



AGENDA

Ordinary meeting of the

Planning and Regulatory Committee

**Thursday 31 July 2014
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

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

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.

Apologies

1. Confirmation of Order of Business

2. Interests

2.1 Updates to the Interests Register

2.2 Identify any conflicts of interest in the agenda

3. Public Forum

4. Confirmation of Minutes

4.1 19 June 2014

6-13

Document number A1209551

Recommendation

THAT the minutes of the meeting of the Nelson City Council – Planning and Regulatory Committee, held on 19 June 2014, be confirmed as a true and correct record.

4.2 19 June 2014 – To Continue deliberations on submissions to the draft Reserves Bylaw

14-16

Document number A1209677

THAT the minutes of the meeting of the Nelson City Council – Planning and Regulatory Committee to continue deliberations on submissions to the draft Reserves Bylaw, held on 19 June 2014, be confirmed as a true and correct record.

- 4.3 26 June 2014 – Extraordinary meeting **17-18**
Document number A1210639

THAT the minutes of the extraordinary meeting of the Nelson City Council –Planning and Regulatory Committee, held on 26 June 2014, be confirmed as a true and correct record.

5. **Status Report – Planning and Regulatory Committee 31 July 2014** **19-20**

Document number A1155974

Recommendation

THAT the Status Report – Planning and Regulatory Committee 31 July 2014 (A1155974) be received.

6. **Chairperson’s Report** **21-25**

Document number

Recommendation

THAT the Planning and Regulatory Committee Chairperson’s Report (A1224747) be received;

AND THAT the Committee notes the update with the Maitai River Restoration Project;

AND THAT the Committee notes the Council’s obligations to comply with National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;

AND THAT the Committee notes that the Council is required to record those sites within Nelson City that were used for those activities listed on the Hazardous Activities and Industries List (HAIL);

AND THAT the Committee notes the Council’s actions to comply with Section 44A of the Local Government Official Information and Meetings Act 1987 by placing an interim statement on Land Information Memorandum of the effected properties.

7. Regulatory Report for 1 April to 30 June 2014 26-41

7.1 Document number A1190601

Recommendation

THAT the Regulatory Report for 1 April to 30 June 2014 (A1190601) be received.

8. Sugar Sweetened Beverages Policy 42-53

Document number A1216217

Recommendation

THAT the report Sugar Sweetened Beverages (A1216217) and its attachments (A621114 and A1218790) be received.

Recommendation to Council

THAT Council note the internal Council policy (A1218790) on sugar sweetened beverages;

AND THAT all vendors and events operating on Council-owned properties be encouraged to exclude the sale or provision of sugar sweetened beverages from their operations.

Minutes of a meeting of the Planning and Regulatory Committee

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

On Thursday 19 June 2014, commencing at 1.00pm

Present: Councillors B McGurk (Chairperson), Councillors I Barker, R Copeland, K Fulton (Deputy Chairperson), M Lawrey and M Ward

In Attendance: Councillor G Noonan, Acting Group Manager Strategy (N McDonald), Manager Environmental Programmes (C Ward), Administration Manager (P Langley), Acting Group Manager Environment (G Carlyon), Administration Adviser (G Brown), and Youth Councillors (C Lindley and S Ross)

Apologies: Councillor E Davy

1. Apologies

The apology was noted.

2. Interests

There were no updates to the Interests Register, and no conflicts of interest with agenda items were declared.

3. Confirmation of Order of Business

The Chairperson advised that there would be a public forum from Sharon Salmon who would be speaking about the proposed Tattoo Bylaw.

He also advised that Jo Martin, Project Manager Hazards would be providing a five minute presentation on the Hazardous Activities and Industries List (HAIL), during the Chairperson's Report.

4. Public Forum

4.1 Tattoo Bylaw

Sharon Salmon tabled a document (A1206266), and spoke about the New Zealand body piercing and tattooing industry which she had been involved in for 25 years. She advised that it was not just the tattoo

industry, but many other areas such as body piercing or pedicures which had no laws or requirements to be registered, and said that she had been advocating for this for many years.

Ms Salmon said that she believed there were health risks due to the fact that Nelson did not have a bylaw in place for these industries.

In response to a question, Ms Salmon said that she had not been in contact with Council Officers in Auckland in relation to their Tattooing bylaw, but advised that there were issues with individuals providing tattoos and piercings without proper training and work ethics.

In response to a further question, Ms Salmon said that if there was a registration process for companies under the umbrella of a Council bylaw then it would give companies an advantage as the preferred suppliers.

She noted that currently it was possible to walk in and get a tattoo without any consultation process. She added that a code of ethics existing requiring consent forms to be signed for those aged under 16, but that there was no compulsion to follow this.

Councillors noted that currently there was no licensing or legal age restrictions for this industry, and that Ms Salmon was advocating for Nelson City Council to adopt a bylaw based on the Auckland model.

5. Confirmation of Minutes

5.1 Planning and Regulatory Committee – 8 May 2014

Document number A1184830, agenda pages 6-16 refer.

Resolved

THAT the minutes of a meeting of the Planning and Regulatory Committee, held on 8 May 2014, be confirmed as a true and correct record.

McGurk/Lawrey

Carried

6. Status Report – Planning and Regulatory Committee 19 June 2014

Document number A1155974, agenda pages 17-18 refer.

Manager Environmental Programmes, Chris Ward, spoke about the two expressions of interest received for the delivery of the Ecofest at Founder Heritage Park in 2014. Mr Ward advised that a contract had been sent to the preferred tenderer.

Resolved

THAT the Status Report – Planning and Regulatory Committee 19 June 2014 (A1155974) be received.

McGurk/Ward

Carried

7. Chairperson's Report

Document number A1204552, agenda pages 19-21 refer.

The Chairperson spoke about the proposed Policy to restrict the sale or supply of sugar sweetened beverages from Council properties. In response to a question, the Chairperson clarified that this did not include the sale of beer and wine, and that Council would be basing the policy on the Nelson Marlborough District Health Board (NMDHB) model.

Concerns were expressed as to whether a policy would actually work with events being sponsored by companies such as Pepsi. The Chairperson indicated that Council would be looking at Council facilities such as Riverside Pool. It was noted that mixed messages were displayed with regards to advertising and sponsorship.

Resolved

THAT the Chairperson's report be received;

AND THAT officers provide a report to the next scheduled meeting of the Planning and Regulatory Committee of options available to Council to implement a policy that only beverages that are not sugar sweetened pre-point of sale are offered for sale or supplied at any Council owned properties and Council events.

McGurk/Fulton

Carried

7.1 Tasman Bay

Manager Environmental Programmes, Chris Ward, advised that the Terms of Reference would be brought back to the Biodiversity Forum and that there would be an opportunity for Councillors to review these items. He advised that the Biodiversity Forum had about 15 to 20 pieces of work programmed and a range of organisations needed to be contacted so that their feedback could influence the Long Term Plan 2015-2025.

7.2 Tattoo Bylaw

Acting Group Manager Strategy, Nicky McDonald said that Council Officers had spoken to the NMDHB, Auckland Council and enforcement officers, and noted that Council was considering a possible bylaw. She advised that legislation required there to be a threshold of issues identified for Nelson City before a bylaw was required, and that a bylaw needed to be the most appropriate way to deal with the identified issues. Ms McDonald advised that few such issues had been identified in Nelson, and that this threshold may not be met.

Ms McDonald said that there were other paths Council could consider to address these issues. She indicated that extra resource would be required to compile bylaw on this issue.

It was noted that Council could write to the Minister of Health, local MP and Prime Minister to give some precedence to the Health Bill, currently before Parliament so that there would be standard regulations throughout New Zealand. Others felt that Nelson should lead by example and that Central Government would take too long to deal with these issues.

Ms McDonald advised that it could be a possibility to include a potential bylaw in the proposed bylaw review, to consolidate a number of existing bylaws, however this would depend on timelines.

It was suggested that Council survey the community to identify if there was a problem before a report be compiled, possibly through local media.

Councillor Ward, seconded by Councillor Copeland moved clause 3 of the recommendations set out in the Chairperson's Report.

Councillor Lawrey, seconded by Councillor Fulton moved the following amendment to include additional clause.

AND THAT Council seeks information from the public through the media as to the scale of any problems arising from commercial activities providing personal services.

Following discussion the amendment was withdrawn.

Resolved

AND THAT officers report on the options available to Council to develop and implement a comprehensive bylaw and code of conduct to manage health and hygiene risks from commercial activities providing personal services.

7.3 Hazardous Activities and Industries List

Project Hazards Manager, Jo Martin, spoke about the hazards project which started in October 2013. She advised that there was now a Hazardous Activities and Industries List (HAIL) site database which was compiled in response to the National Environmental Standards which were introduced in 2012. Ms Martin said that, in order to comply with these standards, Nelson City Council needed to identify where activities on the HAIL had taken or are taking place.

She advised that the database would be used by Nelson City Council as landowner, and for consents processing, and that property information could be accessed by residents.

In response to a question, Ms Martin advised that the effect of the HAIL list on property values had been a cause for concern for the public but that she was not aware of any evidence that this information had resulted in any reduction in property prices since the database was published in October 2013.

In response to another question, Ms Martin advised how to obtain a soil sample test, and said that Council had a list of suitably qualified practitioners available on its website.

Manager Environmental Programmes, Chris Ward, said that the list of activities were identified at a national level by the Ministry for the Environment from land use activities where contamination had been found, for example orchards.

Mr Ward advised that the intent of the NES was to protect human health and that developers could use the resource consent process to show how they would mitigate the effects of contamination.

In response to further questions, Ms Martin confirmed that the information shown in NMap was the full information Council held on HAIL activities on residential properties. She said that, if residents had more information, they could provide this to Council. She added that, if residential land was tested and met the standard, the property would remain on the database but it would say it had met the NES standard.

Attendance: Councillor Noonan left the meeting at 2.35pm

POLICY AND PLANNING

8. Bylaw Controls on the Keeping of Poultry

Document number A1181422, agenda pages 22-30 refer.

Acting Group Manager Strategy, Ms McDonald discussed the report and a previous public forum item relating to the noise from a neighbour's poultry house.

Concerns were raised around the restrictions in the distance to neighbouring properties and it was suggested that a prescribed distance of six metres would be adequate.

It was felt that guidance from Council Officers should be sought as to what was an appropriate distance from the coup to the neighbouring property.

Resolved

THAT the report Bylaw Controls on the Keeping of Poultry (A1181422) and its attachment (A1181434) be received;

AND THAT Council review its provisions on poultry when it reviews the Miscellaneous Matters Bylaw 2008 (No 215) later in 2014;

AND THAT guidance is provided to officers on preferred options for dealing with poultry provisions, to assist with the review of the Miscellaneous Matters Bylaw 2008.

Barker/Copeland

Carried

Attendance: The meeting adjourned from at 2.49pm to 2.50pm.

9. Consolidation of Bylaws

Document number A1197587, agenda pages 31-40 refer.

Acting Group Manager Strategy, Ms McDonald discussed that there was a significant amount of work conducted in reviewing bylaws, and that consolidating a number of them should make for a more effective process.

Ms McDonald said that the Control of Drinking in Public Places Bylaw was enforced by a third party however this was not a barrier to including it within a consolidated bylaw.

In response to a question, she advised that there was no disadvantage to consolidating the Bylaws. She said that Council could include the Dog Control Bylaw, however this bylaw had a high level of public interest and it was proposed that this be kept separate.

Resolved

THAT the report Consolidation of Bylaws (A1197587) and its attachment (A1197591) be received;

AND THAT Council carries out the review and consolidation of the following bylaws in the 2014/15 year:

- **Miscellaneous Matters Bylaw 2008 (No. 215);**
- **Burial and Cremation Bylaw 2008 (No. 216);**
- **Numbering of Buildings Bylaw 2009 (No. 219);**
- **Trading in Public Places Bylaw 2007 (No. 213);**
- **Control of Drinking in Public Places Bylaw 2009 (No. 206);**
- **Advertising of Commercial Sexual Services Bylaw 2011 (No. 208);**
- **Draft Reserves Bylaw 2014 (No. 222);**

AND THAT a draft Statement of Proposal and draft consolidated bylaw be prepared for approval by the Planning & Regulatory Committee, for formal consultation via the Special Consultative Procedure of the Local Government Act 2002.

Barker/Lawrey

Carried

Recommendation to Council

THAT Council confirms the consolidation of 14 bylaws into five groups as set out in report A1197587;

AND THAT the Planning & Regulatory Committee be delegated to oversee consultation and approval of the consolidated bylaw.

Barker/Lawrey

Carried

There being no further business the meeting ended at 3.01pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

**Minutes of a meeting of the Planning and Regulatory Committee,
to continue deliberations on submissions to the draft Reserves
Bylaw**

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

On Thursday 19 June 2014, commencing at 3.01pm

Present: Councillor B McGurk (Chairperson), Councillors I Barker, R Copeland, K Fulton (Deputy Chairperson), M Lawrey and M Ward.

In Attendance: Councillor G Noonan, Acting Group Manager Strategy (N McDonald), Manager Environmental Programmes (C Ward), Administration Manager (P Langley), Administration Adviser (G Brown)

Apologies: Councillor E Davy

1. Apologies

The apology was noted.

2. Interests

There were no updates to the Interests Register, and no conflicts of interest with agenda items were declared.

3. Confirmation of Order of Business

There was no change to the order of business.

4. Analysis of Submissions on the Draft Reserves Bylaw

Document number A1198273, agenda pages 4-41 refer.

The Chairperson said that the key issues raised were managing conflict between cyclists and walkers, memorials in parks, and golf practice in Neale Park.

There was general agreement that the recommendations and the reasons for the recommendations noted in the report by Council Officers were accepted.

There was a discussion regarding practicing golf. Some Committee members indicated that individuals should be encouraged to practice within golf courses and not Neale Park, whereas others considered that Neale Park was a large playing area which was relatively unused.

Attendance: The meeting adjourned from 3.20pm to 3.26pm

Team Leader Parks and Recreation, Gary Alsop joined the meeting and spoke about the signage at Neale Park as a sportsground reserve. He said that the current sign indicated that golf could be played during certain times, however indicated that the best place to practice golf was on a golf course.

In response to a question, Mr Alsop indicated that he was not aware of any instances where people had been injured by golf balls.

Several committee members indicated that golf should be permitted at Neale Park and for the words to be included "no person shall practice or play golf on any reserve other than at Neale park at the designated area".

Mr Ward suggested that Council Officers would consider the direction from the Committee in relation to golf practice at Neale Park, and would amend the draft Bylaw to reflect the Committee's comments.

There was a discussion regarding conflict between cyclists and walkers. In response to a question, Environmental Programmes Manager, Chris Ward said that there was a recognised mountain bike association, but that it was not as easy to consult with walkers.

In response to a further question, Mr Ward said that there was a hierarchy of statutes in relation to mining, the Resource Management Act 1991 and the Nelson Resource Management Plan were the key documents. It would be unlikely that someone intending to prospect on reserves would look to the Reserves Bylaw for guidance.

Resolved

THAT the report Analysis of Submissions on the Draft Reserves Bylaw (A1198273) and its attachments (A1151054 and A1198272) be received;

AND THAT the draft Reserves Bylaw (No. 222) be amended to reflect the Committee's decisions on submissions

AND THAT a list of walking and cycling only tracks be reported to the Committee for consideration at a future date.

McGurk/Copeland

Carried

Deliberations on the draft Reserves Bylaw
19 June 2014

Recommendation to Council

THAT the Reserves Bylaw (No. 222), as amended to reflect the Planning and Regulatory Committee's decisions on submissions, be adopted.

McGurk/Copeland

Carried

There being no further business the meeting ended at 3.38pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

**Minutes of an extraordinary meeting of the Planning and
Regulatory Committee**

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

On Thursday 26 June 2014, commencing at 9.02am

Present: Councillor B McGurk (Chairperson), Her Worship the Mayor R Reese, Councillors I Barker, R Copeland, M Lawrey and M Ward

In Attendance: Councillors L Acland, P Matheson, G Noonan and P Rainey, Chief Executive (C Hadley), Group Manager Corporate Services (N Harrison), Acting Group Manager Strategy (N McDonald), Acting Group Manager Community Services (H Kettlewell), Manager Administration (P Langley), Administration Adviser (E-J Ruthven), and Youth Councillors (J Cotton and S Mackay-Wright)

Apology: Councillor E Davy

1. Apologies

Resolved

THAT the apology from Councillor Davy be received and accepted.

McGurk/Barker

Carried

2. Interests

There were no updates to the Interests Register, and no conflicts of interest with regards to agenda items were declared.

Attendance: Councillor Lawrey joined the meeting at 9.03am.

3. Confirmation of Order of Business

There was no change to the order of business.

4. Consideration of Parking in Nelson CBD – Winter Initiatives

Document number A1207593, agenda pages 4-5 refer.

The Chairperson explained that the Planning and Regulatory Committee had the delegated authority to consider matters relating to parking. He said that, due to the high level of public interest in parking initiatives in the Nelson CBD through the winter period, it was appropriate in this case that the matter be referred to full Council for consideration.

Resolved

THAT the report Consideration of Parking in Nelson CBD – Winter Initiatives (A1207593) and be received;

AND THAT the matter of Parking in Nelson CBD – Winter Initiatives be considered by full Council.

Her Worship the Mayor/Barker

Carried

There being no further business the meeting ended at 9.04am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Status Report – Planning and Regulatory 31 July 2014

Date of meeting/Item	Action Resolution	Officer	Status
12/12/13 Council Council Hearing – Plan Change 16 Inner City Noise	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;	Reuben Peterson	31/07/14: Hearing held 02/05/14. David McMahon appointed as Independent Commissioner. Decision notified 5 July 2014 – depending on appeals will be presented to P&R 18 Sept 2014 and Council 9 Oct 2014. UNDERWAY
18/02/14 P&R Committee Alteration to Resolution – Draft Local Approved Products Policy (Psychoactive Substances)	AND THAT hearing 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.	Nicky McDonald	31/07/14: Hearings postponed following Government announcement of withdrawal from sale of all remaining “legal highs”. ON HOLD
20/03/14 P&R Committee	THAT officers request Expressions of Interest from interested parties for the delivery of the Ecofest at Founders Heritage Park in 2014.	Chris Ward	31/07/14: Successfully tendered and Ecofest will take place on 16 November. COMPLETE
20/03/14 P&R Committee	AND THAT the Mayor writes to the Primary Industries Minister requesting financial support for these measures; AND THAT the Mayor writes to the Mayors of Tasman District and Marlborough District Councils requesting that this general approach be adopted as a regional approach;	Chris Ward	31/07/14: Letters of support from Mayors of Tasman and Marlborough now received. Letter to Minister drafted and awaiting sign off from Mayors. Scoping and preliminary development of regional pathway

	AND THAT Council requests that the Top of the South Marine Biosecurity Partnership develop a proposal for a joint regional pathways plan.		plan now in Top of the South Marine Biosecurity Partnership work programme for 2014/15. UNDERWAY
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Chairperson's Report

1. Purpose of Report

- 1.1 To update the Planning and Regulatory Committee on a number of matters.

2. Recommendation

THAT the Planning and Regulatory Committee Chairperson's Report (A1224747) and its attachments be received;

AND THAT the Committee notes the update with the Maitai River Restoration Project;

AND THAT the Committee notes the Council's obligations to comply with National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health;

AND THAT the Committee notes that the Council is required to record those sites within Nelson City that were used for those activities listed on the Hazardous Activities and Industries List (HAIL);

AND THAT the Committee notes the Council's actions to comply with Section 44A of the Local Government Official Information and Meetings Act 1987 by placing an interim statement on Land Information Memorandum of the effected properties.

3. Maitai River Restoration Programme Update

- 3.1 Work on the Maitai River Restoration Programme is now underway. Twelve projects have commenced intended to achieve the programme's goals.

- 3.2 Stakeholder meetings were held involving external stakeholders and Council officers to review the planned programme of work and establish project teams. The meetings involved approximately 50 people.
- 3.3 Changes have been made to operations at the Maitai Dam to ensure that anoxic water is no longer included in the back feed into the Maitai River. Monitoring is planned to ascertain if this makes the anticipated difference to water quality in the river below the Dam.
- 3.4 Dye testing has identified two likely sources for E coli contamination of the lower reaches of the river. One significant broken pipe under Halifax Street leaking into a stormwater culvert which discharges to the lower Maitai via Saltwater Creek, and one minor leaking joint near Riverside Pool. Both breaks have been fixed and re-testing is planned. Following confirmation of the repairs, monitoring is planned to check if E coli levels at Collingwood Street Bridge are entering the river there or coming up the river on the incoming tide. This will help narrow down the field for further investigations.
- 3.5 A comprehensive review of forestry practices in the Maitai catchment is underway.
- 3.6 Groom Creek (and the small creek beside the golf course) have been fenced off from stock.
- 3.7 Nelson Mail ran a positive editorial on 18 July 2014, highlighting the high level of support this programme has at both governance and management levels.
- 3.8 A public planting in conjunction with the Friends of the Maitai is planned for Sunday 10 August 2014 at the Waahi Taakaro Golf Club.

4. Hazardous Activities and Industries List Land Information Memorandum Process

- 4.1 The Council is required by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) to record sites within Nelson City that are or were used for activities listed on the Hazardous Activities and Industries List (HAIL). In October 2013 the Council compiled a list of sites within Nelson City that have been or are used for activities on the HAIL list.
- 4.2 HAIL activities are linked to soil contamination so where a HAIL activity has taken place there is the potential for soil contamination. In many cases the results of testing of those sites previously used for orchards or glasshouses have shown elevated lead and arsenic levels.
- 4.3 There are approximately 3000 properties in Nelson City that are affected. In most cases the Council does not have any specific information about whether these sites are contaminated or not.
- 4.4 Staff have summarised the information the Council holds about HAIL activities and results of any soil testing in a database.

- 4.5 The Council has a duty to ensure that all information it provides in Land Information Memorandum (LIM) comes within the categories provided for in Section 44A of the Local Government Official Information and Meetings Act 1987 (LGOIMA) and that information should be reasonably accurate or correct.
- 4.6 Section 35 of the Building Act 2004 also requires information that identifies special features of the land concerned, including the likely presence of hazardous contaminants, to be included in the Project Information Memorandum (PIM).
- 4.7 In order to meet the Council's obligation under LGOIMA an interim statement is currently provided as part of the LIM for properties on the HAIL site database.
- 4.8 Feedback has been sought from the effected property owners since April 2014. The HAIL database is updated as new information is confirmed.
- 4.9 It is intended that the Council notifies property owners of any changes and replace the interim LIM statement with final LIM statements on 1 September 2014. There are six LIM statement templates, and the statement used for a given property will depend on the information that the Council holds for that property.
- 4.10 Legal advice has been sought on both the wording of the statements and the proposed process. The LIM statements and information will be provided under Section 44A(3) (discretionary relevant information), except where Council holds information specifically indicating the likely presence of hazardous contaminants, in which case the information will be provided under Section 44A(2).
- 4.11 In addition to the LIM statement a site summary report, a map of the HAIL site overlay, an explanation sheet including frequently asked questions and a list of contaminated soil specialists will be provided.

5. Conclusion

- 5.1 That the updates provided in this report are noted.

Brian McGurk
Chairperson

Attachments

- Attachment 1: Extract of Section 44A of the Local Government Official Information and Meetings Act 1987
- Attachment 2: Interim LIM Statement

44A Land information memorandum

- (1) A person may apply to a territorial authority for the issue, within 10 working days, of a land information memorandum in relation to matters affecting any land in the district of the authority.
- (2) The matters which shall be included in that memorandum are—
 - (a) information identifying each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants, being a feature or characteristic that—
 - (i) is known to the territorial authority; but
 - (ii) is not apparent from the district scheme under the Town and Country Planning Act 1977 or a district plan under the Resource Management Act 1991:.....
- (3) In addition to the information provided for under subsection (2), a territorial authority may provide in the memorandum such other information concerning the land as the authority considers, at its discretion, to be relevant.

.....

- (5) In the absence of proof to the contrary, a land information memorandum shall be sufficient evidence of the correctness, as at the date of its issue, of any information included in it pursuant to subsection (2).
- (6) Notwithstanding anything to the contrary in this Act, there shall be no grounds for the territorial authority to withhold information specified in terms of subsection (2) or to refuse to provide a land information memorandum where this has been requested.

Interim LIM Statement

Other Information pursuant to s44A(3) of the Local Government Official Information and Meetings Act 1987.

“The Council is currently undertaking research to compile a land use database to identify sites where past or present land use may have resulted in soil contamination, as required by the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. These are known as known as HAIL (Hazardous Activity or Industry List) sites.

An explanation of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health and what that means can be found on the Ministry for the Environment’s website at <http://www.mfe.govt.nz/issues/managing-environmental-risks/contaminated-land/managing/index.html>

Information on past or present activities on this property is being reviewed and it is proposed that this property is added to the Council’s HAIL site database. In the meantime further site specific investigation may be required should this property be further developed or have a change in land use.

Feedback will be sought from landowners before any categorisation of the property is finalised, as required pursuant to s44A(2)(a) of the Local Government Official Information and Meetings Act 1987, or s35 of the Building Act 2004.

Note: this is an interim LIM notification only, and may change once the review has been completed and any new information has been evaluated.

For more information please contact Customer Services at Nelson City Council specifying the address of the property concerned.”

Regulatory Report for 1 April to 30 June 2014

1. Purpose of Report

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

2. Recommendation

THAT the Regulatory Report for 1 April to 30 June 2014 (A1190601) be received.

3. Building Unit Performance

Recovery

- 3.1 The Building Unit continues to actively monitor the remaining 11 properties with s.124 Building Act 2004 notices (these are notices issued for dangerous, earthquake prone or insanitary buildings), due to slips and damage occurring during the December 2011 Rainfall Event. During the last quarter the Building Unit has been satisfied sufficient works have been undertaken to allow two notices to be lifted.

Earthquake Prone Buildings Policy

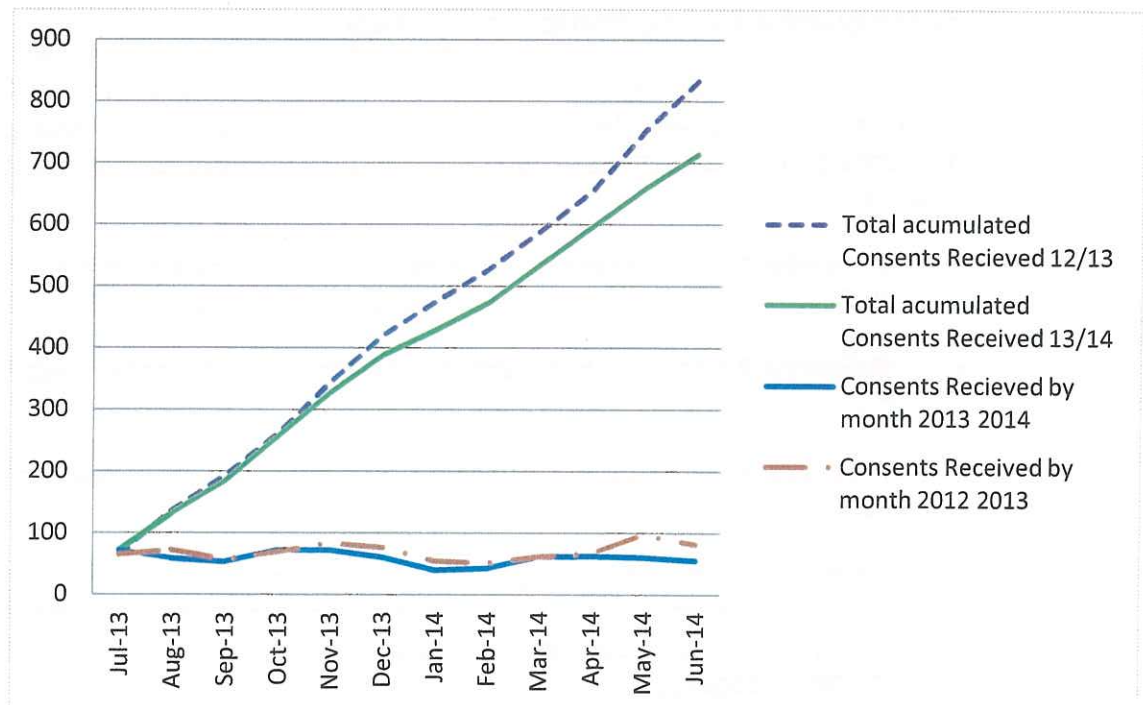
- 3.2 The policy defines on the priority types 1 to 4. Below outlines how many properties have been identified in each priority, this is also shown as a percentage of the total estimated number of properties that exist in the priority;
- **Priority 1** Post Disaster Buildings - 21 identified to date, (estimate 95%), 3 less than last quarter because building priorities changed;
 - **Priority 2** Crowds, High Value - 36 identified to date, (estimate 49%), 4 identified in the last quarter;
 - **Priority 3** Heritage A & B (NRMP Appendix 1) - 97 identified (100%), no change;
 - **Priority 4** Other Buildings, including residential with two storey and more than three units – 370 identified to date, 47 identified in the last quarter. It is estimated that there could be up to 1500 buildings in this category;

- Remainder of Buildings on EQB Register (not included above) - 234 excluded from scope of policy or fall outside screening criteria of Initial Evaluation Procedure. 48 Buildings yet to be prioritised.

- 3.3 The Earthquake Prone Building Register has a total of 809 entries to date, 61 further properties identified over last quarter.
- 3.4 There are 35 buildings with s.124 Building Act 2004 Earthquake Prone Building Notices currently issued. Recent Notices include; 45 Hardy Street (Owner Bowater Motors old show room), 92 Neale Ave (Methodist Church), Airport Terminal, Nelson College Computer Suite.
- 3.5 The above includes a total of nine notices issued for Council owned buildings. Two NCC notices have been lifted in the last quarter (The Hub and Civic House-Savings Bank Building) and one new notice issued (Highland Pipe Band Hall). Riverside Pool has a Notice for which the date to comply has expired. The upgrade work is complete, and a code compliance certificate has been applied for. The Notice will be lifted once the certificate is issued.
- 3.6 Working with the GIS team the CBD now has good visual identification of all properties under review, all properties which are known to not be earthquake prone and those properties with s124 notices requiring work to be undertaken. This is the first step to getting more information onto the mapping systems to enable quick reference for all council staff.

Building Consents Summary

- 3.7 **Consents Received:** The Building Unit again observed a reduction in total number of building consent applications received each month of the quarter. The total number of consents received for the fourth quarter was 179 consents; a 27% reduction over the same quarter last year



It should be noted the April 2013 floods resulted in 59 additional consents for the last quarter of the 2012/13 which accounts for the peak noted on may June 12/13 year .

- 3.8 Over the 2013/14 financial year the total consent applications received was 713; a 15% reduction from the previous yearly total of 844. There were three multiple dwelling consents included in the 2013/14 figures.
- 3.9 The projection for the financial year 2013/14 was to receive 717 consents. The projection next year is a similar magnitude and will be monitored and reported quarterly.
- 3.10 Generally in the 2013/14 financial year, the monthly application numbers were less than the same month in 2012/2013.

Trend Information on applications received by the Building Unit

3.11 Building Consent applications received 1 April – 30 June 2014:

Building Category Trends	2013 Number of Consents	2014 Number of Consents
New House	38	30
Altered Dwelling	114	58
Minor works	73	56
New Commercial	4	8
Altered Commercial	28	28
Fourth Quarter	257	181
Third quarter	167	143
Second quarter	229	204
First quarter	191	185
Financial Year Totals	844	713

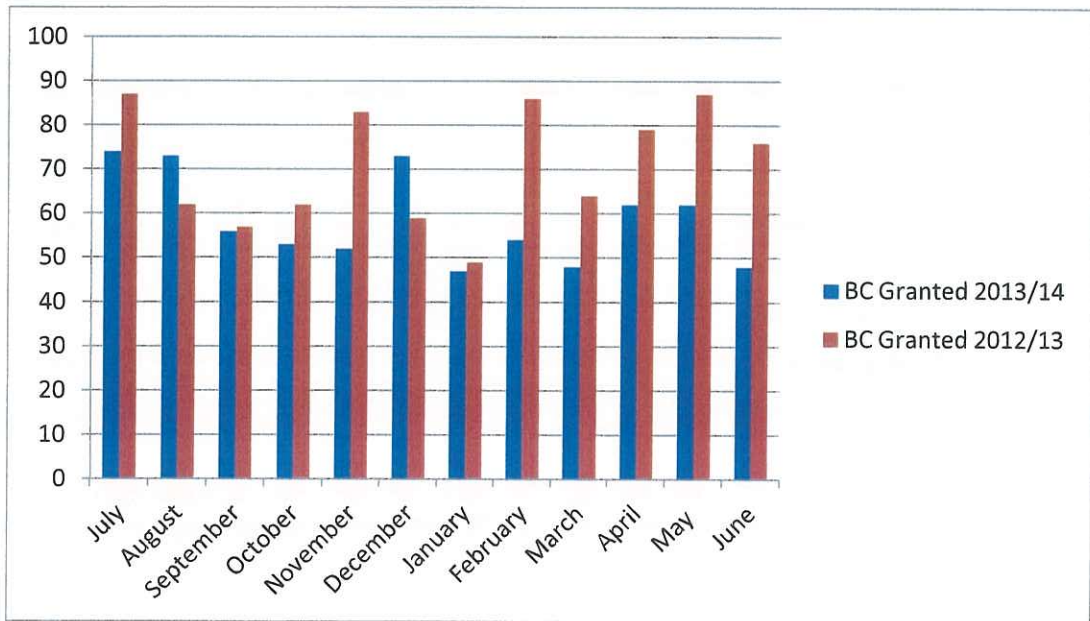
- 3.12 The key figure to note with the table above is the 'Altered dwelling' number as this was elevated with the flood repair works required in the last quarter of 2012/13 financial year.
- 3.13 The minor works decrease is still evident along with a decrease in new build properties. This indicates the development market has trended down from last year.
- 3.14 The (estimated) works value of building consent applications received for 1 April – 30 June is in the table below:

Estimated Value for Consents Received	2013 Value \$	2014 Value \$
Fourth Quarter	30,077,136	20,375,977
Third Quarter	30,478,069	20,319,324
Second Quarter	39,980,192	32,060,190
First quarter	28,220,263	25,901,792

The value of estimated work is 33% less than last year for the final quarter.

Over the last financial year the total estimated value of work for submitted building consent applications was \$98,657,283. This is down 22% on the estimated value of work for submitted consents applied for last year.

- 3.15 **Consents granted:** The fourth quarter 'granted' consent numbers are down by approximately 70 consents on the number of the same period in the previous year. However, it must be noted last year's figures were increased as a result of the flooding in April 2013.



Building Consent Authority Summary of granted consents and Processing Time Statistics

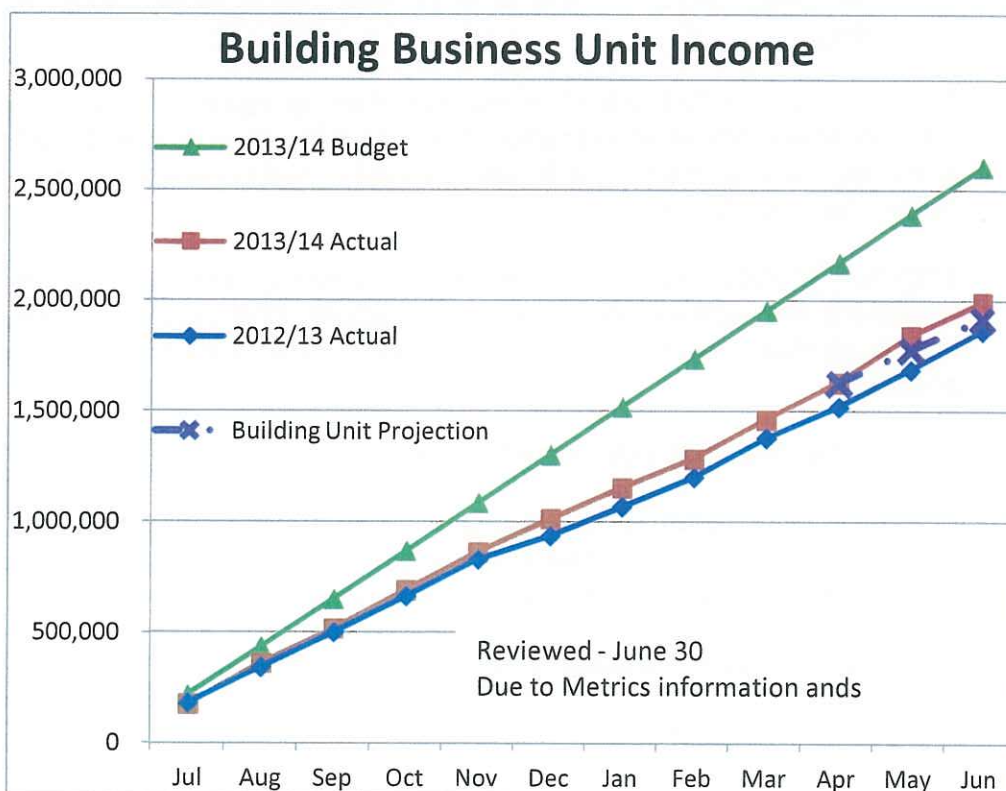
- 3.16 The table below summarises the last quarter of the 2013/14 year in comparison to the last quarter of the 2012/13 year for granted consents and also provides a comparison for the total financial years 2012/13 and 2013/14:

Consent Processing Trends	1 April 2013 to 30 June 2013	1 April 2014 to 30 June 2014	1 July 2012 to 30 June 2013	1 July 2013 to 30 June 2014
Total number granted	242	177	844	712
Total value of works \$ (Estimated)	40,938,870	21,555,483	123,242,259	98,812,152
Completed within 20 working days %	91.14	100.00	89.42	97.90
Average process time (days) recorded by NCS	11	11	12	12

3.17 **Please note:** Average processing timeframe for all building consents has remained consistent at 12 days, with 108 (61%) of all consents being granted within 12 days. The BCA however, observed 24% of building consents being granted within 16 to 20 days. The team is looking to reduce the percentage of consents granted in 16 to 20 days, over the next six months period.

3.18 **Building Unit total earnings:** Financial results from June 2014 indicate the Building Unit has reached just under \$1,992,540 in revenue. This is slightly higher than the \$1.8 million projection, however, still sits below the organisational budget requirements of \$2,605,372.00.

3.19 Earnings, from the new fees and charges introduced on 1 July, will be compared to the last two years results and be monitored monthly and reported quarterly to the committee.



Building Unit Highlights

- 3.20 The last quarter saw the Building Unit 'go live' with the electronic processing of building consents. This means all building consents submitted post 10 June 2014 have been scanned and are being processed, granted and issued electronically using the 'GoGet' interface by processing staff.
- 3.21 The last quarter also saw the Building Unit Fees and Charges move to the new model which sees deposits being made upfront and fixed fees based on value with the exception of works over \$4 million which are negotiated. This was in direct response to feedback from customers around 'surprise' costs being invoiced and lack of costs certainty in many cases.
- 3.22 The end of financial year figures indicate the Building Unit has increased its earnings over the last year, however, fewer consents have been processed than last year. It must be noted that more multi dwelling sites have been consented (so higher value per consent) in addition more administration time has been charged out than prior years. However, with the fees changing to make consents more affordable the income month by month will be monitored closely to monitor the effect of this model change.

Looking Ahead: Building Unit

- 3.23 The Building Unit looks to build on the electronic processing of building consents to allow the Unit to efficiently and effectively receive applications in electronic format from customers. The ability to process and hold information electronically also gives some flexibility to use external consultants in times of work load peaks and to assist whilst recruiting.
- 3.24 The move to 'GoGet' with the planned further review of the options for receipt of electronic information from customers in the 2014/2015 year are important steps to the Building Units move towards the ability to go to 'online applications'.
- 3.25 With the 'GoGet' system in place for processing, the team is now reviewing the 'GoGet' mobile device module. This can be provided for use for inspections which would bring further efficiencies to our inspection process.
- 3.26 In the new financial year we will look to:
- Review consent processing and inspections procedures and work with both teams to see what further improvements can be made to increase quality of the service provided;
 - Provide more messaging to designers /agents and building contractors of the NCC BCA expectations for quality of information being provided; and

- Implement 'lodgement meetings' on all residential building consents to ensure a better quality of information is provided to the BCA.

3.27 Recruitment has been a challenge over the last financial year. This will continue to be a problem for the building consent processor market due to the demand arising from Christchurch. The Building Unit will be reviewing load balancing of staff, multi-skilled roles and contractors to support this function over the next financial year.

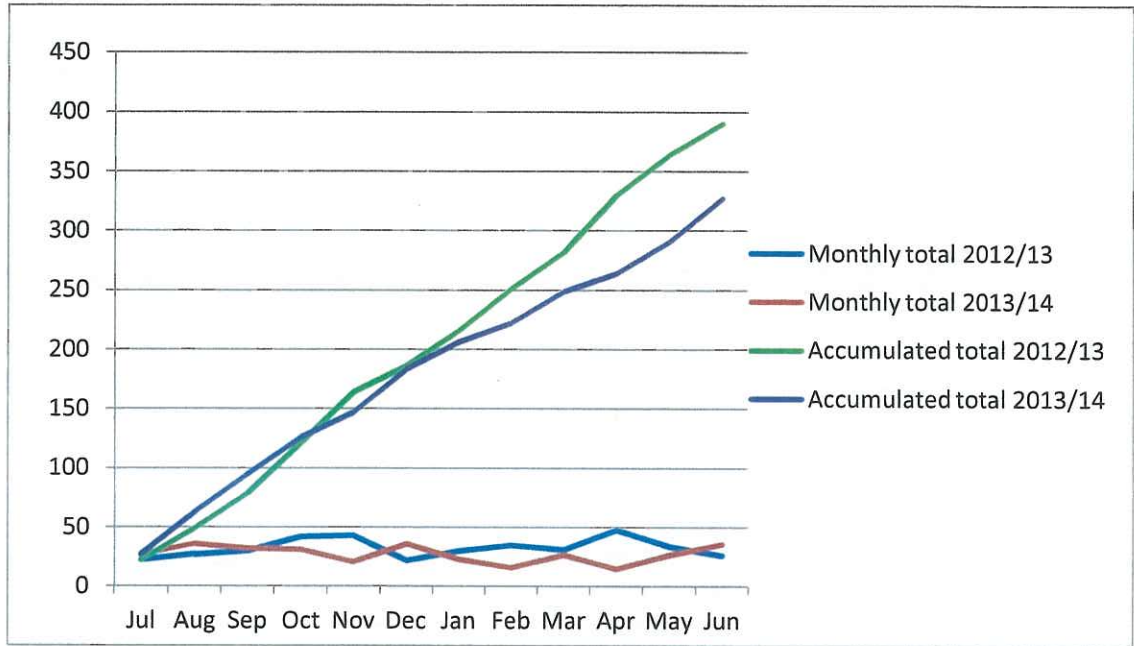
4. Resource Consents Performance 1 April – 30 June 2014

- 4.1 A Housing NZ comprehensive housing development in Kawai Street was limited notified and granted without the need for a hearing as the submitter did not wish to be heard and matters raised were largely outside the scope of the application.
- 4.2 The Mad Butcher retail development in Stoke was granted and 17 consents for NCC were also granted in this period including the upgrade of Saltwater Creek. Nelson College applied to continue using coal fired boilers but through discussions with consents staff their application was amended to replacing the coal with wood pellets within two years.
- 4.3 The non-notified processing times for the quarter ranged from 1 day to 56 days and were 100% on time.

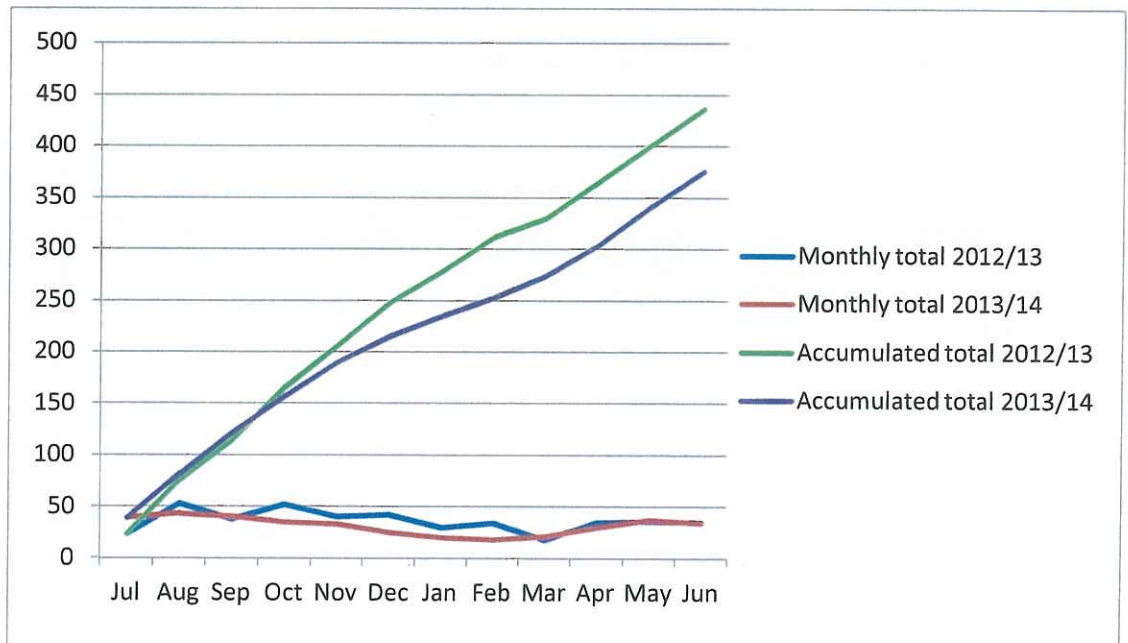
Resource Consent Processing Times

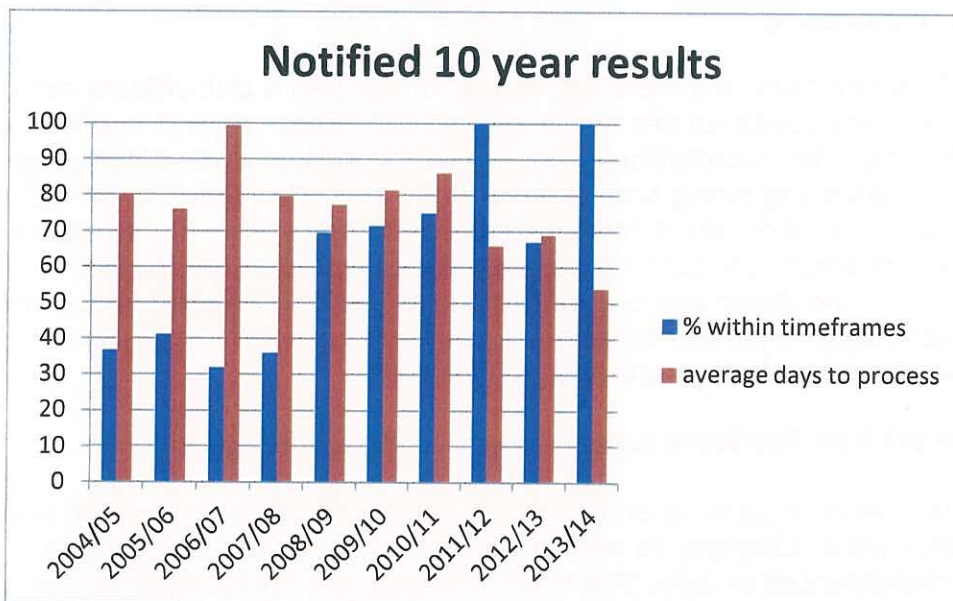
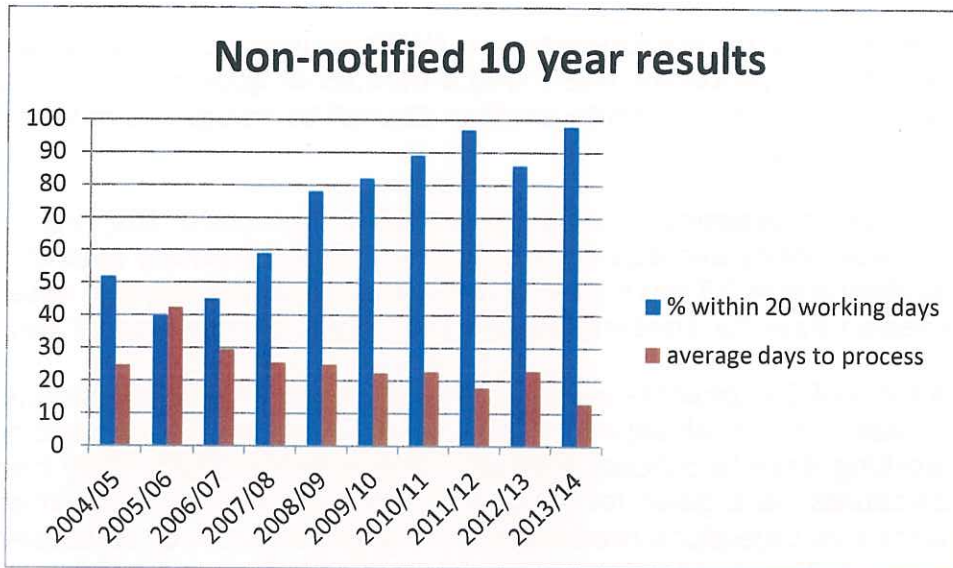
Month	NON NOTIFIED				NOTIFIED AND LIMITED NOTIFIED		
	% processed on time	Average process days	Median process days	Consent numbers	% processed on time	Average process days	Consent numbers
April	100	12	13	15			0
May	100	10	8	26	100	41	1
June	100	12	12	36			0
Average from 1 July 2013	98	13	13	26	100	54	1
Total from 1 July 2013				316			11
2012/13 average	86	23	16	32	67	69	1
2012/13 totals				381			9

Resource Consent Decisions Issued



Resource Consent Applications Received





Iwi Liaison

- 4.4 All eight iwi groups have been contacted since the Deeds of Settlement have come into effect. Under the Settlement Agreements iwi must be provided with information on all resource consent applications within their area of interest as if they were an affected party, unless other arrangements are agreed to. Contracts are in place with all iwi to assess and monitor resource consents.
- 4.5 Some good discussions have resulted in changes in our consenting processes but certainly this is just the beginning for on-going discussions to refine systems and meet expectations. Cultural Impact Assessments or Cultural Health Indices (for streams) are likely to be required more than they have been in the past, particularly for applications relating to natural resources. The costs for these will be met by the applicant.

Resource Consent Highlights 2013 - 2014

- 4.6 The Ministry for the Environment (MfE) audited our consent survey results and processes and found a number of good practices in place. NCC is currently assisting another Council to instigate similar practices at the suggestion of MfE.
- 4.7 Consent processing times averaged 98% on time for the year – the highest yearly average recorded. The average working days to issue decisions was 13 days (the lowest annual average days to date) and the median days for consents issued in 2013/2014 was also 13 days.
- 4.8 A total of 26 consents were issued for the year using the simple consents process; 8% of all consents processed. They took an average of four working days to process with an average cost of \$465. Only two discounts were given for consents processed late for the year and there were two objections received for the year (or 0.6% of all consents issued). These objections were resolved at officer level without the need for a hearing.
- 4.9 Consent numbers were the lowest in ten years but officers noticed more complex consents are being applied for. Water permit applications where the aquifer information is not available, subdivisions on sloping sites and activities triggering the National Environmental Standard (NES) for Soil Contamination are a few examples. 40% of applications required further information. Consent officers will focus on ensuring any commonly requested items are brought to the attention of agents submitting applications particularly before changes to the RMA may result in more applications being rejected as incomplete.

5. Parking Performance 1 April – 30 June 2014

- 5.1 The level of parking enforcement continued to attract public and media attention. Changes to practices were investigated in June and implemented in July. The main changes are (in addition to the free parking trial implemented by Council):
- A reminder/warning scheme for licences and WOF about to expire or have expired in less than one month; and
 - 3 parking officers instead of 4.
- 5.2 The level of enforcement will be reviewed as part of the ongoing review of parking services. Combined with the free parking trial for three months it is likely the level of parking enforcement activity will have very different results in the next report.

Activity	April	May	June
Enforcement			
Safety	98	169	59
Licence labels /WOF	669	886	658
Central Business District meters	774	916	722
Time Restrictions	473	603	357
Total Infringement notices issued	2014	2574	1796
Service Requests			
Abandoned Vehicles	14	19	25
Requests for Enforcement	31	31	22
Information /advice	18	43	38
Total service requests	63	93	85
Courts			
Notices lodged for collection of fine	455	555	545
Explanations Received	305	394	308
Explanations declined	60	89	66
Explanations accepted (within guidelines)	226	288	217
Explanations accepted (outside guidelines)	18	14	12
Explanations accepted (warden error)	1	3	3
NOTE: Tickets are cancelled when explanation accepted			

6. Environmental Health and Dog Control Activities 1 April – 30 June 2014

- 6.1 All food premises were inspected during the past year (minimum of one inspection per premises). More premises are voluntarily moving to Food Safety Programs before the new legislation makes it compulsory in 18 months time.
- 6.2 The enforcement order in relation to the illegal structure on the Boulder Bank (which was subsequently floated off) was not complied with and as a result the structure was removed and demolished by Council.
- 6.3 Two oil spill response exercises were carried out in conjunction with TDC, Port Nelson and local fishing companies.

Summary of Activities

Activity	Responses			Year to Date
	April	May	June	
Dog Control	133	167	131	1855
Resource consent monitoring	179	171	138	1986
Noise nuisance	69	74	57	1097
Bylaw / Building / Planning	68	57	63	772
Liquor applications	32	36	38	466
Liquor Inspections	15	20	16	140
Pollution	21	27	20	276
Stock	1	3	2	57

7. Harbour Safety Activities

- 7.1 The last quarter has seen a slowdown of vessels on the water as the grips of winter has set in. Patrols have continued and noticeably more people on boats are wearing their life jackets, slowing down in the marina areas, and behaving appropriately for the zones/priority areas set out in the Navigation Safety Bylaw ('the bylaw').
- 7.2 The bylaw is not commonly known within the region so a handout designed by the Deputy Harbourmaster has proven very effective in educating the boating populace. The Deputy Harbourmaster has also been involved in arranging school visits for himself and the Harbourmaster in the future.
- 7.3 Kayakers coming too close to moored ships or moving ships continue to be an issue. Stand up paddle boarding continues to be a growth sport in the region and paddle boarders are becoming more aware of the necessity to wear appropriate personal floatation devices (PFD).
- 7.4 This year has seen patrol hours and community involvement increase to at least 20 hours per week. As stated above, the general safety awareness of the boating populace has increased considerably. The recognition of children wearing PFDs or lifejackets has also proven a popular move within the community.
- 7.5 Safety messages on the radio and in two local newspapers have increased people's boating knowledge and safety awareness. This appears to have been a very successful medium sponsored by both Port Nelson and Nelson City Council.
- 7.6 Nelson City Council's support of the phone application Marine Mate has also been a success with several local boat owners having downloaded the application. Marine mate gives specific information on the bylaw, local boat ramps and navigational warnings.

- 7.7 Closer liaison and relationships with the Top of the South iwi is evident by the success of the Raroa project with both the Harbourmaster's and Deputy Harbourmaster's involvement.
- 7.8 Over the last year, the Punawai has frequently been used in local search and rescue events, supporting police and coastguard. The Punawai has also been prevalent at oil spill drill exercises where a vessel has been required to deploy booms.
- 7.9 Signage at the boat ramps at both Monaco and Akersten Street have been identified as requiring upgrading and this project is underway to be completed in the 2014/2015 year.
- 7.10 Harbourmaster Patrol Hours:

Month	Patrol Hours
April	83
May	80
June	80

8. Summary of Hearing Panel Activities

- 8.1 No hearings for this quarter.

9. Land Information Memorandum Applications

Month	Percentage processed on time	Average process days	Total LIMs
April	100	4	43
May	100	5	53
June	100	5	53
Average from 1 July	100	5	52
TOTAL from 1 July 2013			619
2012/13 Average	100	4	45
2012/13 Total			545

10. Official Information Act Requests

Period	Number received	Number completed	Number outstanding
1 April – 30 June	12	11	1

11. Summary of Legal Proceedings

Party	Legislation	Matter & date of initial action	Status
McFadden Family Trust	RMA 1991 (ENV-2012-WLG-83)	Plan Change 18 Appeal – 9 August 2012	Discussions continuing with appellants regarding Saxton Creek upgrade design. Backup mediation date sought from the Environment Court.
Hamilton and Hardyman	RMA 1991 (ENV-2012-WLG-84)	Plan Change 18 Appeal – 9 August 2012	Discussions continuing with appellants regarding Saxton Creek upgrade design. Backup mediation date sought from the Environment Court.
Raine	RMA 1991 (ENV-2012-WLG-85)	Plan Change 18 Appeal - 10 August 2012	Discussions continuing with appellants regarding Saxton Creek upgrade design. Backup mediation date sought from the Environment Court.
RG Griffin Children's Trust	RMA 1991 (ENV-2012-WLG-87)	Plan Change 18 Appeal - 10 August 2012	Discussions continuing with appellants regarding Saxton Creek upgrade design. Backup mediation date sought from the Environment Court.
Jatco Holdings	WHRS Regulations 2007	Building defects, claim for negligence in NCC issuing building consent and Code Compliance Certificate in 2004/2005	Mediation on 30 May 2014 has been extended whilst Plaintiffs expert reviews NCC expert's findings.
A Pritchard	Dog Control Act 1996	Two dogs involved in an attack – 22 April 2014	First hearing on 12 June, entered no plea, reappeared 11 July and pleaded not guilty on all charges
Partington	Building Regulations 1991	Leaking deck membrane causing damage to property. Property is less than 10 years old. Occupants have fixed the leaks but are claiming negligence by NCC has caused financial costs. As such damages are sought from NCC.	Insurers have been notified The proceedings (District Court) have been issued to NCC. Response provided by NCC solicitors.

12. Summary of Insurance Claims

- 12.1 An insurance claim has been submitted and accepted in respect of a long outstanding resource consents matter that related to incorrect plans for daylight admission angles being accepted by the Council. A Deed of Settlement has been signed by parties.

Mandy Bishop
Manager Consents and Compliance

Martin Brown
Manager Building

Clare Barton
Group Manager Strategy and Environment

Attachments

None.

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

Section 10 of LGA 2002 requires local government to perform regulatory functions in a way that is most cost-effective for households and businesses. This quarterly report identifies the performance levels of regulatory functions.

2. Fit with Community Outcomes and Council Priorities

The community benefits from the sustainable management of natural and physical resources by providing fair opportunity for development. Regulatory roles ensure this development opportunity is not at a cost to people, businesses and the environment. Regulatory roles also provide public health and safety benefits for our community.

3. Fit with Strategic Documents

The protection and enhancement of the environment while enabling development and having a healthy and safe community fits with Council's strategic plan, Nelson 2060.

4. Sustainability

Best practice methods are used where applicable. The use of a regulatory tool is considered amongst non-regulatory alternatives when Council policies and plans are created. Other legislation requires Council to perform a regulatory function.

5. Consistency with other Council policies

The Annual Plan sets performance measures and targets in the Environment section. This report identifies how regulatory functions are tracking to meet these measures.

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

The Environment section identifies activities and levels of performance. As identified in this report the budget for some regulatory functions is unlikely to be met based on levels to date.

7. Decision-making significance

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

8. Consultation

Not applicable.

9. Inclusion of Māori in the decision making process

Not applicable.

10. Delegation register reference

This fits within the delegations of the Planning and Regulatory Committee.

Sugar Sweetened Beverages Policy

1. Purpose of Report

- 1.1 To provide options for implementing a policy on sugar sweetened beverages as requested by the Planning and Regulatory Committee at its meeting on 24 June 2014.

2. Delegations

- 2.1 The Planning and Regulatory Committee has delegated powers to consider issues in relation to public health and safety.

3. Recommendation

THAT the report Sugar Sweetened Beverages (A1216217) and its attachments (A621114 and A1218790) be received.

Recommendation to Council

THAT Council note the internal Council policy (A1218790) on sugar sweetened beverages;

AND THAT all vendors and events operating on Council-owned properties be encouraged to exclude the sale or provision of sugar sweetened beverages from their operations.

4. Background

- 4.1 The Nelson City Council Planning and Regulatory Committee passed a resolution at its 24 June meeting:

THAT a report be provided on options available to Council to implement a policy that only beverages that are not sugar sweetened pre-point of sale are offered for sale or supplied at any Council owned properties and Council events.

- 4.2 The issue of sugar sweetened beverages had been considered by Council previously because of a growing concern about the impact of these drinks on the health of Nelson's young people. There is a convincing body of evidence linking consumption of sugar sweetened beverages with

worrying rates of obesity, diabetes and tooth decay in children. Council saw an opportunity to contribute to healthier outcomes for Nelson's young people by working to provide healthier choices at events and facilities.

- 4.3 Dr Roby Beaglehole, Senior Hospital Dentist at the Nelson Marlborough District Health Board, has made representations to Council about the benefits of public institutions implementing policies that aim to limit sugar sweetened beverages, particularly to children and young people. In March 2014, Nelson Marlborough District Health Board became the first health board in New Zealand to ban sugar sweetened beverages. Other District Health Boards are now looking to follow this lead.

5. Discussion

Sugar Sweetened Beverages

- 5.1 A Sugar Sweetened Beverage is any beverage that has had calorific sweetener, usually sugar, added prior to sale. The main categories of sugary drinks include soft drinks/fizzy drinks, sachet mixes, fruit drinks, cordials, flavoured milks, cold teas/coffees, and energy/sports drinks. Drinks that have been sweetened artificially, such as "diet" soft drinks, are not included in this definition, and therefore are not included in this policy.

Expert Advice on Sugar Sweetened Beverages

Ministry of Health

- 5.2 The Ministry of Health has published 'Food and Nutrition Guidelines for Health of Children and Young People (Aged 2-18 years): A background paper'. The paper provides evidence-based technical information and best practice recommendations on nutrition, and includes information about sugar sweetened beverages. Excerpts from this report are attached to this report (Attachment 1).
- 5.3 The Ministry of Health states that sugary drinks are high in sugar and energy but have few beneficial nutrients. Many are associated with dental caries and increased body weight.
- 5.4 The Ministry report includes a table of average sugar and energy levels in fruit juice, flavoured milk, sugary drinks and sports drinks. For instance, a 600 ml bottle of fizzy or energy drink, or a 750 ml bottle of sports drink, contain around 15 teaspoons of sugar. The World Health Organisation guideline is 12 teaspoons of sugar per day for an adult, and in Britain, health guidelines have recently reduced this by half.

New Zealand Beverage Guidance Panel (NZBGP)

- 5.5 The NZBGP, comprising experts in various health fields, produced a consultation document earlier this year entitled *Options to Reduce Sugar Sweetened Beverage (SSB) Consumption in New Zealand*. The document identified policy recommendations relevant to settings, including local government, on how to reduce the intake of sugar sweetened beverages.
- 5.6 The NZBGP recommends that both local and national government take a leadership role in implementing programmes and policies to promote and create healthier food environments. Further recommendations relate to central government including taxing sugary drinks and introducing dietary guidelines for schools.

Sugar Sweetened Beverages at Council Facilities, Parks and Events

- 5.7 Sugar sweetened beverages are available for sale or supply at a number of Council facilities and parks including Trafalgar Park, Trafalgar Centre, Montgomery Square Superloo, Tahunanui Motor Camp, Brook Valley Holiday Park, Riverside Pool, and the Waahi Taakaro Golf Course.
- 5.8 Concessions have been granted to food vendors to sell food and drinks at sports fields including Tahunanui Reserve and Saxton Field (hockey, netball and softball) with no limits regarding sugar sweetened beverages.
- 5.9 Sugar sweetened beverages are sold at a number of Council-run events including the Arts Festival, the Masked Parade, and Opera in the Park. Licences to sell alcohol generally include a requirement to offer non-alcoholic drinks as well.
- 5.10 Businesses such as Melrose Cafe, operating from leased buildings owned by Council, sell sugar sweetened beverages. To date, Council has not imposed conditions on the use of leased Council buildings, provided rents are paid and health and safety conditions are met.
- 5.11 Council workplaces (libraries, Broadgreen, Founders Park and Civic House) provide venues for functions funded by Nelson City Council. This includes both staff and Council hosted functions such as meetings or award presentations. Sugar sweetened beverages are supplied for sale at some functions and are also provided for consumption.

The Local Government Act 2002

- 5.12 Promotion of public health is primarily the role of the Ministry of Health as the Government's principal advisor on health including improving, promoting and protecting the health of all New Zealanders.

- 5.13 The Local Government Act 2002 states that the purpose of local government includes enabling local decision making on behalf of communities, and meeting the current and future needs of communities for good quality, local public services.
- 5.14 The issue of sugar sweetened beverages has been brought to the attention of Council because it relates to the operation of Council premises and events. Provision of public services, such as facilities and events, is within the purpose of local government. In addition, as landlord and operator of Council facilities, and funder of community programmes and events, Nelson City Council is able to set conditions on contracts, concessions, and leases in relation to Council policies.

6. Options

- 6.1 The objective of action by Council on this issue is to support healthy beverage choices, particularly by children and young people, while also lessening exposure to sugar sweetened beverages so as to have a positive impact on the current and future health of the community.
- 6.2 In response to Council concern about these issues the Chief Executive of Nelson City Council has recently approved an internal policy restricting the provision of sugar sweetened beverages at Council workplaces (Civic House, Broadgreen, and the libraries), removing sugar sweetened beverages from Council operated vending machines, and promoting healthy beverage choices with concession holders and vendors.
- 6.3 A copy of this policy is attached to this report (Attachment 2). This policy provides Council leadership on an important health issue for the community.
- 6.4 Having adopted the above policy the question remains as to what action Council should now take to influence activity where there are private businesses, leases, contracts etc involved at Council properties and events.
- 6.5 Options for the sale of sugar sweetened beverages from Council facilities, parks and events include:
- Do nothing – do not change the current approach of leaving it to vendors to decide what drinks they sell;
 - Voluntary approach – provide Ministry of Health information and ask vendors to consider not selling sugar sweetened beverages. Use Nelson City Council internal policy as a model of how other organisations could implement a similar policy;
 - Full scale approach – make it a condition of any operation on Council-owned properties including all leases, concessions and events. This would affect a range of businesses for example Nelson Yacht Club Restaurant, Melrose Café, Tahunanui Beach Camp Store.

Analysis of options

Option	Advantages	Disadvantages
Do nothing	Recognises the primary role for health promotion lies with agencies other than Council.	Ongoing sale of sugar sweetened beverages from Council facilities, parks and events (though not available at specified Council workplaces).
Voluntary approach	A number of vendors likely to change the types of drinks they sell. More buy in from those who choose to implement as will not feel compelled to do so.	Potential for limited uptake. Some cost involved in staff time required to communicate with vendors.
Full-scale approach	Greater reduction in outlets at which sugar sweetened beverages are sold.	The cost of making legal changes to lease agreements ahead of expiry. Potential financial impacts for vendors who benefit from drink sales including volunteer groups who use sales for fund raising. Potential for opposition from lessees and the public. Impact on commercial operations of businesses.

7. Implementation

- 7.1 If Council decides to implement a full-scale approach, a policy should be developed to ensure a consistent approach is taken to Council facilities, parks and events. There is a wide spectrum of events that could be captured including: large scale/high budget sporting and cultural events, grassroots sport at Saxton Field, arts and music events. There would be a need for consultation with affected parties. Changes to leases would also need to be negotiated with the lessees for various facilities.
- 7.2 A primary consideration in the development of a policy and its subsequent implementation will be identifying which facilities will be affected, the legal implications, financial impact on those businesses and groups with contracts or concessions, and the timeframe for when renewal of contracts and leases can take place.
- 7.3 It would seem that the most appropriate approach is to supplement the policy adopted by the Chief Executive, which controls Council workplaces, with a programme of encouragement and education for vendors. Any non-voluntary approach could cause a backlash amongst those most affected.
- 7.4 By encouraging vendors to come on board with Council's direction and educating them about the impact of sugar sweetened beverages it is hoped that the message can be effectively spread. In fact Community

Leisure Management, which manages Council's swimming pools, has already taken steps to remove sugar sweetened drinks from sale at Riverside Pool and replace these with healthier options after seeing media coverage of Council's interest in the issue.

- 7.5 It is expected that more vendors would follow suit if approached in a positive manner by Council officers. For example, officers will be working with concession holders for the Masked Parade in October to encourage the replacement of sugar sweetened beverages with healthier choices. This is an event that is very popular with young people and so an ideal opportunity for providing healthier drinks choices.

8. Assessment of Significance against the Council's Significance Policy

- 8.1 This issue is not considered to be significant in terms of Council's significance policy.

9. Consultation

- 9.1 If Council decides to take a non-voluntary approach consultation will take place with affected businesses and organisations, and with relevant health professionals.

10. Alignment with relevant Council Policy

- 10.1 Restricting the sale of sugar sweetened beverages is compatible with the Council's Social Wellbeing Policy which states that the Council's social wellbeing role will include:
- Leading by example – looking at Council activities through a social wellbeing 'lens' to improve social wellbeing outcomes for the community;
 - Partnering, collaborating and facilitating – with central government, community organisations and other stakeholders to target initiatives effectively;
 - Advocacy – at regional and national levels.

11. Inclusion of Māori in the decision making process

- 11.1 Maori will be consulted as part of any consultation undertaken .

12. Conclusion

- 12.1 Sugar sweetened beverages are a key health problem for our community, particularly our young people. Council has already taken a lead on this issue with adoption of its own policy.

It is recommended Council agree to use a voluntary approach and encourage vendors on Council-owned properties to remove sugar sweetened beverages from sale.

Susan Moore-Lavo
Policy Adviser

Attachments

- Attachment 1: Extracts from: 'Food and Nutrition Guidelines for Healthy Children and Young People (Aged 2 – 18 years): A background paper' [A621114](#)
- Attachment 2: Internal Council Policy on Sugar Sweetened Beverages [A1218790](#)

Information from the Ministry of Health publication: Food and Nutrition Guidelines for Healthy Children and Young People (Aged 2–18 years): A background paper Published online: 06 August 2012

Introduction (page 4)

Food and nutrition for children and young people

Establishing good nutrition and physical activity patterns in childhood contributes to good health throughout life. The values, habits and behaviours developed during this period often influence behaviours in adulthood. In addition there is emerging evidence that health during childhood and adolescence impacts on health during adulthood.

Part 5: Fluids (From pages 76 – 79)

Table 34: Average sugar and energy levels in fruit juice, flavoured milk, sugary drinks and sports drinks

Type of drink	Serve	Sugar Grams per 100 ml	Sugar Grams per serve	Tsp per serve (4g)	Energy (KJ) Per 100ml	Energy (KJ) Per serve
Fruit juice	Glass (250 ml)	10	25	6	180	400
Flavoured milk	Glass (250 ml)	10	25	6	313	783
Powdered fruit drink	Glass (250 ml)	8	20	5	140	350
Cordial	Glass (250 ml)	8	20	5	140	350
Fizzy drink	Can (355 ml)	11	39	10	180	640
	Bottle (600 ml)	11	66	17	180	1080
Energy drink	Can (250 ml)	10	25	6	190	480
	Bottle (600 ml)	10	60	15	190	1140
Sports drink	Bottle (750 ml)	8	60	15	140	1050
Flavoured waters	Bottle (700 ml)	3	21	5	50	350

Health impacts

There is now convincing evidence that sugary drinks are associated with increased body weight and increased risk of obesity and type 2 diabetes mellitus (Malik et al 2006; Vartanian et al 2007; Gibson 2008). Furthermore, experimental studies show that reducing intakes of sugary drinks improves these health outcomes (Vartanian et al 2007). The World Cancer Research Fund also concluded that there is convincing evidence that sugary drinks are associated with weight gain and obesity, both of which are risk factors for many cancers (World Cancer Research Fund and American Institute for Cancer Research 2007). The main reason sugary drinks contribute to weight gain is thought to be that they do not induce satiety to the same extent as solid food (Wolf et al 2007). As a result, people do not reduce their intake of solid food to compensate for the extra energy (kJ) consumed as sugary drinks, which can lead to weight gain (Bellisle and

Drewnowski 2007). Sugary drinks may also be consumed in higher volumes compared with water, because less fluid is absorbed from sugary drinks (Manz 2007).

Another concern about all types of sugary drinks is that they contribute to dental caries by providing a sugar substrate that is fermented by bacteria to produce acid, which in turn promotes tooth erosion. In addition, many sugary drinks are acidic, which causes tooth erosion independently of dental caries (for more information on both these issues, see section 13.2: Oral health). Many sugary drinks also contain artificial food colours (see section 13.6: Food additives) and some contain caffeine (see section 13.8: Caffeine). A kola-type drink contains around 33 mg caffeine per 355 ml can, compared with 55 mg of caffeine in 250 ml of instant coffee/tea.

Diet drinks

Diet drinks are not recommended for children and young people. However, in recognition that New Zealanders do drink fizzy/soft drinks, a diet fizzy/soft drink would be a better choice than a sugary fizzy/soft drink because it provides less energy (kJ) and does not contribute directly to dental caries. Note that diet drinks tend to be acidic, and can contribute to tooth erosion. If consumed, diet drinks should be consumed only occasionally, in small quantities, and with food rather than between meals.

Diet drinks are sweetened with intense sweeteners so provide little or no energy (kJ) (see section 13.7: Intense sweeteners). Theoretically the use of diet drinks should assist with weight control, but there is limited evidence to support this outcome. A small number of diet drinks contain the intense sweetener cyclamate. A dietary modelling study showed that children and young people who consume these drinks in high amounts were at risk of exceeding the acceptable daily intake (ADI) for cyclamate (FSANZ 2004). However, the maximum level of cyclamate permitted in drinks has been lowered since this study was undertaken, making it less likely for consumers to exceed the ADI (see section 13.7: Intense sweeteners).

Another concern about diet drinks is that they maintain a taste for sweetness, so consumers of diet drinks may find healthy foods that are less sweet unpalatable, which could reduce diet quality (Ludwig 2009). Many diet drinks also contain artificial food colours (see section 13.6: Food additives) and some contain caffeine (see section 13.8: Caffeine). A diet kola-type drink contains around 49 mg of caffeine per 350 ml glass, compared with 55 mg of caffeine in 250 ml of instant coffee/tea.

POLICY ON SUGAR SWEETENED BEVERAGES

OBJECTIVE

This policy supports the health of staff, visitors, and elected members at Nelson City Council workplaces through the provision of healthy beverage choices.

DEFINITION

A Sugar Sweetened Beverage (SSB) is any beverage that has had calorific sweetener, usually sugar, added prior to sale. The main categories of sugary drinks include soft drinks/fizzy drinks, sachet mixes, fruit drinks, cordials, flavoured milks, cold teas/coffees, and energy/sports drinks.

BACKGROUND

There is a growing awareness of the association between free sugars and a number of health related conditions including obesity, poor dental health, and serious medical conditions such as type-2 diabetes. SSBs are recognised as being one of the leading contributors of sugar to the diets of New Zealanders¹.

The World Health Organisation recommends that free sugars should contribute to no more than 10% of total energy intake, equivalent to approximately 12 teaspoons of sugar per day for an average adult.² Britain has recently introduced new guidelines which halve this limit to no more than 5% of total energy intake. As a guide, one can of "fizzy" drink contains 10 teaspoons of sugar.

Nelson City Council is well positioned to positively influence the health behaviours of its staff, elected representatives, and visitors, and to model good health behaviours for the wider community.

In 2013, the Nelson Marlborough District Health Board became the first Health Board in the country to implement a policy limiting access to SSBs. Nelson City Council wishes to support this important initiative in our community.

PRINCIPLES

This policy is based on the following principles:

- Nelson City Council is a role model for the community and supports initiatives that have the potential to impact positively on the health of the community.
- Nelson City Council is a workplace which is concerned for the wellbeing of its staff and considers that it is important to create an environment that makes healthy drink choices the easier choice for not only staff, but also for elected members and visitors.

¹ University of Otago and Ministry of Health 2011, A Focus on Nutrition: Key Findings of the 2008/09 New Zealand Adult Nutrition Survey, Wellington, Ministry of Health.

² World Health Organisation. 2003. Diet, nutrition and the prevention of chronic diseases: Report of the joint WHO/FAO expert consultation. WHO Technical Report Series, No. 916 (TRS 916).

HEALTHY BEVERAGE POLICY

1. Nelson City Council will ensure that when providing beverages which it has purchased, only those which have not had sugar added to them at pre-point of sale will be available for consumption at the following Council workplaces:
 - Civic House
 - Nelson City Council Libraries
 - Broadgreen House.

2. This policy applies to the provision of beverages to Nelson City Council elected members, staff, visitors and volunteers including:
 - Work related meetings for staff, elected members, and visitors
 - Workshops and training events
 - Conferences and visiting speaker events
 - Council meetings for elected members and staff
 - Social functions for staff or visitors funded by Council.

3. Council managed vending machines will provide only those beverages allowed under this policy.

4. Information related to this policy including a list of healthy beverage choices and information related to why this policy has been implemented, will be available on the Nelson City Council website. Links will also be provided to relevant information including health information.

OUTSIDE OF POLICY SCOPE

This policy does not apply to hot beverages (tea, coffee or milo), beverages that are already subject to an age restriction, or to beverages that are brought from home for personal use or to share for personal celebrations.




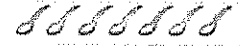


HEALTHY BEVERAGE CHOICES

The following beverages are accepted as alternative choices and are supported under this policy:

- Water
- 100% Fruit Juice
- Unsweetened milk
- Artificially sweetened or zero sugar soft drinks.

Appendix One: Information on sugar sweetened beverages and alternatives

Amount of sugar in common drinks

Drink	Added sugar content
Water	none
Flavoured water	2.5 tsp 
Plain milk	none
Carton flavoured milk (1 cup/250 ml)	3 tsp 
Carton fruit juice (1 cup/250 ml)	7 tsp 
Energy drink (1 cup/250 ml can)	7 tsp 
Sports drink (600 ml bottle)	10 tsp 
Fizzy drink (1 can/355 ml)	10 tsp 

Beverages permitted under this policy

Water: Water is the best choice for everybody.

Unsweetened and Unflavoured Milk: Milk which has not been sweetened or flavoured provides an important source of key nutrients including calcium, vitamin D, and protein.

100% Fruit Juice: Natural fruit juice is not considered to be a sugar sweetened beverage as no sugar is added to the product. Juice is high in natural sugars and citric acids, however, and has been associated with tooth decay and obesity.

Tea, Coffee and Milo: Neither tea nor coffee contains sugar at pre-point of sale.

Diet (artificially sweetened zero sugar) Soft Drinks: Artificially sweetened drinks provide an alternative to sugar sweetened carbonated drinks as they do not contain the calorie content of sugar sweetened beverages.

Beverages not permitted under this policy

Flavoured Milks: Although flavoured milk has a low acidic level similar to unsweetened milk and water, it is classified as a sugar sweetened beverage because of the high added sugar content.

Sports Drinks: A standard 750 ml "sports drink" contains 15 tsp of sugar. These drinks generally contain citric acids which contribute to dental erosion, and are high in sodium levels.

Carbonated Sugared Soft Drinks: Pre-sugared, carbonated soft drinks contain very high levels of sugar and are a major contributor to negative health outcomes.

Any other pre-sugared drinks are not permitted under this policy including fruit drinks, sachet drinks, iced teas or iced coffees.