPING~~

~~13.1 Sleeping is permitted in Maitai Motor Camp, Brook Motor Camp and Tahuna Motor Camp. Sleeping in other reserves is prohibited without the prior written permission of an authorised officer.~~

**14. BREACH OF BYLAW AND PENALTY**

14.1 Any person who acts in breach of any provision of this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1000.

14.2 Any person who breaches any restriction or control imposed, pursuant to Clause 7 of this bylaw, shall be liable to a fine not exceeding \$300.00.

THE COMMON SEAL of the  
NELSON CITY COUNCIL  
was hereto affixed in  
the presence of: }

..... His Worship the Mayor

..... Chief Executive

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## **Update - Draft Local Approved Products Policy (Psychoactive Substances)**

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### **1. Purpose of Report**

- 1.1 To provide updated information regarding the forthcoming Ministry of Health Regulations regarding psychoactive substances, and the special consultative procedure currently underway regarding a draft Local Approved Products Policy (LAPP).

### **2. Recommendation**

***THAT the report Update – Draft Local Approved Products Policy (Psychoactive Substances) (A1131745) be received;***

***AND THAT hearing and deliberating of submissions to the draft Local Approved Products Policy by the Planning and Regulatory Committee be delayed until further information is available from the Ministry of Health.***

### **3. Background**

- 3.1 At the Governance Committee meeting on 28 November 2013, it was agreed that a LAPP should be developed under the Psychoactive Substances Act 2013, and a special consultative procedure began.
- 3.2 The submission period opened on 3 December 2013 and closed on 20 January 2014. As at 20 January 2014, ten submissions have been received, with four submitters wishing to be heard. The Planning and Regulatory Committee is currently scheduled to hear submissions on 20 February 2014.

### **4. Discussion**

#### **Ministry of Health Regulations**

- 4.1 At the time of the Governance Committee meeting in November 2013, it was expected that Ministry of Health regulations relating to psychoactive substances would be released by the end of March 2014. At that meeting, the Governance Committee was advised of Local Government

New Zealand's recommendation that local authorities wishing to adopt a LAPP should ensure that their policies were in place prior to the regulations coming into force. Following discussion, during which some concern at the short timeframe of the proposed policy development was noted, the Committee agreed to a special consultative procedure on the draft policy.

- 4.2 The Ministry of Health has advised that regulations are unlikely to be released until approximately the middle of 2014 as they are now working with Local Government New Zealand and the sector to ensure that the regulations can be informed by LAPP processes being carried out by councils.
- 4.3 Consequently, there is an opportunity for the Planning and Regulatory Committee to revisit the timeframe for the development of a LAPP. One advantage of the delay would be to include in the process consideration of additional material the Ministry of Health is working on with the local government sector (expected to be available in the next few weeks). This would answer the important question of what role a local authority policy would play in the approval process for licenses, something the legislation is silent on.
- 4.4 There are no material disadvantages to delaying the hearing and deliberating of submissions, as the interim approval regime will continue to function until regulations are released.

## **5. Conclusion**

- 5.1 The Planning and Regulatory Committee may wish to delay hearing and deliberating on submissions to the draft LAPP, until after more information has been released by the Ministry of Health. If that is the case all submitters will be advised of the change.

Sarah Yarrow  
**Policy Adviser**

### **Attachments**

None.

No supporting information follows.



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## Review of Council's Resource Management and Strategic Planning Functions

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### 1. Purpose of Report

- 1.1 To seek endorsement of the Catalyst Group report – Nelson City Council Review of the Resource Management and Strategic Planning Functions June 2013(the Review).

### 2. Recommendation

***THAT the report Review of Council's Resource Management and Strategic Planning Functions (A1131986) be received;***

***AND THAT the Catalyst Group report "Nelson City Council Review of The Resource Management and Strategic Planning Functions June 2013" be endorsed, in particular the simplification of the resource management policy platform.***

### 3. Background

- 3.1 The Chief Executive commissioned an independent review of Council's resource management and strategic planning functions in 2013 by the Catalyst Group. The Review focussed on Council's regional functions, strategic planning programmes and directions, and then made recommendations for structural and programme improvements. The Review was based upon councillor, officer and external party interviews, Council documentation, and subsequent email follow-ups with officers. A copy of the Review (A812479) can be found in the Council documents folder in the Google Drive and in the Councillors lounge.
- 3.2 An informal briefing on the Review was presented to, and supported by, Council in mid 2013. The Review formed a key component to the Council re-organisation that was finalised in late 2013. The Review has also been used to guide Council's recent decision to embark on a full plan review of Nelson's Resource Management Plans.

## 4. Discussion

4.1 The key recommendations of the Review are as follows:

- Improve delivery of resource management outputs;
- Simplify the current policy platform and prepare a consolidated policy framework – The 'Nelson Plan';
- Reduce the scope of the Nelson Development Strategy, to that of a resource assessment investigation and analysis, and rename as the Nelson Resource Assessment (NRA);
- Develop a simplified programme of policy development and review, with a corresponding focus on implementation;
- Create an enhanced non-regulatory programme covering the catchment, land management, biodiversity and heritage spaces; funded through reprioritisation of existing budgets.

4.2 The key recommendations of the review, as they relate to organisational structure, have already been implemented.

4.3 At its December 2013 meeting, Council resolved to undertake a full plan review (covering both the Nelson Resource Management Plan and the Regional Policy Statement). This is in line with the recommendations in the Catalyst Report.

## 5. Conclusion

5.1 This report recommends that the Committee endorse the review undertaken by the Catalyst Group in 2013. The Review has been presented to, and supported by, Council and has significantly influenced the current Council organisational structure and associated work programme.

Clare Hadley  
**Chief Executive**

### Attachments

No Attachments

No Supporting information follows.

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## **Tasman Nelson Environment Awards and Ecofest Options**

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### **1. Purpose of Report**

- 1.1 To consider options for the delivery of the Tasman Nelson Environment Awards and Ecofest.

### **2. Recommendation**

***THAT the report Tasman Nelson Environment Awards and Ecofest Options (A1120552) and its attachments (A115950 and A1126202) be received;***

***AND THAT a roadshow-style Ecofest event be delivered in Stoke and Motueka combined with an 'Ecofest Week' of activities with a local focus, instead of the Expo event planned for the Trafalgar Centre;***

***AND THAT the Ecofest event will include a people's choice environment award to replace the Tasman Nelson Environment Awards scheduled for March 2014;***

***AND THAT officers report back to the Planning and Regulatory Committee on the trial, with recommendations for delivery of the Ecofest and Environment Awards events in future years.***

### **3. Background**

- 3.1 Council runs two flagship community environmental engagement events in partnership with Tasman District Council (TDC); the Nelson Tasman Environment Awards and Ecofest.
- 3.2 The aim of these events is to support environmental sustainability by providing information and best practice examples of household and community level sustainability actions, and to provide opportunities for creating change.

## Tasman Nelson Environment Awards

3.3 The awards have been run since 1999 by TDC, and jointly by both Councils since 2009. The last awards were delivered in 2011, and a strategic review was completed in 2012 (Attachment 1). The findings of the review resulted in both Councils approving the delivery of the awards on a biennial basis, with the objective of achieving the following outcomes:

- Providing role models for good environmental outcomes visible throughout the community through promoting, recognising and celebrating local projects and activities;
- Directly rewarding those involved in local projects and activities.

3.4 As a result of this review, Council resolved:

*THAT the recommendations of the Review be implemented:*

- *The Awards be held biennially from the 2013/14 year, in partnership with Tasman District Council;*
- *The number of categories are reduced to schools, primary production, business, individual, group, sustainable design, and people's choice; with prizes for these categories to be provided by sponsors;*
- *The judging process is standardised and streamlined to involve a moderator, a councillor and a specialist for each category;*
- *An improved higher value sponsor package is developed;*
- *A marketing plan is developed to improve coverage about the Awards in the community subject to sponsorship;*

*AND THAT the Tasman Nelson Environment Awards be reviewed in 2018.*

3.5 The 2013 awards were scheduled to be delivered in between July 2013 and November 2013. In the event, due to TDC staff illness, only the schools category award was delivered, as part of the Cawthron Science and Technology Fair in September 2013.

3.6 Sponsors of the awards were informed at the time that there would be a delay in the delivery of the other awards, and that a revised awards programme would be delivered in March 2014.

- 3.7 The Nelson City Council has budgeted \$11,000 for costs associated with running the awards in their current format, in addition to the 1 day per fortnight (on average) that officers spend administering the awards.

### **Ecofest**

- 3.8 Ecofest has run as a joint Councils' environmental expo for 13 years. The event has the following objectives:
- Provide information, education and experiential learning in a one-stop shop format;
  - Provide a showcase for products and activities which support sustainability;
  - Provide a platform to showcase the Councils' commitment to sustainability;
  - Provide a national significant example of best practice for sustainable events and environmental expos;
  - Support community groups and businesses who highlight solutions to living sustainably;
  - Demonstrate that environmental engagement can be positive, rewarding and fun.
- 3.9 Ecofest underwent a strategic review in 2011 (Attachment 2), which concluded that the event continues to deliver these outputs in a cost effective and efficient way, and that these outputs remain consistent with supporting positive and measurable behaviour change in the community. It was decided to keep offering the event on an annual basis but to improve outreach to grassroots communities and increase the 'how-to' component. This resulted in 'mini-expos' being trialled in Golden Bay and the Victory community, as well as more business led how-to sessions.
- 3.10 The 2014 Ecofest event had been scheduled to take place in the Trafalgar Centre in August. This venue is no longer available. There are also question marks over the future funding of the event as TDC has committed to reducing its contribution, currently \$18,000, towards a Nelson based Expo.
- 3.11 The Nelson City Council contribution to the cost of Ecofest is budgeted at \$32,000. In addition officers spend, on average, 1½ days per fortnight working on the event.

## **4. Discussion**

- 4.1 Both Councils have recently restructured the teams responsible for delivering both Ecofest and the Tasman Nelson Environment awards. As a result, there is less staff capacity to deliver these events. The closure

of the Trafalgar Centre will also impact on delivery of Ecofest, scheduled for August 2014.

- 4.2 There is a need for direction in relation to how best to deliver the outcomes of these events, given the issues that have arisen.

### **Delivery of the Tasman Nelson Environment Awards**

- 4.3 The options available to Council are:

- To proceed with delivery of the Environment Awards in March 2014. This would necessitate Nelson City Council officers taking on additional responsibilities in order to deliver the awards;
- To cancel the Environment Awards for 2013/14 year. This would free resource to concentrate on Ecofest (see 4.7) but may lead to a perception of a lack of commitment from Council on environmental issues;
- To combine the Environment Awards in a new format with a revised Ecofest event (see 4.10). This is the recommended option.

- 4.4 The Environment Awards continue to be useful as a means of acknowledging the good environmental work carried out by community groups and businesses in the community. However, it is not clear if the Environment Awards in themselves result in behaviour change or the development of new projects.

- 4.5 The majority of officer time is taken up by managing sponsor relationships. This is a key part of the delivery of the Environment Awards but does mean that officer time is taken from promoting the sustainability outcomes.

- 4.6 Officers recommend that Council does not continue to support the Environment Awards as a standalone event, but that a people's choice award be supported and promoted as part of Ecofest. Officers will continue to work with the Cawthron to integrate the school awards with the Science Fair on a biennial basis.

### **Delivery of Ecofest**

- 4.7 The closure of the Trafalgar Centre gives Council an opportunity to trial an alternative delivery model for Ecofest. This is also an opportunity to continue the work already commenced focusing on grassroots local communities.

- 4.8 Council officers recommend that, for this year, an Ecofest roadshow is organised consisting of an 'Ecofest week' (incorporating seminars and how-to sessions run by local business and community partners) sandwiched between two one-day Ecofest events to be held in Stoke and Motueka. TDC officers have agreed in principle to this approach, subject to approval by their Council.

- 4.9 This model would take Ecofest into the community, would enable links with existing sponsors to be maintained and links with new sponsors to be made.
- 4.10 Officers also propose to incorporate a 'people's choice' environment award as part of Ecofest week. This single award category would replace the multiple categories currently present in the Tasman Nelson Environment Awards. The Award would be run on a digital platform with people in the community able to vote on their favourite using social media and electronic forms.
- 4.11 The alternative options are to either cancel Ecofest for 2014/15 or to run it in its current form as an Expo but in a new location.
- 4.12 Cancelling Ecofest may be justifiable given that the Trafalgar Centre is not available. However, it would mean that contact would be lost with regular sponsors of the event, and the community may be disappointed at the loss of a popular event. Ecofest continues to be well supported by individuals, groups and businesses and its cancellation would be seen as a significant loss.
- 4.13 Continuing with Ecofest in its current form, but at a different location would demonstrate Council's commitment to the event and its aims. However, it is likely that the event would either require additional funding or that its size and scope would have to reduce as alternative suitable venues are more expensive.

## **5. Conclusion**

- 5.1 A combination of staff changes and the closure of the Trafalgar Centre has given an opportunity to consider delivering Ecofest and the Environment Awards in a different way this year.
- 5.2 Officers recommend that, as a trial, Ecofest be delivered as a roadshow type event, to be delivered in Stoke and Motueka, and that as part of the event a 'people's choice' environment award should take place.
- 5.3 The results of the trial would then be used to inform decisions on future delivery of Ecofest and the Environment Awards.

Chris Ward  
**Manager Environmental Programmes**

## **Attachments**

Attachment 1: Nelson Tasman Environment Awards Strategic Review 2012  
([A115950](#))

Attachment 2: Ecofest Strategic Review 2011 ([A1126202](#))

Note: The attachments to this report are circulated separately to the agenda. They are available to councillors on the google drive, or by contacting an Administration Adviser.

Supporting information follows.



<b>Supporting Information</b>	
<b>1. Fit with Purpose of Local Government</b>	Both events are local public services provided by Council to support current and future needs of the community. They also support Council's regulatory approach under the Resource Management Act 1991.
<b>2. Fit with Community Outcomes and Council Priorities</b>	The events support the following outcomes: <ul style="list-style-type: none"> <li>• People friendly places – we live in a sustainable regions; and</li> <li>• Healthy Land, Sea, Air and Water – we protect the environment and the following priorities: <ul style="list-style-type: none"> <li>○ The Nelson edge – promoting Nelson's natural advantage;</li> <li>○ The natural environment – Nelson is a city that takes seriously its guardianship of the environment.</li> </ul> </li> </ul>
<b>3. Fit with Strategic Documents</b>	Both events are consistent with and support the aims of Nelson 2060.
<b>4. Sustainability</b>	Both events promote and support sustainability at the grass roots level.
<b>5. Consistency with other Council policies</b>	Not applicable.
<b>6. Long Term Plan/Annual Plan reference and financial impact</b>	Funding for the Environment Awards is included in this year's Annual Plan. Funding for Ecofest is included in the Long Term Plan for 2014/15.
<b>7. Decision-making significance</b>	This is not a significant decision in terms of the Council's Significance Policy.
<b>8. Consultation</b>	The recommendations in this report have been discussed and agreed with officers from Tasman District Council.
<b>9. Inclusion of Māori in the decision making process</b>	Not applicable.
<b>10. Delegation register reference</b>	The recommendations reflect the delegations of the Committee and Council.