



AGENDA

Ordinary meeting of the

Planning and Regulatory Committee

Thursday 18 February 2016

Commencing at the conclusion of the Council meeting

Council Chamber

Civic House

110 Trafalgar Street, Nelson

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

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

- All councillors, whether or not they are members of the Committee, may attend Committee meetings (SO 2.12.2)
- At the discretion of the Chair, councillors who are not Committee members may speak, or ask questions about a matter.
- Only Committee members may vote on any matter before the Committee (SO 3.14.1)

It is good practice for both Committee members and non-Committee members to declare any interests in items on the agenda. They should withdraw from the room for discussion and voting on any of these items.

1. Apologies

- 1.1 Apologies have been received from Councillors Eric Davy and Mike Ward

2. Confirmation of Order of Business**3. Interests**

- 3.1 Updates to the Interests Register
- 3.2 Identify any conflicts of interest in the agenda

4. Public Forum

- 4.1 Carolyn Hughes and Jeff Dunne - Nelson Environment Centre

Carolyn and Jeff, of the Nelson Environment Centre, will speak about water conservation – policies, strategies and programmes to reduce water use and recycle.

5. Confirmation of Minutes

- 5.1 26 November 2015

8 - 12

Document number M1624

Recommendation

THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 26 November 2015, be confirmed as a true and correct record.

Please note that as the only business transacted in public excluded was to confirm the minutes, this business has been recorded in the public minutes. In accordance with the Local Government Official Information Meetings Act, no reason for withholding this information from the public exists.

**6. Status Report - Planning and Regulatory Committee
- 18 February 2016** **13 - 14**

Document number R5469

Recommendation

THAT the Status Report Planning and Regulatory Committee 18 February 2016 (R5469) and its attachment (A1155974) be received.

7. Chairperson's Report **15 - 16**

Document number R5506

Recommendation

THAT the Chairperson's Report (R5506) be received and the contents noted.

REGULATORY

**8. Parking and Vehicle Control Bylaw (2011), No 207
Amendments to Schedules** **17 - 24**

Document number R5273

Recommendation

THAT the report Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules (R5273) and its attachments (A1475675, A1475680, A1475663 and A1477768) be received;

AND THAT the amendments detailed in report R5273 to the following Schedules of Bylaw No 207, Parking and Vehicle Control (2011), be approved:

- Schedule 4: Special Parking Areas;**
- Schedule 9: No Stopping.**
- Schedule 14: Give Way Signs.**

9. Fees and Charges: Resource Consents, Resource Management Act Planning Documents and Applications under Housing Accord and Special Housing Areas Act

25 - 51

Document number R5303

Recommendation

THAT the report Fees and Charges: Resource Consents, Resource Management Act Planning Documents and Applications under Housing Accord and Special Housing Areas Act (R5303) and its attachments (A1483163 and A1483172) be received.

Recommendation to Council

THAT the draft Fees and Charges Resource Consents and Resource Management Act Planning Documents (A1483163 and A1483172) be approved for public consultation and notification using the Special Consultative Procedure as set out in the Local Government Act 2002.

10. Fees and Charges Consents and Compliance (non RMA) commencing 1 July 2016

52 - 90

Document number R5319

Recommendation

THAT the report Fees and Charges Consents and Compliance (non RMA) commencing 1 July 2016 (R5319) and its attachments (A1483521, A1483604, A1488034, A1488085, A1483610 and A1498999) be received.

Recommendation to Council

THAT the Dog Control fees and charges as detailed in Attachment 1 (A1483521) to Report R5319 be adopted;

AND THAT the Environmental Health and other activities fees and charges as detailed in Attachment 2 (A1483604) to Report R5319 be adopted;

AND THAT the Draft Food Act 2014 fees and charges as detailed in Attachment 3 (A1488034) to Report R5319 be approved for public consultation and notification using the Special Consultative Procedure as set out in the Local Government Act 2002;

AND THAT the circumstances to reduce alcohol licensing fees as detailed in Attachment 4 (A1488085) to Report R5319 be adopted to apply from the date of Council resolution;

AND THAT Provision of Property Information fees and charges as detailed in Attachment 5 to Report R5319 (A1483610) be adopted;

AND THAT the Draft Fencing of Swimming Pools Act 1987 fees and charges as detailed in Attachment 6 (A1498999) to Report R5319 be approved for public consultation and notification using the Special Consultative Procedure as set out in the Local Government Act 2002;

AND THAT the charges for Dog Control Environmental Health and Provision of Property Information activities apply from 1 July 2016 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.

POLICY AND PLANNING

- 11. Strategy and Environment Report for 1 October to 31 December 2015** **91 - 116**

Document number R5248

Recommendation

THAT the report Strategy and Environment Report for 1 October to 31 December 2015 (R5248) and its attachments (A1474011, A1477377 and A1485599) be received.

Recommendation to Council

THAT Council note the notification of the Whakamahere Whakatu Nelson Plan is planned for early 2017 subject to confirming the timing of the consultation period for the annual plan.

12. Gambling Policy Review 2016

117 - 132

Document number R5173

Recommendation

THAT the report Gambling Policy Review 2016 (R5173) and its Attachments (A363308, A1490371 and A1490344) be received.

Recommendation to Council

THAT Council, acknowledging community feedback that the current Gambling Policy is functioning as intended and noting the resource cost a Local Government Act 2002 Special Consultative Procedure to review the Gambling Policy imposes on all involved, agrees to retain the current Policy without change.

Note:

- **This meeting is expected to continue beyond lunchtime.**
- **Lunch will be provided at 12.30pm.**
- **Youth Councillors Keegan Phipps and Joseph Alison will be in attendance at this meeting.**

Minutes of a meeting of the Planning and Regulatory Committee

**Held in the Council Chamber, Civic House, 110 Trafalgar Street,
Nelson**

On Thursday 26 November 2015, commencing at 1.00pm

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

In Attendance: Group Manager Strategy and Environment (C Barton) and Administration Adviser (S McLean)

Apology: Councillor E Davy

1. Apology

Resolved PR/2015/062

***THAT an apology be received and accepted from
Councillor Davy.***

McGurk/Ward

Carried

2. Confirmation of Order of Business

There was no change to the order of business.

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

4. Public Forum

4.1 Heritage Building Consents Processes

Doug Craig and Alec Woods, of the Nelson Heritage Advisory Group, tabled information on heritage and city development (A1466127) and summarised key aspects of the handout.

Attendance: Councillor Lawrey joined the meeting at 1.04pm

Mr Woods highlighted that the Memorandum of Agreement between the Trathens and the Nelson Heritage Advisory Group was an example of what could be achieved.

Mr Craig summarised the value of adaptive reuse of heritage buildings and spoke about differing levels of heritage values.

Attachments

- 1 A1466127 - D Craig and A Woods Nelson Heritage Advisory Group Handout 26Nov2015

5. Confirmation of Minutes

5.1 29 October 2015

Document number M1558, agenda pages 6 - 12 refer.

Resolved PR/2015/064

THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 29 October 2015, be confirmed as a true and correct record.

McGurk/Barker

Carried

6. Status Report - Planning and Regulatory Committee - 26 November 2015

Document number R5172, agenda pages 13 - 14 refer.

Resolved PR/2015/065

THAT the Status Report Planning and Regulatory Committee 26 November 2015 (R5172) and its attachment (A1155974) be received.

Paine/Copeland

Carried

7. Chairperson's Report

Document number R5160, agenda pages 15 - 17 refer.

In response to a question, the Chairperson summarised the key changes within the Building (Pools) Amendment Bill.

Resolved PR/2015/066

THAT the Chairperson's Report (R5160) be received and the contents noted.

McGurk/Lawrey

Carried

8. **Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules**

Document number R4955, agenda pages 18 - 28 refer.

Manager Operations, Peter Anderson, presented the report.

In response to a question about sight lines in Putaitai Street, Mr Anderson assured the Committee that engineers would take this into consideration.

Resolved PR/2015/067

THAT the report Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules (R4955) and its attachments (A1436481, A1457525, A1457607, A1452418, A1455324 and A1455325, A1457552) be received;

AND THAT the alterations detailed in report R4955 to the following Schedules of Bylaw No 207, Parking and Vehicle Control (2011), be approved:

Schedule 4: Special Parking Areas;

Schedule 9: No Stopping.

Ward/Copeland

Carried

9. **National Policy Statement for Freshwater Management (NPS-FM) Implementation Programme**

Document number R5135, agenda pages 29 - 35 refer.

Senior Planning Adviser, Sharon Flood, presented the report.

Ms Flood advised that the three freshwater management unit collaborative stakeholder advisory groups had been established.

In response to a question about quantity issues, Ms Flood said water allocation and minimum flows would be considered as part of the programme through the Nelson Plan.

In response to a further question, Ms Flood confirmed that engagement with iwi was taking place.

Resolved PR/2015/068

THAT the report National Policy Statement for Freshwater Management (NPS-FM) Implementation Programme (R5135) and its attachments (A1457666 and A1457797) be

received;

AND THAT the progressive implementation programme (A1457797) for giving effect to the National Policy Statement for Freshwater Management be adopted;

AND THAT the implementation programme (A1457797) be publicly notified by 31 December 2015.

Barker/McGurk

Carried

10. Exclusion of the Public

Resolved PR/2015/069

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Ward/Copeland

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Planning and Regulatory Committee Meeting - Public Excluded Minutes - 29 October 2015	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(a) To protect the privacy of natural persons, including that of a deceased person.• Section 7(2)(i) To enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

The meeting went into public excluded session at 1.30pm and resumed in public session at 1.31pm.

As the only business transacted in public excluded was to confirm the minutes, this business has been recorded in the public minutes. In accordance with the Local Government Official Information Meetings Act, no reason for withholding this information from the public exists.

11. Confirmation of Public Excluded Minutes

11.1 29 October 2015

Document number M1559, public excluded agenda pages 3 - 5 refer.

Resolved PR/2015/070

THAT the minutes of part of the meeting of the Planning and Regulatory Committee, held with the public excluded on 29 October 2015, be confirmed as a true and correct record.

Ward/Copeland

Carried

12. Re-admittance of the Public

Resolved PR/2015/071

THAT the public be re-admitted to the meeting.

Ward/Copeland

Carried

There being no further business the meeting ended at 1.31pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date



REPORT R5469

Status Report - Planning and Regulatory Committee - 18 February 2016

1. Purpose of Report

- 1.1 To provide an update on the status of actions requested and pending.

2. Recommendation

THAT the Status Report Planning and Regulatory Committee 18 February 2016 (R5469) and its attachment (A1155974) be received.

Gayle Brown
Administration Adviser

Attachments

Attachment 1: A1155974 - Planning and Regulatory Committee Status Report
18FEB2016

Outstanding Actions

Status Report - Planning and Regulatory Committee – 18 February 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
25 June 2015	Land Development Manual Review	<p><u>THAT</u> the report Land Development Manual Review (R4261) and its attachments (A1365598) be received;</p> <p><u>AND THAT</u> the Committee nominate Councillors Ward and McGurk to be members of the Land Development Manual Steering Group;</p> <p><u>AND THAT</u> the attached draft Terms of Reference are adopted by the Planning and Regulatory Committee for finalisation at the first Steering Group meeting after which they will be confirmed by the Mayor and the Chair of Planning and Regulatory;</p> <p><u>AND THAT</u> those nominated Councillors provide regular reports back to the Planning and Regulatory Committee on progress with the Land Development Manual alignment and review;</p> <p><u>AND THAT</u> where possible both Tasman District Council and Nelson City Council use the same Hearing Commissioners to hear and make recommendations on submissions;</p> <p><u>AND THAT</u> a draft aligned Land Development Manual be brought back to the Planning and Regulatory Committee for consideration by December 2015.</p>	Lisa Gibellini	<p>The LDM Steering Group met on 15 December 2015 to continue progress towards an aligned LDM.</p> <p>Stakeholder workshops on the draft are scheduled for April/May 2016</p> <p>Ongoing</p>
06 August 2015	Nelson Plan Update August 2015	<p><u>THAT</u> the report Nelson Plan Update August 2015 (R4497) and its attachment (A1378644) be received;</p> <p><u>AND THAT</u> a further update relating to the Nelson Plan is provided in December 2015.</p>	Clare Barton	<p>Update provided December 2015. Next update due April 2016.</p> <p>Complete</p>

Chairperson's Report

1. Purpose of Report

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

2. Recommendation

THAT the Chairperson's Report (R5506) be received and the contents noted.

3. Discussion

Nelson Nature

- 3.1 On 26 January 2016 Council hosted a morning tea for approximately 50 volunteers to acknowledge their efforts in supporting various Nelson Nature initiatives. Devon McLean, project manager for Project Jaanzoon provided an oversight of that project and leverage opportunities for Nelson Nature. The volunteers often do not get the opportunity to meet each other and share experiences.

Nelson Southern Link Investigation

- 3.2 The Chairman (and other elected members of the Planning & Regulatory Committee) participated in the Program Business Case Options Workshop held at Trailways Hotel on 11 and 18 December 2015.
- 3.3 The Workshop reviewed the identified problem statements and the strategic case benefits and options.
- 3.4 The Workshop was facilitated by Aecom on behalf of NZTA.

Fencing of Waterways

- 3.5 The issue of stock in fresh water bodies came to prominence over the summer holiday period. Currently there are no rules preventing stock in waterways or requirement to fence waterways.

- 3.6 Officers have supported a proposed clause in the Resource Legislation Amendment Bill excluding stock from water bodies.
- 3.7 It is also signalled that fencing of waterways will be developed through the Nelson Plan in conjunction with a greater focus on assisting with fencing through Nelson Nature.

Resource Legislation Amendment Bill

- 3.8 This Bill is significant in terms of centralising decision-making and reducing the ability for the public to participate in decision-making on resource consents.
- 3.9 The resourcing and time required to research and prepare an individual submission within the available time frame was not considered prudent given that a submission on half of the local government sector was being prepared.
- 3.10 Officers have provided specific commentary on the analysis provided by Simpson Grierson to LGNZ for the comprehensive submission that LGNZ is providing on behalf of the local government sector.

4. Conclusion

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

Brian McGurk
Chairperson

Attachments

Nil



REPORT R5273

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), No. 207, resulting from minor safety improvements, roading improvements carried out as part of the 2015/16 capital works programme and from the completion of new subdivisions

2. Delegations

- 2.1 Amendments to the Parking and Vehicle Control Bylaw and the Parking Policy fall within the delegated authority of the Planning and Regulatory Committee.

3. Recommendation

THAT the report Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules (R5273) and its attachments (A1475675, A1475680, A1475663 and A1477768) be received;

AND THAT the amendments detailed in report R5273 to the following Schedules of Bylaw No 207, Parking and Vehicle Control (2011), be approved:

- ***Schedule 4: Special Parking Areas;***
- ***Schedule 9: No Stopping.***
- ***Schedule 14: Give Way Signs.***

4. Background

- 4.1 The Parking and Traffic Control Bylaw 2011 allows for the Committee, 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 bylaw requires updating since the last update in November 2015.

5. Discussion

5.1 Schedule 4 - Special Parking areas

5.1.1 Bus Stop Main Road Stoke

The introduction of the Stoke loop bus services in December 2015 has necessitated the need for a second bus stop in the area of the Stoke tennis courts. The existing bus bay is not long enough to accommodate two buses which is necessary for the integrated timetable to be effective. As a temporary measure two existing car parks are being used as a bus stop until such time that larger scale alterations to the kerb line are scheduled. It is proposed that this physical work could coincide with development of the Stoke Community Centre. For enforcement purposes it is necessary to include this temporary bus stop in the schedule. The location is shown in attachment 1.

5.1.2 Time limited car parks Main Road Stoke

The two car parks behind the temporary bus stop shown in attachment 1 currently have no time limit. As the new bus service has reduced the available car parks in this location by two spaces, it is proposed to make them P120 to increase turn over thus keeping them available for Stoke visitors and not occupied by all day parkers.

5.1.3 It is proposed to limit the bus stop (discussed in 5.1.1) and time restrictions for the car parks (discussed in 5.1.2) to Monday – Saturday only, as no Stoke loop bus service operates on Sunday. On Sundays parking in this area is in demand due to the longer duration activities such as recreational tennis and Church attendance.

5.2 Schedule 9 - No Stopping

5.2.1 Haven Road

As part of the Salt Water Creek storm water culvert replacement last year changes were made to the vehicle ramp and kerb lines in Haven Road. These changes have necessitated an extension of the No Stopping lines as shown in attachment 2

5.2.2 Tasman Street

As part of the Tasman Street upgrade work carried out last year kerb and channel have been installed at the road edge where there was previously some informal parking on the grass berm. To maintain two 3 metre vehicle lanes and in the interest of safety it is now necessary to install No Stopping lines at the location shown in attachment 3.

5.2.3 Daelyn Subdivision Stage 4

The newly completed road (Boysenberry Grove) requires the installation of yellow 'no stopping' lines within the cul-de-sac, (Attachment 4.)

5.3 Schedule 14 - Give Way Signs

5.3.1 Daelyn Subdivision Stage 4

This newly completed road (Boysenberry Grove) require the installation of Give Way control at the intersection of Daelyn Drive (Attachment 4)

6. Options

- 6.1 There are limited alternative options for the items presented in this report as the majority are procedural updates to the bylaw.

7. Alignment with relevant Council policy

- 7.1 This report is directly aligned to the requirements of the Parking Policy, the Parking and Vehicle Control Bylaw and with Council's strategic direction through the Regional Land Transport Strategy.

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

- 8.1 The recommendations outlined in this report are not considered significant in terms of the Council's Significance and Engagement Policy.

9. Consultation

- 9.1 Directly affected residents and businesses have been consulted on the proposals.

10. Inclusion of Māori in the decision making process

- 10.1 Māori have not been specifically consulted.

11. Conclusion

- 11.1 Minor alterations and additions are proposed to Schedules 4, 9 and 14 of the bylaw to allow for parking and safety improvements.

Margaret Parfitt
Team Leader Roding and Solid Waste

Attachments

- Attachment 1: A1475675 - Proposed Bus Stop and P120 Main Road Stoke
- Attachment 2: A1475680 - Proposed No Stopping extension Haven Road
- Attachment 3: A1475663 - Proposed No Stopping extension Tasman Street
- Attachment 4: A1477768 - Proposed No Stopping and Give Way Dealyn
Subdivision Stage 4



Attachment 1 : Proposed Bus Stop Main Road Stoke

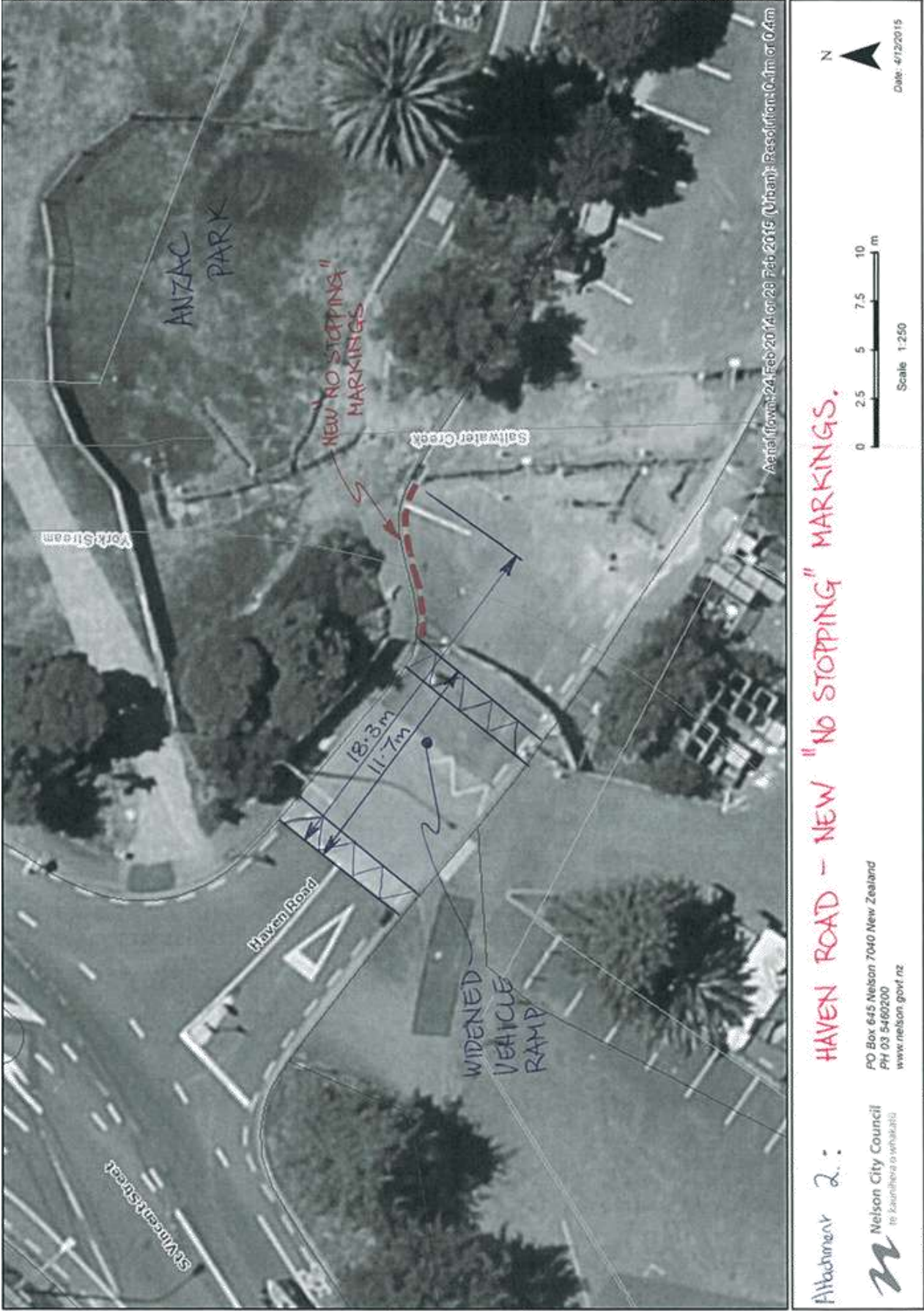
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Date: 15/12/2015

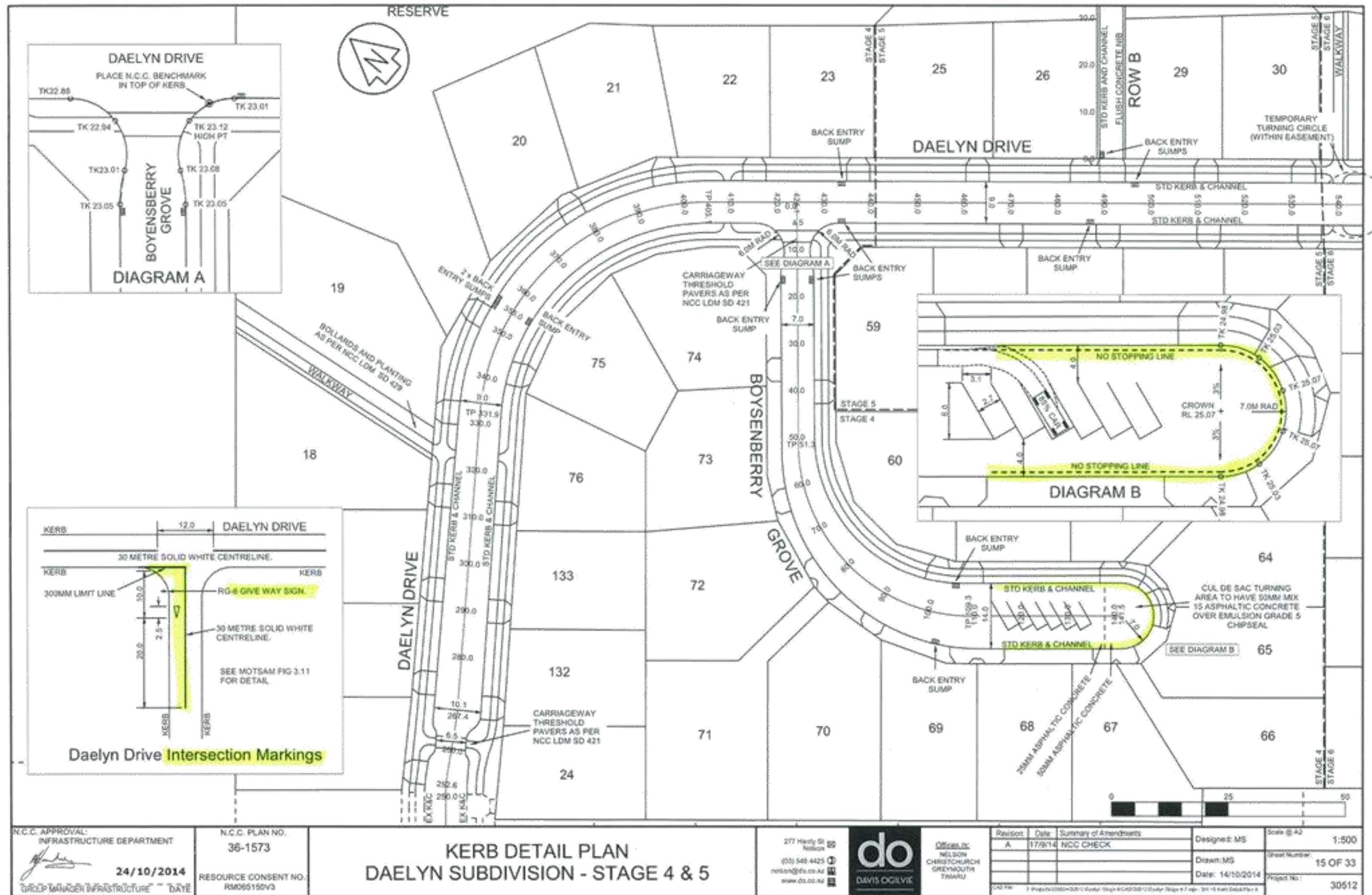
8. Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules - Attachment 1 - A1475675 - Proposed Bus Stop and P120 Main Road Stoke

8. Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules - Attachment 2 - A1475680 - Proposed No Stopping extension Haven Road





Attachment 4 Daelyn Stage 4





REPORT R5303

Fees and Charges: Resource Consents, Resource Management Act Planning Documents and Applications under Housing Accord and Special Housing Areas Act

1. Purpose of Report

- 1.1 To seek Council approval of the draft Fees and Charges Resource Consents, Resource Management Act Planning Documents and applications under the Housing Accord and Special Housing Areas Act for public consultation and notification using the Special Consultative Procedure (section 83 of the Local Government Act 2002).

2. Delegations

- 2.1 The Planning and Regulatory Committee has delegations that include the power to recommend approval of statements of proposals for Special Consultative Procedures falling within their areas of responsibility.
- 2.2 There is no delegation from the Council to set fees and charges.

3. Recommendation

THAT the report Fees and Charges: Resource Consents, Resource Management Act Planning Documents and Applications under Housing Accord and Special Housing Areas Act (R5303) and its attachments (A1483163 and A1483172) be received.

Recommendation to Council

THAT the draft Fees and Charges Resource Consents and Resource Management Act Planning Documents (A1483163 and A1483172) be approved for public consultation and notification using the Special Consultative Procedure as set out in the Local Government Act 2002.

4. Background

4.1 The Consents and Compliance Business Unit is responsible for a variety of functions that have an element of cost recovery. Some charges are set by statute while other statutes give local authorities the power to set charges. This report considers fees and charges for the following which are not prescribed by statute:

- Resource Consents: processing, monitoring and enforcing, administration;
- Resource Management Act planning documents; and
- Housing Accord and Special Housing Areas (HASHA): resource consent for qualifying areas.

4.2 Section 101(3) of the Local Government Act 2002 and Section 36 (4) of the Resource Management Act 1991 (RMA) require that charges for regulatory functions are to be cost-effective with those gaining the benefit from the regulatory service paying a reasonable cost for that service.

5. Discussion

Current status

5.1 The Long Term Plan (LTP) financial targets expect fees and charges to meet between 40 and 60 percent of the total costs of the resource consents team. For the 2014/15 year 46% of costs were recovered. To November this financial year 61% of costs have been recovered from fees and charges. It is expected the percentage will decrease by the year end as some overhead charges are yet to be attributed to the resource consent activity.

5.2 The difference between last year and this current year is attributed to two factors: an increase in application numbers by 25% (compared to the same time last year); and an increase in the hourly staff charge out rate from \$145 per hour to \$148 per hour.

Factors influencing the level of fees and charges

Consent numbers

5.3 The number of resource consent applications received influences the level of income generated. The annual number of applications received over the last four years has ranged from 327 to 391. If this year's application numbers continue to track as they are the total could be around 430.

5.4 The number of applications received is not a factor that is under the direct control of the Council and is difficult to predict from one year to the next. While the Nelson Resource Management Plan sets out when resource consent is required, the developer decides to either make a

proposal comply or apply for consent. Proposed changes to the RMA include a power to waive the need for resource consent in certain circumstances which has the potential to reduce the number of consent applications.

- 5.5 The Nelson Housing Accord and the creation of Special Housing Areas is likely to result in an increase of resource consent applications prior to 16 September 2016 when HASHA is repealed.

Cost Recovery

- 5.6 The other main factor affecting the level of fees and charges is staff wages. As wages increase the level of recovery needs to increase. Currently there is one charge out rate for all staff (\$148.00 an hour). This has been set to achieve a cost recovery that will allow the LTP targets of 40 – 60% to be achieved.
- 5.7 Other Councils have different charge out rates for the differing levels of staff involved in the application. The table below compares staff charge out rates with nearby and similar sized Councils:

Council	Single rate per hour	Varied rate per hour
Nelson	\$148	
Tasman	\$148	
Marlborough	\$148	
New Plymouth		Planners and technical \$174 Administration \$131
Palmerston North		Planner \$161 Technical staff \$166 Senior planner \$189 City planner \$204 Administration \$103
Napier		Planners \$145 Administration \$75
Dunedin		Senior level \$160 Planner \$145

Council	Single rate per hour	Varied rate per hour
		Graduate planner or monitoring officer \$114 Administration \$89.00

- 5.8 In order for a 40 – 60% level of cost recovery, a lower hourly rate for the administration role (for example), would require the other rates to be higher to compensate.
- 5.9 Fees and charges for various resource consent applications can be fixed (no refund or additional charge is applied) or are based on an hourly rate with an initial deposit made at the time of application. Most Councils fix the more constant certification-type processes. Hourly rate based charges tend to occur for applications that can range dependent on the nature and scale of the activity. Fixing more fees has a more predictable level of income but can mean some applicants pay much more or less than the actual costs.
- 5.10 The Resource Legislation Amendment Bill 2015 introduces a power for regulations to be made requiring a fixed fee be charged for processing applications. This could potentially require Councils to set a capped fee for a wide range of application types that will have cost recovery implications. The fixed fee regime is not defined in the Bill and its development would require consultation with Councils and other stakeholders.
- 5.11 This matter will be reported to the Council once the Bill progresses and more detail is known.

Proposed Changes

- 5.12 The current staff charge out rate is sufficient to meet the reasonable and actual costs of resource consent processing. The rate is also sufficient to meet the level of cost recovery anticipated in the Council's Long Term Plan.
- 5.13 The initial charges (deposits) required when applying for consent reasonably reflect the average cost of processing consents. One exception is the swing mooring consent processing costs that are usually always less than the current deposit required of \$1300. It is proposed to include swing mooring applications in the \$500 deposit category.
- 5.14 It is also proposed to include applications for HASHA developments in the fees and charges schedule with the same hourly rate and deposit required for similar resource consent applications.
- 5.15 The only other proposed change concerns photocopying large copy charges to be consistent with the Council Customer Service Centre photocopying charges.

6. Options

- 6.1 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. There are three options:

Option	Benefits	Disbenefits
1. Status quo – one rate of \$148	<p>Consistent with adjacent Councils</p> <p>Easier to administer</p> <p>Achieves 40-60% cost recovery as set under the LTP</p> <p>Consistent level of charging for similar consent types</p> <p>Allows for certainty until the impacts of changes to the RMA are known</p>	<p>Costs are not tiered to recognise the different level of expertise</p>
2. Varied hourly rate – for administration, planner and senior planner	<p>Reflects the different levels of expertise</p>	<p>More time consuming to administer</p> <p>Adds more complexity to set charges to achieve LTP cost recovery</p> <p>Inconsistent level of charging for similar consent types depending on the staff processing the consent</p>
3. Capping a greater range of consent fees and charges	<p>Certainty for the applicant</p> <p>Easy to administer</p> <p>No time required</p>	<p>May not reasonably reflect the actual costs associated with processing</p> <p>Difficult to set the</p>

Option	Benefits	Disbenefits
	to check and review costs that are queried or follow up bad debts	charge to achieve LTP cost recovery for certain types of consents that vary widely in complexity

- 6.2 Currently there are 13 different fixed or capped fees for a variety of document executions, certifications or processes that have a relatively certain amount of staff time required to process these applications. Option 3 is not recommended until the direction of changes to the RMA is known.
- 6.3 Option 2 will require further investigation to determine the appropriate hourly rate for various staff and whether this impacts on current processes and team structure. Option 2 is not recommended until this investigation has occurred.
- 6.4 The status quo, option 1, is preferred until the new legislation requires a change or the impacts of alternative options are explored further.

7. Alignment with relevant Council policy

- 7.1 The recommended fees and charges are consistent with the required statutes and assist with achieving the stated funding policy in the LTP.

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

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

9. Consultation

- 9.1 Consultation has not been undertaken with any external parties. Fees and charges for Resource Consents Activity are subject to the Special Consultative Procedures required by the Local Government Act 2002.

10. Inclusion of Māori in the decision making process

- 10.1 There has been no consultation with Māori regarding this recommendation.

11. Conclusion

- 11.1 The level of income received from fees and charges currently meets the reasonable and actual costs of resource consent processing. The level of cost recovery also sufficiently meets the expected levels stated in the Long Term Plan. The hourly staff charge out rate compares favourably with other Councils.

- 11.2 Significant changes are not recommended until the impacts of the Resource Legislation Amendment Bill 2015 on the level of applications and cost recovery structure are known.

Mandy Bishop

Manager Consents and Compliance

Attachments

Attachment 1: A1483163 Statement of Proposal

Attachment 2: A1483172 - Summary of Statement of Proposal Fees and Charges Resource Consent Activity



STATEMENT OF PROPOSAL

**DRAFT FEES AND CHARGES RESOURCE
CONSENT ACTIVITY**

Commencing 1 July 2016

A1483163

1. Introduction

The Resource Consents activity has 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. This proposal considers fees and charges for:

- a) Resource consents: processing, monitoring and enforcing, administration; and
- b) Resource Management Act planning documents; and
- c) Housing Accord and Special Housing Area applications for resource consent.

Each financial year the Council reviews the fees and charges to:

- a) Ensure that those who benefit from the services of the resource consent activity pay a fair and reasonable share of the costs of these services; and
- b) Ensure fees and charges reflect any changes in the cost of providing these services; and
- c) Check that Nelson City Council fees and charges for resource consents activity are measured against equivalent costs for Tasman and Marlborough District Councils.

Funding 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.

Section 101(3) of the Local Government Act 2002 and Section 36 (4) of the Resource Management Act 1991 provide that charges for regulatory functions are to be cost-effective, with the purpose of recovering the reasonable costs incurred by the Council in respect of the activity to which the charge relates, with those gaining the benefit from the regulatory service paying the reasonable cost for that service.

Section 36(2) of the Resource Management Act 1991 requires the Council to seek public feedback on its proposed fees and charges through the Special Consultative Procedure under section 83 of the Local Government Act 2002.

2. The Approach to Charges

- 2.1 Council's current charging structure set out in its Fees and Charges Schedule for Resource Consents (see Appendix One) is based on applicants lodging an initial sum of money determined by the nature or category of consent. This is credited to the applicant's consent account. As the consent is processed those processing costs are debited against the applicant's account.
- 2.2 The cost of the consent processing is based on:
 - a) The time spent by Council staff and any specialist advisers assessing and reporting on the application; and
 - b) The staff hourly charge (consultants are charged out at this rate if staff would normally process the consent), or the consultant charges (if there is a lack of expertise or conflict for staff); and

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- c) Administrative costs; and
 - d) A \$100 charge incorporating the first hour of monitoring if monitoring is required. Subsequent monitoring is charged at the staff hourly rate.
- 2.3 When the decision on the consent is made, and processing is completed, the costs are calculated and a refund is made if the cost is less than the initial charge, or an account for further payment is sent if the costs exceed the amount of the initial charge.
- 2.4 The 2009 Amendments to the Resource Management Act 1991 included the introduction of a Discount Policy should the consent:
 - a) Be processed outside the statutory timeframes; and
 - b) It was the fault of the Council.
- 2.5 The discount came into effect on 31 July 2010. The default discount is 1% of the consent processing costs per day the consent was late, up to a maximum of 50% of the costs of the consent. Councils can choose to give a more generous discount than the default.

3. The Proposal

- 3.1 No change to the staff hourly charge out rate is proposed.
- 3.2 Swing mooring applications are proposed to be included in the \$500 deposit category.
- 3.3 Housing Accord and Special Housing Area applications for resource consent are proposed to be included in the fees and charges schedule.
- 3.4 Amend the photocopying charges for large pages.

4. Reasons

- 4.1 The current staff charge out rate is sufficient to meet the reasonable and actual costs of resource consent processing. The rate is also sufficient to meet the level of cost recovery anticipated in the Council's Long Term Plan.
- 4.2 The initial charges (deposits) required when applying for consent reasonably reflect the average cost of processing consents.
- 4.3 The overall costs associated with swing mooring consent processing are usually always less than the current deposit required of \$1300.
- 4.4 Large copies price changes are for consistency with the Council Customer Service Centre photocopying charges.

5. The Alternative

- 5.1 To increase the current staff charge out rate. This is not the preferred option as those who benefit from the services of the resource consent activity currently pay a proportionate share of the costs of these services.

6. Special Consultative Procedure

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In adopting the Statement of Proposal for public consultation, including a draft declaration indicating the proposed option, the Council is required to consider whether the Statement of Proposal meets the requirements of section 83 of the Local Government Act 2002. A statement of proposal must include:

- A statement of the reasons for the proposal; and
- An analysis of the reasonably practicable options, including the proposal; and
- Any other information that the local authority identifies as relevant.

The Council considers the Statement of Proposal meets these requirements.

7. Submissions

- 7.1 Any interested person or body is welcome to make submissions on any aspect of the Council's Draft Fees and Charges Resource Consents Activity. Council in making its decision will be taking account of all submissions made.

Submissions are to be made in writing and forwarded to:

Fees and Charges Resource Consents Activity
Nelson City Council
PO Box 645
Nelson 7040

Or emailed to submissions@ncc.govt.nz

Submissions must be received no later than midday on Friday 29 April 2016.

Any person who wishes to speak to the Council in support of their submission will be given the opportunity at a hearing which will occur in May 2016, the specific date to be advised to all submitters wishing to be heard.

Copies of the Statement of Proposal, including the complete draft Schedule for Resource Consent Fees and Resource Management Act Planning Documents Fees are available free of charge from Civic House or on request.

All enquiries should be directed to Mandy Bishop on 545 8740 or email mandy.bishop@ncc.govt.nz

APPENDIX ONE



Draft Fees and Charges

Commencing 1 July 2016

Resource Consent Fees

**Resource Management Act Planning
Documents Fees**

**under the Resource Management Act
1991**

and

**Housing Accord and Special Housing
Areas Act 2013**

Resource Consent Processing and Monitoring, Designations, Plan Changes, all other activity under the Resource Management Act 1991 (RMA) **and the Housing Accord and Special Housing Areas Act 2013** will attract an initial charge (deposit) payable at the time of lodging an application as per Section 1 below.

Where the cost of processing the consent is not fully covered by the initial charge, additional charges will be applied (under Section 36 of the RMA).

Section 2 below lists the various costs that may be charged to a consent. Changes to current charges are shown as strikethrough and new charges shown as bold.

All charges listed in this Schedule are GST inclusive

	Activity	Initial Charge
1.1	All activities (other than listed below)	\$1,300
1.2	Subdivision 1-3 lots	\$1,300
	Subdivision 4 plus lots	\$2,000
1.3	Bore permits; Certificate of Compliance; Change of consent conditions or consent notice; Culverts, weirs and other minor structures on the bed of watercourses; Existing Use Certificate; Extension of lapsing period; Fences; Flats Plan update and check; Gravel extraction; Outline Plan approvals; Relocate building; Removal of trees listed in the Nelson Resource Management Plan; Replacement Permits; Right of Way approval; Signs; Simple consent process; Swing moorings; Transfer/part transfer of Permits	\$500
1.4	NOTIFIED APPLICATIONS: Additional charges for applications requiring notification/ limited notification. (This charge must be paid prior to notifying the application and is in addition to the initial charge paid when the application is lodged).	\$7,000
1.5	Removal of trees listed in the Nelson Resource Management Plan that are confirmed in writing by a qualified arborist as diseased or a threat to public safety.	No charge
1.6	Heritage Buildings: Non-notified application to conserve and restore heritage building, place or object listed in the Nelson Resource Management Plan.	No Charge
1.7	Private Plan changes (Note: Council's policy is to recover 95% of the costs involved for the whole process from the applicant).	\$10,000

Nelson City Council Statement of Proposal
Fees and Charges Resource Consents Activity

	Activity	Initial Charge
1.8	Heritage Orders	\$3,500

- 1.9 Where an application involves multiple consents the initial charge is payable at the higher rate plus \$250.00 for each accompanying application.
- 1.10 Where all or part of any initial charge (deposit) is not paid at application time, the Council reserves the right to not process that application.

2. Costs Charged to a Consent

	Details	Charge
2.1	Council Staff – all staff time inclusive of overhead component associated with processing and assessing applications.	\$148 per hour
2.2	Hearings Panel Charges:	
	- per Councillor as Commissioner (rate set by Remuneration Authority)	\$80 per hour
	- Councillor as Chairperson (rate set by Remuneration Authority)	\$100 per hour
	- Independent Commissioner (requested by applicant)	Cost
	- Independent Commissioner (requested by submitter)	Cost less Councillor rate (applicant pays the Councillor rate)
	- Independent Commissioner(s) required for expertise or due to conflict of interest issues	Cost
2.3	Legal advisors and consultants engaged by Council, or reports commissioned, after discussion with the applicant, to provide expertise not available in-house under s.92(2) RMA.	Cost plus administration charges
2.4	Experts and consultants engaged by Council to undertake assessment of an application where the complexity of the application necessitates external expertise, or where resource consent processing is required to be outsourced due to conflict of interest issues (this is not a s92(2) RMA commissioning).	Cost plus administration charges
2.5	All disbursements, such as telephone calls, courier delivery services, all public notification costs, postage for notified applications and document copying charges.	Cost plus administration charges
2.6	Consultants engaged by the Council where skills are normally able to be provided by in-house staff or when Council staff workloads are unusually high.	\$148 per hour
2.7	Urban Design Panel reviews a proposal before a resource consent application is lodged	No charge
2.8	The applicant agrees (as per 2.3 above) to the Urban Design Panel reviewing the proposal after a resource consent application is lodged	Cost plus administration

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	Details	Charge
		charges

2.9 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.

A2 \$2.00 per page

A1 \$3.00 per page

2.10 Monitoring Charges

2.10.1 If monitoring is required, a one-off charge of \$100.00 will be invoiced as part of the consent cost. Any extra work that is required to monitor compliance with the consent conditions will be charged at the appropriate hourly rate for Council staff and separately invoiced.

2.10.2 Monitoring charges associated with review of information required to be provided by a condition of resource consent will be charged for at the appropriate hourly rate for Council staff or actual cost for specialist consultant.

2.10.3 Where the applicant is required or authorised to monitor the activity, the Council's costs in receiving and assessing the monitoring information will be charged directly to the consent holder at the appropriate hourly rate for Council staff or actual cost of the specialist involved.

2.11 Administration Charges

	Item/Details	Charge
2.11.1	Insurance levy – for each resource consent.	\$30
2.11.2	Street naming and numbering (costs of reporting to Hearings Panel and advising all statutory agencies).	Council staff hourly rate in 2.1 above
2.11.3	Street numbering – application for alteration.	\$125
2.11.4	Documents for execution – removal of building line restrictions; easement documents, caveats, covenants and other documents to be registered with LINZ presented after subdivision processed or where	\$175 for each document

Nelson City Council Statement of Proposal
Fees and Charges Resource Consents Activity

	Item/Details	Charge
	not associated with a subdivision application.	
2.11.5	Certificate under Overseas Investment Act.	\$385
2.11.6	Confirmation of compliance with the Nelson Resource Management Plan for NZ Qualifications Authority.	\$385
2.11.7	Confirmation of compliance with the Nelson Resource Management Plan for liquor licence applications.	\$70
2.11.8	Section 357 Administration charge.	\$255
2.11.9	Private right-of-way – review against existing names and advising all statutory agencies where appropriate.	\$225
2.11.10	Authentication report for small-scale solid-fuel burning appliance or open fire.	\$70
2.11.11	Removal of designation.	\$305
2.11.12	Swing Mooring annual charge (monitoring costs are additional, refer 2.10.3 above).	\$75
2.11.13	Transfer of Consents to new owner (S.135(1)(a), S.136(1), S.136(2)(a), or S.137(2)(a) Resource Management Act)	\$150
2.11.14	Claiming a swing mooring the Council removed from the Coastal Marine Area that did not have a coastal permit	\$300
2.11.15	Claiming a vessel that was towed and hauled out of the Coastal Marine Area as it was tied to a non consented mooring that was uplifted	Cost for tow and haul out

2.12 Discount for Late Consents

- 2.12.1 Where statutory processing timeframes have not been met and this is the fault of the Council, a discount of 1% of the total processing costs per each day the consent is late, up to a maximum of 50%, will be credited.

3. Invoicing

- 3.1 Where processing costs exceed the level of the initial charge (deposit), monthly invoices for any additional charges may be sent to the applicant.
- 3.2 Annual swing mooring charges shall be due on 1 December. The initial payment is due within 30 days of the mooring being installed. Moorings installed 1 December to 1 June will incur the full annual charge. Moorings installed from 1 June to 30 November will be charged half of the annual charge. The Council reserves the right to agree to other arrangements in writing.
- 3.3 The Council has no obligation to perform any action on any application until the charges for the action have been paid in full; such payment will be required by the 20th of the month following invoice.

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- 3.4 Where any interim invoice is disputed, work on processing the application will be stopped until the matter is resolved at the discretion of the Manager Consents and Compliance.
- 3.5 The option of monthly invoices only, in lieu of initial charges, may be available on strict credit conditions as follows:
- The consent process, or Council involvement in the project, is likely to extend over a period in excess of 6 months; and
 - The total amount for invoices is likely to exceed \$5,000; and
 - The applicant is in good financial standing with a satisfactory credit record and agrees to abide by the Council's usual credit terms or
 - The applicant is a regular customer of the Council's Resource Consents Business Unit, is in good financial standing with no record of unpaid invoices, who agrees to pay each and every invoiced charge by the 20th of the month following the date of issue of the invoice.

Any disputes relating to an invoiced charge must be resolved after the invoice has been paid. Failure to meet these criteria will result in the option of monthly invoices, in lieu of initial charges plus monthly invoices being withdrawn.

The decision on whether to waive the required charge and institute a system of monthly invoicing shall be made by the Manager Consents and Compliance or Group Manager Strategy and Environment, having regard to the above criteria.

4. Pre-Application Charges

Detail	Charge
Pre-application discussion with staff on feasibility of a proposal that may not proceed to resource consent.	First half hour – no charge. Additional time charged on an hourly basis at the Council staff charge out rate as per 2.1.

5. Resource Management Planning Documents

Copies of Plans	Cost
Nelson Resource Management Plan - Text (hard copy)	\$150
Nelson Resource Management Plan - Maps (hard copy)	\$150
CD ROM – combined Nelson Resource Management Plan and Nelson Air Quality Plan – updated annually in Spring	\$15 annually
Nelson Resource Management Plan - hard copy updates issued as required	\$25 annually for text \$25 annually for maps
Nelson Air Quality Plan	\$50

Nelson City Council Statement of Proposal
Fees and Charges Resource Consents Activity

Copies of Plans	Cost
Land Development Manual	\$100



Summary of Statement of Proposal

DRAFT FEES AND CHARGES RESOURCE CONSENTS ACTIVITY

Commencing 1 July 2016

This statement is made for the purposes of section 83 of the Local Government Act 2002.

Each financial year the Council reviews the fees and charges proposed for various activities undertaken by the Resource Consents Business Unit. The purpose of the review is to:

1. Ensure that those who benefit from the services of the resource consent activity pay a fair and reasonable share of the costs of these services;
2. Ensure fees and charges reflect any changes in the cost of providing these services;
3. Check that Nelson City Council fees and charges for the resource consents activity are measured against equivalent costs for Tasman and Marlborough District Councils.

Section 36(2) of the Resource Management Act 1991 requires the Council to seek public feedback on its proposed fees and charges through the Special Consultative Procedure under section 87 of the Local Government Act 2002.

A proposed change to the current fees and charges is to include swing mooring applications in the \$500 deposit category. The actual cost for processing these applications is usually less than the current required deposit of \$1300. A change is also proposed to include applications made under the Housing Accord and Special Housing Areas Act 2013 so that standard resource consent processing charges and deposits apply. The other proposed change is to amend the photocopying charges to be consistent with the Council Customer Service Centre photocopying charges.

The Council welcomes feedback on the fees and charges. Council, in making its decision, will be taking account of all submissions made.

Copies of the Statement of Proposal which includes a more detailed assessment of the proposal are available free of charge from Civic House or on request.

Submissions

Any interested person or body is welcome to make submissions on any aspect of the Council's Draft Fees and Charges Resource Consents Activity.

Submissions are to be made in writing and forwarded to:

Fees and Charges Resource Consents Activity
Nelson City Council
PO Box 645
Nelson 7040

OR emailed to submissions@ncc.govt.nz

Submissions must be received no later than midday on Friday 29 April 2016.

Any person who wishes to speak to the Council in support of their submission will be given the opportunity at a hearing which will occur in May 2016, the specific date to be advised to all submitters wishing to be heard.

All enquiries should be directed to Mandy Bishop on phone 545 8740 or email mandy.bishop@ncc.govt.nz.



Draft Fees and Charges

Commencing 1 July 2016

Resource Consent Fees

Resource Management Act Planning Documents Fees

under the Resource Management Act 1991

and

Housing Accord and Special Housing Areas Act 2013

Resource Consent Processing and Monitoring, Designations, Plan Changes, all other activity under the Resource Management Act 1991 (RMA) **and the Housing Accord and Special Housing Areas Act 2013** will attract an initial charge (deposit) payable at the time of lodging an application as per Section 1 below.

Where the cost of processing the consent is not fully covered by the initial charge, additional charges will be applied (under Section 36 of the RMA).

Section 2 below lists the various costs that may be charged to a consent. Changes to current charges are shown as strikethrough and new charges shown as bold.

All charges listed in this Schedule are GST inclusive

	Activity	Initial Charge
1.1	All activities (other than listed below)	\$1,300
1.2	Subdivision 1-3 lots	\$1,300
	Subdivision 4 plus lots	\$2,000
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1.4	NOTIFIED APPLICATIONS: Additional charges for applications requiring notification/ limited notification. (This charge must be paid prior to notifying the application and is in addition to the initial charge paid when the application is lodged).	\$7,000
1.5	Removal of trees listed in the Nelson Resource Management Plan that are confirmed in writing by a qualified arborist as diseased or a threat to public safety.	No charge
1.6	Heritage Buildings: Non-notified application to conserve and restore heritage building, place or object listed in the Nelson Resource Management Plan.	No Charge
1.7	Private Plan changes (Note: Council's policy is to recover 95% of the costs involved for the whole process from the applicant).	\$10,000

	Activity	Initial Charge
1.8	Heritage Orders	\$3,500

- 1.9 Where an application involves multiple consents the initial charge is payable at the higher rate plus \$250.00 for each accompanying application.
- 1.10 Where all or part of any initial charge (deposit) is not paid at application time, the Council reserves the right to not process that application.

2. Costs Charged to a Consent

	Details	Charge
2.1	Council Staff – all staff time inclusive of overhead component associated with processing and assessing applications.	\$148 per hour
2.2	Hearings Panel Charges:	
	- per Councillor as Commissioner (rate set by Remuneration Authority)	\$80 per hour
	- Councillor as Chairperson (rate set by Remuneration Authority)	\$100 per hour
	- Independent Commissioner (requested by applicant)	Cost
	- Independent Commissioner (requested by submitter)	Cost less Councillor rate (applicant pays the Councillor rate)
	- Independent Commissioner(s) required for expertise or due to conflict of interest issues	Cost
2.3	Legal advisors and consultants engaged by Council, or reports commissioned, after discussion with the applicant, to provide expertise not available in-house under s.92(2) RMA.	Cost plus administration charges
2.4	Experts and consultants engaged by Council to undertake assessment of an application where the complexity of the application necessitates external expertise, or where resource consent processing is required to be outsourced due to conflict of interest issues (this is not a s92(2) RMA commissioning).	Cost plus administration charges
2.5	All disbursements, such as telephone calls, courier delivery services, all public notification costs, postage for notified applications and document copying charges.	Cost plus administration charges
2.6	Consultants engaged by the Council where skills are normally able to be provided by in-house staff or when Council staff workloads are unusually high.	\$148 per hour
2.7	Urban Design Panel reviews a proposal before a resource consent application is lodged	No charge
2.8	The applicant agrees (as per 2.3 above) to the Urban Design Panel reviewing the proposal after a resource consent application is lodged	Cost plus administration charges

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2.9 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.
A2	\$2.00 per page
A1	\$3.00 per page

2.10 Monitoring Charges

- 2.10.1 If monitoring is required, a one-off charge of \$100.00 will be invoiced as part of the consent cost. Any extra work that is required to monitor compliance with the consent conditions will be charged at the appropriate hourly rate for Council staff and separately invoiced.
- 2.10.2 Monitoring charges associated with review of information required to be provided by a condition of resource consent will be charged for at the appropriate hourly rate for Council staff or actual cost for specialist consultant.
- 2.10.3 Where the applicant is required or authorised to monitor the activity, the Council’s costs in receiving and assessing the monitoring information will be charged directly to the consent holder at the appropriate hourly rate for Council staff or actual cost of the specialist involved.

2.11 Administration Charges

	Item/Details	Charge
2.11.1	Insurance levy – for each resource consent.	\$30
2.11.2	Street naming and numbering (costs of reporting to Hearings Panel and advising all statutory agencies).	Council staff hourly rate in 2.1 above
2.11.3	Street numbering – application for alteration.	\$125
2.11.4	Documents for execution – removal of building line restrictions; easement documents, caveats, covenants and other documents to be registered with LINZ presented after subdivision processed or where not associated with a subdivision application.	\$175 for each document
2.11.5	Certificate under Overseas Investment Act.	\$385

	Item/Details	Charge
2.11.6	Confirmation of compliance with the Nelson Resource Management Plan for NZ Qualifications Authority.	\$385
2.11.7	Confirmation of compliance with the Nelson Resource Management Plan for liquor licence applications.	\$70
2.11.8	Section 357 Administration charge.	\$255
2.11.9	Private right-of-way – review against existing names and advising all statutory agencies where appropriate.	\$225
2.11.10	Authentication report for small-scale solid-fuel burning appliance or open fire.	\$70
2.11.11	Removal of designation.	\$305
2.11.12	Swing Mooring annual charge (monitoring costs are additional, refer 2.10.3 above).	\$75
2.11.13	Transfer of Consents to new owner (S.135(1)(a), S.136(1), S.136(2)(a), or S.137(2)(a) Resource Management Act)	\$150
2.11.14	Claiming a swing mooring the Council removed from the Coastal Marine Area that did not have a coastal permit	\$300
2.11.15	Claiming a vessel that was towed and hauled out of the Coastal Marine Area as it was tied to a non consented mooring that was uplifted	Cost for tow and haul out

2.12 Discount for Late Consents

2.12.1 Where statutory processing timeframes have not been met and this is the fault of the Council, a discount of 1% of the total processing costs per each day the consent is late, up to a maximum of 50%, will be credited.

3. Invoicing

- 3.1 Where processing costs exceed the level of the initial charge (deposit), monthly invoices for any additional charges may be sent to the applicant.
- 3.2 Annual swing mooring charges shall be due on 1 December. The initial payment is due within 30 days of the mooring being installed. Moorings installed 1 December to 1 June will incur the full annual charge. Moorings installed from 1 June to 30 November will be charged half of the annual charge. The Council reserves the right to agree to other arrangements in writing.
- 3.3 The Council has no obligation to perform any action on any application until the charges for the action have been paid in full; such payment will be required by the 20th of the month following invoice.

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- 3.4 Where any interim invoice is disputed, work on processing the application will be stopped until the matter is resolved at the discretion of the Manager Consents and Compliance.
- 3.5 The option of monthly invoices only, in lieu of initial charges, may be available on strict credit conditions as follows:
- a) The consent process, or Council involvement in the project, is likely to extend over a period in excess of 6 months; and
 - b) The total amount for invoices is likely to exceed \$5,000; and
 - c) The applicant is in good financial standing with a satisfactory credit record and agrees to abide by the Council's usual credit terms or
 - d) The applicant is a regular customer of the Council's Resource Consents Business Unit, is in good financial standing with no record of unpaid invoices, who agrees to pay each and every invoiced charge by the 20th of the month following the date of issue of the invoice.

Any disputes relating to an invoiced charge must be resolved after the invoice has been paid. Failure to meet these criteria will result in the option of monthly invoices, in lieu of initial charges plus monthly invoices being withdrawn.

The decision on whether to waive the required charge and institute a system of monthly invoicing shall be made by the Manager Consents and Compliance or Group Manager Strategy and Environment, having regard to the above criteria.

4. Pre-Application Charges

Detail	Charge
Pre-application discussion with staff on feasibility of a proposal that may not proceed to resource consent.	First half hour – no charge. Additional time charged on an hourly basis at the Council staff charge out rate as per 2.1.

5. Resource Management Planning Documents

Copies of Plans	Cost
Nelson Resource Management Plan - Text (hard copy)	\$150
Nelson Resource Management Plan - Maps (hard copy)	\$150
CD ROM – combined Nelson Resource Management Plan and Nelson Air Quality Plan – updated annually in Spring	\$15 annually
Nelson Resource Management Plan - hard copy updates issued as required	\$25 annually for text \$25 annually for maps
Nelson Air Quality Plan	\$50

Copies of Plans	Cost
Land Development Manual	\$100



REPORT R5319

Fees and Charges Consents and Compliance (non RMA) commencing 1 July 2016

1. Purpose of Report

- 1.1 To adopt the fees and charges for dog control, environmental health and provision of property information activities to apply from 1 July 2016.

2. Delegations

- 2.1 The Planning and Regulatory Committee has delegations that include the power to recommend approval of statements of proposals for Special Consultative Procedures falling within their areas of responsibility.
- 2.2 There is no delegation from the Council to set Fees and Charges.

3. Recommendation

THAT the report Fees and Charges Consents and Compliance (non RMA) commencing 1 July 2016 (R5319) and its attachments (A1483521, A1483604, A1488034, A1488085, A1483610 and A1498999) be received.

Recommendation to Council

THAT the Dog Control fees and charges as detailed in Attachment 1 (A1483521) to Report R5319 be adopted;

AND THAT the Environmental Health and other activities fees and charges as detailed in Attachment 2 (A1483604) to Report R5319 be adopted;

AND THAT the Draft Food Act 2014 fees and charges as detailed in Attachment 3 (A1488034) to Report R5319 be approved for public consultation and notification using the Special Consultative Procedure as set out in the Local Government Act 2002;

AND THAT the circumstances to reduce alcohol licensing fees as detailed in Attachment 4 (A1488085) to Report R5319 be adopted to apply from the date of Council resolution;

AND THAT Provision of Property Information fees and charges as detailed in Attachment 5 to Report R5319 (A1483610) be adopted;

AND THAT the Draft Fencing of Swimming Pools Act 1987 fees and charges as detailed in Attachment 6 (A1498999) to Report R5319 be approved for public consultation and notification using the Special Consultative Procedure as set out in the Local Government Act 2002;

AND THAT the charges for Dog Control Environmental Health and Provision of Property Information activities apply from 1 July 2016 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.

4. Background

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

- dog registration and the pound;
- health licensing; and
- provision of property information.

In addition a fee change under the Fencing of Swimming Pools Act 1987 is considered as it requires a Special Consultative Procedure to change the fee. Normally this activity would be considered with other Building Unit charges.

- 4.2 No changes are recommended for dog control and health licensing (non-food) as costs for these activities are being met by current fees and charges. Minor changes are proposed to reduce some fees for alcohol licensing and increase regular user charges for the provision of property

information. A range of new fees must be introduced to meet Food Act 2014 requirements.

- 4.3 It is proposed to reduce the charge for the Fencing of Swimming Pools Act 1987 monitoring inspections. Charges for this service have received negative feedback over the last two years and are frequently challenged. With the completion of the initial compliance inspections round, due by 01 July 2016, it is time to review the fees charged and the structure for recovery of staff costs.
- 4.4 Funding for the dog control, environmental health, the provision of property information and fencing of swimming pool 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.
- 4.5 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.
- 4.6 The Food Act 2014 and Fencing of Swimming Pools Act 1987 require public consultation before new or altered charges can apply. Fees for other activities do not require public consultation.

5. Discussion

Dog Control

- 5.1 The Dog Control activity is funded mostly by registration fees, dog impounding fees and some minor income from infringement fees and Court awarded costs.
- 5.2 The costs of the dog control activity are largely fixed being adjusted only by the Consumer Price Index (CPI). The number of dog registrations is expected to increase on an annual basis so the income from fees should normally cover the CPI increase in costs.
- 5.3 Between 1 July and 31 December 2015 there has been an increase in dog registrations of 2.85% (a total of 5,469 dogs registered). For 2014-2015 the dog control costs exceeded the income by 10%. As at 30 November 2015 the costs exceed the income by 1%.
- 5.4 Fees were increased for the 2015-2016 year. Given the actual income level is sufficient to meet current costs and there being no foreseeable significant changes to the level of costs, no changes to current fees and charges are recommended for at this time.

Health Certification for Registered Premises (non food premises)

- 5.5 The premises which are non-food that are required to be registered under the Health Act 1956 are hairdressing premises, camping grounds, offensive trades and funeral directors and mortuaries.

- 5.6 A comparison with other councils was conducted last year and the fees charged by Nelson were comparable with adjoining authorities and generally lower than others. The overall income from non food and food premises exceeded costs for the 2014-2015 year and currently meets costs for this financial year. No changes to the fees for these activities are recommended as shown in Attachment 2.

Food Premises

- 5.7 Council's functions under the Food Act 2014 (the Act) commence on 1 March 2016. The Act introduces a risk based regime that categorises food businesses into different levels of risk depending on the type of their operation. Councils are required to register, verify and carry out compliance and monitoring checks of certain food businesses under this new regime. It is anticipated Council staff will need to assist food businesses' transition to the new requirements.
- 5.8 The Act provides Council the ability to fix fees to recover costs of Council's functions. Section 205 of the Act requires the fixing of fees before the start of the financial year (1 July). To apply fees from 1 July 2016 for Council's new functions under the Act, a special consultative procedure must be completed and the fees passed by Council resolution.
- 5.9 The Act introduces a risk based regulatory regime and food premises have up to three years to transition to the requirements of the Act. Until a food business transitions they will be subject to Council's existing fees that commenced 1 July 2015. All new food businesses commencing from 1 March 2016 must operate under the Food Act 2014.
- 5.10 Income from fees and charges for health and food licensing has exceeded costs in the last three years so it is proposed to keep fees the same from 1 July 2016. New charges for activities under the Food Act 2014 are based on expected staff time to complete the process with any additional time invoiced at an hourly rate. Verification and compliance functions that have a variable amount of staff time depending on the work involved and the level of compliance of the premises are charged at an hourly rate.
- 5.11 The table below compares recommended charges with adjacent Councils and the Ministry for Primary Industry charges. All charges are GST inclusive:

Proposed Charges	Minimum hours	NCC	TDC	MDC	MPI
<i>Blue font = fixed fees, Black font = hourly rate, Brown = initial charge then hourly rate</i>					
First Registration of a templated Food Control Plan (FCP)	1.50	\$222.00	\$222.00	\$254.00	\$193.75
First Registration of a National Programme (NP)	1.00	\$148.00	\$133.00	\$254.00	\$116.25

Renewal of Registration (FCP & NP)	0.50	\$74.00	\$89.00	\$108.00	\$77.50
Amendment to FCP or NP	0.50	\$74.00	\$89.00	\$108.00	\$77.50
Voluntary Suspension of FCP or NP	0.50	\$74.00		N/C	\$77.50
Verification, inspection and audit	1.00	\$148.00	\$148.00	\$145.00	\$155.00
Issue of Improvement Notice	1.00	\$148.00	\$155.00	\$145.00	\$155.00
Review of Improvement Notice	1.00	\$148.00	\$155.00	\$145.00	\$155.00
Monitoring		N/C	N/C	N/C	

5.12 A comparison has also been made between what businesses pay now and what they will pay should the recommended charges be approved:

Working Examples - Annual Costs (established business-good conformance)	Food Act 2014 cost	Current cost
Expected charge for simple business - Registration + 1 hrs audit[s]	\$222.00	\$165.00-\$250.00
Expected charge for moderate business - Registration + 2 hrs audit[s]	\$370.00	\$250.00-\$375.00
Expected charge for complex business - Registration + 3 hrs audit[s]	\$518.00	\$375.00
Additional Charge per hour	\$148.00	None

5.13 The Act requires councils to provide a registration service for both Food Control Plans and the National Programme. The Act requires councils to verify Food Control Plans but councils may verify National Programmes.

5.14 It is recommended Nelson City Council provides verification for businesses under the National Programme system. Not providing this service would require these businesses to engage private sector auditors that would potentially be at higher costs. Providing this service also enables a complete service to be offered with parties not having to deal with different organizations.

5.15 A cost for performing this verification service for National Programmes is gaining the required MPI approval to provide the service. This will incur staff time and additional resources to develop a documented quality management system in time for the start of the new Act on 1 March 2016. If a verification service is provided, there may be up to 90 businesses that will want a verification service from the Council.

5.16 77 National Programme businesses will be required to transition in years two and three. There will also be around 12 food stalls that will fall under a National Programme for the first time. 93 businesses will be required to transition to Food Control Plans in the first year and 123 in the second

year. It is also estimated that 20 additional businesses will be required to come under the Food Control Plan.

- 5.17 The Act requires both registration and verification and as verification takes significantly longer than inspections under the current system the workload is expected to increase the level of staff resource for Environmental Inspections Limited from one FTE to 1.5 FTEs on an on-going basis. As the scale of the changes and impact on staff resource become known, there could be a need to have two FTEs particularly in the second year of transition.
- 5.18 Proposed charges in Attachment 3 are based on recovering the costs of 1.5 FTEs. Any additional time required to assist businesses transition from the old system to the new system and to meet the new Act requirements for registration and verification may need additional resourcing as a temporary measure.
- 5.19 It is recommended that the Special Consultative Procedure will have a submission period of one month closing at the end of April with a Hearing to be convened in May if required to hear submissions. The decision on these fees and charges will need to be passed by Council resolution prior to 1 July 2016 for these charges to take effect for the next financial year.

Alcohol licensing

- 5.20 Licence fees are set by the Sale and Supply of Alcohol Act 2012.
- 5.21 For the 2014-2015 financial year the income exceeded the costs by approximately 16%.
- 5.22 The income for the current financial year to December 2015 exceeds the costs of the licensing service by \$16,589 (excluding GST) or 19%. It is noted that costs to date have not included any hearings that can increase the costs as the applicant only pays the fixed licence fee regardless of actual hearing expenses.
- 5.23 The Council could decide to set different fees through a Bylaw process if the nationally set fees do not fairly reflect the cost of the alcohol licensing and inspection service. The Council decided in October 2014 to approve circumstances where discretion is used to reduce alcohol licensing fees. The circumstances to use discretion to reduce fees has been reviewed and it is recommended the circumstances be extended to include three off licence categories and those premises that have licence hours finishing earlier in the evening.
- 5.24 The off licence categories include internet sales, gift basket sales and specialty food outlets. Internet sales would apply where the licence holder is only selling products they manufacture. A number of manufacturers have cellar door licences that are already in the very low category and reducing their internet sales to this category provides consistency for a very low risk activity.

- 5.25 The reduction for the gift basket and specialty food store category acknowledges that alcohol is not a key focus but complements other products. There are five existing licence holders in these categories. The level of annual income reduced by lowering these categories would be \$1,552.50 (including GST).
- 5.26 One of the key contributors to alcohol related harm is the length of time alcohol is available. The risk rating approach to fees in the regulations acknowledges this with premises that have later licence hours (after 2.00am) attracting a higher risk rating and higher fees.
- 5.27 There is an opportunity through discretionary fee category reduction to provide an additional incentive for licence holders to further reduce their latest licence hours. The fee reduction would also acknowledge the lower risk of licence holders that already operate with licence hours closing by midnight.
- 5.28 Should the reduction be based on licence hours finishing by 11pm that would affect 21 existing licence holders and a reduction in annual income of \$6,520.00. If the reduction applies to licence hours finishing by 12 midnight this would affect 31 existing licence holders and a reduction of income by \$9,625.50.
- 5.29 It is anticipated the reduction in fees by reducing the hours to midnight is likely to attract more businesses to reduce their hours than requiring hours to be reduced to 11pm. For that reason it is recommended the licence hours finishing by 12 midnight is a practical incentive for businesses to reduce the length of time alcohol is available and therefore reduce the potential for alcohol related harm.
- 5.30 Most off licences have licence hours to 10 or 11pm. A fee category reduction for reducing hours to 9pm may encourage some businesses to reduce their hours.
- 5.31 Combining all recommended reductions for existing licences (including the reduction for businesses finishing their licensing hours by 12 midnight), results in an average reduced income of \$11,488.50 annually (including GST). This figure excludes businesses changing their hours to get the benefit of an average annual saving of \$310.50 for each licence. The effect of these changes is anticipated to still have an overall income exceeding the costs of the activity (assuming the level of hearings remains the same) but by an amount less than 10%.
- 5.32 It is recommended to continue to use the nationally set fees and charges for this activity and extend the circumstances to reduce fees as identified in Attachment 4.

Provision of property information

- 5.33 This includes the charges for obtaining a Land Information Memorandum (LIM), access to property files, building consent files, resource consent files and geotechnical reports.

- 5.34 Fees are set based on staff time to access files and LIM charges are comparable to other councils. The expenses do not incorporate the costs of storing and maintaining Council records.
- 5.35 For the 2014-2015 financial year the income met 92% of the expense. A similar level of recovery applies to this financial year. A review of actual costs to access files for customers shows regular site file access users had used the equivalent of their annual charge much earlier than one year. Charges should be increased for regular users to better reflect actual usage.
- 5.36 Currently sole practitioners (three) use the equivalent of their \$865.00 annual charge in one quarter. There are also difficulties for Customer Service Centre staff when these sole practitioners send administration staff to access files on their behalf as technically they are not the sole practitioner. The regular users' corporate category also has three businesses that use this provision and are on average easily using their allocation each year.
- 5.37 It is proposed to delete the sole practitioner category and amend the "regular users' corporate" category to "regular users" to apply to both sole practitioners and businesses. This enables any customer the option of paying per file access, purchasing concession cards or they pay the regular user annual fee of \$2000.00. This figure is based on an average of two site file accesses per week (minus the statutory holidays). It will be the first time this charge has increased in over five years.
- 5.38 It is also proposed to delete the reference to a memory stick charge as in practice information is provided electronically or on compact disc. The large copies photocopying prices are amended to reflect charges for copying in Council as we do not need to use external copying services for A2 and A1 pages. The charge for GIS plots is deleted as this is generally included in the file access charge.
- 5.39 Recommended changes to the provision of property information charges are identified in Attachment 5.

Fencing of swimming pools

- 5.40 There is now a greater level of compliance with the Fencing of Swimming Pools Act 1987 achieved by systematic inspections and monitoring. As a result the staff time involved for this work will reduce.
- 5.41 As a result of the anticipated reduced workload and the general feedback received around the fee structure, a standard charge is proposed. Only where non compliance is observed costs for additional time to ensure compliance is proposed to be charged. This will give compliant pool owners a benefit for maintaining compliant pool fencing.

6. Options

6.1 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.

6.2 The preferred option is to:

- keep dog control and non-food health licensing fees the same;
- introduce new food premises charges to reflect the level of time for staff to register and verify food businesses under the Food Act 2014;
- extend the circumstances to reduce alcohol licensing fees;
- amend property information charges to better reflect the level of service provided; and
- to reduce the monitoring inspection charge from the \$210 fixed fee to \$100 to cover the basic inspection. Only where non compliance is observed will additional time at \$125 per hour be charged to a maximum of \$500.00.

6.3 The recommended changes result in the charges for services being the most cost effective option for households and businesses.

7. Alignment with relevant Council policy

7.1 The recommended fees and charges are consistent with the required statutes and assist with achieving the stated funding policy in the Long Term Plan.

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

8.1 This is not a significant decision in terms of the Council's Significance and Engagement Policy

9. Consultation

9.1 No consultation has been undertaken with any external parties. Charges under the Food Act 2014 and Fencing of Swimming Pools Act 1987 will undergo a Special Consultative Procedure. Fees and charges for Dog Control services will be publicly advertised in accordance with section 37(6) of the Dog Control Act 1996.

10. Inclusion of Māori in the decision making process

10.1 No consultation with Māori has been undertaken.

11. Conclusion

- 11.1 A review of current fees and charges show that most charges are meeting the costs of providing the service and are comparable with similar sized and nearby Councils and the Ministry for Primary Industries.
- 11.2 Some changes are recommended to ensure the fees and charges are fair and reasonable and are met by those gaining the benefit of that service.
- 11.3 The fees and charges will apply from 1 July 2016 until they are changed by Council. While fees and charges will be reviewed annually by staff only charges that are recommended to change will be reported to Council. If no changes are proposed the fees will remain the same and no report will be made to Council.

Mandy Bishop

Manager Consents and Compliance

Attachments

- Attachment 1: A1483521 Dog Control fees and charges
- Attachment 2: A1483604 Environmental Health and other activities fees and charges
- Attachment 3: A1488034 Statement of Proposal Food Act 2014 fees and charges
- Attachment 4: A1488085 Circumstances to reduce alcohol licensing fees
- Attachment 5: A1483610 Provision of Property Information fees and charges
- Attachment 6: A1498999 Statement of Proposal Fencing of Swimming Pools Act 1987 fees and charges

Dog Control Fees and Charges commencing 1 July 2016

(all charges include GST)

Registration Fees	Due 30 June 2016	Fee plus 50% penalty*
Rural dogs (properties of 1 hectare or more)	47.20	70.80
Dogs Good Dog Owner Scheme	65.00	97.50
All other urban dogs	84.50	126.70
All dogs classified as dangerous (standard registration fee, plus 50% surcharge as required by statute)	126.70	190.00
Police, Seeing Eye and Hearing Dogs	5.00	7.50
*A late payment penalty of 50% of the registration shall apply to all registrations remaining unpaid on 1 August of each year and all dogs unregistered after 1 September of each year 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	
Impounding Fees (in any 12 month period)		
First Impounding	68.00	
Second Impounding	147.00	
Third Impounding	210.00	
Daily charge (for each day following impounding)	15.00	
After hours callout charge (outside normal working hours)	68.00	
Install microchip to impounded dogs where required	37.00	

Environmental Health Licence and Other Activities Fees and Charges commencing 1 July 2016

All charges include GST. Addition text is shown as **bold**.

Licence and Activity Fees	\$ if paid on or before 31 July	\$ if paid after 31 July
Existing Template Food Safety Programmes (Food Control Plans) includes annual administration charge and a maximum of 2 hours audit time	375.00	450.00
Additional audit time per hour (charged in 15 min intervals)	125.00	125.00
Registered Food premises under the Food Act 1981-		
1. General food premises including up to two inspections in one year	375.00	450.00
2. High food risk small premises (area less than 50 sqm including food stalls)	250.00	300.00
3. Low food risk small premises (area less than 50 sqm including food stalls) and generic market Certificate of Registration	165.00	198.00
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	90.00
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	0.00
6. Additional inspection per inspection or per hour whichever is the greater	125.00	125.00
7. Transfer of Registration fee	75.00	75.00
Hairdressers	155.00	186.00
Offensive trades	236.00	283.00
Camping grounds	270.00	324.00
Funeral directors	170.00	224.00
Animal Control (other than dogs) time taken at hourly charge out rate	125.00	125.00

A1483604



STATEMENT OF PROPOSAL

DRAFT FOOD ACT 2014 FEES AND CHARGES commencing 1 July 2016

A1488034

1. Introduction

- 1.1 The Food Act 2014 (the Act) commences 1 March 2016 and will replace the Food Act 1981 and the Food Hygiene Regulations 1974. The Act introduces a risk based regulatory regime. The purpose of the Act is to-
- a) reform the law relating to how persons trade in food;
 - b) achieve the safety and suitability of food for sale;
 - c) maintain confidence in New Zealand's food safety regime;
 - d) provide for risk-based measures that-
 - i. minimise and manage risks to the public health; and
 - ii. protect and promote public health;
 - e) provide certainty for food businesses in relation to how the requirements of this Act will affect their activities; and
 - f) require persons who trade in food to take responsibility for the safety and suitability of that food.

- 1.2 Under the Act food premises have up to three years to transition to the requirements of the Act. The Council currently has fees set under the Food Act 1981 and the Food Hygiene Regulations 1974 to recover costs of functions undertaken with food premises. It is proposed that these fees remain, without change, for the transition period.

- 1.3 The transition period for food businesses is dependent on the scope of the food business and is set in the Ministry for Primary Industries implementation timetable. Until a food business transitions to the Act it will be subject to Council's current fees. After the transition period all businesses must operate under the Act and fees under the Act will replace the Council's current fees. All new food businesses commencing from the 1 March 2016 must operate under the Act.

Functions of Territorial authorities under the Food Act 2014

- 1.4 The provisions in the Act require Council to perform the following functions under the Act from 1 March 2016:
- **Registration** - Receiving and processing of application for registration of food businesses;
 - **Verification** - Undertake verification activities for those premises operating under a template food control plan; and
 - **Compliance and Monitoring** - Undertake compliance and monitoring activities across the district.

Territorial Authority's ability to set fees

- 1.5 Section 205(1) of the Act enables the Council, by resolution, to fix fees to recover the direct and indirect costs of any registration, verification, compliance and monitoring functions performed under the Act.
- 1.6 Council, in fixing the fees, must take into account:
- a) Equity - funding is sourced from users or beneficiaries at a level commensurate with the use or benefit they gain from the function, power or service being provided;
 - b) Efficiency - costs are allocated and recovered to ensure the maximum benefit delivered at minimum cost;

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- c) Justifiability - costs are collected only to meet actual and reasonable costs (including indirect costs); and
- d) Transparency - costs are identified and allocated as closely as practicable to tangible service provision for the recovery period in which the service is provided.

1.7 Section 205 of the Act also requires that fixed fees must comply with any regulations made under section 206 of the Act.

2. The Approach to Charges

2.1 Council's proposed charges (see Appendix One), are based on applicants lodging an initial sum of money based on the expected time to process registrations for food premises. This would be credited to the applicant's account. As the registration is processed the processing costs would be debited against the applicant's account.

2.2 The cost of the registration processing would be based on:

- a) The time spent by Council staff and assessing and reporting on the application;
- b) The staff hourly charge; and
- c) Administrative costs.

2.3 When the registration processing is completed the costs are calculated and an invoice for further payment would be sent if the costs exceed the amount of the initial fixed charge.

2.4 Verification and compliance charges would be invoiced at the staff hourly rate as the time involved for these functions are variable.

3. The Proposal

3.1 The staff hourly charge out rate is proposed to be \$148. This is anticipated to meet the on-going costs of providing the service once the initial transition period is complete. The rate is also comparable to other hourly rates within the Council and with rates for adjoining councils.

3.2 The mix of an initial charge and an hourly rate enables actual costs to be recovered for businesses that have a varying degree of risk and complexity. The overall cost for premises is anticipated to be similar to current charges but this is dependent on the level of staff time required.

4. Reasons

4.1 The costs associated with registration involve maintaining our own register along with that of the Ministry for Primary Industries (MPI), providing registration documentation, the education of food safety practices and implementing the Food Control Plan with operators. The proposed charge is based on the average time taken to process a registration on the new risk-based regime. Initial processing of a registration is more time consuming than subsequent renewal and therefore the proposed charge reflects this.

4.2 The costs associated with verification involves developing a scope and communicating this with the business, time on site to conduct the verification and writing up of the verification report. The benefit of charging an hourly rate for verification is it recovers of direct costs of Council from the

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business being verified: those who are performing well will require less time for verification and therefore be charged less than premises that are non-conforming and require more time to ensure compliance.

- 4.3 It is proposed that monitoring and unsubstantiated compliance costs are covered by a general rates component. These are of benefit to the general public.

5. Options

- 5.1 Council has reviewed the options available under the Food Act 2014 as follows:

Registration

<i>Options</i>	<i>Advantages</i>	<i>Disadvantages</i>
Charges are at an hourly rate	Fairly allocates costs according to the complexity of the application	Applicants do not know the full costs at the beginning of the process
Charges are at a fixed rate	Full costs are known in advance for applicants	Straight forward applications may subsidise the actual costs of more complex applications

Verification

<i>Options</i>	<i>Advantages</i>	<i>Disadvantages</i>
Council verifies National Programmes	Council provides a complete service for National Programmes with registration and verification	Additional staff time and resources to develop a documented management system
Council does not provide verification for National Programmes	No set up time and costs	Businesses would need to engage private sector verifiers at potentially a higher cost
Charges are at an hourly rate	Fairly allocates costs according to the complexity of the verification	Applicants do not know the full costs at the beginning of the process
Charges are at a fixed rate	Full costs are known in advance	Straight forward verifications may subsidise the actual costs of more complex verifications

Hourly rate

<i>Options</i>	<i>Advantages</i>	<i>Disadvantages</i>
Hourly rate at \$148	Best estimate to meet all actual costs of the service, consistent with adjoining	

Nelson City Council Statement and Summary of Proposal
Food Act 2014 Fees and Charges

	Councils' hourly rates	
Higher hourly rate	Ensures ratepayers do not subsidise the costs of providing the service	Could over-recover the actual costs and be inconsistent with adjoining Councils' rates
Lower hourly rate	Less cost for applicants	May not recover the actual costs of the service

- 5.2 The level of charges will be reviewed when regulations are made under Section 206 of the Act and will be reviewed annually by staff to ensure the costs of providing the service are met by those using the service.

6. Special Consultative Procedure

In adopting the Statement of Proposal for public consultation, including a draft declaration indicating the proposed option, the Council is required to consider whether the Statement of Proposal meets the requirements of section 83 of the Local Government Act 2002. A statement of proposal must include:

- A statement of the reasons for the proposal; and
- An analysis of the reasonably practicable options, including the proposal; and
- Any other information that the local authority identifies as relevant.

The Council considers the Statement of Proposal meets these requirements.

7. Submissions

- 7.1 Any interested person or body is welcome to make submissions about any aspect of the Council's Draft Food Act 2014 Fees and Charges.
- 7.2 Council in making its decision will be taking account of all submissions made.

Submissions are to be made in writing and forwarded to:

Food Act 2014 Fees and Charges
Nelson City Council
PO Box 645
Nelson 7040

Or emailed to submissions@ncc.govt.nz

Submissions must be received no later than midday on Friday 29 April 2016.

Any person who wishes to speak to the Council in support of their submission will be given the opportunity at a hearing which will occur in May 2016, the specific date to be advised to submitters stating they wish to be heard.

Copies of the Statement of Proposal, including the complete draft Schedule for Food Act 2014 Fees and Charges are available free of charge from Civic House or on request.

All enquiries should be directed to Mandy Bishop on 545 8740 or email mandy.bishop@ncc.govt.nz

APPENDIX ONE



Draft Fees and Charges
under the Food Act 2014
commencing 1 July 2016

Nelson City Council Statement and Summary of Proposal
Food Act 2014 Fees and Charges

Food premises under the Food Act 2014	Charge (includes GST)
New Registration - Food control plan (based on a template issued by MPI)	\$222 initial fee Plus \$148 per hour spent on processing application after the first 1½ hours
New Registration - National programme	\$148 initial fee Plus \$148 per hour spent on processing application after the first hour
Renewal of Registration - Food control plan or national programme	\$74 initial fee Plus \$148 per hour spent on processing application after the first ½ hour
Amendment to Registration - Food control plan or national programme	\$74 initial fee Plus \$148 per hour spent on processing application after the first ½ hour
Suspension - Voluntary suspension of food control plan or national programme	\$74 initial fee Plus \$148 per hour spent on processing the application after the first ½ hour
Verification - Includes site visits, corrective action follow up, correspondence and documentation for food control plans.	\$148 per hour
Compliance - Investigation of complaint resulting in the issue of an improvement notice by food safety officer or Application for review of improvement notice.	\$148 per hour
Monitoring - Monitoring for food safety and suitability.	No charge

Note – Time charged per hour will be measured to the nearest 15 minute interval.



Summary of Statement of Proposal

DRAFT FOOD ACT 2014 FEES AND CHARGES

This statement is made for the purposes of section 83 of the Local Government Act 2002.

The Food Act 2014 (the Act) commences 1 March 2016 and will replace the Food Act 1981 and the Food Hygiene Regulations 1974. Under the Act food premises have up to three years to transition to the requirements of the Act. The Council currently has fees set under the Food Act 1981 and the Food Hygiene Regulations 1974 to recover costs of functions undertaken with food premises. It is proposed that these fees remain, without change, for the transition period.

Until a food business transitions to the Act it will be subject to Council's current fees. After the transition period all businesses must operate under the Act and fees under the Act will replace the Council's current fees. All new food businesses commencing from the 1 March 2016 must operate under the Act.

Council's proposed charges (see the Draft Schedule), includes applicants lodging an initial sum of money based on the expected time to process registrations for food premises. The cost of the registration processing is based on:

- d) The time spent by Council staff and assessing and reporting on the application;
- e) The staff hourly charge; and
- f) Administrative costs.

When the registration processing is completed the costs are calculated and an invoice for further payment is sent if the costs exceed the amount of the initial charge. Verification and compliance charges will be invoiced at the staff hourly rate as the time involved for these functions are variable.

The Council welcomes feedback on the fees and charges. Council, in making its decision, will be taking account of all submissions made.

Copies of the Statement of Proposal which includes a more detailed assessment of the proposal are available free of charge from Civic House or on request.

Submissions

Any interested person or body is welcome to make submissions about any aspect of the Council's Draft Food Act 2014 Fees and Charges.

Nelson City Council Statement and Summary of Proposal
Food Act 2014 Fees and Charges

Submissions are to be made in writing and forwarded to:

Food Act 2014 Fees and Charges
Nelson City Council
PO Box 645
Nelson 7040

OR emailed to submissions@ncc.govt.nz

Submissions must be received no later than midday on Friday 29 April 2016.

Any person who wishes to speak to the Council in support of their submission will be given the opportunity at a hearing which will occur in May 2016, the specific date to be advised to submitters stating they wish to be heard.

All enquiries should be directed to Mandy Bishop on phone 545 8740 or email mandy.bishop@ncc.govt.nz.

Draft Schedule



Draft Fees and Charges
under the Food Act 2014
commencing 1 July 2016

Wairarapa District Council Statement and Summary of Proposal
Food Act 2014 Fees and Charges

Food premises under the Food Act 2014	Charge (includes GST)
New Registration - Food control plan (based on a template issued by MPI)	\$222 initial fee Plus \$148 per hour spent on processing application after the first 1½ hours.
New Registration - National programme	\$148 initial fee Plus \$148 per hour spent on processing application after the first hour
Renewal of Registration - Food control plan or national programme	\$74 initial fee Plus \$148 per hour spent on processing application after the first ½ hour
Amendment to Registration - Food control plan or national programme	\$74 initial fee Plus \$148 per hour spent on processing application after the first ½ hour
Suspension - Voluntary suspension of food control plan or national programme	\$74 initial fee Plus \$148 per hour spent on processing the application after the first ½ hour
Verification - Includes site visits, corrective action follow up, correspondence and documentation for food control plans.	\$148 per hour
Compliance - Investigation of complaint resulting in the issue of an improvement notice by food safety officer or Application for review of improvement notice.	\$148 per hour
Monitoring - Monitoring for food safety and suitability.	No charge

Note – Time charged per hour will be measured to the nearest 15 minute interval.

Circumstances to Reduce Alcohol Licensing Fees

Proposed additions to the existing approved circumstances (a to g) are shown in **bold (h to l)**:

Particular Circumstances*		Example	SASAA rating	Post discretion rating
a)	Any fundraising event	Film fundraiser at the Suter Gallery – maximum 159 tickets	Class 2	Class 3
		A school gala with more than 400 people attending	Class 1	Class 2
		Quiz night fundraiser for 250 people	Class 2	Class 3
b)	Any of a series of regular social/ community (not commercial) events held at the same venue for the same purpose	Club meetings (film society, bridge club)	Class 2	Class 3 (less than 100 people each time)
			Class 1	Class 2 (less than 400 people each time)
c)	Community (not commercial) event that as a whole may attract over 400 people but alcohol is not the focus of the event	Arts Expo, Arts Festival	Class 1	Class 2
d)	Event where alcohol is sold for consumption off the premises	Stall holders selling alcohol to take away (off licence) with a certified manager present at all times. In most cases the applicant already holds an off licence as well.	Class 2 (< 400 people)	Class 3 (< 400 people)
			Class 1 (400+ people)	Class 2 (400+ people)
e)	On licence holders that have 3.00am as the latest time allowed by their licence but never operate after 2.00am (Only to be applied if there are no enforcement holdings)	Restaurant licensed until 3am but closes at midnight	High	Medium
	Off licence holders that have 11.00pm as the latest time allowed by their off licence but never operate after 10.00pm	Bottle store licensed until 11.00pm that closes at 9.00pm	High	Medium

Particular Circumstances*		Example	SASAA rating	Post discretion rating
	(Some licence holders have been disadvantaged by the way the Regulations have been introduced. This short term fee reduction will ensure a level playing field for licence holders while the three year licence period immediately following the introduction of the new fees is worked through) (Only to be applied if there are no enforcement holdings)			
f)	Where more than one licence is held by the same licence holder for the same premises There are economies of time and cost when processing two licences for the same premises (Only to be applied if there are no enforcement holdings)	Tavern with an off licence	On Licence: High Off Licence: Medium	On Licence: High Off Licence: Low
		Restaurant and winery cellar door	On Licence: Medium Off Licence: Low	On Licence: Medium Off Licence: Very Low
g)	Off Licence for brewery, cidery or distillery cellar door. <i>Winery</i> cellar doors are in a lower fee class than other cellar door types. This fee category reduction would ensure consistency for the same type of very low risk premises (Only to be applied if there are no enforcement holdings)	Brewery cellar door	Low	Very Low
h)	Remote (internet) sales. This would apply where the licence holder is selling products they manufacture only. A number of manufacturers (breweries, wineries, distilleries) hold an OFF Licence in the very low category to operate a cellar door but also do internet sales.	Wineries	Low	Very Low

Particular Circumstances*		Example	SASAA rating	Post discretion rating
	This fee category reduction would ensure all remote sellers are in the same fee category.			
i)	Gift baskets Nelson has one gift basket provider who holds an OFF Licence so they can supply a bottle of alcohol in gift baskets.	Gift basket provider	Low	Very Low
j)	Specialty food focus This relates to specialty food stores where the selection of alcohol is provided as a complement to the food products being sold – Nelson has an organic food store providing a range of organic wine and beer and an Asian food store selling a range of rice wines.	Asian food store	Low	Very Low
k)	On licence premise latest hours until 12 midnight	Restaurant	Medium or Low	Low or Very Low
l)	Off licence premise latest hours until 9pm	Bottle store	Medium or Low	Low or Very Low

*Fee category reductions are only to be applied where there are no current enforcement holdings

Provision of Property Information commencing 1 July 2016

Changes to current charges are shown as strikethrough and new charges shown as bold.

1.1 Land Information Memorandum (LIM)

LIM type	Current charge	Proposed charge
Residential sites	\$285.00	\$285.00
Commercial and Industrial sites	\$440.00	\$440.00

1.2 Access to ~~Site~~ File Documents

Document type	Current charge	Proposed charge
Property Information: <ul style="list-style-type: none"> Residential site files Commercial/Industrial site files Building Consent files Resource Consent & Subdivision files Geotech reports Deposited plans or survey plans Charges will allow for up to 15 minutes staff time to discuss the file contents and include the first five photocopies (A3 maximum size) . Beyond this time charges for staff will apply as per applicable staff hourly rates. Additional photocopying is charged at the rates stated in 1.3 below.	\$20.00 <i>(no charge for owners of site)</i>	\$20.00 <i>(no charge for owners of site)</i>
Memory stick: for transfer of scanned property information	\$15.00	
Deposited Plans (DPs) Survey Office Plans (SOs)	\$20.00	
Organisations Customers requiring regular access to site file records stored on-site can negotiate obtain a 'regular user' rate for access to records and photocopying facilities as follows: <ul style="list-style-type: none"> * Concession Card (5 file access) \$80.00 * Regular Users Corporate (2 or more from same company) \$1,730.00 \$2,000.00 * Sole Practitioner \$865.00 		

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)

A2 **\$2.00 per page**

A1 **\$3.00 per page**

All charges are GST inclusive



STATEMENT OF PROPOSAL

FENCING OF SWIMMING POOLS ACT 1987

FEES AND CHARGES

commencing 1 July 2016

A1498999

1. Introduction

- 1.1 The Fencing of Swimming Pools Act 1987 (the Act) is silent on the recovery of fees for inspection monitoring. As such the Local Government Act 2002 Section 150(3)(b) is used to set fees to cover reasonable recovery of costs incurred in undertaking monitoring inspections on a three yearly cycle. The territorial Authority is looking to make changes to the current fixed fee of \$210.00 as such public consultation is required on this proposed change.
- 1.2 Under the Act fencing to swimming pools and spa pools has to meet compliance with the provisions of Schedule one of the Act. The Council currently has fees set to recover costs of the recording and monitoring the fencing of swimming pools. It is proposed that these fees be reduced and the structure for charging changed to benefit those who now maintain compliant pools.

Functions of Territorial authorities under the Fencing of Swimming Pools Act 1987

- 1.3 The provisions in the Act require Council to perform the following functions under the Act:
- **Monitoring fencing to all swimming pools** - Undertake compliance and monitoring activities across the district.

Territorial Authority's ability to set fees

- 1.4 Section 150(1) of the Local Government Act 2002 provides that a local authority may prescribe fees or charges payable for a certificate, authority, approval, permit, or consent from, or inspection undertaken. Additionally under Section 150 (3)(b) Fees provided for in subsection (1) must be prescribed either - (a) in bylaws; or (b) following consultation in a manner that gives effect to the requirements of section 82.
- 1.5 As such this enables the Council to set the fees noting the fees prescribed under subsection (1) must not provide for the local authority to recover more than the reasonable costs incurred by the local authority for the matter for which the fee is charged

2. The Approach to Charges

- 2.1 Council's proposed charges (see the Draft Schedule), includes a Standard Charge and any other time spent by the Council to work with non compliant pool owners. The cost of the monitoring is based on:
- a) The time spent by Council staff to organise and undertake the inspection to determine compliance of the swimming pool fencing ;
 - b) Any administrative costs
 - c) Where non compliance is found additional time is then charged to a maximum of \$500.00
- 2.2 When monitoring has been completed, where non compliance has been found, any additional time charges are calculated for this and added to the standard monitoring fee invoice for payment.

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3. The Proposal

- 3.1 To create a standard charge for the basic inspection and only charge additional costs where non compliance is observed. Additional charges would be the staff hourly charge out rate of \$125. This meets the on-going costs of providing the service. The rate is also comparable to other hourly rates within the Council and with rates for adjoining councils.
- 3.2 The mix of standard monitoring charge and a maximum hourly rate enables actual costs to be recovered for situations where owners have not maintained fencing to pools. The overall cost for the majority of owners is anticipated to be less than current charges because the workload will be less going forward.

4. Reasons

- 4.1 The cost associated with monitoring involves maintaining the NCC records of pools, notifying owners of inspection and undertaking the inspection. Much of this information is now in place, as a result of the initial round of monitoring, which will be completed in June 2016. The proposed charge and charging structure is based on the average time taken to monitor the pool fencing and preparatory work around this, based on the expectation most pools which have met the level of compliance required by the initial cycle of monitoring, have maintained this level of compliance.

5. Options

- 5.1 Council has reviewed the options available under the Local Government Act 2002 as follows:

Monitoring

<i>Options</i>	<i>Advantages</i>	<i>Disadvantages</i>
Charges are at an hourly rate	Fairly allocates costs according to the complexity of the application	Applicants do not know the full costs at the beginning of the process
Charges are at a fixed rate	Full costs are known in advance for applicants	Straight forward applications may subsidise the actual costs of more complex applications
A standard charge is levied but in situations of non compliance additional charges can be levied to cover additional time costs	Costs are known by owners if their pools fencing is maintained, but in the event non compliance is found the user pays for the additional cost	Some risk of not knowing full cost but ensures less likelihood of compliant owners subsidising non compliant owners.

Standard Charge and Hourly rate

<i>Options</i>	<i>Advantages</i>	<i>Disadvantages</i>
Standard Charge \$100	Best estimate to meet actual costs of the service,	
Hourly rate at \$125	Inspection rate per hour consistent with other Council inspection rates and adjoining Councils' hourly rates	
Higher hourly rate	Ensures ratepayers do not subsidise the costs of providing the service	Could over-recover the actual costs and be inconsistent with adjoining Councils' rates
Lower hourly rate	Less cost for applicants	May not recover the actual costs of the service

5.2 The level of charges will be reviewed annually.

6. Special Consultative Procedure

In adopting the Statement of Proposal for public consultation, including a draft declaration indicating the proposed option, the Council is required to consider whether the Statement of Proposal meets the requirements of section 83 of the Local Government Act 2002. A statement of proposal must include:

- A statement of the reasons for the proposal; and
- An analysis of the reasonably practicable options, including the proposal; and
- Any other information that the local authority identifies as relevant.

The Council considers the Statement of Proposal meets these requirements.

7. Submissions

- 7.1 Any interested person or body is welcome to make submissions about any aspect of the Council's Fencing of Swimming Pools 1987 Fees and Charges.
- 7.2 Council in making its decision will be taking account of all submissions made.

Submissions are to be made in writing and forwarded to:

Fencing of Swimming Pools Act 1987 Fees and Charges
Nelson City Council
PO Box 645
Nelson 7040

Or emailed to submissions@ncc.govt.nz

Submissions must be received no later than midday on Friday 29 April 2016.

A1498999

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Nelson City Council Statement and Summary of Proposal
Fencing of Swimming Pools Act 1987 Fees and Charges

Any person who wishes to speak to the Council in support of their submission will be given the opportunity at a hearing which will occur in May 2016, the specific date to be advised to submitters stating they wish to be heard.

Copies of the Statement of Proposal, including the complete Fencing of Swimming pools Act 1987 Draft Fees and Charges are available free of charge from Civic House or on request.

All enquiries should be directed to Martin Brown on 545 8303 or email martin.brown@ncc.govt.nz

APPENDIX ONE



Draft Fees and Charges
Under the Local Government Act 2002
for the Fencing of Swimming Pools Act
1987

commencing 1 July 2016

Nelson City Council Statement and Summary of Proposal
Fencing of Swimming Pools Act 1987 Fees and Charges

Fencing of Swimming Pools Act 1987	Charge (includes GST)
Monitoring inspection Standard Charge	\$100
Charges levied for non compliance under the Fencing of Swimming Pools Act 1987-	\$125 hourly rate capped at \$500.00 (4 hours)

Note – Time charged per hour will be measured to the nearest 15 minute interval.



Summary of Statement of Proposal

DRAFT FENCING OF SWIMMING POOLS ACT 1987 FEES AND CHARGES

This statement is made for the purposes of section 83 of the Local Government Act 2002.

The Fencing of Swimming Pools Act 1987 (the Act) is silent on the recovery of fees for inspection monitoring and as such the convention of the Local Government Act 2002 Section 150(3)(b) is used to set fees to cover reasonable recovery of costs incurred in undertaking monitoring inspections on a three yearly cycle. The territorial Authority is looking to make changes to the current fixed fee of \$210.00 as such requires public consultation on this proposed change.

Under the Act fencing to swimming pools and spa pools has to meet compliance with the provisions of Schedule one of the Act. The Council currently has fees set to recover costs of the recording and monitoring the fencing of swimming pools. It is proposed that these fees be reduced and the structure for charging changed to benefit those who now maintain compliant pools.

Council's proposed charges (see the Draft Schedule), includes a Standard Charge and any other time spent by the Council to work with non compliant pool owners. The cost of the monitoring is based on:

- d) The time spent by Council staff to organise and undertake the inspection to determine compliance of the swimming pool fencing;
- e) Any administrative costs
- f) Where non compliance is found additional time is then charged to a maximum of \$500.00

When monitoring has been completed, where non compliance has been found, any additional time charges are calculated for this and added to the standard monitoring fee invoice for payment.

The Council welcomes feedback on the fees and charges. Council, in making its decision, will be taking account of all submissions made.

Copies of the Statement of Proposal which includes a more detailed assessment of the proposal are available free of charge from Civic House or on request.

Nelson City Council Statement and Summary of Proposal
Fencing of Swimming Pools Act 1987 Fees and Charges

Submissions

Any interested person or body is welcome to make submissions about any aspect of the Council's Draft Fencing of Swimming Pools Act 1987 Fees and Charges.

Submissions are to be made in writing and forwarded to:

Fencing of Swimming Pools Act 1987 Fees and Charges
Nelson City Council
PO Box 645
Nelson 7040

OR emailed to submissions@ncc.govt.nz

Submissions must be received no later than midday on Friday 29 April 2016.

Any person who wishes to speak to the Council in support of their submission will be given the opportunity at a hearing which will occur in May 2016, the specific date to be advised to submitters stating they wish to be heard.

All enquiries should be directed to Martin Brown on 545 8303 or email martin.brown@ncc.govt.nz

Draft Schedule



Draft Fees and Charges
under the Local Government Act 2002
for the Fencing of Swimming Pools Act
1987

commencing 1 July 2016

Nelson City Council Statement and Summary of Proposal
Fencing of Swimming Pools Act 1987 Fees and Charges

Fencing of Swimming Pools Act 1987	Charge (includes GST)
Monitoring inspection Standard Charge	\$100
Charges levied for non compliance under the Fencing of Swimming Pools Act 1987-	\$125 hourly rate capped at \$500.00 (4 hours)

Note – Time charged per hour will be measured to the nearest 15 minute interval.



REPORT R5248

Strategy and Environment Report for 1 October to 31 December 2015

1. Purpose of Report

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

2. Delegations

- 2.1 The Planning and Regulatory Committee has the power to decide and perform duties relating to developing and monitoring policies, environmental monitoring and performance monitoring of Council's regulatory activities.

3. Recommendation

THAT the report Strategy and Environment Report for 1 October to 31 December 2015 (R5248) and its attachments (A1474011, A1477377 and A1485599) be received.

Recommendation to Council

THAT Council note the notification of the Whakamahere Whakatu Nelson Plan is planned for early 2017 subject to confirming the timing of the consultation period for the annual plan.

4. Background

- 4.1 The report and attachments detail the performance monitoring of the Council's activities and how these activities impact on or assist developments in our community, progress the Nelson Plan and deliver environmental programmes.

5. Discussion - Building

Summary of Issues

- 5.1 No issues to report in the second quarter.

Challenges

- 5.2 The number of building consent applications are still running to the 'conservative' projection for the second quarter; 190 projected and 191 were received up to 23 December 2015. In the second quarter of 2014/15 this number was only 171 so numbers are up on last year. Numbers are expected to rise in the next quarter as February and March historically are busier months.
- 5.3 The requests for 'lodgement meetings' for residential building consents has increased prior to the official 'Go live' in January 2016. The lodgement meetings assist to raise the level of applicant's knowledge on what is required. The information sharing through the meetings is an essential step prior to any move to the receipt of electronic information which is planned for later in 2016.

Successes

- 5.4 The second quarter has seen no breaches of the statutory time limit for Building Consents, Code Compliance Certificates and Certificates of Acceptance.
- 5.5 Three staff members have completed their Diploma in Building Control Surveying Small buildings, or Medium and Large buildings (required under Regulation 18 of the BCA accreditation Regulations).
- 5.6 The Building Unit has signed a contract to offer processing of building consent services to the New Plymouth District Council and this is likely to be up and running in January 2016.

6. Discussion – Consents and Compliance

Summary of Issues

- 6.1 The Harbourmaster reports incidents of speeding on the water has ramped up with at least 29 incidents. Three vessels required assistance after running aground and there were two near misses at the marina boat ramp. The Navigation Safety Bylaw infringement regime took effect as of 25 December so dangerous actions or repeat offenders may now receive a fine.

Challenges

- 6.2 There has been a 25% increase in the number of resource consent applications received compared with last year.

Successes

- 6.3 The Harbourmaster's team have actively been checking vessels for safety equipment and rewarding those that are compliant with petrol or coffee vouchers. 190 launches, 41 kayaks, 27 paddle boarders and two waka

were checked with only two launches not correctly wearing or having lifejackets and three paddle boarders not having floatation devices.

- 6.4 Other water safety campaigns completed include the colouring in competition to be a harbourmaster for a day and encouraging sports clubs and other regular harbour users to have and correctly operate VHF radios to alert the appropriate authorities for any incident they see or are involved in.

7. Discussion – Environmental Programmes

Challenges

- 7.1 Environmental monitoring and data management to meet national reporting requirements and to inform freshwater management work as part of the Nelson Plan is increasing and will continue to do so.
- 7.2 There has been a focus on raising Marine biosecurity awareness across recreational fishers.

Freshwater and Monitoring

- 7.3 Scientific advice has resulted in water quality and flow information being linked to inform water quality loads and limit setting.
- 7.4 The Low Flow Management Team convened to implement the response to drought conditions, which have occurred early in the season. Flows reached a 5 year low requiring water restrictions in rural areas.
- 7.5 The Recreation Bathing Water Monitoring programme commenced in December and will run through to the end of March. Weekly monitoring results are now reported directly to the Land, Air and Water Aotearoa (LAWA) web portal.
- 7.6 Toxic blue green algae (also known as cyanobacteria) monitoring commenced in October, with technical support from Cawthron. Moderate levels of cyanobacteria have been present.

Air Quality

- 7.7 There have been no further breaches of the National Environmental Standards for air quality limit of 50µg/m³ for PM₁₀. The total number of breaches recorded for the calendar year was one - a level of 56µg/m³ was recorded at the St Vincent St site (Airshed A) on 30 May.
- 7.8 An agreement has been made with Nelson College and Victory Primary School to relocate the St Vincent Street meteorological monitoring station to The Broads playing fields. Council has agreed to work with the school to establish a new station using the mast purchased by the school and hardware and software supplied by the Council.

- 7.9 A 'Good Wood – Buy Now' campaign has commenced to encourage people to get their firewood early enough to ensure they have enough dry wood for next winter.

Nelson Nature

- 7.10 Council staff and the Department of Conservation (DOC) are now working together to deliver the outcomes for Nelson Nature. This utilises the technical expertise of DOC staff. To deliver the best possible outcomes for things like pest weed control it makes sense that DOC estate and all the land encompassed under Nelson Nature are integrated.

- 7.11 Work this year continues and includes:

- Terrestrial vegetation and fish monitoring to provide baseline information.
- Data collection systems to allow greater reporting.
- Taiwan cherry eradication.
- Community group work for weeding in the Codgers and Marsden Valley areas; Delaware Bay trapping work to protect banded rail and trapping across Nelson;
- Working with parties in significant natural areas;
- Stream care in the Wakapuaka area;
- Riparian management of rural and urban waterways to assist the management of freshwater.
- Management of discharges into the stormwater system to improve water quality.
- Change in presence and abundance of our native species is the goal over the next few years. For example; recent bird monitoring has found yellow-crested kakariki in the Maitai catchment. The goal would be to see many more of these birds.

Project Maitai/Mahitahi

- 7.12 Various streams of work are occurring under Project Maitai including:

- Low tide, dry weather monitoring at Collingwood St bridge swimming hole has continued to indicate generally low E.coli levels in the river, although levels are higher than during the winter. Duplicate monitoring at low and mid tide on the same day did not show tide-related increases in E.Coli levels.
- Dye testing of wastewater systems in the CBD area bordered by Bridge, Halifax, Collingwood and Trafalgar Streets did not show any leakage into the river.

- Combined Nelson Nature and Project Maitai/Mahitahi signs were erected at Pipers Reserve to promote the terrestrial and aquatic biodiversity work planned for the area.
- A collaborative freshwater education stand with the Friends of the Maitai was held at the Cawthron Celebrate Science Community Fun Day at the Victory Community Centre in November.
- A field trip was undertaken by the Maitai Freshwater Management Unit group to provide members with necessary context and a way to help reflect on and reality check the groups' objectives and values at this stage of the process. The group comprises a range of external interested parties.
- Stream walk assessments looking at both utilities and environmental issues were completed for Maitai, Brook and York Streams in collaboration with infrastructure officers and Nelmac staff.

Environmental Education

- 7.13 The Enviroschools programme has had four recent reflection and celebration processes. Two Early Childhood Centres have reached Bronze level - Victory Square Kindergarten and Stoke Kindergarten - and two schools have reached Silver level - Tahunanui and Victory Primary School.

Calwell Slipway

- 7.14 The draft remediation action plan (RAP), dredging reclamation strategy and concept design for this project is now being peer reviewed, consultation has begun and the consenting process has started.
- 7.15 In February the project partners (MFE, PNL, NCC) will decide whether this project will proceed through to phase 4 (implementation). The outcomes will be reported to the next Planning and Regulatory Committee meeting.

Regional Pest Management Plan (RPMP)

- 7.16 The joint RPMP with Tasman District Council (TDC) is up for review this year (formerly the Regional Pest Management Strategy).
- 7.17 Work to start the RPMP review process will begin during January 2016, with a proposed RPMP to be reported to Council later in 2016.

Warmer Healthier Homes Nelson Tasman project

2014/ 2015 year

- 7.18 The scheme insulated a total of 145 houses across Nelson & Tasman, 102 houses in Nelson, 43 houses in Tasman. Refer attached report.

2015/2016 year

- 7.19 Up to the end of November 2015, 68 houses have been insulated under the scheme this year. Total funding confirmed to date is \$420,000 (including \$100,000 from NCC). The target is 155 houses.

8. Discussion – Planning

Challenges

- 8.1 The Planning team currently has a vacancy that will impact on the progress of the Freshwater, Coastal, and Hazards work-streams. This position is currently being recruited; additional consultant assistance has been engaged to fill the gap in the short term.

Successes

- 8.2 Council resolved to notify the Woodburner Plan Change on 17 December 2015 meeting.
- 8.3 The Planning and Regulatory Committee adopted the National Policy Statement – Fresh Water (NPS FW) progressive Implementation Plan and this has been publicly notified.
- 8.4 Council resolved to recommend Special Housing Areas to the Minister of Building and Housing.

9. Discussion – Draft Whakamahere Whakatu Nelson Plan

- 9.1 There have been a range of meetings held with iwi partners and key stakeholders. Community drop in sessions were held in Tahunanui, Nelson A and P Show, City Centre, and Stoke in November 2015.
- 9.2 Officers received suggestions from 288 people. The most popular topics were the built environment and City Centre development, freshwater, air quality and biodiversity. A range of suggestions were also received on broader non-Nelson Plan issues including transport operations, parks and community facility investment, water supply, the Maitai walkway, alcohol policy, solid waste and the arts. A full copy of the feedback is available in the Councillors Lounge and will be used to inform the development of the Nelson Plan.
- 9.3 During this quarter Council workshops were held for Growth Areas, Stoke, and Air topics. Flooding, Tsunami and Draft Regional Policy Statement workshops are planned in February and March.
- 9.4 Officers are currently drafting Regional Policy Statement provisions for the Nelson Plan that will be discussed at Council workshops in March 2016.
- 9.5 As outlined in the October 2015 Strategy and Environment report the overall timeframe for the Nelson Plan has been adjusted with notification planned for early 2017. A second round of community consultation with the community on the Draft RPS provisions in April 2016 and a third round

of community consultation on the Nelson Plan rules early in 2017. Consultation with interested parties, key stakeholders and iwi is ongoing.

Development and Infrastructure

- 9.6 The joint TDC/NCC review of the Land Development Manual has progressed with an inter-Council steering group established to guide the review. Additional meetings have been had with stakeholders at their request. The majority of chapters have been aligned with a few outstanding issues requiring further work. These include an evaluation of the costs and benefits of Type A sub soil drains, integration of the stormwater section with both Councils flood risk response approaches, completion of the coastal inundation and freshwater flooding practice note/methodologies for determining ground and floor levels, and a legal review. A final draft is due for completion in April with a stakeholder workshop in early May. It is intended that the draft Joint Land Development Manual will go out for public comment in early 2017 to align with the Nelson Plan timeframe.
- 9.7 The Developers Advisory Group has had its second meeting. Topics of discussion were: the Nelson Housing Accord, city development projects, city demographics and projections, opportunities for inner city living, sub soil drains, flooding issues and the Land Development Manual review.
- 9.8 Officers worked with developers and landowners to bring potential Special Housing Areas to Council for recommendation to the Minister. Further work is required over the next few months to finalise the areas and satisfy MBIE in regards to supporting infrastructure, and to assist developers in preparing their applications for consent under the Housing Accord and Special Housing Areas Act 2013. Officers are working on a set of design requirements for Betts carpark to be included in a report to Council.

Freshwater

- 9.9 Freshwater Advisory Group meetings have been held for North Nelson (Wakapuaka and Whangamoa FMU), Stoke, and the Maitai. The groups have worked on freshwater values and objectives for these areas and comprise a number of external parties. The groups will be considering attributes and limits next.

Air

- 9.10 The Woodburner Plan Change was notified on 16 January 2016.

Hazards

- 9.11 The flood practice note for the Maitai River Flood Model has been drafted and feedback is being sought from developers. Draft flood models have been prepared for the Brook, York, Stoke and Nelson North catchments. These models will be presented at the 16 February Council workshop.

Designations

- 9.12 Work on designations continues and most will be rolled over without modification. Officers are involved in ongoing discussions with several requiring authorities including the NZTA, the Airport and both Nelson and Tasman Councils.

Research

- 9.13 New research received this quarter include reports on retail spending, housing preferences, groundwater resources, surface water allocation and coastal management. The Planning team have a summer student who is researching groundwater sources and industrial land supply.

10. Discussion – CBD Development

- 10.1 The resource consent to demolish and replace the Trathens building in Trafalgar Street has been granted without the need for a hearing.
- 10.2 Three apartments have been granted resource consent at 51 Collingwood Street.
- 10.3 The Urban Design Panel considered a proposal for 105 Bridge St to replace demolished buildings.

11. Earthquake Prone Building Policy

- 11.1 The Building Unit is still awaiting enactment of The Building (Earthquake-Prone Buildings) Amendment Bill. This is expected to occur in the early part of 2016.
- 11.2 No properties have been issued section 124 Notices in respect of the Earthquake Prone Buildings Policy over the second quarter.
- 11.3 One Notice has been lifted during the second quarter at the Methodist Hall Youth Centre at 94 Neale Ave Stoke.
- 11.4 No notices were lifted from Council buildings in the second quarter.

12. Discussion – Other Development

District

- 12.1 A couple of large subdivisions are being processed in Marsden Valley and Ngawhatu Road. These are the next stages of development of subdivisions already commenced. A resource consent for a comprehensive housing development has also been applied for on Marsden Valley Road.
- 12.2 The Rutherford Park redevelopment and Trafalgar Centre northern building replacement application is being processed. The project went to the Urban Design Panel in November and recommendations from that meeting were conveyed to the Council. The Stoke Community Centre hearing is scheduled for 20 January.

- 12.3 The Trolley Derby has been granted consent for the annual event. The Nelson Smallbore Rifle Association's temporary relocation to the Reliance Building has been granted consent. A small retail and café business has been granted consent to operate in Ajax Ave.
- 12.4 The Hardy St Kids Early Learning Centre has applied to expand onto an adjoining property and increase hours of operation.

Regional

- 12.5 The application to drop bait over the Brook Waimarama Sanctuary has been limited notified.
- 12.6 Consent has been granted for a sculpture over Saltwater Creek and an application for the redevelopment of BP Haven Road has been received.

Development Trends

- 12.7 Comparisons for building consent applications received year to date with the last three years are provided in Attachment 2
- 12.8 The 'new development' element of building consent applications received for the second quarter were 37 applications for new dwellings, 14 other new commercial buildings which was up from the first quarters 4 applications (i.e. not office or accommodation) and 1 new industrial. All other consents were for building alterations.

13. Discussion – Legal Update

Proceedings

- 13.1 The proceeding regarding non action on a 'Notice to Fix 'for a residential retaining wall is adjourned until 17 February 2016 as the owner has been working on the building consent request for information.

Legislation Changes

- 13.2 Reforms to the management of marine protected areas have been proposed by the Government with submission closing 11 March. The changes propose recreational fishing parks in the Hauraki Gulf and Marlborough Sounds. The changes define marine reserves, species specific sanctuaries and seabed reserves to protect marine areas.
- 13.3 The Resource Legislation Amendment Bill 2015 (the Bill) will have implications for both Planning and Resource Consent processes. The Bill had its first reading in Parliament on 2 December and has been referred to the Local Government and Environment Select Committee. The Select Committee will set the timeframes for the public submission period (likely to close in the first quarter of 2016).
- 13.4 Rather than preparing a Nelson City Council submission on the Bill and the changes to marine protected areas, it is proposed Council rely on LGNZ

submissions given resources in the Planning Team are allocated to the Nelson Plan work.

- 13.5 A summary of the main changes in the Bill can be grouped into three levels: National direction, Regional and District planning and Resource Consents and a brief description follows.

National direction

- 13.6 Changes proposed include: adding “the management of significant risks from natural hazards” to section 6 (supported by decisions on subdivision consents to consider the risks from all natural hazards); the creation of a National Planning Template; enhancing Ministerial powers to override Council provisions in policy statements and plans; minimising restrictions on land; a strengthening of monitoring requirements; removal of management of hazardous substances from Council functions, and changes to the National Policy Statement and National Environmental Standard processes.
- 13.7 Changes have also been made to avoid overlaps and duplications between other statutes such as the Reserves Act, Conservation Act concessions, the Exclusive Economic Zone (EEZ) Act consenting, along with changes to the Public Works Act to make land acquisition more efficient.
- 13.8 Implications for Nelson City Council will be the need to align with national templates and changes to National Policy Statements and Environmental standards, consider a wider range of hazards, and ensuring adequate supply of residential and business land.
- 13.9 Process changes will also mean that the Environment Court can direct Council to purchase land where land is rendered incapable of reasonable use via planning controls.

Regional and District Planning

- 13.10 The Bill introduces two new plan development tracks for Council:
- 13.11 The streamlined planning process will provide more flexibility in planning processes and timeframes and allow these to be tailored for specific processes such as limited notification for zoning changes; and
- 13.12 The collaborative planning process which encourages greater front end public engagement to reduce litigation at the end of the process.
- 13.13 There is also a statutory obligation on Council to invite iwi to form participation arrangements with Council such as our Iwi Working Group.

Resource Consents

- 13.14 Main changes include: a ten day consent process for simple consents; powers for Councils to waive the need for consents in some circumstances; notification decisions to discount effects already anticipated by the Plan; more powers to strike out submissions not based

on evidence or on identified effects of the activity; a tightening of the scope of consent conditions to reflect actual practice; introducing a fixed (capped) fee regime; mandatory content and format for discharge and water permits; and removal of the ability to charge financial contributions.

13.15 A simple decision process has already been initiated to enable compliance with the ten day timeframe.

13.16 The Food Act 2014 legislation implications are covered in a separate report.

14. Cultural Impact Assessments for Council Resource Consents

14.1 Preparing Cultural Impact Assessments for Council resource consent applications was put out to tender and two contracts have been awarded.

15. Options

15.1 The Planning and Regulatory Committee has the option of receiving the report or seek further information.

16. Alignment with relevant Council policy

16.1 The Council's Long Term Plan includes performance measures for various activities and this report enables the Council to monitor progress towards achieving these measures.

17. Assessment of Significance against the Council's Significance and Engagement Policy

17.1 The decision is not a significant decision in terms of the Council's Significance and Engagement Policy.

18. Consultation

18.1 No consultation has been undertaken.

19. Inclusion of Māori in the decision making process

19.1 No consultation with Māori has been undertaken.

Mandy Bishop

Manager Consents and Compliance

Attachments

Attachment 1: A1474011 Consents and Compliance statistics

Attachment 2: A1477377 Building Unit Statistics

Attachment 3: A1485599 - Warmer Healthier Homes - Nelson-Tasman & Marlborough Project Update Report 13 October 2015

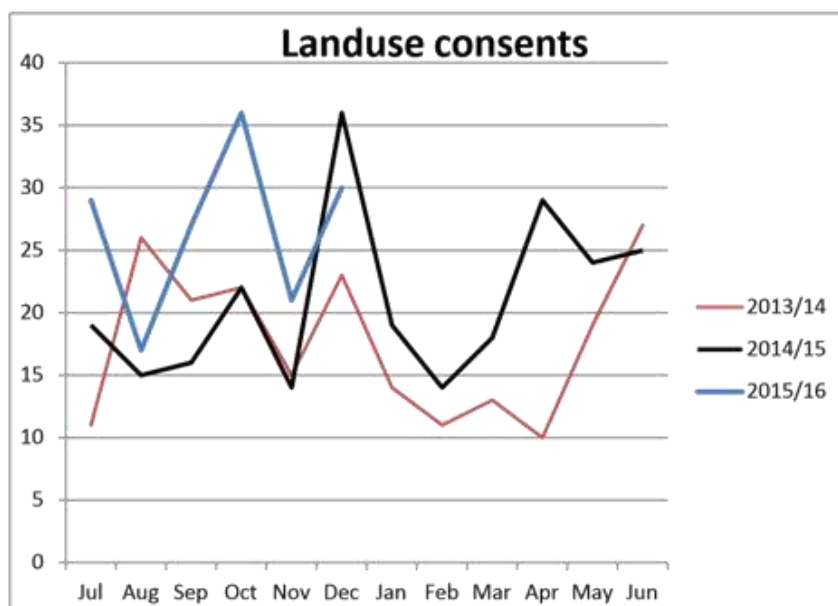
Attachment 1

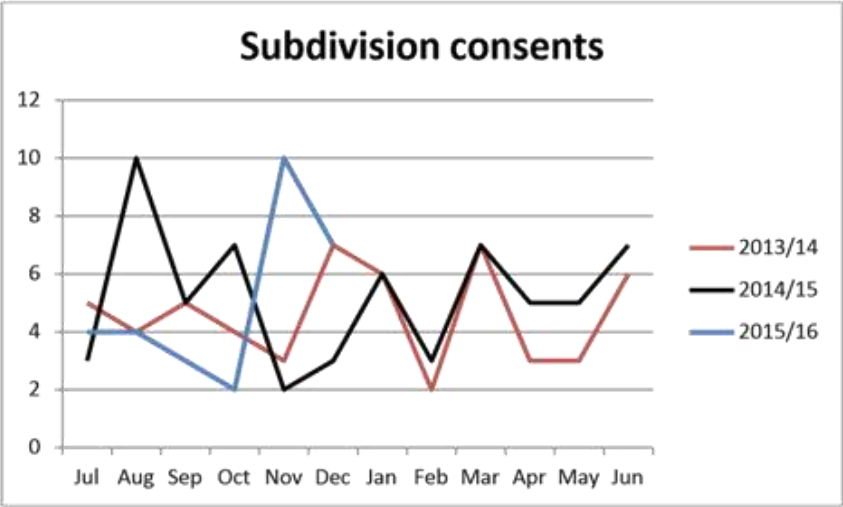
Consents and Compliance Statistics 1 October – 31 December 2015

1. Resource Consent Processing Times

Month	NON NOTIFIED				NOTIFIED AND LIMITED NOTIFIED		
	% processed on time	Average process days	Median process days	Consent numbers	% processed on time	Average process days	Consent numbers
October	100	14	13	43			
November	100	13	12	40	100	52	1
December	100	15	15	37	100	61	3
Average from 1 July 2015	100	14	14	37	100	53	1
Total from 1 July 2015				220			6
2014/15 average	100	12	12	32	83	59	1
2014/15 totals				378			15

2. Land use and subdivision consent numbers





3. Parking Performance

Activity	October	November	December
Enforcement			
Safety	112	131	138
Licence labels /WOF	322	413	515
Licence labels/WOF (Warnings)	214	190	180
Meters/Time restrictions	969	1129	1574
Total Infringement notices issued	1617	1863	2407
Service Requests			
Abandoned Vehicles	24	31	28
Requests for Enforcement	46	51	57
Information /advice	27	29	20
Total service requests			
Courts			
Notices lodged for collection of fine	387	292	281
Explanations Received			
Explanations declined	46	50	54
Explanations accepted (within guidelines)	15	25	26
Explanations accepted (outside guidelines)	59	80	81

Activity	October	November	December
Explanations accepted (warden error)	1	1	2
NOTE: Tickets are cancelled when explanation accepted			

4. Environmental Health and Dog Control Activities

Activity	Responses			Year to Date
	October	November	December	
Dog Control	144	127	121	838
Resource consent monitoring	192	141	163	1139
Noise nuisance	72	86	95	446
Bylaw / Building / Planning	39	55	41	281
Liquor applications	37	38	25	246
Liquor Inspections	10	25	21	92
Pollution	14	16	17	141
Stock	7	3	5	30

5. Summary of Hearing Panel Activities

Date	Matter	Location	Outcome
20/11/15	Applications for exemption under s6(1) of the Fencing of Swimming Pools Act 1987	6 Balmoral Pl	Exemption granted subject to conditions
		2/38 Point Rd	Exemption granted subject to conditions
		40 Leicester St	Exemption granted subject to conditions
		350 Princes Dr	Exemption granted subject to conditions
		67 Martin St	Exemption granted subject to conditions
		23 Norwich St	Exemption granted subject to conditions
		2/53 Fergusson St	Exemption granted subject to conditions
		4 Elsa Kidson	Exemption granted

Date	Matter	Location	Outcome
		Court	subject to conditions
		48 Neale Ave	Exemption granted subject to conditions
		8 Balmoral Pl	Exemption granted subject to conditions
		115 Songer St	Exemption granted subject to conditions
		17 Seawatch Way	Exemption granted subject to conditions
		6 Leach Pl	Exemption granted subject to conditions
		23 Exeter St	Exemption granted subject to conditions
		137 Aldinga Ave	Exemption granted subject to conditions
		4 Newall Ave	Exemption granted subject to conditions
		23 Stead Cres	Exemption granted subject to conditions

6. Official Information Act Requests

Period	Number received	Number completed	Number outstanding
1 October – 31 December	21	18	3

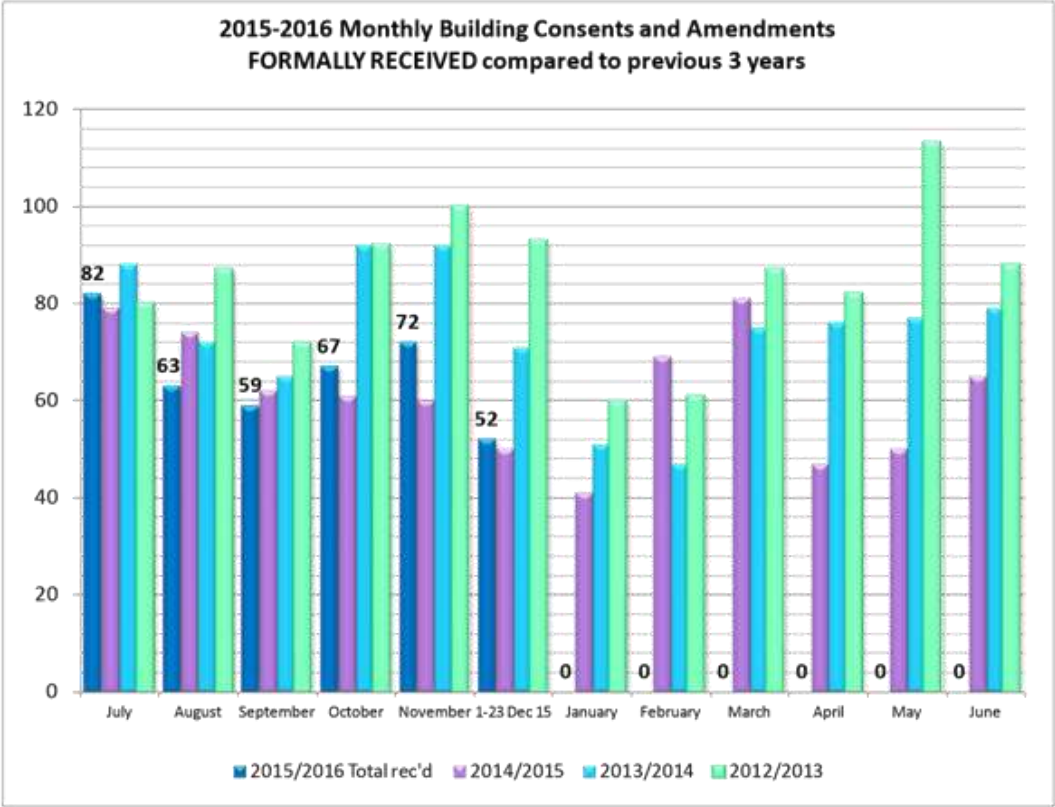
7. Summary of Legal Proceedings

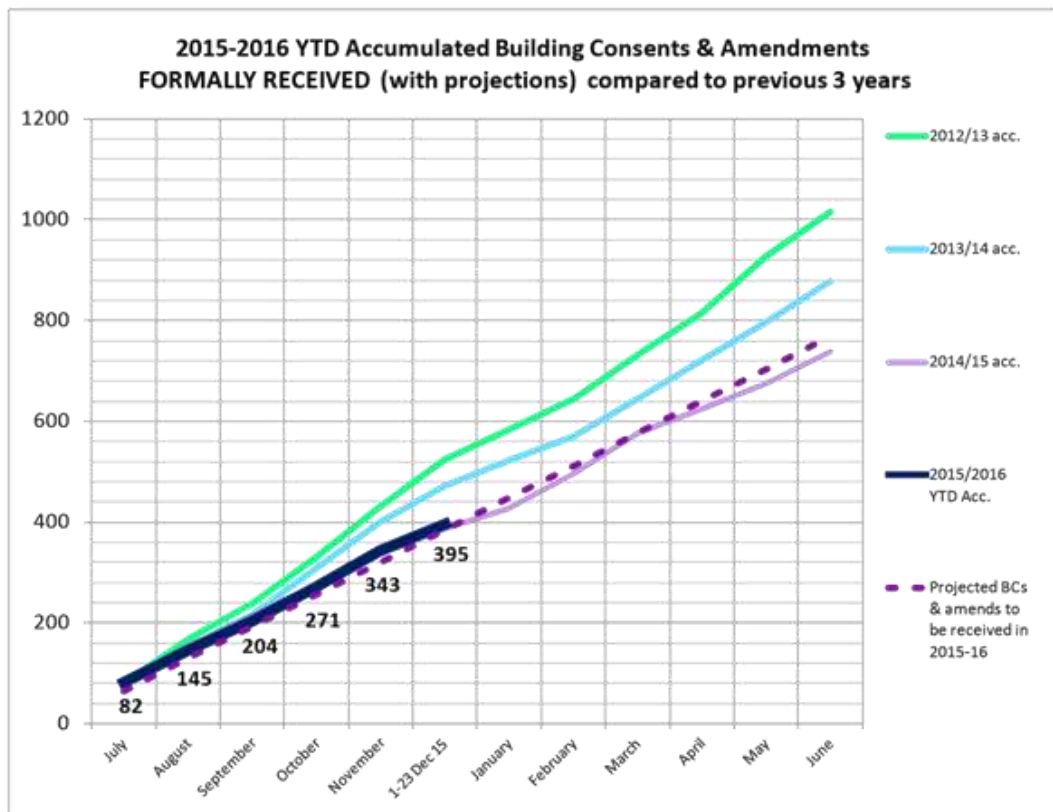
Party	Legislation	Matter & date of initial action	Status
Handforth	Building Act 2004, Building Regulations 1992	Adjourned to 17 February and aiming to get final Geotech sign off in December 2015 and works to commence in the New Year. 28 September 2014 Notice to Fix issued for Construction of a retaining wall without building consent. In addition the engineers information indicates the wall is not in compliance with the Building	Court proceedings still adjourned as Building Consent has been received and is being processed but awaiting Geotechnical input.

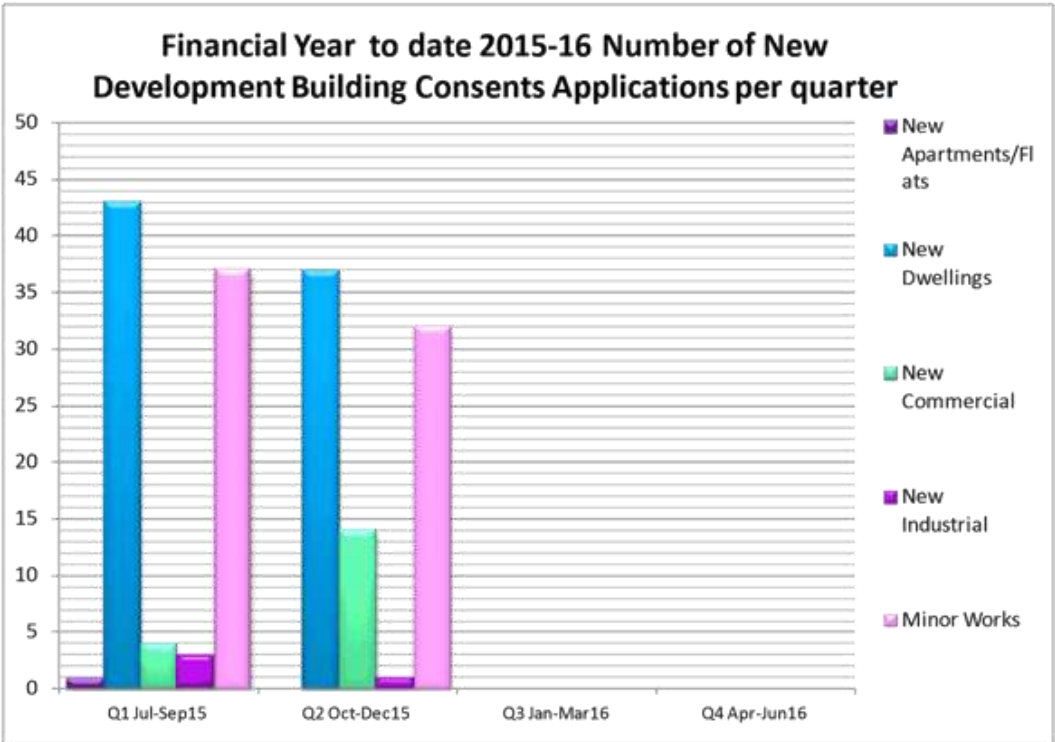
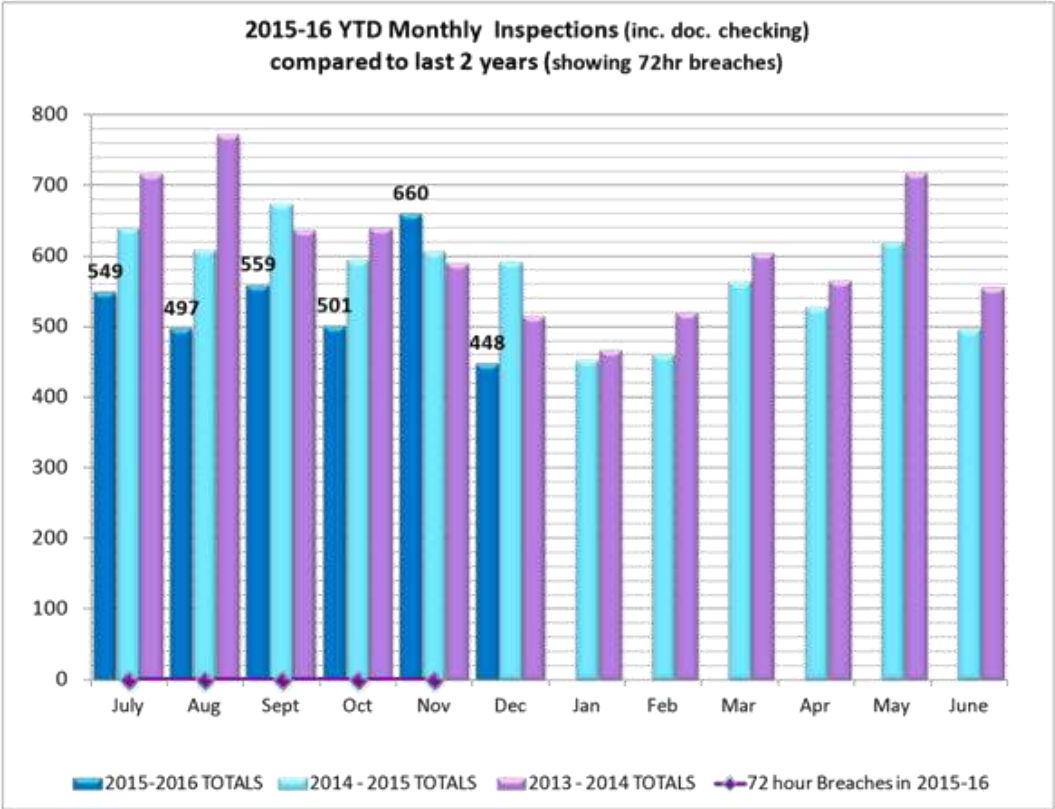
Party	Legislation	Matter & date of initial action	Status
		Regulations 1992.	
Mr and Mrs Gurr	Duty of Care under Tort for shower issues.	Attended Disputes Tribunal on 7 December with Builder and claimants.	Proceedings were adjourned as no breach of the code has been demonstrated so question as to any liability for NCC
LG & N Thompson	Resource Management Act 1991	Appeal against abatement notice and fine regarding the placement of material in Coastal Environment Overlay and to cease earthworks 2 October 2015	Application for a stay agreed to, mediation set for 23 February 2016.

Building Unit Statistics 1 October – 31 December 2015

1. Building Consent Applications received second quarter comparison.







Warmer Healthier Homes – Nelson/Tasman & Marlborough Project

Project Update Report 13th October 2015

Stage two – 1st August 2015 to 31st July 2016

This project is to support the Nelson/Tasman and Marlborough regions to be healthier by assisting homeowners and needy community members to improve insulation and heating by retrofitting of insulation in homes.

Bill Dahlberg

Chair

Warmer Healthier Homes – Nelson/Tasman & Marlborough, Steering Committee

C/- Nelson Tasman Housing Trust, PO Box 140, Nelson 7040

Warmer Healthier Homes – Nelson/Tasman & Marlborough

Introductory background

Preparation for this project began in July 2013 following the release of the Government's policy intent on warm homes initiatives. The Nelson Trustees for the Rata Foundation (previously The Canterbury Community Trust) considered the Nelson/Tasman region would benefit from a project utilising the Government funding agency Energy Efficiency and Conservation Authority (EECA). Nelson has a history of retrofits on existing older housing stock over the last ten years.

The Rata Foundation (Rata) wished to use some of the Special Fund that the Trust had allocated to the region in response to the Christchurch earthquake to help local people with their housing needs. In particular there was a desire to help as many households as possible in the region and it was felt that a Warmer Healthier Homes programme to retrofit the many cold, damp houses in the region would be a good use of these funds.

Accordingly a meeting was held between the local Rata Trustees Bill Dahlberg, Max Spence and the Nelson Marlborough District Health Board CEO Chris Fleming in July 2013 to discuss a possible project. The NMDHB had previously joint funded a successful EECA funded programme to retrofit 500 homes in partnership with the Nelson Tasman Housing Trust in 2006-2009. The NMDHB agreed to provide in-kind support for this new programme, should funding from TCCT and EECA eventuate.

Further meetings took place in August and September between Rata and the Nelson Tasman Housing Trust (NTHT) to scope the project and discuss how it would be managed. NTHT approached Paul Brockie in September to discuss the possibility of Absolute Energy's involvement in the project. Absolute Energy Ltd being a current partner with EECA since 2009 for the Nelson/ Tasman/ Marlborough regions was an ideal business to enter into discussions with being a market leader in this field.

Meetings also took place between NTHT and the NMDHB to discuss identifying households with high health needs who could benefit from the proposed retrofit programme. Representatives from the Nelson Bays Primary Health Organisation also took part in these discussions. A target of 200 possible households in two years was agreed on the basis that the budget would support about 100 retrofits per year. NMDHB and NBPH went on to develop the methodology outlined in the community engagement strategy in this proposal.

A steering group was formed in September 2013 of senior representatives of the main partners and has met on a monthly basis since September 2014. To maximise resources the steering committee is working in conjunction with the Warm Up New Zealand: Healthy Homes programme.

The project was underway by February 2014 and in August that year the steering group was delighted that the first retrofit of a Nelson/Tasman home on stage one with a targeted 100 plus was underway. The completion of stage one in August 2015 was well ahead of target by retrofitting 145 homes.

Steering Group members are:

The Rata Foundation (previous TCCT): Bill Dahlberg and Sarah-Jane Weir (Nelson Tasman Trustees)
Nelson Marlborough District Health Board: Peter Burton (Service Director)
Nelson Tasman Housing Trust: Keith Preston (Director); Simon Morris (Administration Manager)
Contractor - Absolute Energy: Paul Brockie (Managing Director); Tanya McDonald (Admin Manager)
NMDHB Public Health Service: Alan Bywater & Hilary Genet (Nelson), Felicity Spencer (Marlborough)
Nelson City Council: Richard Popenhagen (Eco Design Advisor)

2015/16 adding in Rata Marlborough Trustees and the Marlborough District Council (MDC)

WHH - NT&M Steering Group - Summary of relationships

1. WHH – NT&M Steering Committee members

- The Rata Foundation (previously "TCCT") – Nelson Trustees
- Nelson Marlborough District Health Board ("NMDHB")
- Nelson Tasman Housing Trust (project Manager)
- Absolute Energy (the Contractor)
- NMDHB Public Health Service
- Nelson City Council ("NCC")
- 2015/16 Adding in**
- The Rata Foundation (previously "TCCT") – Marlborough Trustees
- Marlborough District Council ("MDC") – MDC representative

2. Groups/entities engaged in ongoing discussion

- EECA – Energy Efficiency and Conservation Authority
- NMDHB - CEO
- Rata Foundation (previously TCCT) – Chief Executive
- NCC – Mayor and Council Management
- Tasman District Council ("TDC") - Mayor and Council Management
- NCC/TDC Kaumatua – Andy Joseph

3. Present discussion groups as project expands

- Rata Foundation (previously TCCT) - Marlborough Trustees
- Marlborough District Council ("MDC") – Mayor
- NMDHB Board
- Ngati Apa ki te Ra To – CEO Butch Bradley

4. Future intentions

- The steering committee (with the support of EECA) will highlight the positive outcomes and achievements of the WHH project.
- On the back of these achievements, there is intention to approach other funders as the project develops in the second and third years.

WHH - NT&M Steering Group - referral pathways summary

The Warmer Healthier Homes Steering Group is utilising two pathways for referrals into the scheme. The first referral pathway is through the health sector. The second pathway is outside of the health sector. We have called the second pathway 'regular sector' referrals. The following is an overview of the two referral pathways.

1. Health Sector Referrals

The key features of this Warmer Healthier Homes – Nelson/Tasman & Marlborough working with the Warm-up New Zealand Healthy Homes programme are: **Groups in this sector Nelson/Tasman plus Marlborough 2015/16.**

- Prioritised for people with respiratory related conditions and other chronic conditions identified via Nelson & Marlborough Hospitals and Primary Care health professionals.
- Project scope currently limited to households in the Nelson/Tasman or Marlborough regions.
- The estimated number of houses per year in 2014/15 was 100, actual completed is 104 houses.
- The estimate for 2015/16 is in the area of **200 plus** houses, depending on final funding.

The justification for this prioritised approach is as follows:

- The association between housing related health conditions, low income and poor housing conditions is well documented.
- Evidence indicates that interventions such as ceiling and underfloor insulation which improves the warmth of the home can lead to health improvements, especially when these interventions are targeted to those with inadequate warmth and respiratory related conditions.

We know that people with the highest health needs are:

- Unlikely to be the quickest, if ever, to pick up the phone to self-refer for such a project.
- They are also likely to be sleep deprived.
- Have experienced reductions to income.
- May be crowding into rooms because they cannot use their bedroom due to mould and damp.
- The children are likely to be missing days off school and parents off work due to ill health and are likely to struggle to afford to keep their home warm.

In order to ensure that those with the highest health needs do not miss out, we have opted to run this project as an invite only, rather than a self-referral programme.

2. Regular Sector Referrals

The key features of this Warmer Healthier Homes - Nelson/Tasman & Marlborough working with the Warm-up New Zealand, Healthy Homes programme are: **Groups in this sector Stage Two are NCC and MDC in 2015/16.**

- Prioritised for people identified in conjunction with the Steering Committee's Advisor Referral Panel.
- Project scope currently limited to households in the Nelson/Tasman or Marlborough regions.
- The completed number of houses for year 2014/15 is 41 houses. In the 2015/16 year with the additional NCC funding up to 100 houses plus Marlborough region funding up to 80 Houses.

The justification for this prioritised approach is as follows:

- The association between housing related health conditions, low income and poor housing conditions is well documented.
- Evidence indicates that interventions such as retrofitting ceiling and underfloor insulation which improves the warmth of the home can lead to health improvements, especially when these interventions are targeted to those with inadequate warmth and respiratory related conditions.
- The WHH NT&M Steering Committee, Advisory Panel have invited groups from within the community that are involved in the housing, health and service sector. These groups are well positioned to identify and refer clients who would benefit most from this programme.

In order to ensure that those with the highest needs do not miss out, we have opted to run this project as an invite only, rather than a self-referral programme.

STAGE 1 project statistics

1. Administration - funded by Rata Foundation:

Administration

Total allocation

\$25,000

Allocated to date

\$24,167.17 (Last invoice 30/8/15)

Balance of funds remaining

\$833

Plus Additional \$10K held for admin 2015-2016 project

\$10,000

Plus interest on funds held by NTHT (held by NTHT as a liability)

\$4,146

Total funding reserved for administration

\$14,979

2. Landlord contributions.

Landlord contributions

Total billed to landlords

\$16,893

Less accounts receivable

\$9,860.09

Less amounts allocated

0

Total contributions on hand

\$7,032.79

3. Rata-EECA Project (Nelson-Tasman):

TCCT

EECA

Total

Target # Homes

Total allocation

\$125,000

\$165,000

\$290,000

104

Allocated to date (jobs either invoiced or work in progress)

\$126,935.51

\$161,368.43

\$288,304

104

Balance remaining

-\$1,936

\$3,632

\$1,696

0

House referrals TCCT-EECA Project:

As at:

8/09/2015

Clients Referred To Scheme

122

Comprised of:

Number of void referrals (can't do anything, already insulated etc)

18

Actual installs to date

104

WIP with AE (awaiting assessment or install)

0

WIP with NTHT (awaiting landlord approval)

0

Demographics snapshot:

Installations:

104

Total NCC area

61

Total TDC area

43

Total rentals

44

Total owner-occupied

60

Total Maori

40

Notes:

1 Total invoices paid by NTHT to A/E against Rata funds:

\$124,926.47

3. NCC-EECA Project (Nelson Area):

NCC

EECA

Total

Target Homes

Total allocation

\$40,000

\$60,000

\$100,000

30

Allocated to date

\$40,850.24

\$58,527.06

38

Balance remaining

-\$850

\$1,473

0

*Total invoices paid by NTHT to A/E against NCC funds:

\$28,432.09

House referrals NCC-EECA Project:

As at:

8/09/2015

Referred To Scheme

44

Comprised of:

Number of void referrals (can't do anything, tenant moving out etc)

3

Actual completed to date

41

WIP with AE (awaiting assessment or install)

0

WIP with NTHT (awaiting landlord approval)

0

Demographics snapshot:

Installations:

41

Total NCC area

41

Total rentals

15

Total owner-occupied

26

Total Maori

15

Installation Total 145

WHH - NT&M Steering Group - 2015/2016 Funding Summary - Updated Oct15

2. Leverage of proposed third party funding and proposed EECA funding**1. Summary of proposed third party funding**

Confirmed funding		Value	Due Date
The Rata Foundation (previously TCCT) Nelson/Tasman		\$150,000	30/4/2015
The Rata Foundation (previously TCCT) Marlborough		\$50,000	30/4/2015
Nelson City Council – Approved in NCC Long Term Plan – three years		\$100,000	31/07/2015
NMDHB – Nelson/Marlborough (CEO & Board approved)		\$50,000	31/07/2015
Marlborough District Council (Agreed and to be ratified)		\$50,000	17/07/2015
Unconfirmed funding		Value	Due Date
Tasman District Council	Unable to fund at this time	\$Nil	July 2015
NMDHB – Iwi	Unable to fund at this time	\$Nil	July 2015
Other Groups	In positive discussion with CEO	\$100,000	End 2015

The EECA funding ratio in 2014/2015 was 60:40. A funding ratio of 50:50 is in place for 2015/2016

3. Targeted funding

Total potential health-targeted third party funding for the 2015/2016 year is \$500,000. Total potential non-health targeted funding is \$300,000. Based on stage One statistics, it is expected that 70% of total funding could be allocated for health-targeted retrofits. 30% could be allocated towards non-health-targeted retrofits. There will be cross-over between the two categories, however this cross-over will be limited.

4. Target Number of homes

Assuming a 50:50 funding ratio between EECA and Third Party funders, the potential target number of insulation retrofits is as follows: *Note there will be additional funds for landlord contributions.*

- Confirmed Funding, plus matching EECA funding: - 290 to 340 homes
- Still in discussions with, plus matching EECA funding: - 70 to 85 homes
- **Total potential target number of houses for 2015/2016: 300 to 400 homes**

5. 2015/2016 potential project outcomes

The Steering Committee has completed most discussion with the existing and new partnership groups. The challenge for all involved is making a commitment without the certainty of other funder outcomes while we work through discussions with senior management and boards. This is the same challenge as 2014/15 starting the project which exceeded the initial targets. The first group to put their money on the table for the second year of this project is the Rata Foundation (TCCT) with another \$150,000 + \$50,000. The steering group remains positive about the 2015/2016 outcomes and the impact on our communities.

Bill Dahlberg; on behalf of the WHH NM Steering Committee



Gambling Policy Review 2016

1. Purpose of Report

- 1.1 To review the Gambling Policy 2013 in accordance with the three yearly review cycle and decide whether changes should be considered.

2. Delegations

- 2.1 The Gambling Policy review falls within the delegated authority of the Planning and Regulatory Committee.

3. Recommendation

THAT the report Gambling Policy Review 2016 (R5173) and its Attachments (A363308, A1490371 and A1490344) be received.

Recommendation to Council

THAT Council, acknowledging community feedback that the current Gambling Policy is functioning as intended and noting the resource cost a Local Government Act 2002 Special Consultative Procedure to review the Gambling Policy imposes on all involved, agrees to retain the current Policy without change.

4. Background

- 4.1 Nelson City Council adopted its first Gambling Policy in 2003 in response to the requirements of the Gambling Act 2003. The Policy provides guidance on the requirements for territorial authority consent applications to operate and establish Class 4 (pokies) and Totalisator Agency Board (TAB) venues.
- 4.2 This review is a statutory requirement of both the Gambling Act (2003) and Racing Act (2003) and is not in response to any particular issue arising.

- 4.3 Section 101 of the Gambling Act 2003 and section 65D of the Racing Act 2003 set out the process by which territorial authorities must adopt and review Gambling Policies. In accordance with legislation, these policies are subject to review every three years.
- 4.4 The previous review, completed in 2013, reduced the cap on the number of class 4 gaming machines allowed in Nelson from 285 to 257, but otherwise left the policy unchanged.
- 4.5 Currently, gaming machines run over 13 sites with venues operating between 9-18 machines each.
- 4.6 The present number of gaming machines operating is 189 with the number of active licences within the district amounting to 195 as one venue is voluntarily operating a lower number of machines than its licence allows for.
- 4.7 Licenses for a further nine machines are still active as they fall under a legislative clause whereby an operator who has surrendered a premise's license can reapply without territorial consent within a six month period.
- 4.8 This brings the total machines able to operate in Nelson to 204 (current as at 26 January 2016).
- 4.9 At this time there are no standalone TABs, however five venues operate NZ Racing Board self service terminals (kiosks) or publican managed TAB's alongside Class 4 gaming machines. Currently territorial authority consent is not required to install an internet sports betting (TAB) kiosk.
- 4.10 Gaming machine venues are predominately located in the central city and Tahunanui with one location in Stoke.
- 4.11 Since 2011, incremental reductions in gaming machine expenditure have been recorded across New Zealand. However gaming machine spending still equates to approximately 40% of all gambling expenditure and remains the largest form of gambling undertaken. A statistic reflected in Problem Gambling Services' primary client group. All other types of gambling expenditure (TAB, NZ Lotteries Commission, casinos) have seen significant increases across New Zealand during this time.
- 4.12 Council has received one application for a standalone TAB venue (2015) which was declined due to proximity to ATM machines. Council has one relocation application (currently pending) for relocation of a Gaming Machine Venue operating class 4 machines.
- 4.13 Council has received no feedback or significant interest in the Policy over the period since the last review, other than through the pre-review community feedback period which was initiated by officers.

5. Discussion

Community Feedback

- 5.1 In order to inform Council's review of the Policy officers sought feedback on the existing Policy from a range of stakeholders including: previous submitters; sports groups; community groups; government agencies. Feedback predictably identified a wide range of views ranging from those who recognise the benefit the community receives from Gaming Trust/Foundation money to those concerned with the harm gambling causes.
- 5.2 Those who supported the reduction in the number of gaming machines predominantly came from organisations with an interest in problem gamblers and /or their families. In general these respondents advocated for a continued reduction in the cap with some advocating a sinking lid approach. Other groups noted the significant value that gambling proceeds contribute to community and sporting organisations.
- 5.3 There was also recognition of the large amount of work involved for stakeholders in submitting on a consultation and attending hearings to present views. Some questioned the value of putting stakeholders through this process if outcomes were not expected to change significantly as a result.
- 5.4 Feedback received during the informal consultation is listed in Attachment 2: Summary of informal consultation with stakeholders regarding the Gambling Policy 2013.

Cap on Class 4 Gaming Machines

- 5.5 At this review, Council can propose changes to any aspect of the Policy. However much of the feedback from the pre-consultation focused on the cap on class 4 gaming machines. In this regard Council has the options of;
- maintaining the current cap of 257
 - increasing the current cap
 - reducing the current cap
 - adopting a sinking lid approach
- 5.6 Under a sinking lid policy, when a venue surrenders its licence or has its licence suspended, the approved number of machines would automatically drop to the number of machines operating. However operators have a six month grace period (following licence suspension/surrender) to reapply to re-establish the gaming machines without requiring a council consent before the sinking lid cap would apply.

Relocation Policy

- 5.6 Since the 2013 review, there has been an amendment to section 101(5) of the Gambling Act 2003, which requires all territorial authorities to consider whether or not to adopt a relocation policy in their next review.
- 5.7 A relocation policy allows venues to move to new premises and retain the existing approval to operate Class 4 machines i.e. to effectively move gaming machines around the district. In doing so it must also consider the social impact of gambling in high-deprivation communities within the district.
- 5.8 This provision in the Act was intended as a tool to reduce the concentration of gaming machine venues in high deprivation areas (by allowing their relocation elsewhere). It also provides venue operators with security if they have to relocate from their venue due to unexpected reasons such as fire, flooding, sale or termination of building or lease. As experienced by venue owners in Christchurch following the earthquakes.
- 5.9 Adoption of a relocation policy would not allow for an increase or decrease in the number of gaming machines at the venue and/or within the district.
- 5.10 There were mixed views amongst stakeholders on the value of a relocation policy. A relocation clause is not recommended by officers as it seems it would have limited application in a smaller urban area such as Nelson.
- 5.11 The process of managing a transfer of machine venue licensing is managed by the Department of Internal Affairs. However if a territorial authority elects to include a relocation clause, this process must adhere to the territorial authority policy clause.

6. Options

- 6.1 Council will need to decide whether to propose amendments to the current policy or to leave it unchanged
- 6.2 Possible amendments have been outlined below:

Option	Advantages	Disadvantages
Introduction of a relocation clause	<p>Allows for more certainty for venue operators</p> <p>Likely to be supported by venue operators and Gaming Trusts/Foundations</p>	<p>Requires an SCP (and all the community and Council resources that involves)</p> <p>May be seen to be making access to gaming machines easier</p>

	Allows Council to include specific criteria if required	
Reduction in the cap on gaming machines	Council seen to be taking a proactive approach to the reduction of gaming machines	Not likely to be supported by community groups reliant on grants from this source Requires a SCP
Adopt a sinking lid policy	Council seen to be taking a harder line on the reduction of gaming machines which would appeal to some stakeholders Policy would not require a special consultative process to be undertaken upon each review if Council wanted to continue cap reduction	Previously considered during 2013 review but not supported by groups reliant on gaming trust funds Creates additional and possibly unintended restrictions for gaming machine operators A sinking lid by definition means that no reallocation of machines would be possible Requires an SCP
No changes- maintain current policy	Policy appears to be working well Saves considerable resources by not requiring a SCP	Not supported by groups who wish to see continued downward pressure on the cap

- 6.3 Any amendments will require a special consultative process to be followed.
- 6.4 Review of the Policy is a balancing act for Council, given the distinct viewpoints collected. However given the apparent natural attrition of gaming machines, which is reflected throughout New Zealand, Council may consider that a reduction in the cap and introduction of a sinking lid is unnecessary at this time.
- 6.5 This approach would reflect the evidence that the current Policy appears to be effective and has attracted very little comment from the community. It also offers savings in resources for the large number of groups expected to submit on a consultation and for ratepayers.

- 6.6 Retaining the status quo needs to be balanced against the value of Council emphasising the harmful nature of Class 4 gambling through a consultation process and potential lowering of the cap.
- 6.7 The Policy, in accordance with legislation is to be reviewed every three years, and again in 2019.

7. Alignment with relevant Council policy

- 7.1 This report aligns with Council's Social Wellbeing's Policy's objectives.
- 7.2 Nelson 2060 has been taken into account in the preparation of this report.

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

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

9. Consultation

- 9.1 Consultation was undertaken with a variety of community stakeholders. A summary of the results of this consultation is contained in Attachment 2: Summary of informal consultation with stakeholders regarding the Gambling Policy 2013.
- 9.2 Officers are of the view that no further engagement or consultation is required unless Council decide to make changes to the Policy where upon a special consultative procedure would need to be followed.

10. Inclusion of Māori in the decision making process

- 10.1 Maori were invited to provide feedback on the current policy in respect of its upcoming review. No feedback was received. A list of all the groups contacted is listed in Attachment 3: Consultation List.

11. Conclusion

- 11.1 Officers recommend retaining the current policy at this time for the following reasons:
 - No significant public interest has been recorded between reviews
 - The amendments on their own or in combination do not provide a compelling reason to undertake a SCP at this time
 - The current Policy objectives support the purpose of the Gambling Act 2003 and Racing Act 2003
 - The Policy, in accordance with legislation is to be reviewed every three years, and again in 2019

Gabrielle Thorpe
Policy Adviser

Attachments

- Attachment 1: A363308 - Gambling Policy 2013
- Attachment 2: A1490371 - Summary of feedback from informal consultation
Gambling Policy review 2016
- Attachment 3: A1490344 - Consultation list

Gambling Policy 2013

INTRODUCTION

In September 2003 the Gambling Act 2003 came into force. The key purposes of this act are:

- To control the growth of gambling
- To prevent and minimise the harm caused by gambling
- To ensure that money from gambling benefits the community
- To ensure community involvement in some decisions about the provision of gambling

The Act requires territorial authorities to develop Class 4 and Totalisator Agency Board (TAB) venue policies in consultation with their communities within six months of the commencement of the Act. Class 4 gambling is the term used to describe non-casino gaming machines (pokies).

Under the Act, the Department of Internal Affairs is still responsible for gaming licensing. However, Section 65(2)(b) provides that some applications to the Department for a Class 4 venue licence must be accompanied by territorial authority consent. The Act prescribes limits on the number of non-casino gaming machines in venues. The limits are:

- If the venue had a licence on 17 October 2001 a society can operate up to 18 gaming machines (Section 92).
- If the venue had its licence granted between 17 October 2001 and the commencement of the Act it can operate up to 9 machines (Section 93).
- Sections 92 and 93 can be overridden by Ministerial discretion of the territorial authority consents.
- If the venue is granted a licence after the commencement of the Act it can operate up to 9 machines (Section 94).
- No society can operate more machines at a venue that were operated at the commencement of the Act unless the local authority consents to the increase.

NELSON CITY COUNCIL GAMBLING POLICY

OBJECTIVE	
1. To support and promote harm minimisation principles for gaming activities within the Nelson City area	
GOAL	
1.1 Class 4 Gambling Venues may be established within the City subject to: (NB. Class 4 Gambling Venues are venues where non-casino gaming machines or 'pokies' are operated)	<p>1.1.1 The applicant meeting the application and fee requirements</p> <p>1.1.2 The number of gaming machines within the venue being able to be met within the overall Nelson City cap</p> <p>1.1.3 The venue being sited in any land zone as included in the Nelson Resource Management Plan apart from land zoned Residential or Open Space and Recreation</p> <p>1.1.4 The venue not being primarily used for operating gaming machines</p> <p>1.1.6 No more than 25% of the venue floor area being dedicated to Class 4 gambling activities</p> <p>1.1.7 The venue not being within 100 metres of any playground, kindergarten, early childhood centre, school or place of worship. The venue not being primarily associated with family or children's activities</p> <p>1.1.8 The venue not being within 100 metres of any Automatic Teller machine</p> <p>1.1.9 Operators having measures in place to ensure that people under the age of 18 cannot access the gambling machines</p> <p>1.1.10 Best practice being demonstrated in the applicants proposed harm minimisation policy including the gaming machines being sited where there is natural light and clocks visible</p>
1.2 The total number of gaming machines in operation in the city shall be capped at 257	<p>1.2.1 New venues shall be allowed a maximum of no more than nine gaming machines</p> <p>1.2.2 Existing venues with licences issued on or after 17 October 2001 shall be able to increase the number of machines operated in the venue to nine</p> <p>1.2.3 Existing venues with licences issued before 17 October 2001 shall be able to increase the number of gaming machines operated in the venue to 18</p> <p>1.2.4 Clubs licensed after 2001 shall be able to increase their machine numbers to a maximum of nine</p> <p>1.2.5 Where clubs will merge, the number of machines permitted will be considered on a case by case basis and will not exceed a maximum 30 machines per venue</p>
1.3 Totalisator Agency Board (TAB) venues may be established in the City subject to: (TAB owned and operated venues)	<p>1.3.1 The applicant meeting the application and fee requirements</p> <p>1.3.2 The venue being sited in any land zone included in the Nelson Resource Management Plan apart from land zoned Residential or Open Space and Recreation</p> <p>1.3.3 The venue not being within 100 metres of any playground, kindergarten, early childhood centre, school or place of worship</p>

	1.3.4	The venue not being within 100 metres of any Automatic Teller machine
	1.3.5	Operators having measures in place to ensure that people under the age of 18 cannot access the premises
	1.3.6	Best practice being demonstrated in the applicant's proposed harm minimisation policy
1.4	Application fees will be set by Council from time to time and shall include:	
	1.4.1	The cost of processing the new application, including any consultation and hearing involved
	1.4.2	The cost of reviewing the Policy every three years

Attachment 2: Summary of informal consultation with stakeholders regarding the Gambling Policy 2013

15 responses were received from the 78 stakeholders initially contacted. All feedback given verbally was confirmed by a follow-up email. A summary of their feedback is listed below.

Organisation	Feedback summary
Addiction Advice and Assessment Services (Mathew McMillan)	<ul style="list-style-type: none"> • Supports continuation of current policy • Suggests numbers of machines remain within national average and machines are managed to be operating well • Notes that the review process needs greater transparency. Suggested both Council and Councillors to declare all potential Conflicts of Interest throughout process • Notes that the drop in the number of machines in the area has led to only a slight drop in numbers of people presenting to services. Majority of people presenting identify pokies as their main form of gambling related harm • Notes that the numbers presenting to their service should not be seen as representative of direct related harm
Health Action Trust (Wendy Strawbridge)	<ul style="list-style-type: none"> • Notes pokie machines to be a significant form of gambling related harm • Notes number of people accessing gambling addiction support to be small percentage of those experiencing gambling issues • Supports introduction of sinking lid policy • Notes for Council to maintain transparency (Councillors to identify and acknowledge Conflicts of Interest) and a consultative process throughout this review • Concerned with availability and advertising of scratchies • Concerned with the times gaming venues open in the morning
Jock Sutherland	<ul style="list-style-type: none"> • Supports Council encouraging Gaming Trusts and their contributions towards cultural, recreational, sporting and charitable clubs and activities • Supports the interests of the majority i.e. problem gamblers number less than 1% of the population whereas 99% benefit from gaming machines • Notes Council as a recipient of such funds both in capital assets and activities. • Notes the detrimental effects of gambling is unrelated to number of gaming machines available

Summary of feedback from informal consultation Gambling Policy review 2016. 21Jan2016 (A1490371).docx22/01/2016 2:56 p.m.

Attachment 2: Summary of informal consultation with stakeholders regarding the Gambling Policy 2013

Lion Foundation (Emma Lamont-Messer)	<ul style="list-style-type: none"> • No particular issues with current policy • Supports introduction of Relocation policy to create certainty for venue operators
National Council of Women-Local Issues committee Nelson Branch (Queenie Balance)	<ul style="list-style-type: none"> • Neutral on the benefit of amending the policy at this time • But if changes were to be considered they would support introduction of a sinking lid and relocation clause • For a school early learning centre playground and/or place of worship to NOT be built within 100m from an operating venue
Nelson Budget Service (Marina Gosnell)	<ul style="list-style-type: none"> • Supports a change in the Policy • Supports Nelson having no gaming machine venues • Supports introduction of sinking lid • Service directly sees the financial harm related to gambling for people and their families • Would not support relocation of venues
Nelson Marlborough District Health Board (Peter Burton, Alan Bywater, Sonya Briggs)	<ul style="list-style-type: none"> • NMDHB supports reducing gambling harm • Support changes to the current Policy • Supports reduction in the cap or the introduction of a sinking lid • Supports relocation within certain provisions • Support current Policy to remain as a combined policy (gaming machines and TAB) • Note need for an update of Nelsons social impact assessment
New Zealand Community Trust	<ul style="list-style-type: none"> • Recommends taking a cautious approach and avoid making changes that may result in irrevocable loss of gaming licences and therefore community funding. • Supports current cap • Recommends introduction of a relocation clause
New Zealand Racing Board (Jarrod True)	<ul style="list-style-type: none"> • Invites Council to consider removing the ATM 100m restriction • Supports relocation provision
Presbyterian Support Services Upper South Island (Chris Walsh)	<ul style="list-style-type: none"> • Noted the Policy seems to be working well • If changes were to be made that they include introduction of a sinking lid and an increase in the 100m distance provision • Noted preference for less venues
Sports House,	<ul style="list-style-type: none"> • Supported retaining the current policy as is

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Sport Tasman, Saxton Field (group of sports organisations present)	<ul style="list-style-type: none"> • Noted that there is never enough money for sports groups and machines provide a source of funding they couldn't get elsewhere • Noted the impact on families of problem gamblers but the benefit to the wider community from grants • Noted that central government tends to invest in higher population regions . This leave the regions struggling for funding. • Noted they are reliant on the funds from gambling • Would not support a drop in the number of machines or introduction of a sinking lid policy
Stoke Bowling Club (Allen Johnson)	<ul style="list-style-type: none"> • Notes, in general, that pokies be limited to specific sites of good repute, and acceptable to the adjacent community. • Notes that significant revenue is generated to assist worthwhile causes but the downside that a proportion of punters lose more than they can afford, is a negative. • The Stoke Community Centre [Stoke Seniors], which organisation I chair, is made up of elderly members, and would have similar views.
Tasman Rugby Union (Tony Lewis, Les Milligan)	<ul style="list-style-type: none"> • They would be happy with the status quo in respect to the current Policy • They would rather the cap on number of machines did not drop as it may affect the amount of grants they can receive. • Noted that the impact of a relocation policy would be tough on venues for their income. • Noted that the rugby club applies for a number of grants in order to keep young people in sport and to be able to afford sport. • If there were no grants, the TRU would survive as they could reduce some services and may have to charge parents more. They also receive income from other sources such as Television and other grants. Other clubs would not survive. Nor would other community groups. Community organisations rely heavily on funding. • Noted that bars have good policies in relation to gambling and they follow best practice. • Noted that the received a grant from Lions that allowed them to provide a service that got 5400 Nelson kids playing ball sport in schools. • They acknowledged that the impact from problem

Summary of feedback from informal consultation Gambling Policy review 2016. 21Jan2016 (A1490371).docx22/01/2016 2:56 p.m.

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	<p>gambling has a devastating impact on the family of the problem gambler, but that the grants that come from gaming machines have very wide positive benefits for the greater community.</p> <ul style="list-style-type: none"> • Noted that the community is changing and that clubs now rely on grants rather than members to donate time and money to assist with the club. • TAB can be done from phone or anywhere
Nelson Bays Primary Health Organisation - Te Piki Oranga (Sonny Alesana)	<ul style="list-style-type: none"> • Would like the policy to be reviewed and the following changes made; <ul style="list-style-type: none"> - The number of machines reduced to the current number operating - Introduction of a sinking lid - Venues <u>not</u> able to operate both gaming machines and TAB betting facilities at the same place - Introduction of a relocation clause which allows for venue relocation from low socio economic- high socio economic only • Noted that with the changes in currency that machines accept higher amounts of money nowadays e.g. 1c coins out of production etc • Problem gambling has significant damage to families and poverty in communities
Victory Community Health Centre (Kindra Douglas)	<ul style="list-style-type: none"> • Noted that if Council did not change the Policy she would be happy as it seems to be working currently • If there were to be changes their preference would be for the number of machines to be capped • Noted that relocation from Victory would be useful but there are no machines there currently • Noted that although the 100m seemed to be working, 500m would be better. • Noted inclusion of a density map in the Policy would be useful

Summary of feedback from informal consultation Gambling Policy review 2016. 21Jan2016 (A1490371).docx22/01/2016 2:56 p.m.

Attachment 1: Consultation List 2016 Review of Gambling Policy

Addiction Advice and Assessment Services
Air Rescue Services
Arthritis New Zealand
Athletics New Zealand
Bowls Nelson Inc
Camp Quality New Zealand
Canteen
Christopher Mitson
Clubs New Zealand Incorporated
Coastguard Southern and Central Regions
Community Gaming Association
Epilepsy Association of New Zealand Inc
Gurden Consulting Ltd
Frank Saxton
Harkness Henry Lawyers
Health Action Trust Nelson
Hockey Nelson
Hockey New Zealand
Hospitality New Zealand, Nelson Branch
Jock Sutherland
John Greaney
Lion Foundation
Maataa Waka
Mainland Foundation
Ministry of Social Development
Motueka Cricket Club
National Council of Woman of New Zealand Nelson Branch
Nelson A&P Association
Nelson Basketball Association (Inc)
Nelson Bays Football
Nelson Bays Volleyball Association
Nelson Budget Service
Nelson Cricket Association
Nelson Greypower
Nelson Marlborough District Health Board
Nelson Netball Centre
Nelson Residents Association
Nelson Tasman Hospice
Nelson Touch Association
Nelson Triathlon Club
Nelson Women's and Children's Refuge Services
Ngāti Apa ki te Rā Tō Trust
Ngāti Koata Trust
Ngāti Kuia Trust
Ngāti Rarua Iwi Trust
Ngāti Tama - Manawhenua ki te Tau Ihu Trust

Attachment 1: Consultation List 2016 Review of Gambling Policy

NZ Community Trust
 NZ Land Search & Rescue
 NZ Police
 NZ Racing Board
 Pelorus Trust
 Presbyterian Support Upper South Island
 Primary Health Organisation - Nelson
 Pub Charity
 Sandy Fontwit
 Sir Edmund Hillary Outdoor Pursuits Centre of NZ
 Soccer Nelson / Nelson Suburbs FC
 Spirit of Adventure Trust
 Sport Tasman
 St John Nelson branch
 Stephen Fitchett
 Stoke Bowling Club
 Stoke Rugby Club
 Tasman Rugby Union
 Te Ātiawa o Te Waka-a-Māui
 Te Rūnanga o Ngāti Kuia Trust
 Te Runanga o Rangitāne o Wairau
 The Southern Trust
 Tiakina te Taiao
 Toa Rangatira Trust
 United Bowling Club/ Bowls Nelson
 United Fire Brigades' Association
 Vern Mardon
 Victory Community Health
 Waahi Taakaro Golf Club
 Wakatu Cricket Club
 Wanderers Cricket Club
 Whakatu Marae