



AGENDA

Meeting of the

Planning and Regulatory Committee

Thursday 20 March 2014

**Commencing at the conclusion of the Planning and Regulatory
Committee meeting to hear submissions to the**

draft Reserves Bylaw

Council Chamber

Civic House

110 Trafalgar Street, Nelson

Membership: Councillor B McGurk (Chairperson), Her Worship the Mayor Rachel Reese, Councillors Ian Barker, Ruth Copeland, Eric Davy, Kate Fulton, 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.

20 March 2014

A1154072

Page No.

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 Poultry in a Residential Area

Cara Miller will speak about the part of Bylaw 215
Miscellaneous Matters relating to poultry in a residential
area.

4. Confirmation of Minutes – 18 February 2014

9-11

Document number A1143729

Recommendation

THAT the minutes of the extraordinary meeting of the Nelson City Council – Planning and Regulatory Committee, held on 18 February 2014, be confirmed as a true and correct record.

5. Status Report – Planning and Regulatory 20 March 2014

12

Document number A1155974

Recommendation

THAT the Status Report – Planning and Regulatory 20 March 2014 (A1150321) be received.

6. Chairperson's Report

REGULATORY

7. Building Unit: Fees and Charges 2014/15

13-44

Document number A1144537

Recommendation

THAT the report; Building Unit Fees and Charges 2014/15; (A1144537) and its attachments (A1150776 and A1148306) be received.

Recommendation to Council

THAT the fees and charges for the Building Unit activities for 2014/15 be approved;

AND THAT the fees and charges for Building Unit activities for 2014/15 are notified as part of the Draft Annual Plan 2014/15;

AND THAT the revised fees and charges apply from 1 July 2014.

8. Fees and Charges: Consents and Compliance (non-RMA)

45-52

Document number A1145336

Recommendation

THAT the report Fees and Charges: Consents and Compliance (non-RMA) (A1145336) and its attachments be received.

Recommendation to Council

THAT the Dog Control Fees and Charges for 2014/2015 be adopted as detailed in Attachment 1 to Report A1145336;

AND THAT the Environmental Health and other activities fees and charges for 2014/2015 be adopted as detailed in Attachment 2 to Report A1145336;

AND THAT the Provision of Property Information Fees and Charges for 2014/2015 be adopted as detailed in Attachment 3 to Report A1145336;

AND THAT the charges for Dog Control, Environmental Health and Provision of Property Information activities apply as from 1 July 2014 until such time as they are varied or amended by Council;

AND THAT the Dog Control charges be publicly advertised in accordance with Section 37(6) of the Dog Control Act 1996.

9. Regulatory Report for 1 October to 31 December 2013

53-64

Document number A1127850

Recommendation

THAT the Regulatory Report for 1 October to 31 December 2013 (A1127850) be received.

10. Parking and Vehicle Control Bylaw (2011), No.207 – Amendments to Schedules

65-73

Document number A1141276

Recommendation

THAT the report Parking Vehicle Control Bylaw (2011), No. 207 Amendments to Schedules and its attachments (A1143223, A1143222, A1144095, A1143219, A1528724) be received;

AND THAT the following alterations to the Schedules of Bylaw No 207, Parking and Vehicle Control (2011) be approved:

- **Schedule 9: No Stopping;**
- **Schedule 14: Give Way Signs.**

11. Ecofest 2014

74-87

Document number A1137528

Recommendation

THAT the report Ecofest 2014 (A1137528) and its attachment (A1120552) be received.

Recommendation to Council

EITHER

THAT the Nelson Ecofest event proposed for 2014 be cancelled and that discussion on any further Ecofest events take place as part of the development of the Long Term Plan 2015/25.

OR

THAT officers request Expressions of Interest from interested parties for the delivery of Ecofest at Founders Heritage Park in 2014;

AND THAT officers request Expressions of Interest from interested parties for the delivery of Ecofest in subsequent years.

12. Response to Marine Biosecurity Incursions¹

88-96

Document number A1127327

Recommendation

THAT the report Response to Marine Biosecurity Incursions (A1127327) and its attachment (A1130174) be received.

Recommendation to Council

THAT Council confirms the general approach to marine biosecurity issues is to manage marine biosecurity through a combination of vector management and node management actions;

¹ Attachment 1 to this report, Top of the South Marine Biosecurity Policy Options, is circulated as a separate document.

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.

POLICY AND PLANNING

13. Te Tau Ihu Treaty Settlements 97-101

Document number A1131734

Recommendation

THAT the report Te Tau Ihu Treaty Settlements (A1131734) be received.

14. Adoption of Nelson Biodiversity Strategy 2013 102-125

Document number A1142184

Recommendation

THAT the Report Adoption of Nelson Biodiversity Strategy 2013 (A1142184) and its attachment (A1126385) be received.

Recommendation to Council

THAT the Nelson Biodiversity Strategy 2013 (A1126385) be adopted.

15. Resource Management Issues 126-133

Document number A1146802

Recommendation

THAT the report Resource Management Issues (A1146802) be received;

AND THAT the issues in the presentation summary, the summary of feedback from councillors and the proposed priorities, as outlined in this report, inform the Nelson Plan issues and options papers.

16. Heart of Nelson Stakeholder Meeting

134-140

Document number A1154613

Recommendation

THAT the report Heart of Nelson Stakeholder Meeting (A1154613) and its attachments (A753330 and A1136238) be received.

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

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

On Tuesday 18 February 2014, commencing at 8.34am

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

In Attendance: Acting Group Manager Strategy (N McDonald), Acting Group Manager Environment (G Carlyon), Manager Environmental Programmes (C Ward), Manager Administration (P Langley) and Administration Adviser (L Laird)

Apologies: Councillor E Davy and K Fulton

1. Apologies

Resolved

***THAT apologies be received and accepted from
Councillors Davy and Fulton.***

Lawrey/Barker

Carried

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 were no updates to the Order of Business on the agenda.

4. Public Forum

There was no public forum.

5. Confirmation of Minutes – 28 January 2014

Document number A1135220, agenda pages 5-10 refer.

Resolved

THAT the minutes of a meeting of the Nelson City Council – Planning and Regulatory Committee, held on 28 January 2014, be confirmed as a true and correct record.

Barker/Lawrey

Carried

REGULATORY

6. **Alteration to Resolution – Draft Local Approved Products Policy (Psychoactive Substances)**

Document number A1140519, agenda pages 11-12 refer.

The Acting Group Manager Strategy, Nicky McDonald, joined the meeting and spoke to the report. She said the recommendation sought to postpone the hearings until such a time as the new information from the Ministry of Health was released, to inform the next steps in the process.

Ms McDonald said that after this information had been received and assessed, officers would be able to advise the Committee as to:

- whether the new information might materially affect the draft Policy and Statement of Proposal such that a new special consultative procedure to allow the community an opportunity to comment on this information was warranted; or
- whether the new information did not materially affect the draft Policy and Statement of Proposal and did not require the Council to re-consult, so that the hearings could proceed.

Ms McDonald said she had spoken with the four submitters and advised that the hearings may be postponed.

Attendance: Councillor Copeland joined the meeting at 8.45am.

In relation to the resolution made by the Governance Committee on 28 November 2013, Ms McDonald stated that the Planning and Regulatory Committee was within its delegations to make this decision.

Resolved

THAT the report Alteration to Resolution– Draft Local Approved Products Policy (Psychoactive Substances) (A1140519) be received;

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.

Ward/Lawrey

Carried

ENVIRONMENT

7. Alteration to Resolution – Tasman Nelson Environment Awards and Ecofest Options

Document number A1141190, agenda pages 13-14 refer.

The Manager Environmental Programmes, Chris Ward, joined the meeting. In response to questions, Mr Ward said he was confident that there was sufficient time to report back to the Committee with location options prior to the event.

Resolved

THAT the report Alteration to Resolution – Tasman Nelson Environment Awards and Ecofest Options (A1141190) be received;

AND THAT officers report back to the next appropriate Planning and Regulatory Committee meeting with options for a location that will achieve the objective of the Ecofest event for 2014.

Barker/Lawrey

Carried

There being no further business the meeting ended at 8.53am.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

Status Report – Planning and Regulatory 20 March 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	20/03/14: Hearing set down for 02/05/14. David McMahon appointed as Independent Commissioner. UNDERWAY
18/02/14 P&R Committee Alteration to Resolution – Draft Local Approved Products Policy (Psychoactive Substances)	<u>AND THAT</u> 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	20/03/14: Further information has been released by Ministry of Health. Deliberations meeting to be scheduled. UNDERWAY

Building Unit: Fees and Charges 2014/15

1. Purpose of Report

- 1.1 To seek approval from the Council for the proposal to amend Building Unit fees and charges for 2014/2015.

2. Recommendation

THAT the report; Building Unit Fees and Charges 2014/15: (A1144537) and its attachments (A1150776 and A1148306) be received.

Recommendation to Council

THAT the fees and charges for the Building Unit activities for 2014/15 be approved;

AND THAT the fees and charges for Building Unit activities for 2014/15 are notified as part of the Draft Annual Plan 2014/15;

AND THAT the revised fees and charges apply from 1 July 2014.

3. Background

- 3.1 The Building Unit is responsible under the Building Act 2004 for a range of functions as a Building Consent Authority (BCA) and also as a Territorial Authority (TA).
- 3.2 The Building Unit is accredited as a BCA by regulation. A BCA may charge fees and levies as described by the Building Act 2004.
- 3.3 The Building Act 2004* and Fencing of Swimming Pools Act 1987** authorise Authorities (TA, BCA) to set charges for the costs of processing building consents and other functions or services under those Acts without public consultation. This means that Council is not required to use the Special Consultative Procedure or to seek public feedback on a proposal for building activity fees and charges. This is different to fees and charges under the Resource Management Act 1991, such as resource consent fees, which are set under s36 and require a public submission process.

3.4 The current fees and charges were approved by Council in July 2013 and came into force on the 5th August 2013. The current fees and charges cover both BCA and TA functions undertaken by the Building Unit.

*sections 219, 240 and 281A, 2801B, 281C and 281D ** section 10.9

- 3.5 The current fee structure for the BCA function is a mix of;
- 1)** Fixed charges for Administration and Code Compliance Certificates. The cost of these is based on the value of the work being undertaken, (i.e. up to \$250,000 of work incurs a \$300 flat fee for Administration costs).
 - 2)** Hourly charges for plan checking, (processing) and any additional administration activities, (following up for information, failed inspections).
 - 3)** Estimated number of inspections, based on the type and complexity of project. These are currently charged at a fixed rate of \$125 per inspection. This includes time, travel and administration.
 - 4)** Pre Paid fixed fee charges for simple swimming pools, small bathroom alterations, wood burners/space heaters, proprietary garages, demolition, tents and marquees.
- 3.6 The current fee structure, for the TA functions, generally comprises fixed fees covering Fencing of Swimming Pools monitoring, Property Information Memorandum (PIM), Certificates of Acceptance and Exemption of Works (works which do not require a building consent).
- 3.7 Since the last fees and charges review the Building Unit has received negative feedback on the BCA fees. This has been around the general level of cost for low value work and the lack of cost certainty. It has also been noted that Nelson City Council is out of step with both Tasman and Marlborough District Councils, who run a fixed fee structure for their BCA functions.
- 3.8 The Building Unit has had some negative feedback on the TA functions fees, but mainly only around the Fencing of Swimming Pools monitoring costs.
- 3.9 As a result of this growing negative feedback the Building Unit has undertaken a review of the fees, how these relate to the work undertaken and how other Councils structure their fees.
- 3.10 The result of this review has led to a proposal for changes to be made to how the Nelson City Council Building Unit structures its fees and charges going forward. In addition this has been timed with the preparation of the 2014/15 Annual Plan in mind, so that the public can be made aware of all new regulatory fees at one time
- 3.11 The proposed changes to the BCA fees structure recommend fixed fee bands for building consents. This will include all reasonable time costs for administration, processing, inspection time and code compliance certificates. These fixed fees would be banded based on the value of work proposed and whether the work is residential or commercial.
- 3.12 The fixed fees proposed exclude all Government imposed levies and Development Contributions. These costs will be in addition to the fixed fee structure.

3.13 The proposed changes recommended to the TA functions fees are minimal and relate to some fixed fee rates and the monitoring charges for Fencing of Swimming Pools Act.

4. Discussion

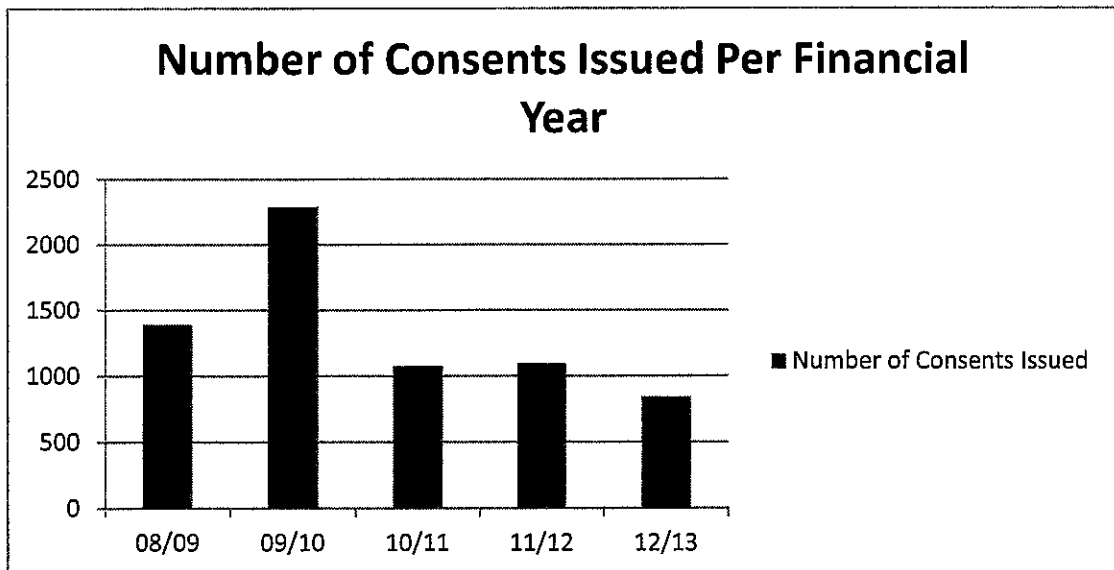
Building Unit Activity Funding and Assumptions

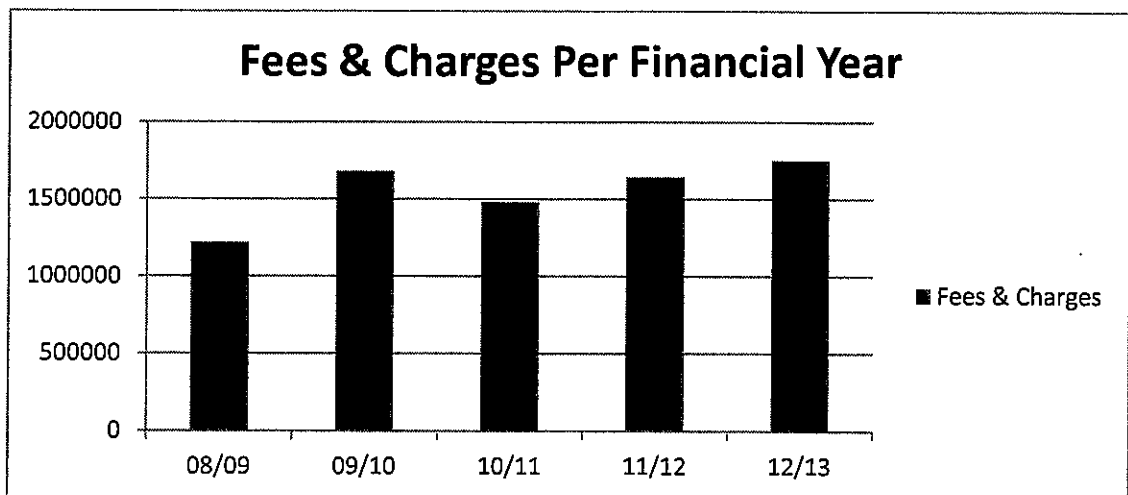
4.1 The Building Unit has a projected cost to the organisation of \$3,064,944 for the 2014/2015 financial year. Of this approximately \$2,500,000 relates to BCA function, the remainder \$612,000 being TA function work flow costs.

4.2 Assumption 1: The new fee banding will only apply to the BCA work on building consent processing, inspections, Code Compliance Certificates and general administration. Council has previously determined that the BCA should be self-funded by the fees and charges levied.

4.3 Assumption 2: There is projected to be a slight decline in the nature and volume of building consent activity in 2014/15 from recent years, this is in line with the current economic situation with the Nelson construction industry. This assumption is supported by the trending data provided below and the current projection for 2013/2014 financial year. The value of fees and charges is steadily increasing most likely as a result of some commercial and higher value works being undertaken.

Note: Number of Consents and Fees and Charges, 2008/09 & 2009/10 is influenced by Wood burner phase out.





- 4.4 Assumption 3: The Building Unit will struggle to meet the required earnings for the BCA functions in the last financial year. This is predominantly because of the reduced numbers of Building Consents being lodged, less building consents = reduced earnings potential. To recover the required earnings fees would need to increase.
- 4.5 Assumption 4: The TA functions are part funded by the ratepayer. Approximate earnings of \$200,000, based on previous years, should be achievable this financial year.
- 4.6 Assumption 5: The activities with a non-recoverable cost basis, which require rates funding, include:
- Some enforcement and monitoring functions;
 - Resolving complaints and enquiries;
 - A portion of Building Duty Officer, currently 20 hours per week of cover provided.
 - Weather-tight Homes Resolution Service claims;
 - Other claims, disputes and court hearings;
 - Determinations by the Ministry of Business Innovation and Employment;
 - Earthquake Prone Building Policy implementation;
 - Other contentious building issues: If these activities do not relate to an active building consent or application then the time is usually non-unrecoverable.

5. Proposed Changes to Fees

5.1 Summary of each clause which is proposed to change:

Pre-lodgement and Duty Building Officer - Fees and Charges Schedule Clause 1

5.2 This section deals to the pre lodgement, Duty time and enquiries received at the front desk and the time charges levied.

Schedule of Charges	Fixed Fee \$ (GST incl)	
	Current	Proposed
Pre-lodgement meetings – Commercial Consents (Residential optional)	50.00 per ½hr	No change
Schedule 1 – Exempt Building Works advice/meeting. Payable at NCC Customer Centre after appointment	25.00 per ½hr appointment (30 minute booking)	50.00 per ½hr appointment (30 minute booking)
Technical advice/booked meeting with Duty Building Officer (No building consent submitted). Payable at NCC Customer Centre after appointment	No fee up to 15 minute appointment (30 minute booking)	No change
	50.00 per 15 to 45 minute appointment (1hr Booking)	50.00 per 30 minutes or part of, over initial 30 minute booking

Pre-Paid Fixed Charge Building Consents - Fees and Charges Schedule Clause 2

5.3 Charges will remain fundamentally the same as previous Fees and Charges, noting some changes and additional text (in bold) around Marquees and Tents. In the current fees and charges there was no comment on the requirement for a building consent on tents and Marquees in place for longer than 1 month. These fees are not refundable if the consent lapses or if it is cancelled.

Pre-paid Fixed Charge Building Consents	Fixed Fee \$ (GST incl)	
Payable at the time the building consent is lodged		
Space heaters – all fuel types	Free standing	\$200
	Inbuilt	\$250
Wood Pellet Fires		\$200
Tent/ Marquees	>100m2 commercial	\$300
	>100m2 residential	\$200

Pre-paid Fixed Charge Building Consents	Fixed Fee \$ (GST incl)	
Tents or Marquee (any sized in place for more than 1 month) * * this covers Marquees/large tents for private (residential) or commercial functions that are not ordinarily classed as 'camping tents'.	Commercial	\$300
	Residential	\$200
All Demolition (full building)	\$450	
Solar Hot Water Heaters (stand-alone) Council	No Council Fee	
Swimming Pool fencing application (allows for 1hr processing / admin and 1 inspection)	\$200	
Swimming Pool (stand alone & allows for 1hr processing and 2 NCC inspections). Engineer monitoring and inspections are charged separately	\$400	
Application for exemption under the Fencing of Swimming Pools Act 1987 (Hearing Panel)	\$250	
Application for exemption under the Fencing of Swimming Pools Act 1987 (Hearing Panel) for existing doors without automatic closers	\$75 + Hearing Fees	
Swimming Pool and Fence Monitoring, FOSP Act 1987 (every 3yrs). Additional inspections and applications will be charged separately.	\$210	
Proprietary garages up to 50m2 (allows for 3 inspections). Firewall inspection will be additional inspection charge of \$125	\$900	
Bathroom minor alterations only (allows for 2 inspections). Wetfloor/wall system will require an additional inspection charge of \$125	\$450	
<p>Note: For Pre-paid Fixed Charge Building Consents any additional processing or information required over 1hr will be charged at \$125/hr.</p> <p>All prepaid consents include planning check to Nelson Resource Management Plan (NRMP).</p> <p>Additional inspections will be \$125/hr and invoiced before a Code Compliance Certificate is issued.</p> <p>Changes to note above: Rates increased to align with labour hourly rates under the new structure; these were \$100/hr and \$125 per inspection in current fees and charges.</p>		

All Other Building Consents - Fees and Charges Schedule Clause 3

- 5.4 The proposed new fixed charge building consents structure is detailed below. This incorporates all processing, administration and inspection fees for all general building consents. The fees to be charged will be set against the value of the building work notified.

Reasonable time

- 5.5 Where information provided is poor or where continued missed or failed inspections occur this will be advised back to the parties involved. The Nelson City Council reserves the right, in these instances, to levy additional time charges for additional administration, processing and inspections. However, these will be advised to customers as they occur and notified and invoiced at the end of each month period.

Fixed Charge Building Consents: Includes *reasonable processing time, inspection time and administration.	Fixed Fee \$ (GST incl)
	Proposed
New Residential (new complete houses)	
Value - \$50,001 to \$100,000	\$2,900
Value - \$100,001 to \$200,000	\$3,250
Value - \$200,001 to \$450,000	\$3,900
Value - \$450,001 to \$800,000	\$4,500
Value - \$800,001 to \$1,200,000	\$5,250
Value - \$1,200,001 upwards	Negotiated
Adaptation and alteration of existing residential buildings	
Value - Up to \$5000.00	\$500
Value - \$5001 to \$10,000	\$850
Value - \$10,001 to \$20,000	\$1,500
Value - \$20,001 to \$50,000	\$1,800
Value - \$50,001 to \$100,000	\$2,400
Value - \$100,001 to \$200,000	\$3,250
Value - \$200,001 to \$450,000	\$3,900
Value - \$450,001 to \$800,000	\$4,500
Value - \$800,001 upward	\$5,250
All Commercial	
Value - Up to \$10,000	\$1,300
Value - \$10,001 to \$20,000	\$1,500
Value - \$20,001 to \$100,000	\$2,300
Value - \$100,001 to \$200,000	\$3,600
Value - \$200,001 to \$450,000	\$4,500
Value - \$450,001 to \$800,000	\$5,250*
Value - \$800,001 to \$1,200,000	\$5,500*

Value - \$1,200,001 to \$4,000,000	\$8,500 Minimum**
Value - \$4,000,001 upwards	Negotiated

* Excludes multiple unit projects and 'Multiproof' consents, costs will be confirmed at pre lodgement meetings.

** This is the minimum fee and is subject to adjustment / negotiation to suit complexity and scale of project.

Why Change?

- 5.6 The Nelson City Council has promoted a strong customer focus ethic in recent years, so customer feedback is important. The Building Unit receives regular challenges to fees charged and customer comments targeted at the high proportional costs for lower value works.
- 5.7 The current system imposes a minimum figure of \$500 for administration and code compliance. In addition plan checking and inspections costs are added. This sometimes makes low value works (up to \$10,000), incur high proportionate fees, generally in excess of \$1000. This can put customers off doing the work required and in some cases applying for the building consent required for the work.
- 5.8 In addition feedback from our commercial and residential customers has been received around lack of cost certainty. Currently once the work reaches final inspection another invoice is sometimes produced to cover additional inspections. However, this can be the first time customers know about this which is not ideal.
- 5.9 Having reviewed the market we are out of alignment with neighbouring Tasman District Council (TDC) and Marlborough District Council (MDC). To align means there is more commonality for the customers and agents who work across different Council jurisdictions. Attachment 1 contains the breakdown and basis of the fees, also tables which show the proposed fees alignment to TDC and MDC for comparison.

Cross Subsidising

- 5.10 The current system, though advised as a user pays structure, has an element of cross subsidising. This comes from its fixed fees for administration, code compliance certificates and the inspection fixed fee.
- 5.11 The proposed fee structure will require some cross funding in certain cases. The low value works bands for residential adaptation and alteration works, up to \$5,000 and \$5,001 to \$10,000, cannot support the fees charged. This will require cross funding from larger residential projects. The commercial fees structure will likely require some level of cross subsidising for works up to \$20,000. However, the numbers of consents received in this bracket are low in proportion to the total number of commercial consents received per annum. The breakdown and basis of this can be found in Attachment 1.

Deposits now required

- 5.12 The BCA currently does not require any upfront payment from parties lodging consents. This has resulted in some reasonable loss of revenue where customers do not respond to requests for information, and then the consent is never granted.

- 5.13 It is proposed that deposits be collected when the consent is lodged. All residential consent fees, up to \$50,000 work value, are paid in full on lodgement. All other residential and commercial consents require 50% of the fee paid on lodgement and the remaining being paid at final inspection stage.

The proposed fee structure

- 5.14 In summary, this proposed fee structure will provide lower fee costs for minor works and some cost certainty to customers. It will in addition bring Nelson City Council BCA in line with neighbouring councils.
- 5.15 From discussions with neighbouring Councils and a review of the work required to administrate, process and inspect building work, the cost in the fixed fee generally covers the estimated cost to the Building Unit. The breakdown and basis of this can be found in Attachment 1.

How does the cost compare

- 5.16 Will it now cost customers more or less? With any major change several examples exist from the last two years records of customers who would have benefitted from this new fee structure. However, similarly there are examples those who would not.
- 5.17 Any time a fundamental change is made some groups may feel a dis-benefit. Overall though the benefit to the general customer base will be greater as the majority of consents lodged sit in the residential space so fairer fees in this area will impact more customers.
- 5.18 The structure of fees based on value of work is seen across the construction industry. Most construction professionals generally use this basis to calculate their fees.
- 5.19 Attachment 1 contains tables which indicate examples of current fees to new fees.

Disputes

- 5.20 Any disputed work 'values' will be referred for comparison to the most recent Rawlinson's pricing directory to ascertain the cost value of the work.

Fees and Charges Schedule Clause 3.4

- 5.21 **Additional time charges:** as outlined under point 5.5 in the event there are multiple requests for information letters and correspondence produced at processing stage or more that 2 inspections are failed or missed the BCA will charge for additional time the rates are detailed below.

Additional Time Processing Inspections and Administration Costs	Fee \$ per Hour (GST incl)		Comment
	Current	Proposed	
Processors	\$125	\$125	No change
Inspectors	Not defined	\$125	Changed to per hour charge
Administration	\$95	\$95	No change

Fees and Charges Schedule Clause 3.5

- 5.22 **Fixed levies:** These remain the same as the current fees and charges, and are required by the Building Act and the BCA. These are in addition to the new fee banding and any development contributions.

Levies as required by Building Act 2004 and fixed by legislation	\$ based on value of work	
Insurance Levy		\$0.75 per \$1,000 or part of
Building Research Association New Zealand Levy (BRANZ)	\$20,000 and over	\$1.00 per \$1,000
Department of Building and Housing Levy (MBIE)	\$20,000 and over	\$2.01 per \$1,000
Quality Assurance Levy (QA)	\$20,000 and over	\$1.00 per \$1,000

Fees and Charges Schedule Clause 3.7 to 3.10

- 5.23 **Determinations:** Preparation of submission(s) for determination prior to signing Form D2 for the Ministry of Building Innovation and Employment.
- 5.24 **Lapsed consents:** After 12 months building consents will lapse under section 52 of the Building Act 2004. Consents can be extended prior to lapsing date for a further period as approved with the building consent authority.
- 5.25 **Code compliance certificates which have not been issued within 2 years:** under section 93 of the Building Act the consent authority must decide whether it can issue a code compliance certificate.
- 5.26 **Code compliance certificates on older properties:** Generally where the consent is older and no code compliance certificate exists, there are likely to be additional costs to cover the work. This includes meeting with the customer, desk top review of the file, any letters and final inspection.
- 5.27 **All** of the above services attract a per hour fee due to the variable nature of the works. The hourly rates and services are detailed below.

Determinations, Lapsed consents, Section 93 and old Code Compliance Certificate (CCC)	\$ Fee (GST Incl)	
	Current	Proposed
Administration	\$100 (fixed)	\$95/hour
Processing, peer review, preparing reports	\$125/ hour	No change
Inspections	\$125 /inspection	\$125/ hour

Fees and Charges Schedule Clause 7

Certificate of Acceptance and Unauthorised Building Works

- 5.28 Certificate of Acceptance and Unauthorised Building Works Reports fees will largely remain unchanged from the August 2013 current fees and Charges. The exception will be the Nelson City Council inspection cost which will be per hour as opposed to fixed fee.

Certificate of Acceptance	Current	Proposed
Certificate of Acceptance (COA) Section 96 BA2004	\$750 fixed lodgement fee at NCC	No change
	\$125 /hr to assess and prepare COA report	No change
	\$200 COA Certificate	No change

Certificate of Acceptance	Current	Proposed
Form 9, Building (Forms) Regulations 2004	Insurance, DBH, BRANZ & QA levies	No change
	NCC Development or Financial Contributions if applicable	No change
	NCC inspection fee \$125 per Inspection	NCC inspection fee \$125 / hour
	Compliance schedule fee if applicable	No change

Fees and Charges Schedule Clause 8

5.29 Schedule 1 Building work for which building consent is not required

Schedule 1 Applications	Fixed Fee (GST incl)	Fixed Fee (GST incl)
	Current	Proposed
Part 1, 2 and 3 – no assessment by Territorial Authority, application placed on property file	\$100	No change
Part 1(2)(a) (b) – Requires Territorial Authority assessment and decision (includes administration)	\$300	\$250

5.30 Changes in the recent Amendment Act 2013 have clarified this area. As a result the reduction above is for 1.5 hours of processor time and administration time which is felt to be adequate to deal to these issues.

6. Conclusion

- 6.1 The proposed changes to the BCA fees structure recommend fixed fees bands for building consents. This will include all reasonable time costs for administration, processing, inspection time and code compliance certificates. These fixed fees would be banded based on the value of work proposed and whether the work is Residential or Commercial.
- 6.2 The driver for this change comes from the comments from customers around high proportionate fees on low value work and general fee uncertainty.
- 6.3 The proposed fees and charges structure moves away from the current mix of fixed fees and hourly rates for the BCA function for building consents. This aligns with our neighbouring councils (Tasman District Council and Marlborough District Council).
- 6.4 The Building Unit has looked at a proxy for getting the cost of the low value building consents down, however this will require a level of cross funding from the other fee bands in some instances.

- 6.5 The estimated revenue for the BCA under the proposed structure will be similar to the revenue projected using the current fees and charges structure. It should be noted there are other factors around achieving the organisations requirement of 100% self funding for the BCA, however these are being investigated separately.

Martin Brown
Manager Building

Attachments

Attachment 1: Background information and basis of fees [A1150776](#)

Attachment 2: Draft Proposed Building Unit: Fees and Charges 2014/15
[A1148306](#)

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

The performance of Regulatory functions is one of the stated purposes of Local Government. This service needs to be cost effective. To be effective the fees and charges need to strike an appropriate balance between user-pays and ratepayer funding where the Building Act provides for cost recovery.

2. Fit with Community Outcomes and Council Priorities

Good leadership – Fees and charges are set at a fair and reasonable rate so that those who profit from Building Unit services pay the majority of their costs. Other community outcomes such as healthy land and people are supported through the building consent process that ensures development delivers durable, safe, healthy buildings for the design life of those buildings.

3. Fit with Strategic Documents

Long Term Plan – Fees and charges are set to assist in achieving the stated funding policy.

4. Sustainability

Economic Outcomes – Fees and charges should be set to ensure they are not a barrier to growth and development while recognising the applicant or licence holder will receive the majority of the benefit in holding such a document.

The building consent process ensures development meets minimum building code requirements and hence a sustainable building stock.

5. Consistency with other Council policies

The recommended fees and charges are consistent with the required statutes and assist with achieving organisational KPIs in economic performance.

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

Income from building consent applications are credited to the building consent activity within the Building Business Unit.

7. Decision-making significance

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

8. Consultation

Consultation has not been undertaken with any external parties.

9. Inclusion of Māori in the decision making process

There has been no consultation with iwi regarding this recommendation.

10. Delegation register reference

The Council decides on the setting of fees and charges.

Building Unit: Fees and Charges 2014/15 Background Information and Basis of Fees

Proposed fees and their alignment to TDC and MDC for comparison. Table for section 5.9 of the Report:

New Residential Dwellings	Value of work	Deposit	Fixed Fee inc GST		TDC	MDC
New Residential Dwellings	\$50,001 to \$100,000	50% of fixed fee	\$2,900.00		\$ 2,273.00	\$ 3,500.00
New Residential Dwellings	\$100,001 to \$200,000	50% of fixed fee	\$3,250.00		\$ 2,919.00	\$ 3,500.00
New Residential Dwellings	\$200,001 to \$450,000	50% of fixed fee	\$3,900.00		\$ 3,430.00	\$ 3,800.00
New Residential Dwellings	\$450,001 to \$800,000	50% of fixed fee	\$4,500.00		\$ 3,657.00	\$ 4,500.00
New Residential Dwellings	\$800,001 to \$1,200,000	50% of fixed fee	\$5,250.00		\$ 3,657.00	\$ 5,300.00
New Residential Dwellings	Above \$1,200,001	Negotiated	Negotiated		N/A	\$ 8,500.00

Residential (adaption of existing buildings)	Value of work	Deposit	Fixed Fee inc GST		TDC	MDC
Residential Building Small works /alterations	Up to \$5000.00	Full fee required as deposit	\$500.00		\$ 615.00	\$ 350.00
Residential Building alterations	\$5001 to \$10,000	Full fee required as deposit	\$850.00		\$ 950.00	\$ 850.00
Residential Building alterations	\$10,001 to \$20,000	Full fee required as deposit	\$1,300.00		\$ 1,215.00	\$ 850.00
Residential Building alterations	\$20,001 to \$50,000	Full fee required as deposit	\$1,800.00		\$ 2,053.00	\$ 2,340.00
Residential Building alterations	\$50,001 to \$100,000	50% of fixed fee	\$2,350.00		\$ 2,053.00	\$ 2,340.00
Residential Building alterations	\$100,001 to \$200,000	50% of fixed fee	\$3,250.00		\$ 2,620.00	\$ 3,200.00
Residential Building alterations	\$200,001to \$450,000	50% of fixed fee	\$3,900.00		\$ 3,408.00	no specific band
Residential Building alterations	\$450,001to \$800,000	50% of fixed fee	\$4,500.00		N/A	\$ 4,200.00
Residential Building alterations	\$800,001 upward	50% of fee	As per new residential dwellings			

Commercial (all works)	Value of work	Deposit	Fixed Fee inc GST		TDC	MDC	
Commercial Building	Up to \$10,000	50% of fixed fee	\$1,300.00		\$ 950.00	\$ 850.00	
Commercial Building	\$10,001 to \$20,000	50% of fixed fee	\$1,500.00		\$ 1,080.00	\$ 850.00	
Commercial Building	\$20,001 to \$100,000	50% of fixed fee	\$2,300.00		\$ 2,304.00	\$ 2,340.00	
Commercial Building	\$100,001 to \$200,000	50% of fixed fee	\$3,600.00		\$ 2,872.00	\$ 3,500.00	
Commercial Building	\$200,001 to \$450,000	50% of fixed fee	\$4,500.00		\$ 3,461.00	\$ 3,800.00	
Commercial Building	\$450,001 to \$800,000	50% of fixed fee	\$5,250.00		\$ 4,488.00	\$ 4,500.00	
Commercial Building	\$800,001 to \$1,200,000	50% of fixed fee	\$5,500.00		\$ 5,485.00	\$ 5,300.00	min
Commercial Building	\$1,200,001 to \$4,000,000	50% of minimum fee	\$8,500 Minimum		\$ 6,000.00	\$ 8,500.00	min
Commercial Building	Above \$4,000,001	Negotiated	Negotiated		\$ 7,600.00	\$ 10,500.00	

The New Model, Breakdown and basis for the new fees Table for section 5.9 and 5.11 of the Report:

New Build Residential						
New Build Residential	Activity	Hrs	rate	Costs	Difference	
\$50,000 to \$100,000	Pre vet	1	\$ 90.00	\$ 90.00		
	Plan check	6	\$ 125.00	\$ 750.00		
	Admin	2.5	\$ 90.00	\$ 225.00		
	inspections	11	\$ 125.00	\$ 1,375.00		
	CCC	2	\$ 125.00	\$ 250.00		
	RMA	1	\$ 145.00	\$ 145.00		
	Likely Cost to BCA				\$ 2,835.00	
	Proposed Charge				\$ 2,900.00	\$ 65.00
New Build Residential						
New Build Residential	Activity	Hrs	rate	Costs	Difference	
\$100,001 to \$200,000	Pre vet	1	\$ 90.00	\$ 90.00		
	Plan check	8	\$ 125.00	\$ 1,000.00		
	Admin	2.5	\$ 90.00	\$ 225.00		
	inspections	12	\$ 125.00	\$ 1,500.00		
	CCC	2	\$ 125.00	\$ 250.00		
	RMA	1	\$ 145.00	\$ 145.00		
	Likely Cost to BCA				\$ 3,210.00	
	Proposed Charge				\$ 3,250.00	\$ 40.00
New Build Residential						
New Build Residential	Activity	Hrs	rate	Costs	Difference	
\$200,001 to \$450,000	Pre vet	1.5	\$ 90.00	\$ 135.00		
	Plan check	9	\$ 125.00	\$ 1,125.00		
	Admin	3.5	\$ 90.00	\$ 315.00		
	Inspections	15	\$ 125.00	\$ 1,875.00		
	CCC	2	\$ 125.00	\$ 200.00		
	RMA	1.5	\$ 145.00	\$ 217.50		
	Likely Cost to BCA				\$ 3,867.50	
	Proposed Charge				\$ 3,900.00	\$ 32.50
New Build Residential						
New Build Residential	Activity	Hrs	rate	Costs	Difference	
\$450,001 to \$800,000	Pre vet	2	\$ 90.00	\$ 180.00		
	Plan check	10	\$ 125.00	\$ 1,250.00		
	Admin	3.5	\$ 90.00	\$ 315.00		
	inspections	18	\$ 125.00	\$ 2,250.00		
	CCC	2	\$ 125.00	\$ 200.00		
	RMA	2	\$ 145.00	\$ 290.00		
	Likely Cost to BCA				\$ 4,485.00	
	Proposed Charge				\$ 4,500.00	\$ 15.00
New Build Residential						
New Build Residential	Activity	Hrs	rate	Costs	Difference	
\$800,001 to \$1,200,000	Pre vet	2	\$ 90.00	\$ 180.00		
	Plan check	15	\$ 125.00	\$ 1,875.00		
	Admin	3.5	\$ 90.00	\$ 315.00		
	inspections	19	\$ 125.00	\$ 2,375.00		
	CCC	2	\$ 125.00	\$ 200.00		
	RMA	2	\$ 145.00	\$ 290.00		
	Likely Cost to BCA				\$ 5,235.00	
	Proposed Charge				\$ 5,250.00	\$ 15.00
New Build Residential						
New Build Residential	Activity	Hrs	rate	Costs	Difference	
\$1,200,001 and above	Pre vet		\$ 90.00	\$ -		
	Plan check		\$ 125.00	\$ -		
	Admin		\$ 90.00	\$ -		
	inspections		\$ 125.00	\$ -		
	CCC		\$ 125.00	\$ -		
	RMA		\$ 145.00	\$ -		
	Likely Cost to BCA				Negotiated	
	Proposed Charge				Negotiated	

Adaption and alteration of existing residential buildings

Adaption and Alteration Costs	Activity	Hrs	rate	Costs	Difference	
up to \$5000	Admin/ pre vet	2.5	\$ 90.00	\$ 225.00		
	Plan check	3	\$ 80.00	\$ 240.00		
	inspections	2	\$ 125.00	\$ 250.00		
	CCC	1	\$ 125.00	\$ 125.00		
	RMA	0.25	\$ 145.00	\$ 36.25		
	Likely Cost to BCA				\$ 876.25	
	Proposed Charge				\$ 500.00	-\$ 376.25
Adaption and Alteration Costs \$5001 to \$10,000						
Adaption and Alteration Costs	Activity	Hrs	rate	Costs	Difference	
\$5001 to \$10,000	Admin/ pre vet	2.5	\$ 90.00	\$ 225.00		
	Plan check	3	\$ 80.00	\$ 240.00		
	inspections	3	\$ 125.00	\$ 375.00		
	CCC	1	\$ 125.00	\$ 125.00		
	RMA	0.25	\$ 145.00	\$ 36.25		
	Likely Cost to BCA				\$ 1,001.25	
	Proposed Charge				\$ 850.00	-\$ 151.25
Adaption and Alteration Costs \$10,001 to \$20,000						
Adaption and Alteration Costs	Activity	Hrs	rate	Costs	Difference	
\$10,001 to \$20,000	Pre vet	0.5	\$ 90.00	\$ 45.00		
	Plan check	4	\$ 125.00	\$ 500.00		
	Admin	2.5	\$ 90.00	\$ 225.00		
	Inspections	4	\$ 125.00	\$ 500.00		
	CCC	1.5	\$ 125.00	\$ 187.50		
	RMA	0.25	\$ 145.00	\$ 36.25		
	Likely Cost to BCA				\$ 1,493.75	
Proposed Charge				\$ 1,500.00	\$ 6.25	
Adaption and Alteration Costs \$20,001 to \$50,000						
Adaption and Alteration Costs	Activity	Hrs	rate	Costs	Difference	
\$20,001 to \$50,000	Pre vet	0.75	\$ 90.00	\$ 67.50		
	Plan check	4.5	\$ 125.00	\$ 562.50		
	Admin	2.5	\$ 90.00	\$ 225.00		
	inspections	6	\$ 125.00	\$ 750.00		
	CCC	1.5	\$ 125.00	\$ 187.50		
	RMA	0.25	\$ 3.00	\$ 0.75		
	Likely Cost to BCA				\$ 1,793.25	
Proposed Charge				\$ 1,800.00	\$ 6.75	
Adaption and Alteration Costs \$50,001 to \$100,000						
Adaption and Alteration Costs	Activity	Hrs	rate	Costs	Difference	
\$50,001 to \$100,000	Pre vet	0.75	\$ 90.00	\$ 67.50		
	Plan check	6	\$ 125.00	\$ 750.00		
	Admin	2.5	\$ 90.00	\$ 225.00		
	inspections	8	\$ 125.00	\$ 1,000.00		
	CCC	1.5	\$ 125.00	\$ 187.50		
	RMA	0.5	\$ 145.00	\$ 72.50		
	Likely Cost to BCA				\$ 2,302.50	
Proposed Charge				\$ 2,400.00	\$ 97.50	

Adaption and Alteration Costs	Activity	Hrs	rate	Costs	Difference	
\$100,001 to \$200,000	Pre vet	2	\$ 90.00	\$ 180.00		
	Plan check	8	\$ 125.00	\$ 1,000.00		
	Admin	3.5	\$ 90.00	\$ 315.00		
	inspections	12	\$ 100.00	\$ 1,200.00		
	CCC	2	\$ 125.00	\$ 250.00		
	RMA	1	\$ 145.00	\$ 145.00		
	Likely Cost to BCA				\$ 3,090.00	
	Proposed Charge				\$ 3,250.00	\$ 160.00
Adaption and Alteration Costs						
\$200,001 to \$450,000	Pre vet	2	\$ 90.00	\$ 180.00		
	Plan check	10	\$ 125.00	\$ 1,250.00		
	Admin	3.5	\$ 90.00	\$ 315.00		
	inspections	16	\$ 100.00	\$ 1,600.00		
	CCC	2.5	\$ 125.00	\$ 312.50		
	RMA	1	\$ 145.00	\$ 145.00		
	Likely Cost to BCA				\$ 3,802.50	
	Proposed Charge				\$ 3,900.00	\$ 97.50
Adaption and Alteration Costs						
\$450,001 to \$800,000	Pre vet	2	\$ 90.00	\$ 180.00		
	Plan check	13	\$ 125.00	\$ 1,625.00		
	Admin	3.5	\$ 90.00	\$ 315.00		
	inspections	18	\$ 100.00	\$ 1,800.00		
	CCC	2.5	\$ 125.00	\$ 312.50		
	RMA	1.5	\$ 145.00	\$ 217.50		
	Likely Cost to BCA				\$ 4,450.00	
	Proposed Charge				\$ 4,500.00	\$ 50.00
Adaption and Alteration Costs						
\$800,001 upwards	Pre vet	2	\$ 90.00	\$ 180.00		
	Plan check	14	\$ 125.00	\$ 1,750.00		
	Admin	3.5	\$ 90.00	\$ 315.00		
	inspections	19	\$ 125.00	\$ 2,375.00		
	CCC	3	\$ 125.00	\$ 200.00		
	RMA	2	\$ 145.00	\$ 290.00		
	Likely Cost to BCA				\$ 5,110.00	
	Proposed Charge				\$ 5,250.00	\$ 140.00

All Commercial						
All Commercial	Activity	Hrs	rate	Costs	Difference	
Up to \$10,000	Pre vet	1	\$ 90.00	\$ 90.00		
	Plan check	4	\$ 125.00	\$ 500.00		
	Admin	1.5	\$ 90.00	\$ 135.00		
	inspections	4	\$ 125.00	\$ 500.00		
	CCC	1	\$ 125.00	\$ 125.00		
	RMA	0.25	\$ 145.00	\$ 36.25		
	Likely Cost to BCA				\$ 1,386.25	
	Proposed Charge				\$ 1,300.00	-\$ 86.25
\$10,001 to \$20,000	Pre vet	1	\$ 90.00	\$ 90.00		
	Plan check	4	\$ 125.00	\$ 500.00		
	Admin	2	\$ 90.00	\$ 180.00		
	inspections	4	\$ 125.00	\$ 500.00		
	CCC	1.5	\$ 125.00	\$ 187.50		
	RMA	0.5	\$ 145.00	\$ 72.50		
	Likely Cost to BCA				\$ 1,530.00	
	Proposed Charge				\$ 1,500.00	-\$ 30.00
\$20,001 to \$100,000	Pre vet	1.5	\$ 90.00	\$ 135.00		
	Plan check	6	\$ 125.00	\$ 750.00		
	Admin	3	\$ 90.00	\$ 270.00		
	inspections	6	\$ 125.00	\$ 750.00		
	CCC	2	\$ 125.00	\$ 250.00		
	RMA	0.5	\$ 145.00	\$ 72.50		
	Likely Cost to BCA				\$ 2,227.50	
	Proposed Charge				\$ 2,300.00	\$ 72.50
\$100,001 to \$200,000	Pre vet	1.5	\$ 90.00	\$ 135.00		
	Plan check	10	\$ 125.00	\$ 1,250.00		
	Admin	3.5	\$ 90.00	\$ 315.00		
	inspections	12	\$ 125.00	\$ 1,500.00		
	CCC	2	\$ 125.00	\$ 250.00		
	RMA	1	\$ 145.00	\$ 145.00		
	Likely Cost to BCA				\$ 3,595.00	
	Proposed Charge				\$ 3,600.00	\$ 5.00
\$200,001 to \$450,000	Pre vet	2	\$ 90.00	\$ 180.00		
	Plan check	12	\$ 125.00	\$ 1,500.00		
	Admin	4.5	\$ 90.00	\$ 405.00		
	Inspections	15	\$ 125.00	\$ 1,875.00		
	CCC	2.5	\$ 125.00	\$ 312.50		
	RMA	1.5	\$ 145.00	\$ 217.50		
	Likely Cost to BCA				\$ 4,490.00	
	Proposed Charge				\$ 4,500.00	\$ 10.00
\$450,001 to \$800,000 (excludes Multiple unit projects which will be negotiated)	Pre vet	2	\$ 90.00	\$ 180.00		
	Plan check	15	\$ 125.00	\$ 1,875.00		
	Admin	5	\$ 90.00	\$ 450.00		
	inspections	17	\$ 125.00	\$ 2,125.00		
	CCC	2.5	\$ 125.00	\$ 312.50		
	RMA	2	\$ 145.00	\$ 290.00		
	Likely Cost to BCA				\$ 5,232.50	
	Proposed Charge				\$ 5,250.00	\$ 17.50
\$800,001 to 1,200,000 (excludes Multiple unit projects which will be negotiated)	Pre vet	2	\$ 90.00	\$ 180.00		
	Plan check	16	\$ 125.00	\$ 2,000.00		
	Admin	5	\$ 90.00	\$ 450.00		
	inspections	18	\$ 125.00	\$ 2,250.00		
	CCC	2.5	\$ 125.00	\$ 312.50		
	RMA	2	\$ 145.00	\$ 290.00		
	Likely Cost to BCA				\$ 5,482.50	
	Proposed Charge				\$ 5,500.00	\$ 17.50

All Commercial	Activity	Hrs	rate	Costs	Difference
1,200,001 to \$4,000,000 Minimum and negotiated	Pre vet	3	\$ 90.00	\$ 270.00	
	Plan check	22	\$ 125.00	\$ 2,750.00	
	Admin	5	\$ 90.00	\$ 450.00	
	inspections	24	\$ 125.00	\$ 3,000.00	
	CCC	3	\$ 125.00	\$ 375.00	
	RMA	2	\$ 145.00	\$ 290.00	
	Likely Cost to BCA			\$ 7,135.00	
Proposed Charge Minimum				\$ 8,500.00	\$ 1,365.00
All Commercial	Activity	Hrs	rate	Costs	
\$4,000,001 and above (Negotiated)	Pre vet		\$ 90.00	\$ -	
	Plan check		\$ 125.00	\$ -	
	Admin		\$ 90.00	\$ -	
	inspections		\$ 125.00	\$ -	
	CCC		\$ 125.00	\$ -	
	RMA		\$ 145.00	\$ -	
	Likely Cost to BCA			Negotiated	
Proposed Charge				Negotiated	

Examples of current fees comparison to new fees proposed. Table for section 5.15 of the Report.

Consent / description	Cost paid on consent excl levies and DCs	Costs under new model Excl Levies and Development Contributions
130144 – Adaptation of house (\$20k)	\$2,012.10	\$1,300.00
130080 – Adaptation to house (\$70K)	\$2,491.00	\$2,350.00
120864 – Alterations to house (\$100K)	\$3,159.00	\$2,350.00
130297 – alteration adaption to house (\$60K)	\$2,611.00	\$2,350.00
130318 – Alteration to House added garage (\$99K)	\$1,778.00	\$2,350.00
120483 – Alterations to house (\$69K)	\$2,233.00	\$2,350.00
120575 – New House (\$329K)	\$3,576.00	\$3,900.00
120884 - New House (\$240K)	\$2,443.68	\$3,900.00
130014 – alterations to House	\$4,573.00	\$4,500.00
130187 – Fire wall on boundary Commercial	\$3,498.00	\$2,350.00
120670 – New commercial build (simple chiller) (\$900K)	\$2,842.00	\$5,500.00
130126 – Commercial new build (\$1.5Mill)	\$5,660.00	\$8,500.00

This demonstrates the variety of consents received and the costs paid. In this sample there are parties who benefit and parties who going forward would not. This is always going to be the case on a change of this magnitude. Which is why it needs to be reviewed against the market and what is happening across Tasman and Marlborough District Councils.

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**Draft Proposed Building Unit: Fees and Charges
2014/15**

MARCH 2014

All fees apply from 1 July 2014

By Martin Brown

Contents

1.	Pre-lodgement and Duty Building Officer.....	1
2.	Pre-Paid Fixed Charge Building Consents	1
3.	All Other Building Consents	3
	Additional time charges	4
	Fixed Levies	5
	Section 37/ PIM Check/ NRMP	5
	Determinations, Lapsed Consents, Consents without Code Compliance Certificates	5
	Code Compliance Certificates	5
4.	Fees and Charges from Services Provided by the Territorial Authority.....	6
	Certificate for Public Use (for Public Buildings)	6
	Registration of Documents with Land Information New Zealand	6
5.	Notice to Fix and Infringement Offences	6
6.	Compliance Schedule and Building Warrant of Fitness	7
7.	Certificate of Acceptance and Unauthorised Building Works	7
8.	Schedule 1 Works for which building consent is not required	8
9.	Certificate of Compliance (District Licensing Agency).....	8
10.	Register of Suppliers of Producer Statements	8
11.	Reports of Building Consents Processed	8
12.	Photocopying Charges	8
13.	Debt Recovery.....	8

1. Pre-lodgement and Duty Building Officer

Schedule of Charges	Fixed fee \$ (GST incl)
Pre-lodgement meetings – Commercial Consents (Residential optional)	\$50 / ½hr
Schedule 1 – Exempt Building Works advice/ meeting. Payable at NCC Customer Centre after appointment	\$50 / ½hr appointment (30 minute booking)
Technical advice/booked meeting with Duty Building Officer (No building consent submitted). Payable at NCC Customer Centre after appointment	No fee up to 15 minute appointment (30 minute booking)
	\$50 per 30 minutes or part of, over initial 30 minute booking

2. Pre-Paid Fixed Charge Building Consents

- 2.1. Please note that these fees are considerably subsidised and are not refundable if the consent lapses or if it is cancelled.

Pre-paid Fixed Charge Building Consents	Fixed Fee \$ (GST incl)	
Payable at the time the building consent is lodged		
Space heaters – all fuel types	Free standing	\$200
	Inbuilt	\$250
Wood Pellet Fires		\$200
Tent/Marquees	>100m2 commercial	\$300
	>100m2 residential	\$200
Tents or Marquee (any sized in place for more than 1 month) * * this covers Marquees/large tents for private (residential) or commercial functions that are not ordinarily classed as 'camping tents'.	Commercial	\$300
	Residential	\$200
All Demolition (full building)		\$450
Solar Hot Water Heaters (stand-alone) Council		No Council Fee

Pre-paid Fixed Charge Building Consents	Fixed Fee \$ (GST incl)
Swimming Pool fencing application (allows for 1hr processing / admin and 1 inspection)	\$200
Swimming Pool (stand alone & allows for 1hr processing and 2 NCC inspections). Engineer monitoring and inspections are charged separately	\$400
Application for exemption under the Fencing of Swimming Pools Act 1987 (Hearing Panel)	\$250
Application for exemption under the Fencing of Swimming Pools Act 1987 (Hearing Panel) for existing doors without automatic closers	\$75 + Hearing Fees
Swimming Pool and Fence Monitoring, FOSP Act 1987 (every 3yrs). Additional inspections and applications will be charged separately	\$210
Proprietary garages up to 50m2 (allows for 3 inspections). Firewall inspection will be additional inspection charge of \$125	\$900
Bathroom alterations only (allows for 2 inspections). Wetfloor/wall system will require an additional inspection charge of \$125	\$450
<p>Note: For Pre-paid Fixed Charge Building Consents any additional processing or information required over 1hr will be charged at \$125/hr.</p> <p>All prepaid consents include planning check to Nelson Resource Management Plan (NRMP).</p> <p>Additional inspections will be \$125/hr and invoiced before a Code Compliance Certificate is issued.</p> <p>Changes to note above: Rates increased to align with labour hourly rates under the new structure; these were \$100/hr and \$125 per inspection in current fees and charges.</p>	

3. All Other Building Consents

- 3.1. All other building consents will now be charged on a fixed fee basis which will include the following charges:
- Administration time
 - Processing time
 - Inspections time
 - Section 37 check
 - Code Compliance Certificate
- 3.2. The fixed fee is based on *reasonable time to complete the work, poor information and additional processing time as a result of this and additional request for information letters, and or more than 2 failed and missed inspections will incur additional costs. These will be notified to the agent and owner at the time and invoiced at the end of the month they are incurred.
- 3.3. Building consents fixed fee does not include the Fixed levies see separate table for these (clause 5). Building consents may also incur Development or Financial Contributions: for further information see Council's brochure "Development Contributions, Financial Contributions, Reserve Contributions, Guide for small scale activity".

Building Consent deposits are paid on application and all invoices must be paid within one month of issue and prior to release of Code Compliance Certificate.

Fixed Charge Building Consents: Includes *reasonable processing time, inspection time and administration.	Fixed Fee \$ (GST incl)
	Proposed
New Residential (new complete houses)	
Value - \$50,001 to \$100,000	\$2,900
Value - \$100,001 to \$200,000	\$3,250
Value - \$200,001 to \$450,000	\$3,900
Value - \$450,001 to \$800,000	\$4,500
Value - \$800,001 to \$1,200,000	\$5,250
Value - \$1,200,001 upwards	Negotiated
Adaptation and alteration of existing residential buildings	
Value - Up to \$5000.00	\$500
Value - \$5001 to \$10,000	\$850
Value - \$10,001 to \$20,000	\$1,500
Value - \$20,001 to \$50,000	\$1,800
Value - \$50,001 to \$100,000	\$2,400

Value - \$100,001 to \$200,000	\$3,250
Value - \$200,001 to \$450,000	\$3,900
Value - \$450,001 to \$800,000	\$4,500
Value - \$800,001 upward	\$5,250
All Commercial	
Value - Up to \$10,000	\$1,300
Value - \$10,001 to \$20,000	\$1,500
Value - \$20,001 to \$100,000	\$2,300
Value - \$100,001 to \$200,000	\$3,600
Value - \$200,001 to \$450,000	\$4,500
Value - \$450,001 to \$800,000	\$5,250*
Value - \$800,001 to \$1,200,000	\$5,500*
Value - \$1,200,001 to \$4,000,000	\$8,500 Minimum**
Value - \$4,000,001 upwards	Negotiated

* Excludes multiple unit projects and 'Multiproof' consents, costs will be confirmed at pre lodgement meetings.

** This is the minimum fee and is subject to adjustment / negotiation to suit complexity and scale of project.

Additional time charges

- 3.4. In the event there are multiple requests for information letters and correspondence produced at processing stage or more that 2 inspections are failed or missed the BCA will charge for additional time the rates are detailed below.

Additional Time Processing Inspections and Administration Costs	Fee \$ per Hour (GST incl)		Comment
	Current	Proposed	
Processors	\$125	\$125	No change
Inspectors	Not defined	\$125	Changed to per hour charge
Administration	\$95	\$95	No change

Fixed Levies

3.5. These are required by the Building Act and the BCA.

Levies as required by Building Act 2004 and fixed by legislation	\$ based on value of work	
Insurance Levy		\$0.75 per \$1,000 or part of
Building Research Association New Zealand Levy (BRANZ)	\$20,000 and over	\$1.00 per \$1,000
Department of Building and Housing Levy (MBIE)	\$20,000 and over	\$2.01 per \$1,000
Quality Assurance Levy (QA)	\$20,000 and over	\$1.00 per \$1,000

Section 37/ PIM Check/ NRMP

3.6. These services are provided by the Territorial Authority and the charges remain unchanged.

Administration (fixed fee) unless stated	\$(GST incl)
Section 37 Certificate	\$75
Section 37 Administration (per hour)	\$95
Project Information Memorandum (PIM) Certificate administration fixed fee	\$75
Property Information review (per hour)	\$100

Determinations, Lapsed Consents, Consents without Code Compliance Certificates

3.7. **Determinations;** Preparation of submission(s) for determination prior to signing Form D2 for the Ministry of Building Innovation and Employment.

3.8. **Lapsed consents;** After 12 months building consents will lapse under section 52 of the Building Act 2004. Consents can be extended prior to lapsing date for a further period as approved with the building consent authority.

Code Compliance Certificates

3.9. **Code compliance certificates which have not been issued within two years;** Under section 93 of the Building Act the consent authority must decide whether it can issue a code compliance certificate.

- 3.10. **Code compliance certificates on older properties;** Generally where the consent is older and no code compliance certificate exists, there are likely to be additional costs to cover the work. This includes meeting with the customer, desk top review of the file, any letters, final inspection and other works.

All of the above services attract a per hour fee, due to the variable nature of the works. The hourly rates and services are detailed below;

Determinations, Lapsed consents, Section 93 and old Code Compliance Certificate (CCC)	
Administration	\$90/hr
Processing, peer review, preparing reports	\$125/ hr
Inspections	\$125/ hr

NOTE: An additional invoice will be generated prior to issuing the Code Compliance Certificate if additional inspections, administration and processing were carried out after the building consent was issued and during the inspection process.

4. **Fees and Charges from Services Provided by the Territorial Authority**

Certificate for Public Use (for Public Buildings)

- 4.1. Certificate for Public Use and administration set fee \$200, plus recovery of staff time at an hourly rate of \$125 or part thereof.

Registration of Documents with Land Information New Zealand

	Fixed fee (GST incl)
Section 73 Building Act 2004	\$200
Section 75 Building Act 2004	\$200
Removal of either Section 73 or 75 BA2004	\$200

5. **Notice to Fix and Infringement Offences**

	Fixed fee (GST incl)
Notice to Fix (each) issue and administration	\$150
Other Notices (each) issued under Building Act 2004. For example: Section 124 Notices	\$150
Building Consent officer and/or Inspector time, including monitoring of Notices issued under the Building Act 2004	Charges as per clause 3.4

Infringement Offences and fixed fines as per Building (Infringement Offences, Fees and Forms) Regulations 2007, adopted by Council 19 Sept 2009

6. Compliance Schedule and Building Warrant of Fitness

	Per Hour \$ (GST incl)
Compliance Schedule	\$150 each
Compliance Schedule amendment	\$50 per specified system + any additional time to review
Building Warrant Of Fitness	\$150 each renewal + any additional time to review 12A forms
Administration	\$95 / hr
Audit / inspection / technical assessment	\$100 / hr
Register of independent qualified persons (IQP's) Application to be on register	\$150 each

7. Certificate of Acceptance and Unauthorised Building Works

Certificate of Acceptance	Proposed
Certificate of Acceptance (COA) Section 96 BA2004	\$750 fixed lodgement fee at NCC
	\$125/ hr to assess and prepare COA report
	\$200 COA Certificate
Form 9, Building (Forms) Regulations 2004	Insurance, DBH, BRANZ & QA levies
	NCC Development or Financial Contributions if applicable
	NCC inspection fee \$125 / hr
	Compliance schedule fee if applicable

8. Schedule 1 Works for which building consent is not required

Schedule 1 Applications	Fixed fee (GST incl)
Part 1, 2 and 3 – no assessment by Territorial Authority, application placed on property file	\$100
Part 1(2)(a) (b) – Requires Territorial Authority assessment and decision. Includes administration	\$250

9. Certificate of Compliance (District Licensing Agency)

- 9.1. Building Code compliance assessment for fire safety and sanitary facilities in a building, prior to an application for a Liquor Licence.
- 9.2. Fixed charge \$150 each (allows for 2 hours).

10. Register of Suppliers of Producer Statements

Application for addition to the Register	Fixed fee (GST incl)
Chartered Professional Engineers (CPENG)	\$50
Others	\$150

11. Reports of Building Consents Processed

Photocopied details (per annum)	\$125
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12. Photocopying Charges

- A4 Actual cost from copy service plus staff time;
- A3 Actual cost from copy service plus staff time;
- A2 Actual cost from copy service plus staff time;
- A1 Actual cost from copy service plus staff time.

13. Debt Recovery

- 13.1. Any costs incurred by Council from debt recovery shall be payable by the applicant.

Fees and Charges: Consents and Compliance (non-RMA)

1. Purpose of Report

- 1.1 To adopt the fees and charges for 2014-2015 for dog control, environmental health and provision of property information activities.

2. Recommendation

THAT the report Fees and Charges: Consents and Compliance (non-RMA) (A1145336) and its attachments be received.

Recommendation to Council

THAT the Dog Control Fees and Charges for 2014/2015 be adopted as detailed in Attachment 1 to Report A1145336;

AND THAT the Environmental Health and other activities fees and charges for 2014/2015 be adopted as detailed in Attachment 2 to Report A1145336;

AND THAT the Provision of Property Information Fees and Charges for 2014/2015 be adopted as detailed in Attachment 3 to Report A1145336;

AND THAT the charges for Dog Control, Environmental Health and Provision of Property Information activities apply as from 1 July 2014 until such time as they are varied or amended by Council;

AND THAT the Dog Control charges be publicly advertised in accordance with Section 37(6) of the Dog Control Act 1996.

3. Background

- 3.1 The Consents and Compliance Business Unit is responsible for a variety of functions that have an element of cost recovery. While some charges are set by statute, other statutes give local authorities the power to set

charges (Dog Control Act 1996, section 37). This report considers fees and charges for:

- dog registration fees and pound fees;
- health licence fees; and
- provision of property information fees.

3.2 The other activity in the Consents and Compliance Business Unit that has cost recovery is the resource consents and resource management planning documents activity. The report recommending minor changes to those fees and charges was approved by Council on 27 February 2014 to enable public consultation with the Annual Plan. No public consultation is required for the activities contained in this report.

3.3 Funding for the dog control, environmental health and provision of property information activities is achieved by Council through a mix of general rates, fees and charges, and infringement fees and fines. The level of cost recovery from applicants affects the level of ratepayer funding that is required.

3.4 Section 101 (3) of the Local Government Act 2002 requires that charges are to be cost-effective with those gaining the benefit from the service paying the reasonable cost for that service.

4. Discussion

Dog Control

4.1 The Dog Control activity is funded mostly by registration fees, dog impounding fees and some minor income from infringement fees and court awarded costs.

4.2 The costs of the dog control activity are largely fixed being adjusted only by CPI as required by the adjustment provision in the contract for services with Environmental Inspections Limited (EIL). The number of dog registrations is expected to increase so the income from fees should cover the CPI increase in costs.

4.3 For 2012/2013 the total income for the activity exceeded the costs by approximately \$16,200. For the current financial year dog patrol hours have been increased (on a trial basis) and as at 31 December 2013 the costs were essentially being met by the income (a shortfall of \$230).

4.4 Changes were made to the 2013/2014 fees and charges as part of adopting the new Dog Control Policy (adopted on 19 February 2013). It is recommended no changes are required for 2014/2015.

Health Certification for Registered Premises

4.5 Health Certificates are issued as a requirement under the Health Act 1956 and Food Act 1980.

- 4.6 For the 2012/2013 financial year the total fees provided \$11,101 more income than the costs of the activity.
- 4.7 Reducing fees and charges has been considered but given the legislation is still under review with changes anticipated it is not considered prudent to make adjustments until the final impacts of legislation reviews are known.
- 4.8 The costs of carrying out this activity will also increase by a percentage equivalent to the Consumer Price Index.

Miscellaneous Licences and Fees

- 4.9 No changes to the hairdressers, offensive trades, camping grounds and funeral directors fees are recommended.

Liquor Licences

- 4.10 Licence fees are set by the Sale and Supply of Alcohol Act 2012.
- 4.11 For the 2012/2013 financial year 24% of the costs of the activity are recovered from rates because the Central Government set fees did not fully meet the costs of the activity.
- 4.12 Under the Sale and Supply of Alcohol Act 2012 fees and charges are set by Regulation. These fees and charges generally have higher application fees than previous years (based on the type, scale and any compliance issues of the licence) and also introduce an additional annual fee for some licences.
- 4.13 The introduction of the District Licensing Committee will result in some additional costs for the activity but overall it is expected there will be less reliance on rates to fund this activity.

Provision of Property Information

- 4.14 This includes the charges for obtaining a Land Information Memorandum (LIM), access to property files, building consent files, resource consent files, geotechnical reports.
- 4.15 For the 2013/2014 financial year the income exceeded the expenses by \$4,200. The expenses include staff time associated with these activities but do not incorporate the costs of storing and maintaining Council records.
- 4.16 No changes to the provision of property information charges are recommended.

5. Conclusion

- 5.1 The current fees and charges for dog control, environmental health and provision of property information activities should be consistent with meeting the Council’s obligations under the Local Government Act 2002

with respect to prudent financial management where fees are not set by statute or regulation.

- 5.2 No changes to current fees and charges for these activities are recommended.
- 5.3 Decisions on all fees and charges for 2014/15 are publicised on Council's website and in Live Nelson.

Mandy Bishop

Manager Consents and Compliance

Attachments

Attachment 1: Dog Control Fees and Charges

Attachment 2: Environmental Health and Other Activities Fees and Charges

Attachment 3: Provision of Property Information Charges

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

The performance of Regulatory functions is one of the stated purposes of Local Government. This service needs to be cost effective. Comparisons are made with neighbouring Councils and the split of user-pays and ratepayer funding to determine the most appropriate fees and charges.

2. Fit with Community Outcomes and Council Priorities

Good leadership – Fees and charges are set at a fair and reasonable rate so that those who profit from them pay the majority of their costs.

Other community outcomes such as healthy land and people friendly places are supported through the processes that ensure people have access to amenities and services that are conducted in a safe manner.

3. Fit with Strategic Documents

Long Term Plan – Fees and charges are set to assist in achieving the stated funding policy.

4. Sustainability

Economic Outcomes – Fees and charges should be set to ensure they are not a barrier to growth and development while recognising the applicant or licence holder will receive the majority of the benefit in holding such document.

5. Consistency with other Council policies

The recommended fees and charges are consistent with the required statutes and assist with achieving organisational KPIs in economic performance.

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

Income from licence applications, registrations and other charges are credited to the relevant activity within the business unit.

7. Decision-making significance

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

8. Consultation

Consultation has not been undertaken with any external parties. Fees and charges for Dog Control services will be publicly advertised in accordance with section 37(6) of the Dog Control Act 1996.

9. Inclusion of Māori in the decision making process

There has been no consultation with iwi regarding this recommendation.

10. Delegation register reference

No specific delegation so Council decides on the setting of fees and charges.

ATTACHMENT 1

Dog Control Fees and Charges

Registration Fees	\$
Rural dogs (properties of 1 hectare or more)	45.00
Dogs Good Dog Owner Scheme	62.00
All other urban dogs	80.50
All dogs classified as dangerous (standard registration fee, plus 50% surcharge as required by statute)	120.75
Police, Seeing Eye and Hearing Dogs	5.00
A late payment penalty of 50% of the registration shall apply to all registrations remaining unpaid on 1 August 2014 and all dogs unregistered after 1 September 2014 shall incur a further \$200 infringement fee, plus penalty. Such penalties are to be made clear on the invoice for registration.	
Replacement registration disc	5.00
Inspection for compliance for fencing for all owners on the Good Dog Owner Scheme changing properties	54.00
Impounding Fees (in any 12 month period)	
First Impounding	65.00
Second Impounding	140.00
Third Impounding	200.00
Daily charge (for each day following impounding)	15.00
After hours callout charge (outside normal working hours)	65.00
Install microchip to impounded dogs where required	35.00

ATTACHMENT 2

Environmental Health Licence and Other Activities Fees and Charges

Licence and Activity Fees	\$
Template Food Safety Programmes (Food Control Plans) includes annual administration charge and a maximum of 2 hours audit time	375.00
Additional audit time per hour (charged in 15 min intervals)	125.00
Registered Food premises -	
1. General food premises including up to two inspections in one year	375.00
2. High food risk small premises (area less than 50 sqm including food stalls)	250.00
3. Low food risk small premises (area less than 50 sqm including food stalls) and generic market Certificate of Registration	165.00
4. Non-commercial premises used for storage and/or low risk food preparation for a registered low food risk stall ("approved support base" and is additional to stall fee)	75.00
5. Occasional (less than four times a year) or out of town registered stalls, non-perishable pre-packaged food stall or fresh fruit and vegetable stalls where market convener holds Certificate of Registration for the market	0.00
6. Additional inspection per inspection or per hour whichever is the greater	125.00
7. Transfer of Registration fee	75.00
Hairdressers	155.00
Offensive trades	330.00
Camping grounds	270.00
Funeral directors	170.00
Late fee penalty, fees overdue by more than one month	20%
Animal Control (other than dogs) time taken at hourly charge out rate	125.00 p/h

Fees and Charges: Consents and Compliance (non-RMA)

ATTACHMENT 3

Provision of Property Information

1.1 Land Information Memorandum (LIM)

Charge

Residential sites	\$285.00
Commercial and Industrial sites	\$440.00

1.2 Access to Site File Documents

Charge

<p>Property Information:</p> <ul style="list-style-type: none"> • Residential site files • Commercial/Industrial site files • Building Consent Files • Resource Consent & Subdivision files • Geotech reports <p>Charges will allow for up to 15 minutes staff time to discuss the file contents. Beyond this time charges for staff will apply as per applicable staff hourly rates.</p>	<p>\$20.00</p> <p><i>(no charge for owners of site)</i></p>
Memory stick: for transfer of scanned property information	\$15.00
Deposited Plans (DPs) Survey Office Plans (SOs)	\$20.00
<p>Organisations requiring regular access to site file records stored on-site can negotiate a 'regular user' rate for access to records and photocopying facilities as follows:</p> <ul style="list-style-type: none"> * Concession Card (5 file access) * Regular Users Corporate (2 or more from same company) * Sole Practitioner 	<p>\$80.00</p> <p>\$1,730.00</p> <p>\$865.00</p>

1.3 Photocopying Charges

A4	\$0.20 per page
A3	\$0.50 per page
Large copies	\$3.00 per page or actual cost from copy service plus staff time
A4/A3 GIS plots	\$11.00 (black and white copy)

Charges apply as from 1 July 2014

All charges are GST inclusive

Regulatory Report for 1 October to 31 December 2013

1. Purpose of Report

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

2. Recommendation

THAT the Regulatory Report for 1 October to 31 December 2013 (A1127850) be received.

3. Building Unit Performance

Recovery

- 3.1 The Building Unit continues to actively monitor the remaining 24 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.

Earthquake Prone Buildings Policy

- 3.2 The policy worked on the priority types 1 to 4. Below outlines how many properties have been identified in each priority, this is also shown as a percentage of the total estimated number of properties which exist in that priority;
- **Priority 1 Post Disaster Buildings** - 25 identified to date, (95%)
 - **Priority 2 Crowds, High Value** - 33 identified to date, (49%)
 - **Priority 3 Heritage A & B (NRMP Appendix 1)** - 97 identified – (100%) Noting one no longer in place due to the demolition of Dalton House.
 - **Priority 4 Other Buildings, including residential with two storey and more than three units** – 357 identified to date, 8 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)** - 175 excluded from scope of policy or fall outside screening criteria of Initial Evaluation Procedure. 49 Buildings yet to be prioritised.
- 3.3 The Earthquake Prone Building Register has a total of 736 entries to date, 16 further properties indentified over last quarter.
- 3.4 There are to date 25 buildings with s.124 Building Act 2004 Earthquake Prone Building Notices currently issued. There has been no change in the number of notices lifted in the last quarter and two new notices have been issued.
- 3.5 Last quarter saw the Trafalgar Centre and Nelson School of Music issued with notices. (In addition a further two notices have been issued to Founders Park in February 2014).
- 3.6 This means a total of nine notices issued currently are for Council owned buildings and 18 for privately owned buildings.

Building Consents summary

- 3.7 The Building Unit continues to witness a downward trend of total number of building consent applications received. In addition the value of work for applications received is now also trending downward.
- 3.8 Over the October 2013 – December 2013 quarter an 11% reduction in applications received was noted against the same period in 2012 (229 to 204). This was accompanied by a reduction of 20% in the total value of work for 'applications received' for all building activity against the previous year's second quarter.
- 3.9 The Building Unit has observed that last year between the first and second quarter there was a 41% increase in value of work, however, this year this was only a 23% increase, indicating a lower value of work being undertaken by the market in the second quarter.
- 3.10 Observations against last year's applications received for the second quarter show a reduction in new commercial and a slight increase trend in residential new build and alteration.
- 3.11 The total number of building consents granted over the second quarter has decreased by 13% from the same period in 2012 (204 to 178). This is likely as a result of a reduced number of building consents generally being received by the BCA in this period.
- 3.12 The total value of work for granted building consents across all building activity over the second quarter has decreased by 8% over the same period last year. The fewer consents result in less revenue opportunity as each consent has fixed costs as well as hourly rates.

3.13 **Building Consent applications received 1 October – 31 December**

Building Category Trends	2012 Number of Consents	2013 Number of Consents
New House	47	48
Altered Dwelling	58	64
Minor works	75	54
New Commercial	13	9
Altered Commercial	36	29
Total Second quarter	229	204
First quarter comparison	191	185

3.14 **Building Consent applications received works value 1 October – 31 December**

Building Category Trends	2012 Value \$	2013 Value \$
New Houses	14,128,528	17,569,335
Altered Dwelling and Minor works	4,793,413	6,790,576
New Commercial	15,548,151	4,908,000
Altered Commercial	5,510,100	2,792,279
Total Value works	39,980,192	32,060,190
First quarter comparison	28,220,263	25,901,792

3.15 **Building Consent applications granted 1 October – 31 December**

Building Category Trends	2012 Number of Consents	2013 Number of Consents
New House	46	34
Altered Dwelling	49	64
Minor works	76	47
New Commercial	10	13
Altered Commercial	23	20
Total	204	178
First quarter comparison	199	208

3.16 **Building Consent applications granted, works value 1 October – 31 December**

Building Category Trends	2012 Value \$	2013 Value \$
Total Value works	24,918,196	23,037,247
First quarter comparison	26,907,907	27,762,753

3.17 **Building Consent Authority Processing Time Statistics**

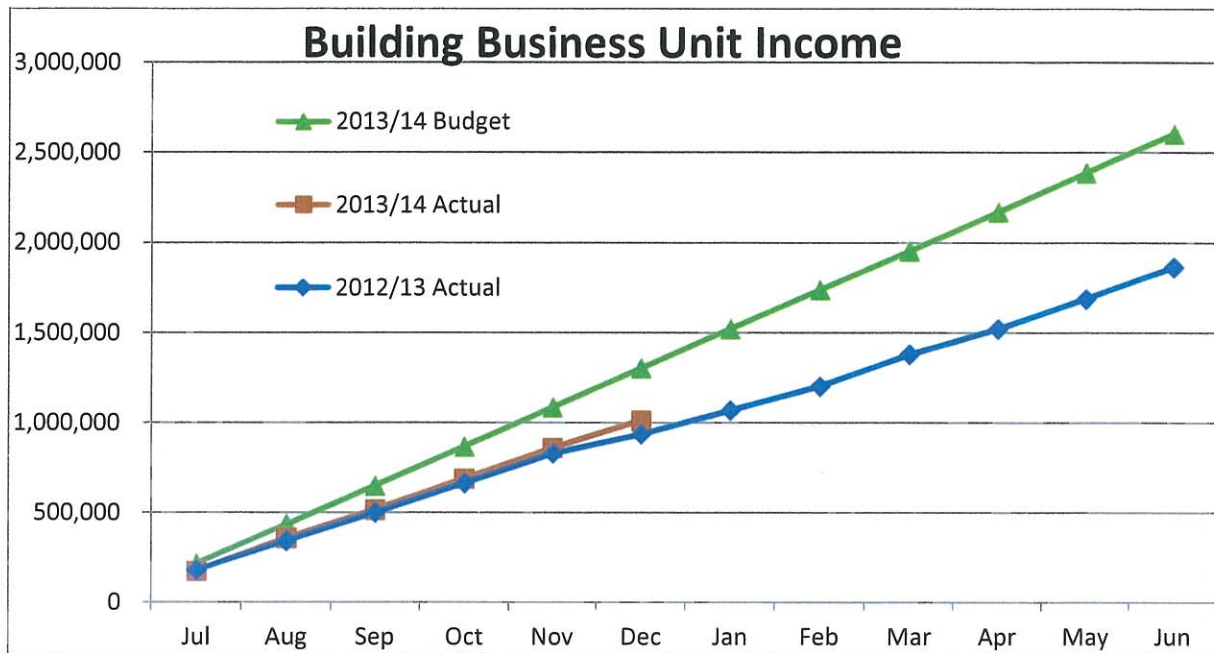
Consent Processing Trends	1 October - 31 December 2012	1 October - 31 December 2013	1 July to 31 December 2012	1 July to 31 December 2013
Total number of consents granted	204	178	403	386
Total value of works \$	24,918,196	23,037,247	51,826,103	50,800,000
Completed within 20 working days %	89.22	100.00	89.22	91.61
Average process time (days) recorded by NCS	11	13	13	12

3.18 Please note: average processing timeframes for building consents; NCS is indicating 13 days average for completion of building consents.

The BCA, however, is seeing 41% of building consents being undertaken between 15 and 20 days. This is as a result of prioritisation over other lower day consents to ensure the BCA maintain 100% compliance against statutory time limit of 20 working days.

3.19 **Earnings projection and monitoring table as at December 2013**

The following table has been provided to indicate where the Building Unit is tracking currently with financial year earnings versus budget projection. Current tracking is indicating the unit is slightly up on last year's actual earnings. This is likely down to the consents granted being of higher value so more fee can be recovered. In addition the building administrators are correctly charging their time. Finally the BCA has closed out some 'old' consents, CCC (code compliance certificates), which also provides earnings. However, the overall actual versus budget trend is similar so the budget projection is still at risk.



Building Unit Highlights

- 3.20 The last quarter saw the Building Unit continue to meet 100% compliance with statutory 20 working day time limits for granting building consents.

Looking Ahead: Building Unit

- 3.21 On the heels of regaining IANZ accreditation, the "Strong Recommendations" notified to Council in the audit report are now being worked on. For example the BCA will provide one Request for Information letter that encompasses all other information requests from various Council departments. This provides a better customer focus as they get one letter rather than several.
- 3.22 The Building Unit is continuing the review of 'cost and time' to get a full understanding of the real costs and time required for the functions undertaken by the Building unit. The initial review of the processing team has resulted in expectations of allocation of chargeable time being set which is then fed into the fees and charges review base information. More staff electronically recording their time is assisting in the gathering of this information.
- 3.23 The Building Unit is programming an office layout change with works to remove walls and reconfigure desk layouts planned for the next quarter.
- 3.24 The processing of Building Consents electronically is being investigated (please note this does not include 'online' applications at this stage). The Building Unit is currently reviewing options for a system interface which will allow the processing team to process building consents electronically on their computers.

This will provide easier sharing of documentation within Council and customers will be able to bring in documents on electronic storage devices.

4. Resource Consents Performance 1 October - 31 December 2013

- 4.1 There were 91 applications received with two-thirds being land use consents and the next highest category being subdivision applications.
- 4.2 There were three notified consents associated with the de-sludging of the Nelson Wastewater Treatment Plant. No Hearing was required and the Commissioners granted the application on the papers on 7 December 2013. The application to alter the designation for the teenage parent unit at Auckland Point School was limited notified and no Hearing was required. The Council's recommendation to confirm the changes was sent to the Minister of Education on 13 December 2013.
- 4.3 The non-notified processing times for the quarter ranged from 1 day to 37 days.
- 4.4 Six consents were issued using the simple consents process. The processing days ranged from two to 14 days with costs ranging from \$377 to \$670. A total of 10 consents have been issued in this category for the year to date averaging five working days to process with an average cost of \$480.
- 4.5 The average charges (excluding GST) were as follows:
- Notified consents - \$10,504
 - Limited notified consent - \$6,087
 - Non-notified consents –

land use	\$1111
subdivision	\$1400
coastal	\$1001
discharge	n/a
regional land	\$1767
water	n/a
other	\$1016
- 4.6 One discount for two related consents processed outside the statutory timeframe was given during this period. This represents 1% of all decisions processed incorporated a discount for being late. The total discounted was \$76.09. The number of discounts for the year to date is two with a total discount of \$494.29.

Resource Consents Processing Times

Month	NON NOTIFIED				NOTIFIED AND LIMITED NOTIFIED		
	% processed on time	Average process days	Median process days	Consent numbers	% processed on time	Average process days	Consent numbers
October 2013	100	12	12	31			0
November 2013	100	12	13	21			0
December 2013	94	14	13	32	100	43	4
Average from 1 July 2013	98	14	14	30	100	56	1
Total from 1 July 2013				177			6
2012/13 average	86	23	16	32	67	69	1
2012/13 totals				381			9

Resource Consents Highlights

- 4.7 All Councils submitted a biennial survey to the Ministry for the Environment (MfE) on RMA processes for the 2012/2013 year. About eight Councils were randomly selected for an audit by MfE to review how the Council records and reports survey data and best practices. NCC was one of the Councils selected for the audit.

A draft report on the results of the audit states NCC demonstrated many examples of good practice and had three recommendations for improvement. The recommendations have been followed up and actioned. The writer of the report asked if we could assist another Council which was audited with its processes and officers have commenced doing this.

5. Parking Unit Performance 1 October - 31 December 2013

- 5.1 Environmental Inspections Ltd took over the contract for Parking Control on 1 October 2013. As it gained the required staff numbers the performance level increased.

Activity	October	November	December
Enforcement			
Safety	19	49	128
Licence labels /WOF	590	826	868
Central Business District meters	479	718	873
Time Restrictions	148	483	374
Total Infringement notices issued	1236	2076	2243

Activity	October	November	December
Service Requests			
Abandoned Vehicles	15	16	21
Requests for Enforcement	35	40	42
Information /advice	18	23	21
Total service requests	68	79	84
Courts			
Notices lodged for collection of fine	0	608	191

Looking Ahead: Parking Unit

5.2 It is early days yet and there will some seasonal fluctuation but an early estimate is that the monthly average for tickets issued will be between 1900 and 2300 tickets.

6. Environmental Health and Dog Control Activities 1 October - 31 December 2013

6.1 The level of activity is similar to previous years with nothing significant to report.

6.2 The Sale and Supply of Alcohol Act 2012 came into full effect on 18 December 2013. Considerable staff time has been involved in establishing a District Licensing Committee, changing processes and procedures and implementing changed inspection and reporting processes. Close liaison is being maintained with Police, Medical Officer of Health and Tasman District Council to ensure as far as possible a consistent approach in the wider area.

Summary of Activities

Activity	Responses			Year to Date
	October	November	December	
Dog Control	171	165	145	914
Resource consent monitoring	157	134	150	1011
Noise nuisance	81	121	124	530
Bylaw / Building / Planning	66	80	92	425
Liquor applications	56	46	29	281
Pollution	23	25	18	129
Liquor inspections	7	5	10	74
Stock	9	5	1	34
Total	570	581	569	3398

7. Harbour Safety Activities

- 7.1 Council has received an additional 3 applications for commercial vessel licences (now totalling 15) and 1 application for an exemption. The applications are being assessed by the Harbourmaster and Deputy Harbourmaster with the view to issue the licences in February/ March 2014.
- 7.2 The Navigation Safety Bylaw 218 includes infringement provisions for non-compliance with the Bylaw. After initially having everything lined up to get the regulations approved and gazetted for entry into force on 1 January, the Ministry of Transport's Principal Advisor advised that the proposed regulations have not been considered by Cabinet. Given that Cabinet is unlikely to be able to consider the proposed regulations until well into the New Year, the infringement regime will not be in place for the current summer boating season.
- 7.3 Leading up to Christmas the Harbourmaster patrol hours have increased totalling 102 patrol hours in December (refer to 7.4 below). Council received positive feedback about the Deputy Harbour Master handling a situation involving conflicting users (water skiers & jet skiers) in Monaco that highlighted the need for new signage. This is currently being worked on.
- 7.4 Harbourmaster Patrol Hours

Month	Patrol Hours
October	90 (5 weekends, including 28/29 September)
November	64 (3 weekends; 30 Nov/1 Dec recorded under December)
December	102 (5 weekends)

8. Summary of Hearing Panel Activities

Date	Matter	Location	Outcome
2/10/13	Applications for exemption under section 6(1) of the Fencing of Swimming Pools Act 1987	10 Newman Drive	Approved with 2 conditions
		5 Allisdair Street	Approved with 2 conditions
		148B Glen Road	Approved with 2 conditions
		14 Paremata Street	Approved with 2 conditions
		11 John Sutton Place	Approved, with no conditions

Date	Matter	Location	Outcome
		104D Princes Drive	Approved with condition
	Street Naming, under s.391 of the Local Government Act 1974	Naming of new street, off Vista Drive (Bishopdale Subdivision)	"Marie Place" approved for Road 2 in Stage 2B of the Bishopdale Subdivision
4/12/13	Applications for exemption under section 6(1) of the Fencing of Swimming Pools Act 1987	35 Strathaven Place, Atawhai	Approved with condition
		69 Wastney Terrace	Approved with condition
		51 Brooklands Road	Approved with 2 conditions
		22 Elliott Street	Approved with condition
		10 Wastney Terrace	Approved with 2 conditions
		24 North Road	Approved with condition
		90 North Road	Approved with condition
		99 Tosswill Road	Approved, with no conditions
	Street Naming, under s.391 of the Local Government Act 1974	Correction of street name "Hampden Street East" (removal of the suffix "East")	Decision deferred; the Panel recommended that staff review the naming of the portion named "Hampden Terrace" and report back to a subsequent meeting of the Hearings Panel.

9. Land Information Memorandum Applications

Month	Percentage processed on time	Average process days	Total LIMs
October 2013	100	4	64
November 2013	100	5	44
December 2013	100	4	44
Average from 1 July	100	4	52
TOTAL from 1 July 2013			310
2012/13 Average	100	4	45
2012/13 Total			545

10. Official Information Act Requests

Period	Number received	Number completed	Number outstanding
1 October – 31 December 2013	15	9	6

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	Environment Court mediation deferred pending Saxton Creek upgrade design. Court reporting date on 21 March 2014.
Hamilton and Hardyman	RMA 1991 (ENV-2012-WLG-84)	Plan Change 18 Appeal – 9 August 2012	Environment Court mediation deferred pending Saxton Creek upgrade design. Court reporting date on 21 March 2014.
Raine	RMA 1991 (ENV-2012-WLG-85)	Plan Change 18 Appeal - 10 August 2012	Environment Court mediation deferred pending Saxton Creek upgrade design. Court reporting date on 21 March 2014.
RG Griffin Children's Trust	RMA 1991 (ENV-2012-WLG-87)	Plan Change 18 Appeal - 10 August 2012	Environment Court mediation deferred pending Saxton Creek upgrade design. Court reporting date on 21 March 2014.
King	RMA 1991	Prosecution for unlawful discharge 24 January 2013 Prosecution for failure to comply -	Council agreed to withdraw the prosecutions as agreed actions to remedy the situation were largely undertaken, the consent order is extended until 24

Party	Legislation	Matter & date of initial action	Status
		1 March 2013	January to ensure full compliance.
G & R Williams	RMA 1991 (ENV-2013-WLG-58)	Appeal against abatement notice about a solid fuel wood burner – 25 July 2013	Environment Court mediation 13 November adjourned until March to allow time for NCC to consider whether there is any legal means to retrospectively apply for consent
Gibbons Holdings Ltd	LGA 2002	Failure to pay development contributions for BC081189 – 5 August 2013	Statement of claim and information capsules lodged with District Court, direct negotiations with Gibbons successful, agreement reached 4 February 2014.
Jatco Holdings	WHRS Regulations 2007	Building defects, claim for negligence in NCC issuing building consent and Code Compliance Certificate in 2004/2005	Statement of Defence was lodged by FVM on the 25 October 2013. Await further contact from Lawyers.
Gibbons Holdings Ltd	RMA 1991	Appeal against resource consent conditions to operate a landfill 10 October 2013	Direct mediation occurred, status report lodged with the Court 23 December 2013 that agreement likely to be reached. The agreement was filed with the Court 11 February 2014.

12. Summary of Insurance Claims

There are no current insurance claims lodged with our insurers.

Nicky McDonald
Acting Group Manager Strategy

Attachments

None.

No supporting information follows.

Parking and Vehicle Control Bylaw (2011), No.207

Amendments to Schedules

1. Purpose of Report

- 1.1 To adopt the alterations to the Parking and Vehicle Control Bylaw (2011) that have resulted from minor safety improvements, roading improvements carried out as part of the 2013/14 capital works programme and from the completion of new subdivisions.

2. Recommendation

THAT the report Parking Vehicle Control Bylaw (2011), No. 207 Amendments to Schedules and its attachments (A1143223, A1143222, A1144095, A1143219, A1528724) be received;

AND THAT the following alterations to the Schedules of Bylaw No 207, Parking and Vehicle Control (2011) be approved:

- ***Schedule 9: No Stopping;***
- ***Schedule 14: Give Way Signs.***

3. Background

- 3.1 The Parking and Traffic Control Bylaw 2011 allows for the Council, by resolution, to add or delete items to the Schedules. To ensure that the Bylaw is enforceable it is important to ensure that the Schedules are updated on a regular basis. The following Schedules of the Bylaw require amending due to changes in land use and circumstances, since the last update in June 2013.

4. Discussion

Motueka Street and Waimea Road

- 4.1 This project was undertaken in 2013 to provide traffic lights at the intersection of Motueka Street and Waimea Road. The existing no stopping lines have been extended to allow for variations to the traffic lanes required as part of the project (Attachment 1).

Songer Street

- 4.2 Additional yellow no stopping lines are required as part of a new pedestrian refuge installed on Songer Street to assist students access Birchwood Primary School (Attachment 2).

Melrose Terrace

- 4.3 The existing yellow no stopping lines are to be extended from Trafalgar Street, following safety concerns regarding visibility for vehicles entering Melrose Terrace (Attachment 3).

Subdivisions

- 4.4 The following subdivisions have been completed:
- Marie Place (off Vista Drive) (Attachment 4);
 - Sunningdale Drive (off Montebello Avenue) (Attachment 5).

5. Conclusion

- 5.1 To date, the 2013/14 capital works programme has included the upgrade and renewal of several Nelson Streets for safety and maintenance purposes. Also, Nelson's roading network is growing as new subdivisions are completed. As part of this, minor alterations and additions have been made to the schedules of the Parking and Vehicle Control Bylaw (2011).

Shane Davies
Manager Operations

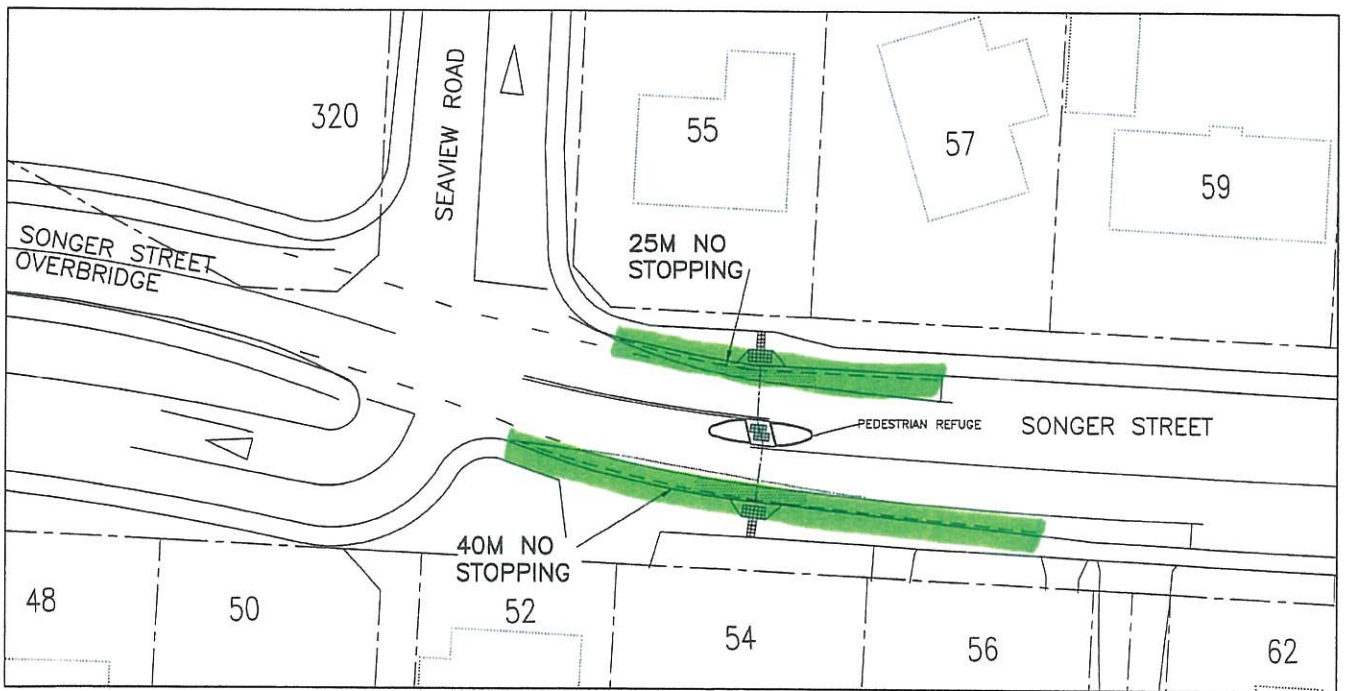
Attachments

- Attachment 1: Motueka Street and Waimea Road [A1143223](#)
Attachment 2: Songer Street [A1143222](#)
Attachment 3: Melrose Terrace [A1144095](#)
Attachment 4: Marie Place (pages 1 and 2) [A1143219](#)
Attachment 5: Sunningdale Drive (pages 1 and 2) [A1528724](#)

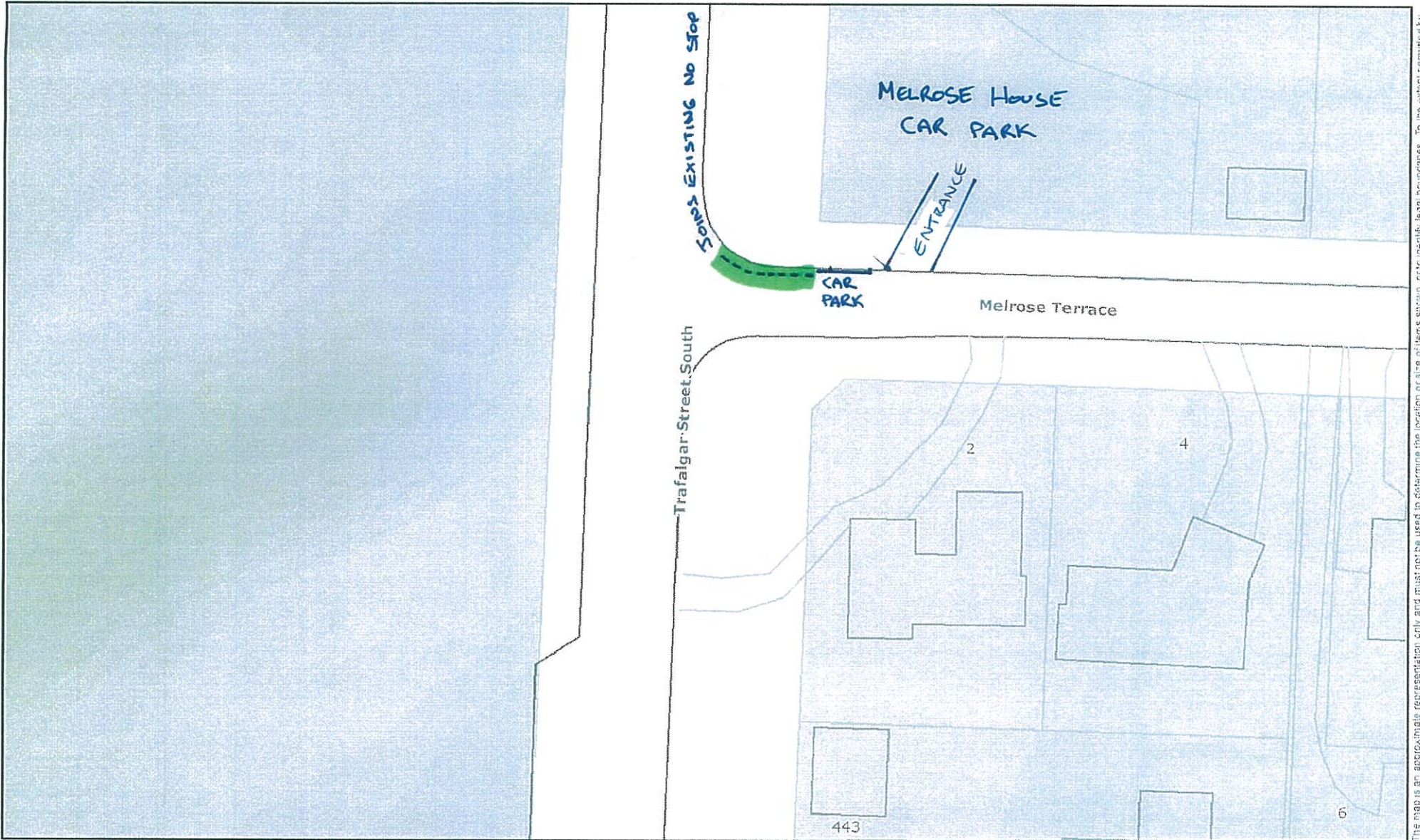
No supporting information follows.



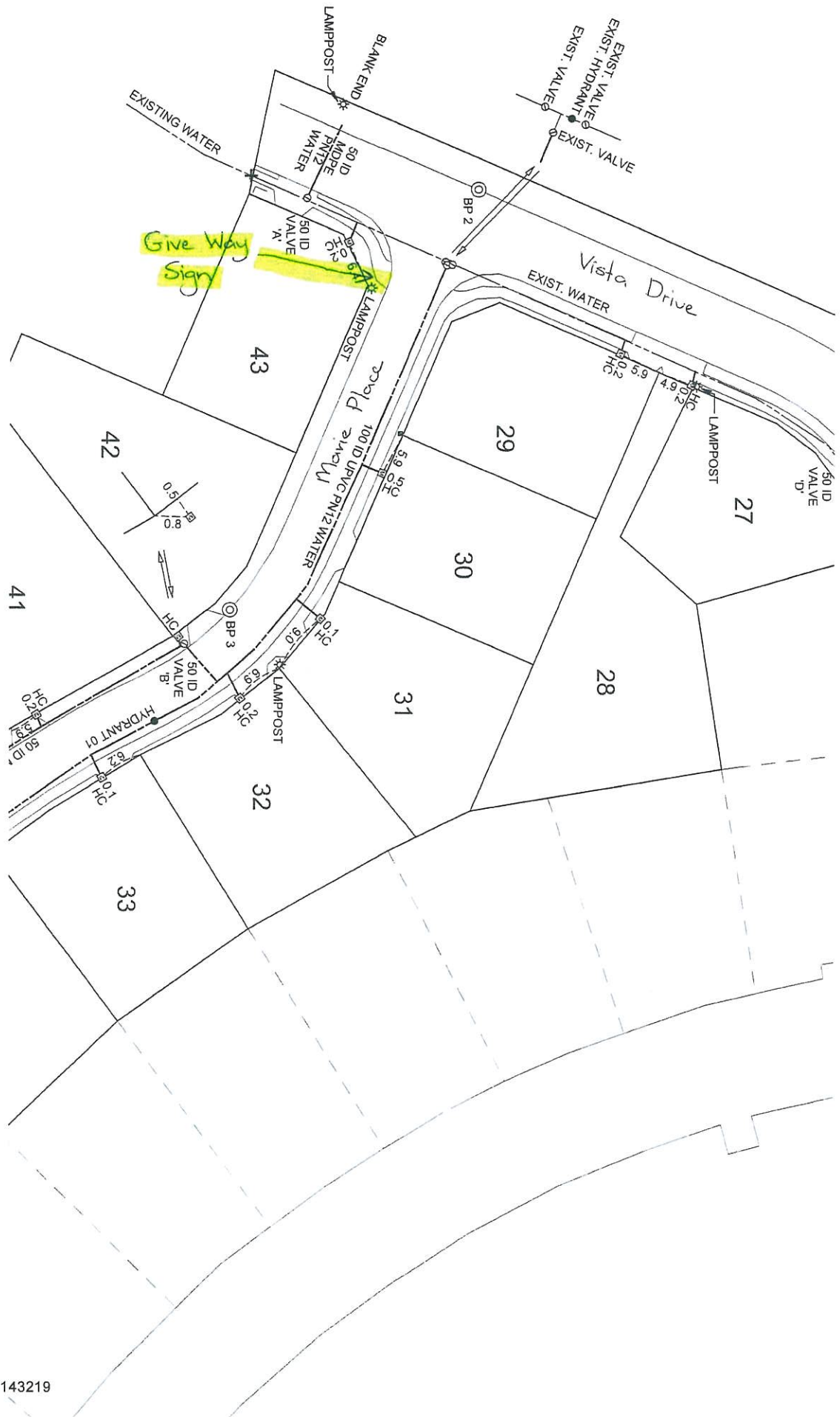
WAIMEA ROAD – MOTUEKA STREET
NEW TRAFFIC SIGNALS NOT TO SCALE

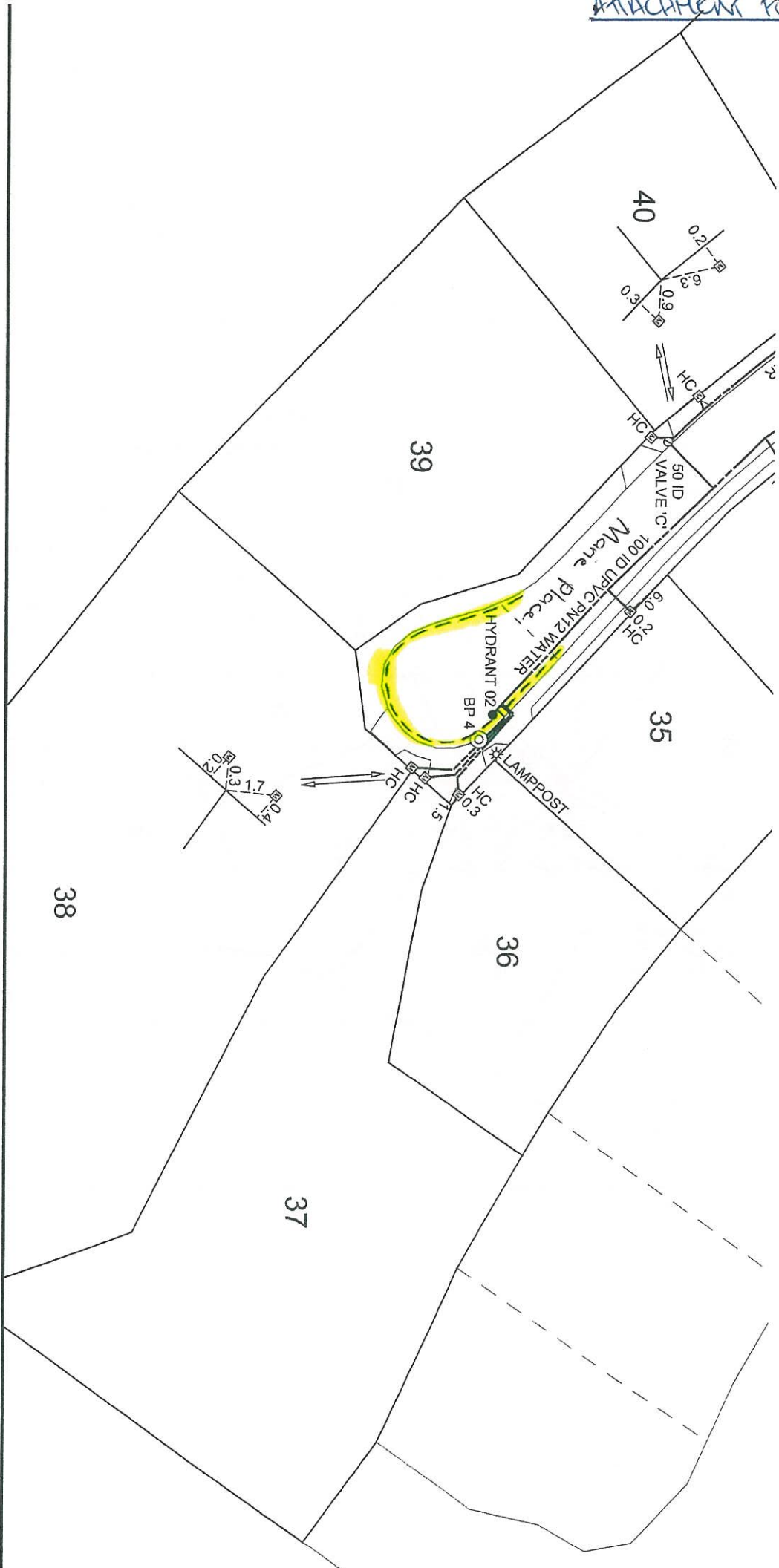


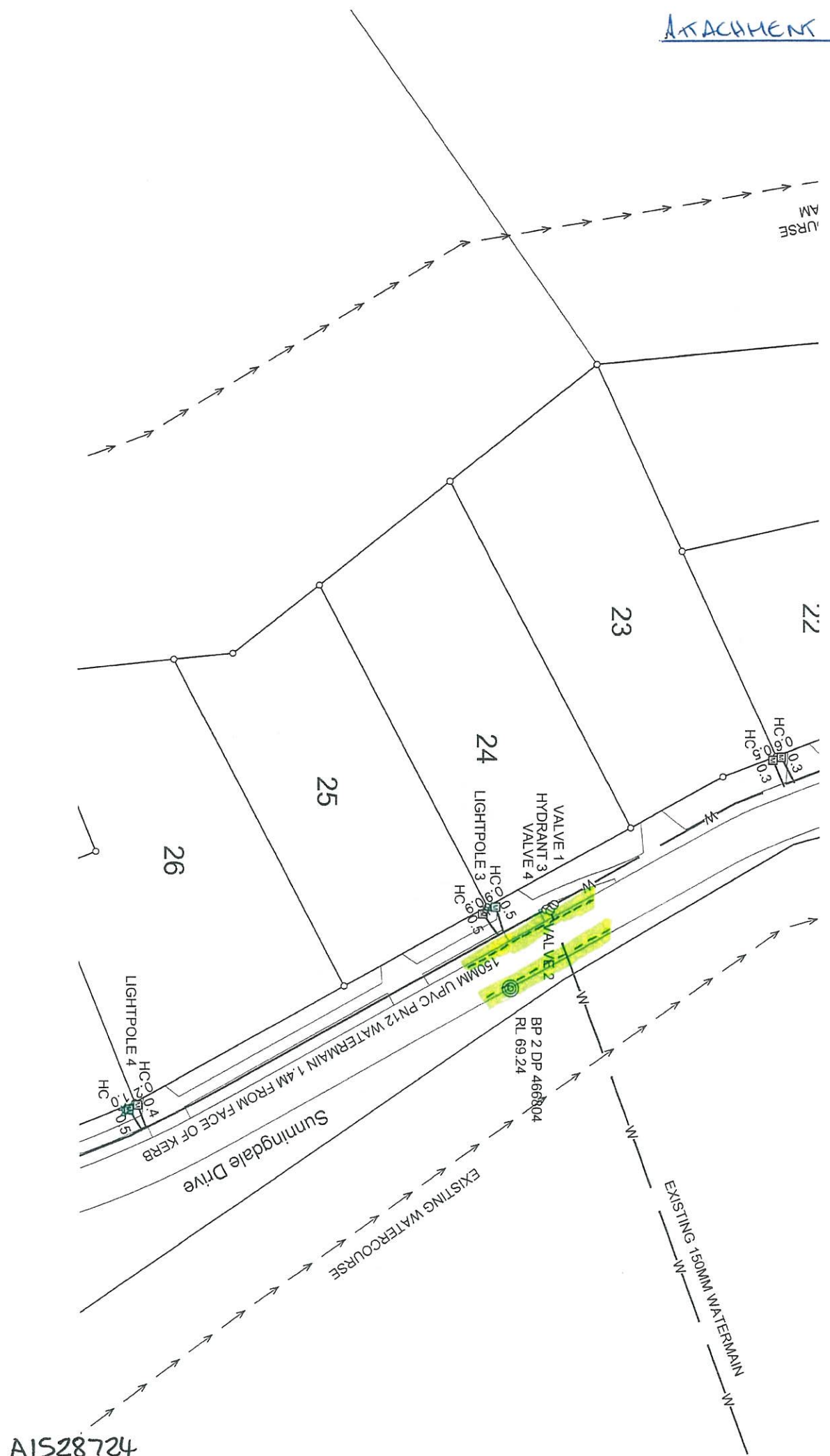
SONGER STREET PEDESTRIAN REFUGE
NOT TO SCALE



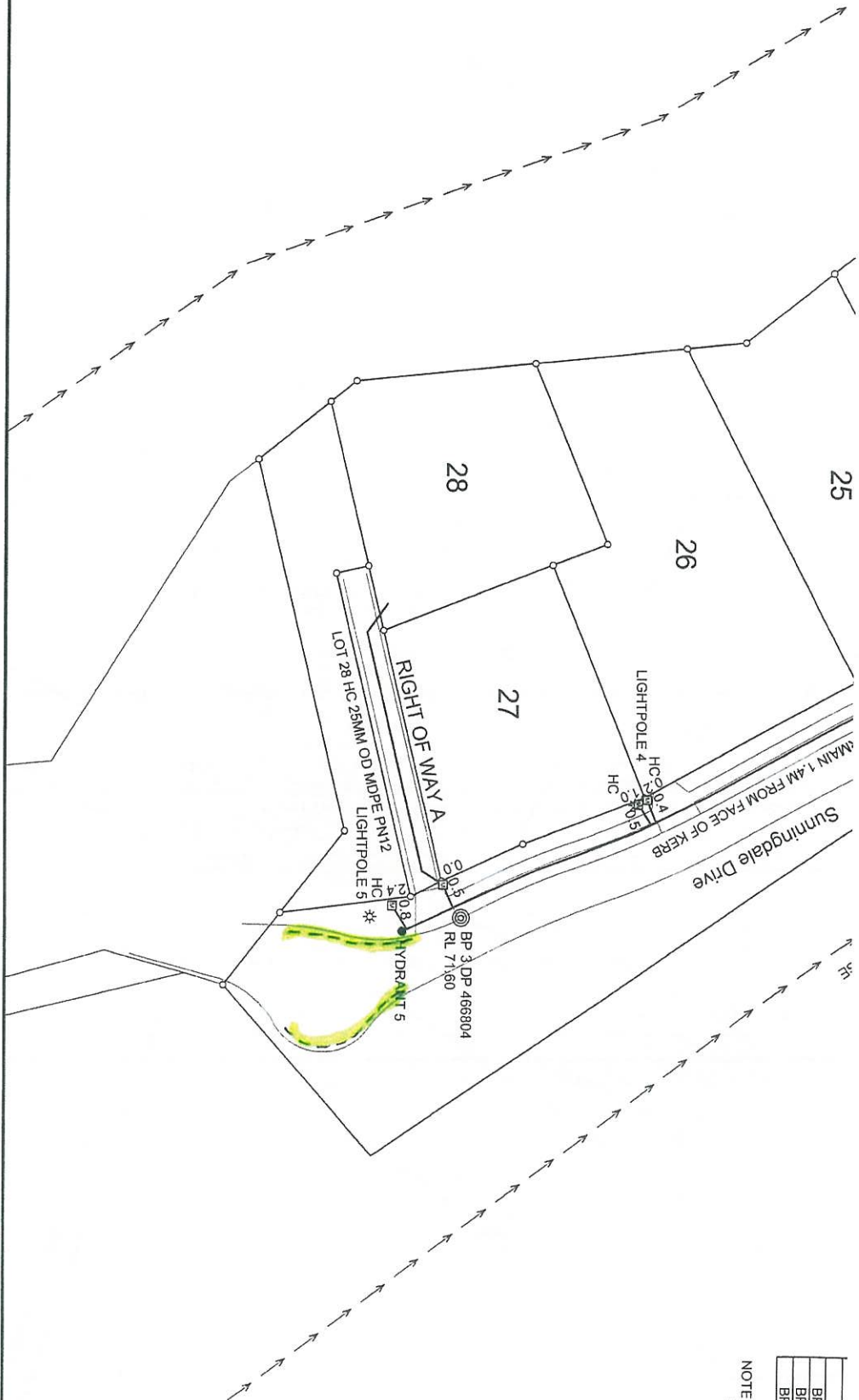
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A1528724



NUMBER
BP 1 DP 466904
BP 2 DP 466904
BP 3 DP 466904

NOTE - ALL BENCH LOCATED IF

20 March 2014

REPORT A1137528

Ecofest 2014

1. Purpose of Report

- 1.1 To consider additional options to those provided in the previous report (Attachment 1) for the delivery of Ecofest in 2014 in the Nelson region.

2. Recommendation

THAT the report Ecofest 2014 (A1137528) and its attachment (A1120552) be received.

Recommendation to Council

EITHER

THAT the Nelson Ecofest event proposed for 2014 be cancelled and that discussion on any further Ecofest events take place as part of the development of the Long Term Plan 2015/25.

OR

THAT officers request Expressions of Interest from interested parties for the delivery of Ecofest at Founders Heritage Park in 2014;

AND THAT officers request Expressions of Interest from interested parties for the delivery of Ecofest in subsequent years.

3. Background

- 3.1 Council runs Ecofest in partnership with Tasman District Council, along with the Tasman Nelson Environment Awards.
- 3.2 The objective of Ecofest has been to remove the barriers which hinder people in our community making sustainable choices; to provide fun and educational learning and engagement opportunities; to create measurable behaviour change and to provide a vehicle for Council outcomes around environmental change/people engagement.

- 3.3 At the Planning and Regulatory Committee meeting on 28 January 2014 Councillors were advised that due to the lack of availability of the Trafalgar Centre and reduced availability of staff resources, changes were being recommended in how both events were delivered (Attachment 1).
- 3.4 Staff from both Councils recommended a local road show event combined with a week of 'how to' activities in partnership with local business and community groups. The road show trial format was proposed as a result of a strategic review carried out by staff from both Councils which identified a need to take the event to residents who are less likely to attend the main expo, and who would benefit from some of the core Ecofest messages.
- 3.5 The Committee agreed the recommendation that the Environment Awards be offered as a People's Choice award as part of Ecofest in 2014 but officers were asked to reconsider options for the delivery of Ecofest, including reporting on Council venues for a Nelson event. Staff have also been asked for information on sponsor feedback on the new proposals.
- 3.6 A similar report went to Tasman District Council on 13 February 2014. The following resolution was adopted:

That the Community Development Committee:

receives the Ecofest and Environment Awards Options Report RCD14-02-08; and

agrees to a roadshow-style Ecofest event being delivered in Motueka and a Nelson location (still to be determined) combined with 'Ecofest Weeks' of activities with a local focus, instead of the Expo event planned for the Trafalgar Centre; and

agrees that the Ecofest event incorporates the Environment Awards; and

requests that officers report back to the Community Development Committee on the outcome of the trial by 4 December 2014, with recommendations for delivery of the Ecofest and Environment Awards events in future years.

4. Ecofest - Discussion

- 4.1 In addition to the Road Show option presented in the previous report, the following options have been reviewed by staff (based on designing an event intended primarily for Nelson residents and funded by Council, as Tasman District Council is intending to deliver a Motueka roadshow as its Ecofest event for 2014).

Option One - Saxton Stadium

- 4.2 Should this venue be considered, the proposal would be for a one day expo type event.

4.2.1 Pros:

- Saxton is a flagship Council venue and is well located for residents from both Council areas.
- Saxton is being provided as a major events venue in the absence of the Trafalgar Centre, and should have infrastructure suitable for expos.

4.2.2 Cons:

- The earliest the venue is likely to be available is in October (to be confirmed after fire reports have been approved). Ecofest usually takes place in August – once we move into October there is considerable competition with other events. Winter is also a much better time for Ecofest key messages around energy efficient warm homes, etc.
- Saxton does not lend itself to how-to seminars due to the acoustics of the stadium, which may present challenges
- The cost of a one day event at Saxton Stadium is on a par with a one day event at the Trafalgar Centre. As this year Tasman District Council are focusing on their Motueka Road Show, this means that there would be a considerable additional cost burden on Nelson City Council. There are cost efficiencies in the original road show proposal which don't transfer to this event format.
- Considerable staff time is required to deliver the event under the existing arrangements. This reduces staff capacity to work on higher environmental priorities (e.g. Matai improvements, Tasman Bay).

4.3 For the reasons above officers are not recommending Saxton as a venue for Ecofest 2014. However, it does offer considerable potential in future years due to its location for a genuinely joint Nelson City/Tasman District Council expo.

Option Two: Founders Park

4.4 This proposal is for a one day expo including demos and a home tour, all targeted at Nelson residents. The cost of a two day expo would only be feasible if the Councils were returning to the previous model of a jointly-funded expo, or if Council were to make further resources available.

4.4.1 Pros:

- This venue is popular with Nelson event-goers, having attracted 8000 visitors over two days in 2008 when used for the joint Council Ecofest expo.

- The venue helps make this event feel more like a festival than a commercial expo which is supportive of existing objectives. This option also showcases the use of a Council facility
- Reasonably high footfall can be expected, with the projection for a one day expo for 2014 focusing on Nelson residents estimated at 2000 visitors.

4.4.2 Cons

- The cost of staging a one day expo is considerably higher than the road show options. On a projection of 2,000 visitors the event would meet the current budget allocated, including a higher event management contribution from Council than for the road show format previously proposed.
- The space for exhibitors is limited due to the high cost of bringing in additional marquee space, which in turn reduces income from exhibitors.
- Considerable staff time is required to deliver the event under the existing arrangements. This reduces staff capacity to work on higher environmental priorities (e.g. Matai improvements, Tasman Bay).

4.5 If this option is selected by Council then there will be consequential impacts on other work programmes, as considerable staff time will still be required. Officers believe that Council's priorities for action in its environmental activities have changed and do not recommend this option.

Option Three: Calling for Expressions of Interest from interested parties to run Ecofest.

- 4.6 Tasman District Council has previously signalled its desire to see Ecofest become an independent self-funding event, whereas Nelson City Council historically has seen Ecofest as a Council platform for key messages and environmental engagement activities. Tasman is already in the process of reducing its annual event contributions on a sinking lid basis to encourage greater commercial independence.
- 4.7 There are several events companies locally that could take on the running of the event. Whilst the timing is not ideal, if Council were to choose this option, officers would seek to run a process that enabled an event to take place this year. Officers recommend that, if this approach is taken, potential contractors be directed to run the event at Founders for this year.
- 4.8 The history of shared ownership of the Ecofest brand between the councils should also be considered if the event is to be offered to external organisers, given that Tasman District Council is currently planning to run an Ecofest event in 2014 (financial year 14/15). There

would also need to be further discussions on how the Tasman Nelson Environment Awards might be delivered.

4.8.1 Pros

- Allowing new organisations outside of council to take a fresh approach to the expo and related activities could build some strong local momentum.
- Handing over ownership of the event to the community would release Council officers for other key Council objectives (e.g. Maitai River and Tasman Bay).

4.8.2 Cons

- If passing ownership of brand to another organisation, Council will lose some control of what has been a valuable and reasonably cost effective platform to engage with the community on key messages such as the Air Quality campaign. It has also been an effective vehicle for demonstrating Council 'walking the talk'.
- If a suitable contractor does not come forward, or the negotiations become protracted, there may not be time to deliver Ecofest in 2014.

4.9 Officers recommend this option if Council determines that Ecofest should go ahead in 2014.

Option Four: Cancelling Ecofest

4.10 The final option is for Council to reconsider whether Ecofest continues to sit high within Council priorities. Officers have been given direction to focus more on demonstrable outcomes (for example, improving fresh water quality, improving the health of Tasman Bay). It has been difficult to directly attribute environmental gains to the Ecofest and Environment Awards events. For this option the same considerations with regards to the shared ownership of the brand with Tasman District Council as expressed in above (4.8) are applicable.

4.10.1 Pros

- Staff resources and funding can be reallocated to meet new Council priorities and environmental objectives, including Maitai River improvements, taking a lead on Tasman Bay issues and waste minimisation projects.
- An opportunity to demonstrate to the community that moving to new activities and projects can have better outcomes for Nelson residents

4.10.2 Cons

- Cancelling Ecofest permanently would be a loss of a potentially valuable brand asset.
- There is a community expectation amongst visitors and exhibitors that Ecofest will continue as a regional event.

4.11 This option is supported by officers providing that resources saved can be put to higher priority environmental outcomes – including work on freshwater quality improvements (Maitai River) and Tasman Bay.

4.12 Council could also decide to cancel the Nelson event for this year only, given venue and timing issues, and reconsider the issue as part of the Long Term Plan 2015/25 process. This would also allow time for further discussions with Tasman District Council to take place.

5. Sponsors

5.1 Feedback has been sought from three key sponsors with regards to both the Founders one day expo and the road show format – with confirmation that both options would be of interest. It should be noted that there are a variety of sponsors involved, ranging from exhibitors through to contributors of major in-kind services and products as incentives for the event.

5.2 This feedback suggests that should another organisation take on Ecofest that there would be continued support from sponsors.

6. Tasman Nelson Environment Awards

6.1 The awards are a Tasman District Council driven activity, with Nelson participating in the last three events.

6.2 The current proposal is to streamline the Tasman Nelson Environment Awards from their previous format to an electronic voting platform and combine this with Ecofest.

6.3 It is likely that the delivery of the awards in this new format will need to be delayed pending consideration of the options in this report. If the decision is made to deliver Ecofest in any form in 2014, officers propose to work with colleagues in Tasman District Council to deliver the Environment Awards in the new format previously agreed. This, again, impacts on staff ability to work on other priorities.

6.4 If Ecofest is cancelled due to the need to focus on higher priority environmental projects, then officers recommend, by the same rationale, that Council's contribution of staff time to the Environment Awards be withdrawn.

7. Conclusion

- 7.1 Officers have been asked to consider options for delivery of Ecofest. The event currently delivers against some environmental outcomes and some social wellbeing outcomes.
- 7.2 Several options have been considered and it is still feasible, although challenging, for an event to be held this year. However, there are other uses of staff time and Council resources that could deliver more explicitly against Council's desired environmental outcomes. Officers therefore recommend that the event be cancelled for 2014.
- 7.3 If Council does decide that the Nelson Ecofest event goes ahead, officers recommend that the whole event be put out to contract for delivery of the event at Founders Park in this calendar year.

Chris Ward

Manager Environmental Programmes

Attachments

Attachment 1: Tasman Nelson Environment Awards and Ecofest Options
([A1120552](#))

No supporting information follows.

28 January 2014

REPORT A1120552

Tasman Nelson Environment Awards and Ecofest Options

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.

PREVIOUS REPORT

Supporting Information

1. Fit with Purpose of Local Government

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.

2. Fit with Community Outcomes and Council Priorities

The events support the following outcomes:

- People friendly places – we live in a sustainable regions; and
- Healthy Land, Sea, Air and Water – we protect the environment and the following priorities:
 - The Nelson edge – promoting Nelson's natural advantage;
 - The natural environment – Nelson is a city that takes seriously its guardianship of the environment.

3. Fit with Strategic Documents

Both events are consistent with and support the aims of Nelson 2060.

4. Sustainability

Both events promote and support sustainability at the grass roots level.

5. Consistency with other Council policies

Not applicable.

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

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.

7. Decision-making significance

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

8. Consultation

The recommendations in this report have been discussed and agreed with officers from Tasman District Council.

9. Inclusion of Māori in the decision making process

Not applicable.

10. Delegation register reference

The recommendations reflect the delegations of the Committee and Council.

20 March 2014

REPORT A1127327

Response to Marine Biosecurity Incursions

1. Purpose of Report

- 1.1 To consider options for responding to recent and future marine biosecurity incursions.
- 1.2 To support a regional (Top of the South) approach to managing marine biosecurity issues.

2. Recommendation

THAT the report Response to Marine Biosecurity Incursions (A1127327) and its attachment (A1130174) be received.

Recommendation to Council

THAT Council confirms the general approach to marine biosecurity issues is to manage marine biosecurity through a combination of vector management and node management actions;

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.

3. Background

- 3.1 There have been two known marine biosecurity incursions into Nelson waters in 2013, and two further incidents under investigation so far this year.
- 3.2 In May 2013, an infestation of *Sabella spallanzanii* (Mediterranean fanworm - *Sabella*) was found on the *Manini*, a 63 m vessel brought to Port Nelson from Auckland for a refit. Fortunately none of the fanworm found were of reproductive size.

- 3.3 In September 2013, a single *Sabella* fanworm was found attached to a pontoon in Nelson Marina during a routine surveillance dive by NIWA, acting on behalf of the Ministry for Primary Industries (MPI). A delimitation survey was then carried out which found a further 10 immature fanworms attached to marina structures and one (immature) attached to a boat in the marina. No fanworms were found in the Port area outside of the marina. The source of these has not been established, although it is not thought to be related to the *Manini* incursion.
- 3.4 In January 2014 the MPI received two separate reports indicating that *Sabella* may be present on one commercial ship and one recreational yacht. Further investigations are underway.
- 3.5 A further survey is planned for March 2014 in order to determine if other individual fanworms are present in the survey area.
- 3.6 The cost of the initial delimitation survey (\$10,800) was funded jointly by MPI and Council, with support from the Top of the South Marine Biosecurity Partnership.
- 3.7 *Sabella* is on the MPI's Unwanted Organism Register. However, there are known breeding populations in Waitemata Harbour (Auckland) and in Lyttleton (Christchurch). Attempts to eradicate it from these two harbours have ceased and MPI do not have a national programme for *Sabella*, therefore, it is likely that there will be further incursions of *Sabella* into Nelson waters in the future.
- 3.8 *Sabella* is not the only unwanted organism that has been found in Nelson. *Undaria pinnatifida* (*Undaria*) has become established, despite attempts at eradication, and low numbers of *Styela clava* (*Styela*) are also known to be present. Marlborough District Council is currently trying to control a *Styela* incursion in Picton.
- 3.9 Port Nelson and the Nelson Marina are important transportation nodes. Both commercial and recreational vessels travel to Nelson from ports with known pest infestations. Recreation vessels also regularly travel from Nelson to the Abel Tasman coastal area and to the Marlborough Sounds. If pests establish in Nelson then they are more likely to become established in other areas across the Top of the South.
- 3.10 Council has responsibility under the Biosecurity Act 1993 to provide leadership in activities that prevent, reduce, or eliminate adverse effects from harmful organisms that are present in New Zealand, in its region. There is a need for Council to have a long term strategy in place for responding to these incursions. There is also a need to fully explore the costs, benefits and likely outcomes of any course of action (including do nothing).
- 3.11 Council's response to pests is generally informed by the Regional Pest Management Strategy, jointly adopted with Tasman District Council in 2012. *Undaria* is the only marine organism listed, and only as a regional

surveillance pest, which means there are no rules requiring control measures to be taken.

3.12 Council is a member of the Top of the South Marine Biosecurity Partnership (TOTSMBP), along with Tasman District and Marlborough District Councils and MPI and a representative of local iwi. The functions of the partnership include to:

- Undertake coordinated marine biosecurity education and advocacy activities;
- Provide integration of regional with national marine biosecurity systems;
- Provide partners with access to regional intelligence, resources and organisational structures;
- Coordinate local surveillance programmes including stakeholder involvement.

3.13 TOTSMBP has recently completed a marine biosecurity policy options report (Attachment 1). This was finalised prior to the current incursion, but provides useful context

3.14 Officers note that the support of TOTSMBP members enabled a timely response to the initial *Sabella* incursion.

4. Discussion

Response Options

4.1 A decision now needs to be made as to what the long term objectives are for managing *Sabella* in Nelson. There are two ways of approaching this issue:

4.1.1 Firstly, Council could restrict its considerations and response to specifically targeting the current *Sabella* incursion. Options would include:

- Do nothing, and accept that *Sabella* is likely to become established in Nelson;
- Control *Sabella* on vessels (vector management) to reduce the risk of spread across the Top of the South region;
- Control *Sabella* population within Port Nelson and Nelson marina areas by conducting regular dive sweeps of the Port to remove *Sabella* (node management);
- A combination of vector and node management specifically targeting *Sabella*.

- 4.1.2 The second way of considering its response is for Council to adopt a generic management approach across all marine pests. Options would include:
- Do nothing, and accept that marine pests will continue to arrive in Nelson waters and are likely to then become established;
 - Implement a vector management programme to reduce the risk of vessels transferring unwanted organisms into/out of Nelson waters;
 - Implement a node management programme to reduce the risk that clean vessels in Nelson waters will become infested with marine pests;
 - Implement a combined node and vector management programme centred around the marina and Port.
- 4.2 Each of these options is discussed below.

Targeted management of *Sabella* – Do nothing

- 4.3 If the decision is to do nothing then it is likely that the *Sabella* population will increase in Port Nelson, that it is likely to spread across the region and that this may result in environmental, social and economic impacts.
- 4.4 There is some uncertainty about what the level of risk is. The MPI have conducted a cost benefit analysis (to be confirmed) which indicates potential impacts on shellfish and tourism industries. There are also likely to be effects on natural environments, including marine reserves.
- 4.5 There is also uncertainty about how the *Sabella* population will grow under Nelson conditions. It is believed that these are favourable to fanworm growth. This may mean that *Sabella* will spread relatively quickly and may impact on recreational and amenity values in our waters (e.g. by affecting recreational fishing or by colonising the Boulder Bank and Horoirangi Marine Reserve).
- 4.6 This option costs nothing at present but could result in significant impacts if *Sabella* colonises and spreads rapidly. Incursions by other pests would need to be responded to on a case by case basis.

Targeted management of *Sabella* – vector management

- 4.7 This approach would limit the spread of *Sabella* across the region by limiting opportunities for its spread by vessels. This could be enforced through berth holder agreements coupled with periodic dive inspections of vessels in the harbour and marina. Some of the costs associated with this approach could be passed on to vessel owners.
- 4.8 A system of risk profiling of vessels visiting Nelson would also be required. This would target vessels that have been harboured in areas known to have *Sabella* present. Those that posed a significant risk of

carrying *Sabella* would be required to demonstrate that they were clean or be required to be cleaned in Nelson.

- 4.9 Vessels carrying marine pests other than *Sabella* would not be targeted in this approach.
- 4.10 Some spread of *Sabella* would still occur through natural processes, and a resident population is likely to build within the Port area.

Targeted management of *Sabella* – node management

- 4.11 This approach would limit the spread of *Sabella* across the region by ensuring that any *Sabella* within the Port and marina areas is removed before it becomes a breeding population. This would require regular dive sweeps of the port and marina areas to remove any *Sabella* found, and would mean that vessels present in Nelson would be less likely to become infested with *Sabella*.
- 4.12 By itself this would not manage the risk of an infested vessel coming from some other part of New Zealand, which would increase the number of *Sabella* requiring removal (and increase the costs of removal).

Limitations of a targeted approach

- 4.13 A well resource targeted approach may well be successful in reducing the impacts of *Sabella* across the Top of the South. However, officers believe that implementing a generic approach is more economically efficient and will be easier to implement than the targeted approach. This is because the mode of spread of other marine pests is similar to that of *Sabella* (i.e. brought to Nelson by a vector, establishment in nodes) meaning that vector and node management options can be extended to other pests at only marginal additional cost.

Generic management – do nothing

- 4.14 Under this option Council would accept that its general approach to marine biosecurity was to accept that pests which are currently already established in New Zealand will eventually establish in Nelson and so no specific response actions are necessary.
- 4.15 This approach will have no short term economic costs but at some stage it is likely that a marine pest will establish and result in significant impacts on the region's economy and other values.

Generic management – vector management

- 4.16 This approach would limit the spread of all pests across the region by limiting opportunities for its spread by vessels. This could be enforced through berth holder agreements coupled with periodic dive inspections of vessels in the harbour and marina. Some of the costs associated with this approach could be passed on to vessel owners.

- 4.17 A system of risk profiling of vessels visiting Nelson would also be required. This would target vessels that have been harboured in areas known to have pest organism present. Those that posed a significant risk of carrying *Sabella* would be required to demonstrate that they were clean or be required to be cleaned in Nelson.
- 4.18 Some spread of *Sabella* and *Styela* would still occur through natural processes, and a resident population is likely to build within the Port area.

Generic management – node management

- 4.19 This approach would limit the spread of pests across the region by ensuring that any unwanted organism found within the Port and marina areas is removed before it develops into a breeding population. This would require regular dive sweeps of the port and marina areas to remove any pests found.

Recommended approach

- 4.20 Officers recommend that Council takes a proactive stance towards marine biosecurity issues through a combination of generic vector and node management options. As part of both options there is a need to engage and consult with stakeholder groups to ensure the measures implemented will be workable and effective.
- 4.21 Vector management options would aim to be consistent with national policy developed by MPI, and would include:
- Berth holder agreements to include regular inspection with de-fouling as required;
 - All vessels visiting Nelson marina, or anchoring or occupying swing moorings for more than two weeks, will have to demonstrate recent defouling or anti-fouling, or have treatment in Nelson before being allowed to stay;
 - Profiling of commercial vessels to identify those posing high risk to marine biosecurity.
- 4.22 Node management options would include conducting regular dive sweeps of marina and adjacent Port areas to:
- Remove any *Sabella* or *Styela* found;
 - Identify any recreational vessels requiring treatment;
 - Maintain a watching brief in relation to other pests.
- 4.23 This approach entails additional costs for Council and for recreational vessel owners. It will require co-operation from Port Nelson. It will also only be fully successful if a similar approach is adopted by Tasman and

Marlborough District Councils towards marine biosecurity in their marinas and ports.

Costs and cost apportionment

- 4.24 As the regional authority Council will be subject to additional costs for all actions other than 'do nothing'. Some of these costs may be recoverable under the Biosecurity Act (for example the costs associated with enforcement action). Council could also consider passing costs on in relation to the marina to recreational boaties through increased berth fees. Council could also fund some of the costs in relation to marina management from the closed marina account.
- 4.25 MPI has offered financial support for targeted pest work, including for the initial response to *Sabella*. Given that there is not a national pathways programme in place yet, if Council were to decide on an approach that included vector management then it would seem reasonable to request support for implementation from MPI.
- 4.26 Any proactive action by Council will have direct and indirect benefits for Marlborough and Tasman District Councils. For the recommended approach to work there is a need for political and financial commitment from them.
- 4.27 Once this commitment can be received the TOTSMBP would be ideally placed to develop the strategic framework necessary to support the recommended approach.

5. Conclusion

- 5.1 Nelson Port and marina are key entry points for marine pests into the wider Top of the South region. There have been two recent incursions and there are likely to be more in the future unless a proactive vector management strategy is in place.
- 5.2 There will always be uncertainty about the specific environmental, social and economic impacts of any individual pest. However, it is likely that at some stage a marine pest will arrive in Nelson that will significantly impact on these values.
- 5.3 Council has to find a balance between the costs of managing the issue now compared with the potential costs of a pest becoming endemic. Officers recommend a precautionary approach is taken and that the risks of a serious marine biosecurity incursion are reduced through a combination of vector and node management. To be effective this approach needs to be consistent across the Top of the South region.

Chris Ward
Manager Environmental Programmes

Attachments

Attachment 1: Top of the South Marine Biosecurity policy package ([A1130174](#))

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

Marine Biosecurity is a regional council function under the Biosecurity Act 1993. Council also has responsibilities under the Resource Management Act 1991 (RMA) to sustainably manage the natural and physical resources of the region, including the Coastal Marine Area (CMA). These responsibilities include sustaining the potential of natural and physical resources, safeguarding life-supporting capacity and protecting environmentally significant areas and habitats (s5(2) and 6(c)).

2. Fit with Community Outcomes and Council Priorities

The eradication and effective management of harmful organisms benefits *the natural environment*, which is one of Council's priorities and helps work towards the community outcome *healthy land, sea, air and water*.

3. Fit with Strategic Documents

This report is consistent with the Regional Pest Management Strategy and Nelson 2060.

4. Sustainability

The recommendations contribute to Goal Three: Our natural environment – air, land, rivers and sea – is protected and healthy.

5. Consistency with other Council policies

This report is not inconsistent with other policies.

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

Provision will be made in the draft annual plan for additional resources (or re-allocation) to enable Council to address the priority issues.

7. Decision-making significance

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

8. Consultation

None.

9. Inclusion of Māori in the decision making process

Iwi are represented on the Top of The South Marine Biosecurity Partnership Management Committee.

10. Delegation register reference

The recommendations in this report reflect the delegations of the Planning and Regulatory Committee.

Te Tau Ihu Treaty Settlements

1. Purpose of Report

- 1.1 To highlight to the Planning and Regulatory Committee the information and process requirements needed to be put in place in anticipation of the enactment of the treaty settlement legislation for the Top of the South.

2. Recommendation

THAT the report Te Tau Ihu Treaty Settlements (A1131734) be received.

3. Background

- 3.1 The Te Tau Ihu Claims Settlement Bill contains specific requirements for Council which include the attachment of Statutory Acknowledgments to district and regional plans as well as process requirements for resource consents and policy development. The settlements also require Memoranda of Understanding between each iwi and each Council across Te Tau Ihu.

4. Discussion

- 4.1 A Statutory Acknowledgement is a type of cultural redress frequently included in Treaty settlements between the Crown and a Māori claimant group. A Statutory Acknowledgement recognises the particular cultural, spiritual, historical and traditional association of an iwi with the identified site/area. This type of redress enhances the ability of the iwi to participate in specified Resource Management Act 1991 (RMA) processes. Statutory Acknowledgement areas can be extensive, for example in Nelson they include all of the coastal marine area and the Maitai River catchment, which covers most of the central urban area of Nelson.
- 4.2 Section 43(2) of the Bill details the information required to be attached to all statutory plans including (a) the relevant provisions of sections 37 to 46 of the Bill (these are what statutory acknowledgments are/mean, how they work with the RMA etc), (b) the descriptions of the statutory areas, and (c) the statements of association or statements of coastal values for the statutory areas. Section 43(3) states that the attachment of the above information is exempt from the First Schedule of the RMA (this is the plan change process).

- 4.3 A draft of the Statutory Acknowledgments document for the Top of the South has been prepared by Council officers, checked by the Office of Treaty Settlements policy analysts, and sent to iwi for comment. It has also been reviewed by the policy managers at Tasman District Council (Steve Markham) and Marlborough District Council (Pere Hawes). Officers have reached agreement that there will be one attachment for the Top of the South (all three Councils). The document will be made available to Councillors prior to the Treaty Settlement workshop planned for later in 2014.
- 4.4 The GIS team at NCC (in collaboration with the GIS team at MDC) are also working as part of this project on developing one ArcGIS (software programme for GIS) webpage/site which the public and all three Councils will link to show the statutory acknowledgments provided for in the Te Tau Ihu Settlement Bill. This will also be shown as a layer in NMap, Council's internal GIS system.
- 4.5 The concepts for the design of the ArcGIS system have come from the need for Council to have an effective tool to track statutory overlays. The concept was supported by iwi on several occasions. A first version of the programme has been demonstrated to the board of Tiakina Te Taiao Ltd this week and they were very pleased with the results. Iwi were given assurance that this tool would not be made available to the public until such time as iwi agree. The data used was provided by Office of Treaty Settlements.
- 4.6 The actual attachments to the Nelson Resource Management Plan, the Regional Policy Statement and Air Quality Policy, are not required to be complete (attached as part of the plans) until six months and 70 days after the Bill becomes an Act; however, the processes for resource consents need to be effective from the day of the enactment of the legislation.
- 4.7 The Office of the Treaty Settlements advises that they anticipate second readings of the Omnibus Bill (split into eight separate Bills) on 20 February 2014 and the third reading on 17 March 2014 with settlement date (when the redress will transfer or come into effect) for all eight iwi settlements falling at the end of May 2014 (70 working days after enactment of the legislation).
- 4.8 Prior to this Council will need to put in place process to give effect to the following requirements of the Act:
- 4.8.1 Council must have regard to the statutory acknowledgements in deciding under Section 95E of the RMA who is affected by a resource consent application. This means that iwi may be considered affected parties in the areas identified as statutory acknowledgments i.e. the central Nelson urban area.
- 4.8.2 Council must attach the statutory acknowledgments to all statutory plans that cover the statutory area.

- 4.8.3 Council must for a period of 20 years provide the relevant trustees the following information for each resource consent application adjoining or within a statutory acknowledgment:
- A summary of the application;
 - A copy of the notice of the application served under section 145(1) of the RMA. This section relates to matters lodged with the Environmental Protection Authority (EPA).
- 4.8.4 The information provided in the summary must be the same as that given to an affected party under section 95B of the RMA or as agreed between Council and the relevant trustees. The summary must be provided as soon as possible after receipt of the application and no later than 10 working days after receipt of the application, and prior to any section 95 decision on notification.
- 4.8.5 Council must invite and have regard to advice from the river and freshwater advisory committee to be set up by iwi under the Settlement Act. There is a timeframe of two months within which the committee is entitled to be given to provide their advice on any issue in or adjoining the freshwater catchment identified in the Act. A Council representative must attend committee meetings. The Committee may make requests to Council for information or provide advice to Council in relation to the preparation or change of any policy statement or plan. Council must have regard to that advice in the preparation of policy statements or plans.
- 4.9 Council's asset management and property management activities will also be affected by the Settlement Bill cultural redress provisions.

Implementation

- 4.10 Clear direction is required from iwi about the types of consents they want a full summary about and the format of that summary. Clear direction is also required from iwi about how they wish to be involved in Nelson Plan review.
- 4.11 The following further work is required to complete the statutory acknowledgment attachment to the Plans. Concurrently process changes need to be anticipated both within resource consents and the policy and planning units and within the property and reserves areas of the infrastructure division.
- Feb 2014 NCC GIS complete ArcGIS mapping of statutory acknowledgments;
 - Mar 2014 Statutory Acknowledgements added to NMap;
 - Mar 2014 Attachment of Statutory Acknowledgments to NRMP, RPS and AQP on website and distribution of final to TDC and MDC;

- Mar2014 Internal staff training on how to use the data and map (this could include TDC staff);
- April 2014 User testing of public ArcGIS online with iwi;
- May 2014 Present draft map at iwi interface meeting (Kotahitanga);
- May 2014 Launch to public of ArcGIS online system.

5. Conclusion

- 5.1 Legislative requirements are going to require councils to change their processes in the very near future (within the next five months).
- 5.2 The fundamental principles of the Resource Management Act will not change and iwi will continue to be provided with a weekly summary of all resource consent applications for their input. This weekly summary is not the same level of information as would be given to an affected party so there needs to be agreement between the Council and the relevant trustees on the level of information provided for particular types of consent applications to ensure iwi are not overwhelmed by applications that are of no interest to them.
- 5.3 Some consideration will have to be given to consistency of interpretation of Treaty Settlements Legislation and it would be appropriate to include iwi in that discussion.
- 5.4 There will also be an additional requirement on resource consent applicants to at least give regard to statutory overlays in their application and consult with iwi if they are deemed by the consent authority to be affected parties. Applicants will be advised of this obligation as early as possible in the process.
- 5.5 For Council as a "higher user" applicant for resource consents, a policy maker, strategic planner and infrastructure builder and maintainer; it may be worthwhile considering the most effective way of getting iwi input from the eight iwi that it must now have a relationship with.
- 5.6 Currently Nelson City Council is building the tools required and discussing best practice methodology from an operational perspective. The Chief Executive Officers from all three councils have committed to developing and effective and efficient model of working with Māori.
- 5.7 At governance level there may be some challenges on "special privileges" for Māori from the general public. The short answer to such comments may be that:
- Legislation requires Māori input to be reflected in the decision making process;

- That because of the legislative requirements it is more pragmatic to seek Māori input in the beginning of a process rather than halfway through (this is certainly the case operationally);
 - The tikanga and kawa (protocol) of Māori speak of aligning management of all aspects of the environment, i.e. clean Wai Māori (water), clean Hau (air), clean Moana (sea) and functioning ecosystems to support these aspirations. It could be argued that these are the same desires as those of the whānui hapori (wider community);
 - There is only one Treaty partner.
- 5.8 Nelson City Council may wish to consider a public education programme about how the Whakapapa behind Treaty Settlements and how it affects the processes of Council.
- 5.9 The Treaty Settlement legislation also requires Memoranda of Understanding between each iwi and each Council across Te Tau Ihu. Four iwi chairs have been canvassed about this and have given an indication that they are happy for Council to provide a draft for their consideration and input. The areas they have indicated the strongest interest in are environmental matters and commercial development. They would also like to include a Rangatira ki Rangatira conversation on a regular basis.
- 5.10 This also provides the Council an opportunity to put forward Councils requirements both at an operational level and a governance level. Having identified these it may be appropriate to have a conversation for the LTP review on the resource implications of the change in process and the cost of establishing an effective forum to meet the requirements of the legislation.

Geoff Mullen
Kaihautū

Attachments

None

No supporting information follows.

Adoption of Nelson Biodiversity Strategy 2013

1. Purpose of Report

- 1.1 To adopt the Nelson Biodiversity Strategy 2013.

2. Recommendation

THAT the Report Adoption of Nelson Biodiversity Strategy 2013 (A1142184) and its attachment (A1126385) be received.

Recommendation to Council

THAT the Nelson Biodiversity Strategy 2013 (A1126385) be adopted.

3. Background

- 3.1 The Council received the Nelson Biodiversity Strategy 2013 at its meeting on 19 September 2013.
- 3.2 The Council resolved:

THAT the report Nelson Biodiversity Strategy Review 2013 (1591439) be received;

AND THAT the Nelson Biodiversity Strategy 2013 as reviewed by the Nelson Biodiversity Forum (1593133) be received;

AND THAT the Nelson Biodiversity Forum be thanked for their work in reviewing the Biodiversity Strategy;

AND THAT Council agrees to be the lead agency for those actions identified in the Nelson Biodiversity Strategy (1593133) with the exception of action 9 (increasing range and security of eel grass);

AND THAT staff assess the feasibility and priority of those actions not currently allocated resources, for Council to consider as part of the Annual Plan 2014/15.

- 3.3 The Council's decision was conveyed to the Biodiversity Forum and, as a result, the lead agency for action 9 was changed to the Cawthron Institute.
- 3.4 The Biodiversity Forum has requested that the final Strategy be adopted by Council.

4. Discussion

Alignment with Council priorities

- 4.1 The Key Focus Areas for 2013 to 2016 have been drawn from the priority actions list and are identified as:
- Getting effective action to sustain the environmental health of Tasman Bay.
 - Pursuing ecological restoration of the Maitai River and its riparian margins.
 - Protecting and restoring existing alluvial, riparian and coastal ecosystems focussing special attention on the Wakapuaka Valley and Delaware Bay.
 - Promoting public awareness of biodiversity in Nelson City and integrating biodiversity priorities into the ongoing development of the city.
- 4.2 Officers agree with the Biodiversity Forum that the first three specific focus areas should be priorities for Council. The fourth key focus area is more generic and should be part of how Council conducts its ongoing business as usual.
- 4.3 The Strategy contains 34 priority actions, and Council has been identified as lead agency for 14 of these. Being a lead agency does not commit Council to doing anything other than acting as a point of contact for initiating activity and reporting of progress on that action.
- 4.4 Officers have assessed each of these and identified those that would require additional resource as follows. This resourcing will be considered through the 2014/15 annual plan process.

Actions requiring significant additional resource

- 4.5 *Priority Action 1:* Leading stakeholders and institutions to develop integrated management of greater Tasman Bay in a way that sustains or enhances its biological diversity and protects sensitive habitats, biological communities and species.
- 4.5.1 This would require co-ordination of a multi-agency effort to develop some key actions, which would need to be based on scientific understanding of the issues. Research is ongoing but results are some

time away. There is a need to engage with stakeholders, and in particular with the fishing industry.

- 4.5.2 Council has allocated a budget of \$20,000 in this financial year to support research into the Tasman Bay. The Tasman Bay Working Group is presenting a report to the Biodiversity Forum on 24 March 2014.
- 4.5.3 The level of resourcing required will depend on the focus of the adopted approach. If the focus is restricted to fisheries issues then Council may only have a limited role. If the scope were broader (ie including wider biodiversity issues) then Council could choose to have a more significant role. This would require a significant commitment of staff time, as there would be a need to engage with a wide range of stakeholders to develop common understanding of the issues, objectives and a way forward.
- 4.6 *Priority Action 2: Identify and correct impediments to the natural flow of water into and through the coastal environment including reviewing the need for all tidal flap gates and ensuring consents are applied for those that are found to be unauthorised.*
- 4.6.1 The key site requiring action is at the Wakapuaka Sandflats. Council currently has a resource consent on hold to remove the existing tidal flood gate to allow restoration of saltwater sand flat habitat. A budget of \$200,000 for the associated capital works has been deferred for consideration in the 2015/2025 LTP.
- 4.6.2 There are wider strategic issues in that area, and an opportunity exists to link environmental and economic objectives for the wider area. If Council wished to address these issues, additional planning resources would be required.
- 4.6.3 *Priority Action 7: Reduce land-based pollution of the sea by:*
- Obtaining information about land use activities across Tasman Bay catchments to identify where sediment is coming from and estimate sediment accumulation rates as a basis for a review of land use management practices.
 - Continued assessment of contaminated land impacts on marine environments.
 - Assessing all urban stormwater and initiating action to correct issues, including adopting low impact design for sustainable urban drainage systems (e.g. rain gardens, wetlands, swales, rainwater collection, detention ponds).
- 4.6.4 Whilst this is included as a marine environment action, these are primarily freshwater issues. Council does have a monitoring and investigative programme in place to address these issues but they could be managed more strategically under the framework of catchment management plans.

- 4.6.5 Officers have recommended that additional resource is allocated in this area and that the Maitai Catchment be progressed as a priority (see also priority action 10).
- 4.7 *Priority Action 10*: Pursue ecological restoration of the Maitai River (including the Brook Stream) and its riparian margins.
- 4.8 *Priority Action 16*: Protect and restore existing alluvial, riparian and coastal ecosystems of the Maitai Valley and urban area of the city
- 4.8.1 Council does carry out some restoration works as part of its esplanade reserves planting programme, and Council staff have engaged with the Friends of the Maitai group to facilitate community actions.
- 4.8.2 However, there is an opportunity to be more strategic in the approach to the Maitai. This will start with the development of a catchment management plan and with implementation of some short term actions to improve river health.

Other Actions

- 4.9 The other actions can generally be resourced within Council's business as usual – these are actions where other agencies are leading or are those that Council already contributes to in some way. These include pest management work and riparian planting managed by Parks and Recreation team on Council land, and the work of the Land Management Adviser with private landowners.

5. Conclusion

- 5.1 The Nelson Biodiversity Strategy has been reviewed by the Nelson Biodiversity Forum and presented to Council to be adopted.
- 5.2 Officers recommend that Council should adopt the Nelson Biodiversity Strategy 2013; that Council focuses its main efforts on addressing the identified issues with the Maitai river, Tasman Bay and Wakapuaka valley; and that the other actions will be addressed either through business as usual or, in the case of new actions, as resources allow.

Chris Ward
Manager Environmental Programmes

Attachments

Attachment 1: Nelson Biodiversity Strategy 2013 ([A1126385](#))

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

The control of the use of land, the allocation of coastal space and water resources, and the control of discharges is a regional function of Council for the purposes of maintaining and enhancing the quality and quantity of freshwater and coastal waters, and the integrated management of natural and physical resources generally.

The establishment, implementation, and review of objectives, policies, and methods for maintaining indigenous biological diversity is a Regional function of Council for the purpose of giving effect to the Resource Management Act 1991 s30.

2. Fit with Community Outcomes and Council Priorities

Healthy land, sea, air, and water

- We protect the natural environment.

People-friendly places

- We build healthy, accessible and attractive places and live in a sustainable region.

Good leadership

- Our leaders are proactive, innovative, and inclusive.

3. Fit with Strategic Documents

The Nelson Biodiversity Strategy is consistent with Nelson 2060.

4. Sustainability

Goal three of the Nelson 2060 Strategy states 'Our natural environment – air, land, rivers and sea – is protected and healthy'. The Nelson Biodiversity Strategy contains actions that relate to this goal.

5. Consistency with other Council policies

The Strategy is not inconsistent with other policies.

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

Several of the priority actions within the Strategy are not specifically resourced. It is recommended that this be considered as part of the 2014/15 Annual Plan.

7. Decision-making significance

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

8. Consultation

The original Biodiversity Strategy was subject to a full public consultation in 2007. This review has involved consultation with members of the Nelson Biodiversity Forum.

Supporting Information

9. Inclusion of Māori in the decision making process

Ngati Kuia, Ngati Tama, Ngati Koata are represented on the Nelson Biodiversity Forum.

10. Delegation register reference

The recommendations in this report reflect the committee delegations.

Nelson Biodiversity Strategy

Reviewed 2013



5 December 2013

Table of Contents

	Page
Preface	3
Introduction	4
Vision	4
Goals and objectives	4
How this strategy works	5
Principles	6
Achievements to March 2013	6
Gaps in implementation	7
The changing environment for biodiversity	8
The priorities for 2013 and beyond	9
Priority actions	9
Monitoring and review	14
Glossary	15
Current partners	18

Preface

It was Jared Diamond who popularised the mass extinction hypothesis in *The Rise and Fall of the Third Chimpanzee*. Simply put, if we extrapolate the data on past extinctions to our current environmental scenario we should be able to predict future extinctions, and the predictions are not good.

The World Wide Fund for Nature's *Living Planet Report* followed 695 representative populations of terrestrial species to calculate the Terrestrial Living Planet Index. If the total terrestrial species population in 1970 is taken as 100 units, then in 2003 only about 69 units were left. The terrestrial species index therefore shows a 31% decline from 1970 to 2003.

In Nelson we want to do better, and sustain our part of the living diversity of planet Earth. This Strategy is about building better cooperation in that effort. Every day landowners and volunteers are out there restoring our collective biodiversity. This is great work, and as responsible agencies and organisations we want to become more effective in supporting those efforts. We also are committed to focusing our work in a common direction. This is the work of the Nelson Biodiversity Forum.

As we reviewed the first two years of action under this Strategy we realised the need for more collaboration across the Top of the South Island. Here in the prow of Maui's canoe we have many treasured species and places, and limited resources to apply to their care. Nowhere is the need for cooperation and alignment better seen than in Tasman Bay. With three councils and several government agencies involved, and evidence of ecological tipping points being reached, the only responsible approach is to work together to identify and resolve the threats to our marine environment. We recognise the good work done by our neighbours and are keen to make the most of our complementary strengths.

I am proud to release this reviewed and updated Strategy as a foundation for effective action to sustain our biological heritage in Nelson and in Te Tau Ihu o te Waka a Maui.

Rachel Reese
Chair
Nelson Biodiversity Forum

Introduction

The purpose of this strategy is to create a biologically rich and sustainable future for Nelson through aligned action on biodiversity. After six years of operation the strategy has been revised and updated.

Vision

Our vision is that Nelson is celebrated as the gateway to a region richly endowed with natural places that teem with native plants and animals.

The mauri (life force) and wairua (spirit) of ecosystems and species of significance to tangata whenua, and to the community as a whole, are protected and enhanced.

Nature is accessible in and around the city.

Tangata whenua customary use of nga taonga tuku iho (the treasured resources) is a recognised and accepted part of the wider integrated management of biological diversity in Whakatū.

Valued exotic species thrive in appropriate places, and pest and weeds are controlled and/or eradicated.

Goals and objectives

Goal 1 Active protection of native biodiversity
Nga taonga tuku iho (the treasured resources), native species, and natural ecosystems of Nelson/Whakatu are protected and restored.

- Objective 1.1 Ecological health, mauri and wairua of natural ecosystems are sustained.
- Objective 1.2 Native biological diversity is restored, enhanced and, where appropriate, connected.

Goal 2 Ecologically sustainable use of biodiversity
The community has the living resources it needs, and has minimised adverse effects on valued biodiversity.

- Objective 2.1 Biodiversity use is ecologically sustainable.
- Objective 2.2 Biodiversity resources are available for the community to prosper including tangata whenua customary use of nga taonga tuku iho.

How this strategy works

This strategy is founded on the proposition that aligned action by responsible agencies and committed individuals will lead to achieving our biodiversity vision for Nelson. The Strategy works through a 'Whole of Council' and 'Whole of Community' approach.

- ❖ **Whole-of-Environment approach:** Partners to this Strategy will commit to building a network of partnerships with overlapping interests, particularly within our bio-geographic region, Te Tau Ihu o te Waka a Maui.
- ❖ **Whole-of-Council approach:** The principles, goals and objectives of the strategy will be considered whenever Council policies and projects are developed, implemented, and reviewed.
- ❖ **Whole-of-Community approach:** Partners to this strategy will work through the Biodiversity Forum to create a better biodiversity future for Nelson by committing to aligned action under the principles, goals and objectives of the strategy.

The Strategy builds on the initiatives and actions that already exist, linking them together under a common vision; and it introduces some new actions that address the priority issues related to biodiversity management in the region.

A key element has been the creation of Biodiversity Action Plans one for each of the marine, freshwater and terrestrial environments. The Action Plans have three parts:

1. Agreed priority actions for the partners in the Nelson Biodiversity Forum.
2. Current actions that sustain biodiversity and identification of how better to align these with one another.
3. Further desirable actions that could be taken if resources become available.

The partners have agreed to periodically update the plans to sustain alignment and adapt to changing circumstances.

Principles

The eight principles for biodiversity management action by the parties to this strategy have been reaffirmed unchanged as:

1. Our unique ecological heritage will be protected now and for future generations.
2. Action will contribute to the sustainable management of Nelson ecosystems and take into account our national and global responsibilities.
3. The biodiversity foundations of Nelson's prosperity will be protected and enhanced.
4. The precautionary principle will be used in making decisions to allow for the limits to our understanding of biological complexity.
5. Costs, benefits and risks, including environmental effects, will be rigorously assessed to enable best use of limited resources.
6. Nelson's sense of community and its capacity for cooperative enterprise will be fostered.
7. Action will encourage individual responsibility, participation, equity and humane treatment.
8. Partners will work within their organisations to ensure that these commitments are discussed, understood and acted on by all appropriate staff.

Achievements to March 2013

Sustaining biodiversity has become part of business as usual in Nelson for many sectors of the community. The Nelson Biodiversity Forum has explored integration with similar initiatives in Tasman and Marlborough and better coordination is still under discussion.

For example partners to the forum have been engaged in the projects described below.

The Nelson Biodiversity Forum has been active with most of the 24 signatory organisations active both around the Forum table and inside their own programmes.

Three action plans were agreed by the Forum to focus work on the major environments of Nelson - marine, freshwater and terrestrial. Implementation of these plans has progressed with a strategic plan being completed for the Waimea Estuary and the estuary now having its own forum and implementation programme. The attention of the Nelson forum has moved to integrated management of wider Tasman Bay. The marine science community of Nelson has obtained national funding for research on the issues facing Tasman Bay.

The Forum has urged the three Councils to work together to take the findings of this work and implement it in coordinated management of the Bay.

The Brook Waimarama Sanctuary Trust has been steadily working towards the vision of a thriving pest-free forest 700ha sanctuary in the upper Brook Valley. In April 2007, the Visitor Centre was opened. It provides an introduction for visitors and is a base for volunteers. Their efforts have resulted in a network of tracks, removal of many animal pests and weeds, a general improvement in the health of the forest and a noticeable increase in native birds. The resource consents for the predator-proof fence and associated tracks have been obtained. All going well, construction will begin in late 2013 and take about 15 months. Visits by school groups, open days and other public events, along with special work parties and campaign headquarters in the centre of Nelson continue to grow community involvement in and support for the sanctuary."

The Department of Conservation eco-sourcing guidelines for restoration of native plant communities has been taken up and is being implemented by Nelmac and Titoki Nursery.

Royal Forest and Bird Protection Society has supported the action plans, focusing volunteer efforts on the alluvial/riparian and coastal ecosystems of Paremata Flats (Whakapuaka Catchment) by undertaking predator control and restoration; predator control on the Grampians (now picked up by Bird Life); bat research. Other volunteer groups, both new and existing, have extended their reach with trapping and restoration programmes.

Over 2009 to 2013 a start was made on:

- Getting effective action to sustain the environmental health of Tasman Bay.
- Pursuing ecological restoration of the Brook Stream as a flagship freshwater project for Nelson.
- Protecting and restoring existing alluvial, riparian and coastal ecosystems.
- Correcting impediments to the natural flow of water into the coastal environment
- Improving community knowledge of coastal and marine environments and developing understanding and commitment to their protection.
- Reviewing existing coverage and undertaking surveys of benthic marine habitats in Tasman Bay mapping both biodiversity hot spots and risk zones.
- Obtaining information about land use activities across Tasman Bay catchments to identify where sediment is coming from and estimate sediment accumulation rates as a basis for a review of land use management practices.
- Assessing urban stormwater and initiating action to correct issues.
- Completing projections for sea level rise.

- Public awareness programmes.
- Identifying critical habitats for longfin eel, giant kokopu, and koaro in Nelson.
- Improving monitoring and enforcement of Resource Management Act consent conditions for freshwaters.
- Integrating upland pest and weed management programmes for the publicly owned uplands.
- Understanding the range of long tailed bats.
- Implementing high value, low risk opportunities for restoration.
- Developing plans to enhance the City with biodiversity corridors across the urban environment linking the hills to the coast.
- Publicly recognising the work of citizens in sustaining biodiversity.
- Focusing public education and awareness on biodiversity around flagship sites.
- Publicising biodiversity issues.
- Compiling details on taonga species important to tangata whenua iwi.
- Hosting workshops for partners, practitioners, and volunteers on practical skills for effective biodiversity action.

Gaps in implementation

Over the same period little progress was made on:

- Providing information programmes for community, professional and commerce/industry groups.
- Sponsoring annual public participation events.
- Establishing a local assistance programme.
- Developing a memorandum of understanding with marine industries on data sharing to release information on benthic habitats currently withheld as commercially sensitive.
- Completing a stock take of current community actions aiding freshwater biodiversity.
- Mapping the location and extent of Nelson's original (pre-1840) waterways.

The priorities for 2013 and beyond

There are many urgent things that need to happen to stem and reverse the loss of biodiversity in Nelson. To assist partner organisations and others this strategy includes 34 priorities for action below.

The Forum has found, however, that it can get real progress on only a limited number of matters at any one time. To be effective it must strategically focus its efforts. It has therefore selected the four highest priorities for implementation over the next three years. These actions take into account opportunities afforded by other processes to make gains. The key focus areas for the Forum for 2013 to 2016 are:

- A. Getting effective action to sustain the environmental health of Tasman Bay.
- B. Pursuing ecological restoration of the Maitai River and its riparian margins.
- C. Protecting and restoring existing alluvial, riparian and coastal ecosystems focusing special attention on the Whakapuaka Valley and Delaware Bay.
- D. Promoting public awareness of biodiversity in Nelson City and integrating biodiversity priorities into the ongoing development of the city.

The Nelson City Council will provide ongoing facilitation by convening and hosting the Nelson Biodiversity Forum.

The Forum advocates that the agencies identified as “lead” as suggested for each action point agree to undertake to being the focus for that action. Being a “lead” commits the agency representative on the Forum to act as a focal point for initiating activity on the action point and keeping the Forum up to date on progress. Each Partner will determine the actual work to be done by its organisation in a given year as part of its overall planning and budgetary cycle. Each will consult on and coordinate its efforts through its engagement in the Biodiversity Forum. Each partner will report its progress on the priority actions to the Forum annually and these will be compiled and published on the Council’s website, or in the future on the Forum’s own site.

The full range of priority actions for implementation are:

(Note that focus areas for the next three years are shown in are green):

Coastal and Marine Environment Actions¹

1. Leading stakeholders and institutions to develop integrated management of greater Tasman Bay in a way that sustains or enhances its biological diversity and protects sensitive habitats, biological communities and species. (Lead: Nelson City Council). Links to 2, 4, 5, 6, 7, 8, 9, 15, 16, 17, 19, 23, 24, 30, 31, 32, 34.²
2. Identify and correct impediments to the natural flow of water into and through the coastal environment including reviewing the need for all tidal flap gates and ensuring consents are applied for those that are found to be unauthorised. (Lead: Nelson City Council). Links to 1, 4, 7, 8, 9, 10, 12, 13, 14, 15, 25, 32, 34.
3. Protect and restore the natural communities of the Nelson Boulder Bank and the publicly owned portions of the Whakapuaka sand flats both in the sea and on the land. (Lead: Department of Conservation). Links to 1, 4, 7, 8, 32, 34.
4. Improve community knowledge of coastal and marine environments and developing understanding and commitment to their protection. (Lead: Friends of Nelson Haven and Tasman Bay). Links to 1, 2, 3, 6, 7, 8, 25, 26, 27, 28, 29, 30, 32, 33, 34.
5. Collate, order and analyse information about Nelson marine biodiversity to enable effective long term management; developing a memorandum of understanding with marine industries (including aquaculture and fisheries) on data sharing to release information on benthic habitats currently withheld as commercially sensitive. (Lead: Cawthron Institute). Links to 1, 4, 24, 25, 32, 34.
6. Review existing coverage and undertake surveys of benthic marine habitats in Tasman Bay mapping both biodiversity hot spots and risk zones. (Lead: NIWA). Links to 1, 3, 4, 5, 32, 34.
7. Reduce land-based pollution of the sea by:

¹ All of the marine actions above are joint initiatives to be pursued with Tasman and Marlborough.

² NIWA has a major project underway to investigate the drivers of shell fish decline in Tasman Bay and this will be a key factor in developing proposals for integrated management.

- Obtaining information about land use activities across Tasman Bay catchments to identify where **sediment** is coming from and estimate sediment accumulation rates as a basis for a review of land use management practices.
 - Continued assessment of **contaminated land impacts** on marine environments.
 - **Assessing all urban stormwater and initiating action to correct issues**, including adopting low impact design for sustainable urban drainage systems (e.g. rain gardens, wetlands, swales, rainwater collection, detention ponds). (Lead: Nelson City Council). *Links to 1, 4, 9, 10, 12, 13, 14, 15, 32, 34.*
8. Complete projections for **sea level rise** and an inventory of biodiversity resources at risk as a basis for future planning of staged coastal retreat for sea level rise with biodiversity objectives included. For example: reducing activities on and development of land vulnerable to future tidal inundation. (Lead: Nelson City Council). *Links to 1, 2, 3, 6, 8, 14, 17, 18, 30, 32, 34.*
 9. Monitoring the environmental health of our estuaries using the range and security of the habitat forming eel grass **Zostera** as indicator of progress. (Lead: Cawthron Institute). *Links to 1, 2, 6, 8, 32, 34.*

Freshwater Environment Actions

10. Pursue ecological restoration of the Maitai River (including the Brook Stream) and its riparian margins. (Lead: Nelson City Council). *Links to 11, 12, 13, 14, 15, 20, 23.*
11. Support the **Stoke Streams Rescue Project** to restore ecological functioning, water quality, habitat, flows and amenity values in the streams. (Lead: Nelson City Council). *Links to 2, 7, 12, 13, 14, 15, 22, 24, 25, 26, 28, 29, 30, 32, 34.*
12. Complete a full **stock take of current community actions** aiding freshwater biodiversity and identify and resolve barriers to effective progress and to acknowledge actions of private landowners, industrial companies, contractors, tourism operators and individuals that promote and enhance biodiversity. (Lead: Department of Conservation). *Links to 10, 24, 25, 26, 27, 28, 29, 32, 33, 34.*
13. Map the location and extent of Nelson's **original (pre-1840) waterways** and make these available together with the current state of these water bodies the public and to decision-makers. (Lead: Cawthron Institute). *Links to 3, 7, 10, 14, 16, 23, 24, 27, 28, 32, 34.*
14. Identify and where necessary recreate critical habitats for **longfin eel, giant kokopu, koaro** and other “at risk” species in Nelson and implement physical and legal protection to safeguard habitats of these

species. (Lead: Nelson City Council). *Links to 7, 10, 11, 13, 16, 17, 19, 23, 25, 27, 28, 30, 31, 32, 34.*

15. Improve monitoring and enforcement of Resource Management Act consent conditions for freshwaters. (Lead: Nelson City Council). *Links to 1, 2, 7, 10, 25, 32, 33, 34.*

Terrestrial Environment Actions

16. Protect and restore existing alluvial, riparian and coastal ecosystems of the Maitai Valley and the urban area of the city³. (Lead: Nelson City Council). *Links to 10, 12, 14, 20, 22, 23, 31, 32, 34.*

17. Protect and restore existing alluvial, riparian and coastal ecosystems of Whakapuaka Valley and Delaware Bay including Paremata Flats⁴. (Lead: Forest and Bird). *Links to 14, 20, 31, 32, 34.*

18. Supporting the flagship Brook Waimarama Sanctuary restoration. (Lead: Brook Waimarama Sanctuary). *Links to 21, 22, 23, 24, 26, 27, 28, 32, 34.*

19. Protect and restore existing alluvial, riparian and coastal ecosystems of Whangamoia Valley including the Kokorua dune complex⁵. (Lead: Department of Conservation). *Links to 14, 20, 23, 31, 32, 34.*

20. Implement high value, low risk opportunities for restoration, particularly on land where the results will be legally protected and where public land is gained as part of land-use intensification. (Lead: Nelson City Council). *Links to 10, 16, 17, 19, 22, 23, 32, 34.*

21. Integrated upland pest and weed management programmes for the publicly owned uplands with predominantly native cover including the

³ **Haven and Maitai Catchments** - Integrating restoration of indigenous biodiversity in Nelson's largest, most populated catchment focusing on creating linking strips of vegetation along waterways both for indigenous biodiversity value and for reducing peak temperatures in waterways, remedial action on culverts and other action to restore fish passage including targeted restoration of the lower Brook Stream, predator control for eventual re-introduction of blue duck, and threatened species programmes focusing on lowland totara and kereru.

⁴ **Whakapuaka Catchment Restoration** - Capitalise on highest restoration opportunities in Nelson associated with remnant vegetation and active community through replanting, restoration and predator control, riparian margins restoration and land use controls and threatened species programmes focusing on long-tailed bats and green gecko.

⁵ **Whangamoia Maintenance and Improvement** - Maintain and enhance these catchments as the least modified sequence and range of indigenous ecosystems in Nelson through improved landowner assistance and outreach assisting community action, possible land purchases and land use controls and threatened species programmes focusing on long-tailed bats and green gecko.

nationally rare mineral belt ecosystem integrated between NCC and DOC with links to forestry company programmes to ensure overall natural character of these areas is sustained. (Lead: Department of Conservation). *Links to 21, 32, 34.*

22. Increase the range and security of the umbrella species of the locally rare and iconic lowland totara and fernbird. (Lead: Forest and Bird). *Links to 20, 23, 31, 32, 34.*
23. Develop and implement plans to enhance the City with continuous strips of vegetation (biodiversity corridors) across the urban environment linking the hills to the coast. (Lead: Nelson City Council). *Links to 7, 10, 16, 17, 19, 20, 21, 32, 34.*

Public awareness and advocacy actions

24. Focus integrated public education and awareness on biodiversity around flagship sites (for example: the Boulder Bank, the Brook Waimarama Sanctuary, the Horoirangi Marine Reserve, the Maitai River, and Tahunanui/Back Beach duneland/estuary complex). (Lead: Forest and Bird and Brook Waimarama Sanctuary Trust). *Links to 1, 11, 12, 13, 16, 17, 18, 19, 32, 33, 34.*
25. Advocate for biodiversity goals in planning for sustainability and in responding to wider issues such as climate change where biodiversity is adversely affected by these issues. (Lead: Department of Conservation). *Links to 1, 2, 5, 14, 32, 33, 34.*
26. Publicly recognise and celebrate the work of citizens in sustaining biodiversity. (Lead: Forest and Bird). *Links to 4, 11, 12, 27, 28, 29, 30, 32, 33, 34.*
27. Provide information programmes for community, professional and commerce/industry groups on biodiversity issues and solutions to encourage knowledge transfer and best practice. (Lead: Department of Conservation) *Links to 4, 11, 12, 28, 29, 32, 34.*
28. Publicise biodiversity issues, options and successes through regular seminars, mail drops and media releases. (Lead: Forest and Bird). *Links to 4, 11, 12, 25, 26, 27, 2, 32, 34.*
29. Sponsor annual public participation events that focus on the three action plans. (Lead: Nelson City Council). *Links to 4, 11, 12, 26, 27, 28, 32, 34.*
30. Establish a local assistance programme to connect people with appropriate advice and the resources they need to be able to provide a better biodiversity future for Nelson. (Lead: Nelson City Council). *Links to 26, 32, 34.*

31. Compile details on special places, ecosystems and taonga species important to tangata whenua iwi. (Lead: Department of Conservation). *Links to 1, 14, 16, 17, 19, 22, 32, 34.*
32. Work for integration of Biodiversity effort across the wider Top of the South region. (Lead: Department of Conservation). *Links to all.*
33. Host workshops for partners, practitioners, and volunteers on practical skills for effective biodiversity action. (Lead: Department of Conservation). *Links to 4, 12, 15, 24, 25, 26, 32, 34.*
34. Encourage further agencies and sectors to sign up as partners to the Strategy, including Ministry for Primary Industries, the NZ Transport Agency and industry groups such as commercial fishers. (Lead: Nelson City Council). *Links to all.*

Monitoring and review

The key indicators for this strategy will be based on assessing:

1. Progress with implementing each of the actions above.
2. The state of remnants existing alluvial, riparian and coastal forest including: the state of its surroundings, work done over the year, issues at the site including those arising from its surroundings, opportunities at the site.
3. The state of the benthic ecology of Tasman Bay and/or Waimea Estuary.
4. The state of biodiversity based on Nelson City Council state of the environment reporting.

The Strategy will be reviewed every three years in advance of the Nelson City Long Term Council Community Plan.

GLOSSARY

Biodiversity is the natural diversity of all life, including diversity in genes, species, populations and ecosystems.

Connected biodiversity is found where ecological pathways allow natural flows of biological resources between parts of the environment with related biological processes.

Ecosystem refers to a dynamic complex of plant, animal, and micro-organism communities and their non-living environment interacting as a functional unit.

Enhance in relation to ecosystem connections means to improve the capacity for natural ecosystem processes (such as the migration of animals or the dispersal of plants) to function between different parts of the environment.

Eradicated in relation to pests mean removed from the environment where a natural or artificial barrier prevents their spread back into the area without active management intervention.

Equity is the equal treatment of people regardless of their personal circumstances and characteristics.

Exotic species are those that have evolved elsewhere and been brought by people to this place.

Goals set out what we want to achieve. In the context of this strategy they have a fifty to hundred year timeframe.

Habitat is the environment in which a species or community of organisms lives.

Humane treatment of animals is action that avoids unnecessary pain and suffering and respects the dignity of individuals.

Indigenous species are the native plants and animals of a place.

Integrated public education and awareness activities bring together the management, motivational and education activities of Partners to the Strategy into a coordinated programme.

Invasive weeds and pests are those with a capacity to establish in native ecosystems and adversely affect their natural functioning.

Kaitiaki are tangata whenua who have an inherited responsibility of to look after the mauri (life force) of nga taonga tuku iho (treasured resources). It

includes protecting biodiversity and the maintenance of resources for present and future generations.

Mauri is the life force of places and natural things.

Natural functioning in relation to ecosystems means sustaining the capacity of the ecosystem to support the range of life that evolved and is naturally present in this context, sustaining the potential for natural biological productivity, sustaining the functioning of natural ecosystem processes such as nutrient and water cycling and sustaining the resilience of ecosystems to retain their recognisable form in the face of natural perturbations.

Nga taonga tuku iho are the treasured resources (particularly natural) of this area.

Objectives are the things we strive towards over the next 10 years to achieve our goals.

Pests are organisms that threaten our valued biodiversity resources.

The **precautionary principle** is a moral and political principle which states that if an action or policy might cause severe or irreversible harm to the public, in the absence of a scientific consensus that harm would not ensue, the burden of proof falls on those who would advocate taking the action.

Protection in relation to a resource, means its maintenance, so far as is practical, in its current state and includes its restoration to some former state and its augmentation, enhancement, or expansion.

Restore in the context of indigenous biodiversity means to re-introduce elements that have been lost, reinstate ecological processes that have been interrupted, and to re-create natural biotic patterns that have been modified. It seeks to sustain the biological elements that gave Nelson its original natural character whilst recognising that a return of our ecology to a pre-human condition is impractical.

Species are groups of genetically closely related organisms that naturally interbreed.

Sustainable means the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economical and cultural wellbeing and for their health and safety while -

- a. sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, and
- b. safeguarding the life-supporting capacity of air, water, soil and ecosystems, and
- c. avoiding, remedying or mitigating any adverse effects of activities on the environment.

Sustained integrated pest and weed management is management that treats the suite of pests and weeds at a site causes adverse environmental effects where that management is sustained over decades.

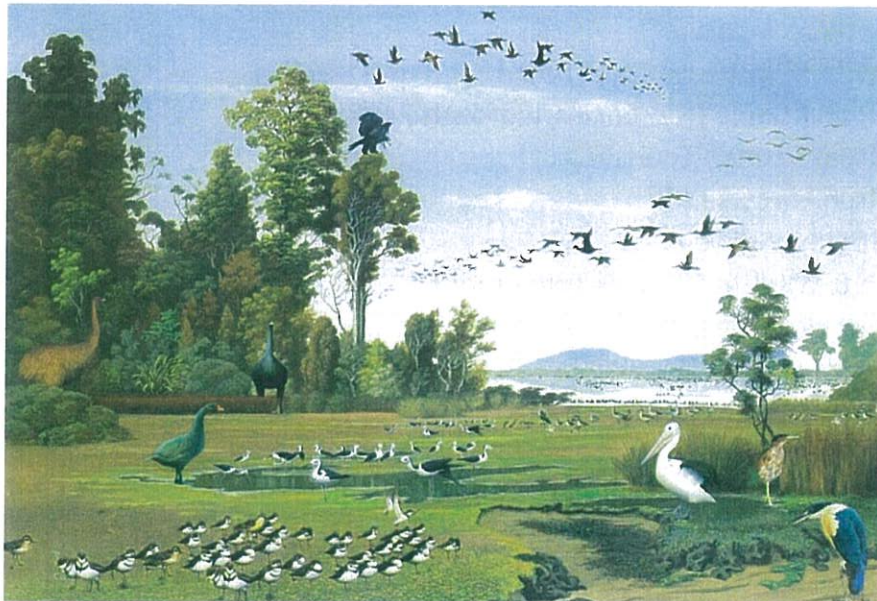
Tangata whenua, literally the people of the land, means the original people of a place, the local people or hosts.

Taonga species are plants and animals treasured by tangata whenua.

Threatened native species are those officially listed by the Department of Conservation as being in danger of extinction if action is not taken to prevent this.

Vision is an image of the ideal future we would like to reach.

Wairua means spirit.



Current biodiversity partners to the Strategy ***November 2013***

Biodiversity Partners have committed to being actively involved in creating a positive biodiversity future for Nelson. Signatories align their efforts with others through the Forum. Partners support one another to make most efficient use of the resources available. The Partners are be recognised for their leadership and will work for wider community support of the principles, goals and objectives of the Strategy.

Current partners:

1. Nelson City Council
2. Department of Conservation
3. Forest and Bird
4. Ngati Kuia
5. Ngati Tama
6. Ngāti Kōata
7. Port Nelson Limited
8. QE II National Trust
9. Nelmac Limited
10. Nelson Environment Centre
11. Nelson Province of Federated Farmers
12. Brook Waimarama Sanctuary Trust
13. NIWA
14. Cawthron Institute
15. Cawthron Institute Trust Board
16. Fish and Game [Nelson/Marlborough Region]
17. Nelson/Tasman Tourism
18. Nelson Forests Ltd
19. Kaitiaki o Ngahere
20. Fish & Wildlife Services Tom Kroos
21. Hancock Forest Management
22. Friends of Nelson Haven & Tasman Bay
23. Nelson Tasman Weedbusters
24. Dr Glen Lauder
25. Ornithological Society of NZ (Nelson Branch)
26. Waimea Inlet Forum

Resource Management Issues

1. Purpose of Report

- 1.1 To confirm the significant resource management issues to be included in the initial consultation with the community on the Nelson Plan.

Recommendation

THAT the report Resource Management Issues (A1146802) be received;

AND THAT the issues in the presentation summary, the summary of feedback from councillors and the proposed priorities, as outlined in this report, inform the Nelson Plan issues and options papers.

2. Background

- 2.1 A Councillor workshop was held on 18 February 2014 to consider a number of significant resource management issues for the Nelson Plan.
- 2.1.1 The outcomes of this workshop will inform the ongoing work to develop the Nelson Plan, which will be a combined and integrated regional policy statement and resource management plan.

3. Discussion

Presentation summary

- 3.1 The following gaps in the issues listed in the NRPS and NRMP were presented by council officers. The purpose of this was to give Councillors a sense of what Nelson's Resource Management Plans currently state and what the potential gaps may be for the Nelson Plan.
- 3.2 Heritage – many of the heritage buildings in the CBD are potentially earthquake prone, and there are gaps in the range of Nelson's heritage buildings and sites currently identified in the Nelson Resource Management Plan (NRMP).

- 3.3 Natural Hazards – earthquakes and floods are Nelson’s most significant natural hazard risks. There is new information about these risks which is not currently included in the NRMP.
- 3.4 Freshwater quality – about a third of Nelson’s streams have degraded water quality. Issues include: flood risk management, the quality of diffuse discharges, as well as livestock and forestry impacts.
- 3.5 Biodiversity – there has been considerable loss of indigenous vegetation and fauna in Nelson, particularly in lowland areas. Under the RMA Nelson needs to maintain biological diversity.
- 3.6 Landscape – the proposed RMA reforms require councils to identify outstanding landscapes in order to protect them from inappropriate development. Other issues include: updating the landscape assessment of the whole region, the need to correct errors in the placement of the current Landscape Overlay, and growth and land uses increasingly occurring in Nelson’s backdrop.
- 3.7 Coastal environment – the New Zealand Coastal Policy Statement 2010 needs to be given effect to in the Nelson Plan, and there are environmental health issues in Tasman Bay. This is a complex cross boundary issue which will be discussed with Tasman District Council and key stakeholders.
- 3.8 Tangata Whenua – recent Treaty settlements include statutory acknowledgements in Nelson. Council needs to discuss with iwi how they wish to be involved in the development of the Nelson Plan.
- 3.9 Growth and development:
- There is no specific vision for growth in Nelson in the NRPS or the NRMP, and there is a need to better integrate land use with infrastructure planning. Currently growth, and the provision of infrastructure to support it, occurs in an ad hoc way, and is mostly developer-led. This approach is not well integrated with Council’s goals such as increasing density and use of public transport. Decisions about where development occurs also affect infrastructure costs.
 - There is enough residential-zoned land for the next 30 years of growth, without any changes in approach to residential developments to increase density. However, the housing options are not well aligned with Nelson’s demographics, and there are affordability issues.
 - Decisions are needed on whether further growth is required to be accommodated in Hira, and Nelson North more generally. The 15 hectare minimum lot size in the Rural Zone does not match well with appropriate management of natural resources or economic viability of the land.

- Nelson has very little undeveloped industrial land, whereas Tasman has an ample land supply allocated for this purpose. However, that land use is dependent on having a sufficient water supply.
- There is a need for design and amenity controls in the city centre and suburban centres. There is a need for area planning for Stoke, Tahunanui, Wakapuaka, Hira, and Nelson North.

3.10 Air quality

- The air quality issues described in the Nelson Regional Policy Statement and the Nelson Air Quality Plan do not recognise improvements in air quality since 2000.
- These improvements were achieved with the help of a stakeholder working group, and the group's principles included the need to not swap an air problem for a cold house problem.
- Nelson is on track to achieve the national air quality standards, although in 2013 we have had seven breaches of the standard in Air Shed A.
- Since the phase out of woodburners a number of compliance issues have arisen along with concerns over Council's approach.
- Possible solutions for dealing with non compliance issues have included altering air shed boundaries, new technology and amending the phase out dates – which will require further modelling.
- Officers will report to the May Planning and Regulatory Committee outlining options for addressing woodburner issues following receipt of preliminary modelling and further advice from the Ministry for the Environment, the Medical Officer of Health, and other Councils.

Feedback from Councillors

- 3.11 A summary of the issues raised in the workshops follows.
- 3.12 Energy – key issues are security of electricity supply including risks to transmission lines, promotion of solar energy, better transport connections and the need to increase the number of properties close to services.
- 3.13 Soil – not considered a big issue, although erosion associated with intense rainfall is a concern.
- 3.14 Heritage – Heritage retention is a public good. The focus should be on managing existing listings and get community feedback on how gaps are addressed.
- 3.15 Tangata whenua – a collaborative governance approach should be taken for all RMA issues, not just freshwater.

- 3.16 Coast – there should be more focus on recreational values and preservation of access to the coast, as well as protection of significant natural features and landscapes.
- 3.17 Landscapes – Haulashore Island needs protection. Consideration should be given to how we address landscape issues associated with forestry areas.
- 3.18 Biodiversity – biodiversity corridors should be triggered as part of developments, and we should consider how to create corridors in existing areas.
- 3.19 Cross boundary issues – Nelson and Tasman councils need to work together regarding the management of natural resources, the role of residential, commercial and industrial areas, and the integrated management of Tasman Bay.
- 3.20 Growth and development
- Reconsider the low density Residential Zone behind the cathedral, and all the other low density residential areas, so that we can make better use of our housing stock, especially close to the inner city. Consider setting a goal to double the number of people living in the CBD.
 - Consider mixed use housing in non-residential zones, eg the Industrial Zone. Make it easier for people to live near their work.
 - Urban design and amenity values should be considered, with the goal of more comprehensive, higher density developments. Increasing density would reduce infrastructure costs. Enhanced design controls in the central city and the role of the inner city fringe should also be considered.
 - Consider enabling hidden infill (where an existing house is redeveloped as several dwellings rather than building separate, additional buildings).
- 3.21 Air Quality - there was general agreement that air quality is a significant resource management issue for Nelson and that major improvements have been achieved in the past 10 years. Mixed views were expressed about whether or not changes to the Air Quality Plan were necessary to address compliance issues related to wood burners. There was also wider discussion about the potential for a range of non-regulatory responses to address issues.
- 3.22 A discussion on the general approach led to the suggestion that overarching goals should be included in the Plan (eg those in Nelson 2060) to inform the vision for growth. The Plan should focus on where we are trying to get to, and the criteria to get there. Rely less on rules, and more on the vision. Make the hoops easier to jump through if a proposal meets the overarching goals. There was general endorsement for area based planning and engagement.

Proposed Priorities

- 3.23 Council officers used the feedback from the workshops to prepare the following list of priorities.
- 3.24 The most important issues to address in the Plan are:
- Growth and development
 - Natural resources (Air, freshwater, coast, biodiversity and landscape)and hazards
 - Cross boundary issues
 - Tangata whenua
- 3.25 Important issues:
- Heritage
- 3.26 Issues which will be addressed in the Plan, but will be less of a focus:
- Energy
 - Soil

Nelson Plan Guidelines

- 3.27 Draft guidelines for the development of the Nelson Plan were included in the papers for the Council workshop on 18 February. The councillors sought further input into these guidelines. Revised guidelines will be brought back to the councillors for consideration at a future date.

4. Next steps

- 4.1 The air quality issue will be discussed in more detail at the Planning and Regulatory Committee meeting on 8 May 2014.
- 4.2 Officers have met with Tiakina te Taiao, and are now waiting for feedback on how they wish to work with the Council on plan development.
- 4.3 Ongoing discussions will be held with Tasman District Council officers on cross boundary issues.
- 4.4 Progress updates will be provided to councillors throughout the plan development process. Initially this is proposed to occur through the Councillors' newsletter. Regular, in person, updates at Planning and Regulatory Committee meetings and full Council meetings can occur later in the process.

- 4.5 Officers will incorporate the feedback from the issues workshops, and any additional issues arising from the Planning & Regulatory Committee meeting, in the draft issues and options papers to be considered at a Nelson Plan workshop to be held in mid-2014. The purpose of the workshop will primarily be to discuss the regulatory and non-regulatory options and identify any others that have not yet been considered.
- 4.6 The mid-2014 workshop will also be an opportunity to consider how councillors wish to be involved in the development of the Nelson Plan – for example, whether each stage should be reported to, and considered by:
- a) Planning and Regulatory Committee, or
 - b) Full Council, through Council workshops, or
 - c) A formal sub-committee established to oversee the development of the Nelson Plan, which could be made up of a mix of councillors, iwi and community representatives
- 4.7 The outcomes of the July workshop will be reflected in the issues and options papers and reported back to the Planning and Regulatory Committee in the third quarter of 2014, seeking approval to publicly consult on the issues and options.

5. Conclusion

- 5.1 The issues workshops were the beginning of a three year process of Councillors' involvement in the development of the Nelson Plan. The outcomes of the workshop will provide direction for the upcoming issues and options papers. These papers will be consulted on with the community, which provides an opportunity to understand wider community views.

Matt Heale
Principal Planner

Attachments

None

Supporting information follows.

Supporting Information

1. Fit with Purpose of Local Government

This report is aligned to the purpose of the Local Government Act 2002 because it relates to the Council's performance of regulatory functions, and identifies the issues to be included in the Nelson Plan to meet the current and future needs of communities.

2. Fit with Community Outcomes and Council Priorities

Development of the Nelson Plan contributes to the following Community Outcomes:

- Healthy land, sea, air, and water
- People-friendly places
- A strong economy

It contributes to these Council priorities related to the natural environment and development of community hubs.

3. Fit with Strategic Documents

The Nelson Plan will incorporate elements of the existing Nelson Regional Policy Statement, Nelson Resource Management Plan and the Nelson Air Quality Plan. During the full course of Nelson Plan development many of Council's strategic documents will be taken into account.

4. Sustainability

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources.

5. Consistency with other Council policies

Consistency between a number of documents is needed for the Nelson Plan to be effective. This includes the Council's Land Development Manual, development contributions policy and non-regulatory environmental programmes (to be outlined in the Environment Activity Management Plan 2014).

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

Funding has been allocated in the Annual Plan for development of the Nelson Plan.

7. Decision-making significance

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

8. Consultation

A consultation process will be carried out after issues and options papers have been developed and approved by Council.

9. Inclusion of Māori in the decision making process

Council officers met with Tiakina te Taiao on 25 February 2014 to discuss how iwi wish to be involved in the development of the Nelson Plan.

10. Delegation register reference

The Planning and Regulatory Committee has delegated authority to consider resource management plans.

Heart of Nelson Stakeholder Meeting

1. Purpose of Report

- 1.1 To receive the notes of the Heart of Nelson Stakeholder Meeting held on 21 October 2013.

2. Recommendation

THAT the report Heart of Nelson Stakeholder Meeting (A1154613) and its attachments (A753330 and A1136238) be received.

3. Background

- 3.1 A review of progress to date on implementing the Heart of Nelson Strategy was presented to the Council Infrastructure meeting on 8 August 2013. Council resolved:

THAT the report Heart of Nelson Strategy – The Way Forward (1564305) and its attachments (1564349) be received;

AND THAT the Chief Executive commence engagement with City Centre stakeholders regarding future priorities for implementation;

AND THAT the results of the stakeholder engagement and recommendations are reported back to the incoming Council at the earliest opportunity.

- 3.2 A stakeholder meeting was held on 21 October 2013 moderated by Graeme McIndoe, Chair of Council's Urban Design Panel. The outcomes of the session (Attachment 1) and list of participants (Attachment 2) were circulated as part of the agenda for the Annual Plan workshop 11-13 February 2014. A discussion of all Heart of Nelson projects was undertaken as part of the Annual Plan workshop and the results of that were taken into account in decisions about what was included in the draft Annual Plan 2014/15.

4. Discussion

- 4.1.1 The outcomes of the stakeholder meeting are presented to the Planning and Regulatory Committee so they can be received as part of the formal record of work undertaken on central city improvements. Further work on these issues is scheduled as part of the development of the Long Term Plan.

Nicky McDonald
Acting Group Manager Strategy

Attachments

- Attachment 1: Heart of Nelson Stakeholder Meeting Notes [A753330](#)
- Attachment 2: Heart of Nelson Stakeholder Meeting – List of Attendees [A1136238](#)

No supporting information follows.

Heart of Nelson Stakeholder Meeting Notes

Priority List of Projects (green indicates support, red opposition)

Remaining Heart of Nelson Projects	
1. Update and extend building design requirements for Inner City development – including active frontages (opening to the street), veranda provision, two storey development, façade design.	9x green
2. Improved walking and cycling facilities and improved links to get people around the city.	9x green
3. Bridge Street upgrade (Trafalgar to Collingwood).	8x green
4. Encourage people to live in and around the central business area.	1x red, 8x green
5. Montgomery Square enhancement; including for the Nelson market.	4x green
6. Wakatu Square enhancement/development.	4x green
7. Public transport improvements.	3x green
8. Free wireless internet.	3x green
9. Upgrade streets and public spaces, including improved safety, and public art. Specific projects include Upper Trafalgar Street, Maitai Walkway, Tahaki Street (adjacent to library) and Founders Railway extension.	1x green
10. Upgrade streets to improve the flow from Rutherford Hotel/ convention centre into town.	1x green
11. Improve access for pedestrians across Halifax Street to library, Rutherford and Trafalgar Parks, including by traffic lights at Haven/ Halifax corner.	1x green
12. Encourage development within and surrounding city centre; environmental clean production areas, flexible spaces, variety of uses	1x green
13. Parking review. Short term and long term parking provision, parking pricing.	4x red, 5x green
14. Destination playgrounds.	1x red
15. Three gateway improvements at entry points to city.	2x red
16. Improve entrances into Queens Gardens to make it more visible and accessible.	2x red
17. Rezone areas to extend the city centre and to get the best of land use.	4x red, 1x green
18. Roading improvements.	4x red
19. Akersten Street (Marina) development.	5x red
20. Extra planting and landscaping in streets and public car parks, including planting to increase biodiversity.	-
21. Bridge Street extension to Vanguard Street.	-
22. Develop Rutherford Park for improved public recreation space.	-

Section 2

City Image	Transport and Mobility
<ul style="list-style-type: none"> • Bridge Street bars need to be repainted as they are mainly black. This will increase the feeling of being safe and increase economic prosperity. • Critical to maintain human scale identity and active frontages. Update plan to ensure high quality developments and the creation of high quality spaces ie not the Nile St development. Complete heritage inventory projects and get willing property owners listed. • Managing progression with historical image of city image/ identity. When there is disagreement often nothing happens and progress stalls. • A strong brand needs to be promoted to differentiate CBD from Richmond. The public need to be aware of the diversity of the city and take focus away from just shopping comparisons. • Create a major City Centre feature/attraction to attract New Zealanders and foreign tourists to Nelson CBD. • Closely linked to design quality. • Design guides • Encourage two storey development • Retain heritage • No adhoc design of public facilities ie Buxton Toilets • Cohesive Plan. • Nelson character identity. • Guide design to enhance this identity to create a unique place. • Improve design of replacement buildings – rules and encouragement eg Urban Design Panel. We could easily lose our special character. • Important to retain our national image while increasing our population around the city to create sales for the strong commercial centre. 	<ul style="list-style-type: none"> • Create clear flow routes into and through CBD to cater to vulnerable users – young, old cyclists. • Concentrated identifiable city. Stop the urban sprawl developing the Nelson Area (hillsides and landscapes), make better use of existing developed areas. • Keep the action in the city. Too many people are commuting out to Saxton Field when schools and Trafalgar Park etc have excellent facilities. Save the city and the environment. Time too. • Lack of access and connections (through port, airport and locally) impact on economic activity. So good transport within region and outside is important. • Test viability of Park and Ride (free?) at strategic points each end of the city. Enhancing NBus use as well? Also links with Economic Activity. • Be able to walk/park so don't have to park miles away when going to entertainment. • Traffic movement. • Shared walk/ cycleways are often not seen as 'safe' by many walkers, especially elderly. Important we have better connections but need to consider needs of walkers. Make benches higher so older people can use them. • Develop connections to Rutherford Park via Maitai Walkway not ANZAC Park. • Better public transport and cycling/walking routes and facilities reduce the need for parking spaces – making it easier for children to get to school.

- Really need to work in terms of CPTED principles. Invite Police to be stakeholder with a voice.
- Can CBD streets have speed limits reduced to 30Kph with use of clever street design, therefore increasing safety for cyclists and pedestrians.
- Improved and extended pedestrian areas reducing traffic and increasing foot traffic by introducing more 'boulevards' and relative areas.
- Have people living in the CBD.
- Green spaces, pocket park(s) in CBD. Places for people to eat, drink, meet.
- Improve cycle access through town.
- Develop Bridge Street.
- Planting.
- Creating an environment where people want to walk/cycle around, take their time.
- Pocket parks, areas to eat lunch/picnic.
- Cycle facilities.

- The opportunity is there, with all the earthquake strengthening and rebuilds – the council needs to be ready.
- Ensure new building design encourages inner-city living where possible and active frontages, 'human scale' public spaces.
- Design for safety.
- Design for connections
- Design streets well.
- Urban Design Strategy.
- High quality public spaces will lead to economic development.
- Buildings that reflect the ambiance of the surroundings. No blank walls to the street.
- Connected downpipes so you walk down the footpath and keep dry.
- Design quality and City image and identity are the same.

- Safety for foot traffic by reducing cars and well lit areas and introducing people friendly spaces in dangerous areas.
- Older population, young mums and children.
- Traffic calming of Rutherford, Halifax and Collingwood Street so more pedestrian and cyclist friendly.
- Calm down streets so pedestrian access improves.
- Improve street crossings for pedestrians – slow down roads with more carparking, particularly around the 'ring road'.

- If you enhance the CBD do we need to keep developing outside retail eg WOW, Mitre 10. Christchurch CBD before the earthquake was dead because of the suburban malls allowed to multiply.
- With the imminent demolition of old buildings Nelson is at risk of them not being replaced. We need to ensure that Nelson remains the Business and Retail Centre.
- Work with retailers, hospitality and businesses to develop strong partnerships and a cohesive approach. Get past the 'us and them' mentality. More economic stimulus during winter months.
- Concern of economic activity moving to Richmond.
- Perception of Council not understanding needs or actually not

understanding.

- Ensuring that economic activity thrives allow that a whole range of other benefits can be delivered.
- Future viability- a strong city centre driven by a strong Council with direction while retaining our unique character.
- City must be kept vital – nothing worse than dead areas and shops empty. Make some effort to keep empty shops clean and with active windows.
- Remember that economic activity and success is very connected to CBD character. Good design and heritage protection and creativity are not add-ons but essential.
- Encourage zoning – development controls to retain commerce (office/services businesses) within the retail heart.
- Encourage creating opportunities for urban renewal alongside design controls, street scope enhancement.
- Job creation (real jobs).
- Encourage easier pathways to resolving earthquake risk. Building vs heritage.
- Export.
- Natural resources.
- 42 providers disparate locations.

- Tourism: keep tourists here, dedicated cycleway around waterfront.
- Centre of New Zealand: upgrade drinking fountain/ free WiFi/ new wishing well.
- South Street: Info on each house/ tea rooms/ needs livening.
- Car parking, building above 2 levels of retail space.

Attendee	Organisation
1. Sharon McGuire	Nelson Tasman Tourism Board, NMIT
2. Cathy Madigan	Uniquely Nelson
3. Ian Williams	Vic Brew Bar
4. Ian Graham	623 Cafe/Bar/Restaurant
5. Steve Kelso	Arrow International
6. Ian Shieves	Wakatu Inc
7. Keith Palmer	Wakatu Inc
8. Peter Rigg	Page & Blackmore
9. Peter Kortegast	OPUS Consultants
10. Tony Jemmett	OPUS Consultants
11. Sarah Holman	Nelson Heritage Advisory Group
12. Charlie Norton	Youth Council
13. Carla Lindley	Youth Council
14. Gail Collingwood	Positive Ageing Forum
15. Jill Sherwood	Nelson Marlborough District Health Board
16. Chris Allison	Get Moving
17. Stephen Grealley	New Zealand Police
18. Luke Porter	New Zealand Institute of Landscape Architects
19. Lynn Cadenhead	New Zealand Institute of Landscape Architects
20. John Palmer	Palmer and Palmer
21. Marc Barron	JTB Architects
22. David Wallace	Arthouse Architecture
23. Ian McKeage	Telfer Young
24. Raj Singh	Colliers Real Estate
25. Bill Moulder	Inner City Property Owners Group
26. Robin Whalley	Landowner
27. Rob Stevenson	Archillies Property Limited
28. David Penrose	Penrose Property Management