



AGENDA

Ordinary meeting of the

Planning and Regulatory Committee

Thursday 19 May 2016

Commencing at the conclusion of the Hearing of Submissions

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

Nil

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

5. Confirmation of Minutes

5.1 21 April 2016

5 - 11

Document number M1843

Recommendation

THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 21 April 2016, be confirmed as a true and correct record.

**6. Status Report - Planning and Regulatory Committee
- 19 May 2016**

12 - 14

Document number R5899

Recommendation

THAT the Status Report Planning and Regulatory Committee 19 May 2016 (R5899) and its attachment (A1155974) be received.

7. Chairperson's Report 15

Document number R5916

Recommendation

THAT the Chairperson's Report (R5916) be received, and the contents noted.

REGULATORY

8. Building Unit Fees and Charges from 1 July 2016 16 - 26

Document number R5774

Recommendation

THAT the report Building Unit Fees and Charges from 1 July 2016 and its attachment (A1535679) be received and noted.

POLICY AND PLANNING

9. Strategy and Environment Report for 1 January to 31 March 2016 27 - 44

Document number R5424

Recommendation

THAT the report Strategy and Environment Report for 1 January to 31 March 2016 (R5424) and its attachment (A1514360) be received.

Note:

- **Youth Councillors Sam McIlroy and Samuel Kuo 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 21 April 2016, commencing at 12.50pm

Present: Councillor B McGurk (Chairperson), Councillor I Barker,
Councillor E Davy, Councillor K Fulton (Deputy Chairperson),
Councillor M Lawrey, Councillor M Ward and Ms G Paine

In Attendance: Councillors P Matheson, G Noonan and P Rainey, Group
Manager Strategy and Environment (C Barton), Manager
Building (M Brown), Manager Communications and Acting
Manager Libraries and Heritage Facilities (P Shattock),
Manager Administration (P Langley), Administration Adviser
(E-J Ruthven), and Youth Councillors (C Collins and T Shuker)

Apologies: Her Worship the Mayor, and Councillor Copeland

1. Apologies

Resolved PR/2016/014

***THAT apologies be received and accepted from
Her Worship the Mayor and Councillor Copeland.***

Barker/Davy

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 Karena Shannon and Tonia Allen

Mary Ellen O'Connor introduced Karena Shannon, landlord, and Tonia
Allen, property manager, who spoke about the rental property warrant of
fitness scheme, and tabled a document (A1537774).

Ms Shannon said that the development of a warrant of fitness scheme for rental properties was positive, as it would help her protect a major asset, and take proactive steps to be the best landlord possible. She added that it would be useful for rental properties that were maintained to a good standard to be recognised.

Ms Allen outlined her property management experience, and noted she was currently working for Bayleys. She said that a warrant of fitness scheme was appropriate to ensure rental properties were clean, tidy, warm and secure, and that such properties were easier to rent out and attracted more stable tenants. She said that the costs to landlords of a warrant of fitness scheme were not high, and that Bayleys was considering undertaking its own warrant of fitness scheme for rental properties.

In response to questions, Ms Allen explained that rental prices were unlikely to increase as a result of a warrant of fitness scheme, but that a scheme may increase certainty in the property market. She added that the level of rental prices did not determine the quality of tenants.

Attachments

- 1 A1537774 - Public Forum Tabled Document

Attendance: The meeting adjourned for lunch from 1.06pm to 1.26pm.

5. Public Forum: Voice Nelson - Proposal for Nelson City Council to adopt a Warrant of Fitness for Rental Housing

Document number R5760, agenda pages 37 - 39 refer.

Attendance: The Chair explained that the meeting would consider item 10, Public Forum: Voice Nelson – Proposal for Nelson City Council to adopt a Warrant of Fitness for Rental Housing prior to the rest of the agenda.

Manager Building, Martin Brown, presented the report. He said that a formatting issue had lead to a paragraph on page 38 of the agenda being obscured by a table, and tabled a replacement page 38 (A1537590).

In response to a question, Mr Brown explained that the potential for rent increases as a result of a warrant of fitness scheme was based on the likelihood that lower-level rental properties may require the greatest amount of work to achieve a warrant of fitness, thereby leading to higher rents for the sector of the market least able to afford rent increases.

In response to further questions, Mr Brown explained the current legislative framework in relation to minimum housing standards. He said it was unclear whether warrants of fitness for rental properties could be enforced by Council, and whether there was any mechanism for Council to recover associated costs from landlords.

There was a discussion regarding whether landlords could voluntarily undertake a warrant of fitness scheme, and Mr Brown confirmed that there was no impediment to landlords choosing to meet the standards on

the proposed warrant of fitness checklist. Group Manager Strategy and Environment, Clare Barton, added that, currently, there was insufficient staff resource available to confirm whether landlords had voluntarily met the proposed warrant of fitness standards.

Ms Barton noted further that the recommendation to wait 12 months before taking any further action would allow Council to understand how the pilot cities had dealt with the issues raised during discussion.

Councillor Barker, seconded by Ms Paine, moved the recommendation in the officer report.

Attendance: The meeting adjourned from 1.57pm to 2.03pm.

Councillor Fulton, seconded by Councillor Lawrey moved an amendment to the second clause:

AND THAT the Planning and Regulatory Committee consider a Warrant of Fitness for Rental Housing Scheme in May 2017.

The committee discussed the amendment. Committee members in favour of the amendment suggested that the benefits of a warrant of fitness scheme for rental properties were clear, and that there was no need to reassess the merits of a scheme in 2017. Committee members against the amendment suggested that the wording of the original clause was sufficient to allow the Committee to consider the experiences of the pilot cities in 2017.

There was further discussion regarding whether there were any other steps that Council could take prior to reconsidering the warrant of fitness scheme for rental properties in 2017.

Following discussion, and with the agreement of the meeting, the mover and seconder of the amendment added an additional clause:

AND THAT staff continue to use non-regulatory approaches to support the intentions of a Warrant of Fitness for rental housing scheme in the interim.

A variety of views for and against the inclusion of the additional clause in the amendment were expressed.

Committee members in support of the additional clause noted that there was a good chance that warrants of fitness for rental properties may be required in the future, and that there were benefits to any further action regarding minimum standards for rental housing that Council could take, for example through conversations with landlords. Committee members against the additional clause suggested that the clause was vague in its requirements of staff, and addressed matters on an operational, rather than governance, level.

Attendance: The meeting adjourned from 2.17pm to 2.21pm.

The amendment was passed and became the substantive motion.

Resolved PR/2016/015

THAT this report Public Forum: Voice Nelson - Proposal For Nelson City Council to adopt a Warrant of Fitness for Rental Housing (R5760) be received;

AND THAT the Planning and Regulatory Committee consider a Warrant of Fitness for Rental Housing Scheme in May 2017;

AND THAT staff continue to use non-regulatory approaches to support the intentions of a Warrant of Fitness for rental housing scheme in the interim.

Barker/Paine

Carried

Attachments

- 1 A1537590 - Tabled document - replacement page 38

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

6. Confirmation of Minutes

6.1 18 February 2016

Document number M1711, agenda pages 6 - 16 refer.

Councillor Matheson explained that he had left the previous meeting for item 12, and had not returned.

Resolved PR/2016/016

THAT the minutes of the meeting of the Planning and Regulatory Committee, held on 18 February 2016, be confirmed as a true and correct record.

Paine/Fulton

Carried

7. Status Report - Planning and Regulatory Committee - 21 April 2016

Document number R5773, agenda pages 17 - 18 refer.

Resolved PR/2016/017

THAT the Status Report Planning and Regulatory Committee 21 April 2016 (R5773) and its attachment (A1155974) be received.

McGurk/Ward

Carried

8. Chairperson's Report

Document number R5779, agenda pages 19 - 20 refer.

Resolved PR/2016/018

THAT the Chairperson's Report (R5779) be received and the contents noted.

McGurk/Paine

Carried

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

Document number R5605, agenda pages 27 - 36 refer.

Attendance: The Chair explained that item 9, Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules would be considered before item 8, Parking and Vehicle Control Bylaw (2011), No 207 Amendment to Bylaw.

Team Leader Roading and Solid Waste, Marg Parfitt, presented the report.

In response to a question, Ms Parfitt explained that Alton Street had requested an additional two P15 parks, as the two existing P15 parks had been removed to create the linger node.

Resolved PR/2016/019

THAT the report Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules (R5605) and its attachments (A1515405, A1515274, A1515439, A1515461, and A1515457) be received;

AND THAT the amendments detailed in report R5605 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/Fulton

Carried

10. **Parking and Vehicle Control Bylaw (2011), No 207 Amendment to Bylaw**

Document number R5493, agenda pages 21 - 26 refer.

Group Manager Strategy and Environment, Clare Barton, presented the report.

In response to questions, Ms Barton advised that vehicle removal would take place prior to the market set-up, and would exclude stall holder vehicles displaying the appropriate permits.

Resolved PR/2016/020

THAT the report Parking and Vehicle Control Bylaw (2011), No 207 Amendment to Bylaw (R5493) and its attachment (A1511934) be received.

Ward/Barker

Carried

Recommendation to Council PR/2016/021

THAT the addition of Clause 22.2 of Bylaw 207 Parking and Vehicle Control to enable the recovery of costs for moving or removing an unauthorised vehicle parked in the licensed area for the operation of the Market between 3.00am and 2.30pm on Saturdays and Sundays be approved;

AND THAT the alteration to Schedules 5 and 9 of Bylaw 207 Parking and Vehicle Control to prohibit public parking in Montgomery Square for the operation of the Market be approved.

Ward/Barker

Carried

11. **Submission on Progressive Enterprises Ltd Private Plan Change Application**

Document number R5658, agenda pages 40 - 44 refer.

Group Manager Strategy and Environment, Clare Barton, presented the report.

In response to a question, Ms Barton explained that the written submission addressed issues on a broad level, and that, detailed evidence regarding the issues noted in the submission could be provided during the resource consent hearing.

The committee discussed the proposed submission and agreed that there were clear issues with the proposed development regarding the potential effects for the Stoke commercial centre, and the ability of the roading network to support a greater volume of traffic in this area.

Resolved PR/2016/022

THAT the report Submission on Progressive Enterprises Ltd Private Plan Change Application (R5658) and its attachment (A1518105) be received;

AND THAT the submission (A1518105) on the Private Plan Change application to the Tasman Resource Management Plan by Progressive Enterprises Ltd is confirmed.

Ward/Lawrey

Carried

There being no further business the meeting ended at 2.40pm.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date



Status Report - Planning and Regulatory Committee - 19 May 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 19 May 2016 (R5899) and its attachment (A1155974) be received.

Julie McDougall

Administration Advisers

Attachments

Attachment 1: A1155974 - Planning and Regulatory Committee - 19 May 2016

Status Report - Planning and Regulatory Committee - 19 May 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
25 June 2015	Land Development Manual Review	<p>Resolved PR/2015/015</p> <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 next meeting of the LDM Steering Group is 16 May 2016. Stakeholder workshops on the draft are scheduled for May/June 2016.</p> <p>Ongoing</p>
06 August 2015	Nelson Plan Update August 2015	<p>Resolved PR/2015/034</p> <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 to be provided at the 19 May Committee meeting.</p> <p>Complete</p>

Outstanding Actions

Status Report - Planning and Regulatory Committee - 19 May 2016

MEETING DATE	SUBJECT	MOTION	RESPONSIBLE OFFICER	COMMENTS
21 April 2016	Public Forum: Voice Nelson - Proposal For Nelson City Council to adopt a Warrant of Fitness for Rental Housing	Resolved PR/2016/015 THAT this report Public Forum: Voice Nelson - Proposal For Nelson City Council to adopt a Warrant of Fitness for Rental Housing (R5760) be received; AND THAT the Planning and Regulatory Committee consider a Warrant of Fitness for Rental Housing Scheme in May 2017; AND THAT staff continue to use non-regulatory approaches to support the intentions of a Warrant of Fitness for rental housing scheme in the interim.	Martin Brown	Officers have started to make contact with the two councils who have commenced the Rental Property Warrant of Fitness programme. Officers will prepare a report for the Committee to consider in May 2017. Ongoing



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 (R5916) be received, and the contents noted.

3. Nelson Tasman Land Development Manual

- 3.1 The Joint Land Development Manual Steering Group met on 16 May 2016.
- 3.2 The full draft Land Development Manual is due for completion by 31 May 2016. Overall editing of the draft began on 16 May 2016 and will be completed by 8 June 2016, prior to being sent to stakeholders.
- 3.3 A workshop with stakeholders is scheduled for 6 July 2016.

4. Conclusion

- 4.1 That the update provided in this report is noted.

Brian McGurk
Chairperson

Attachments

Nil



Building Unit Fees and Charges from 1 July 2016

1. Purpose of Report

- 1.1 To receive the proposed changes to the Building Unit fees and charges. These changes will come into force on 1 July 2016.

2. Delegations

- 2.1 The Planning and Regulatory Committee has delegations for building matters. As the Building Act 2004 allows a Building Consent Authority (BCA) to change fees there is no legislative requirement for the Committee to adopt any changes. The report however, has been provided for information.

3. Recommendation

THAT the report Building Unit Fees and Charges from 1 July 2016 and its attachment (A1535679) be received and noted.

4. Background

- 4.1 The Building Unit is responsible under the Building Act 2004 for a range of functions as a Building Consent Authority (BCA) and also as a Territorial Authority (TA).
- 4.2 A BCA may charge fees and levies as described by the Building Act 2004 (s219).
- 4.3 The Building Act 2004 allows Building Consent Authorities to set their reasonable fees and charges for building control functions and other services provided under the legislation without public consultation.
- 4.4 The current fees and charges were received by Council in October 2015. Noting this was later than the usual July date as a new fees and charges model had been implemented from July 2014 and required a full year to be able to review the success of this model.

5. Discussion

Proposed Changes to current Fees and Charges

- 5.1 In future the fees and charges will be reviewed periodically but will not be re-confirmed every July as has been the practice historically. The fees and charges outlined in this report will be applied and remain in place until further notice.
- 5.2 A review of a sample of all consents processed over the last 12 months for all levels of work, residential new build, alteration and commercial has been completed.
- 5.3 The key finding has indicated the residential fixed fee model is working. In relation to commercial consents however, it would be fairer with a deposit and a time charge on all values of work over \$20,000 given the variety of type and complexity of work applied for.
- 5.4 The table below summarises the proposed changes with reasons.

Building Control Service or Function	Current Fee	Change with Reason
Commercial: All works		Reason for change: from the review the majority of these costs were consistently either over the fixed fee or in some cases quite significantly under cost – So needs to be applied more in relation to work complexity. The lower value will still be a fixed fee but will be brought in line with the residential value bracket for consistency.
Value - \$10,001 to \$20,000	\$1,500	\$1,650 Fixed fee
Value - \$20,001 to \$100,000	\$2,300	Deposit with time charge
Value - \$100,001 to \$200,000	\$3,600	Deposit with time charge
Value - \$200,001 to \$450,000	\$4,500	Deposit with time charge
Value - \$450,001 to \$800,000	\$5,250	Deposit with time charge
Value - \$800,001 to \$1,200,000	\$5,500	Deposit with time charge
Space heaters – all fuel types		Reason for change: the work involved in this totals one hour to process and one inspection for the freestanding fire. Then the same plus an additional

Building Control Service or Function	Current Fee	Change with Reason
Free standing Inbuilt	\$200 \$250	inspection is required for the inbuilt fire. \$250 \$350
Wood Pellet Fires	\$200	Reason for change: the work involved in this is around one hour to process and one inspection for the freestanding fire. \$250
STANDARD SERVICE FOR COMMERCIAL MARQUEES. > 100m² (Building consents applications received on more than 20 working days from proposed construction date).	\$300	Reason for change: It is commonly found that last minute consent applications are submitted for events using Marquees. Any timeframe of 5 working days or less exposes the Council to unnecessary risk as a result of poor planning on the organiser's part. It costs significantly more to push these consents through in such a short time frame.
QUICK SERVICE FOR MARQUEES: (Building consents received between 18 and 6 working days before planned construction date) (excludes CPU cost)	New Fee	\$450
PREMIUM SERVICE: If submitted 5 working days or less Nelson City Council cannot guarantee consent will be issued and inspections signed off prior to use. (Excludes CPU cost)	New Fee	\$900
Solar Hot Water Heaters (stand alone)		Reason for Change: This has been free of charge since 2007/8, (noting they cost \$100 in 2006/7). This was as a result of the Solar Saver Scheme at the time. These cost a minimum of \$200 in

Building Control Service or Function	Current Fee	Change with Reason
	No charge	admin and processing time and inspection so it is reasonable to apply a reasonable fee charge for this work. \$200
Project Information Memorandum (PIM) Review of information and Certificate administration (fixed fee)	Fixed fee \$75 for certificate \$95/hr fee for review of information. New Fixed fee	Reasons for Change: This was part fixed fee and part hourly charge but was difficult to discern time for a PIM applied for with Building Consents so have simplified. \$285
Registration of Documents with Land Information New Zealand.		Reasons for Change: The cost charged by Land Information New Zealand to undertake this work is \$176.00 then about 45 minutes of staff time to organise s75 and about 30 minutes for adding and removing s73 these.
Section 73 Building Act 2004	\$200	\$225
Section 75 Building Act 2004	\$200	\$250
Removal of either Section 73 or 75 BA2004 (or equivalent under the BA1991)	\$200	\$225

6. Options

- 6.1 Under the Building Act 2004 the Building Consent Authority (BCA) sets the fees, however, the Committee can advise of any major concerns which the BCA can then consider.
- 6.2 Receive the proposed fees to apply from 1 July 2016 until further notice.

7. Alignment with relevant Council policy

- 7.1 The Long Term Plan funding policy requires that the Building Unit is 60% to 80% self funded and 20% to 40% funded by rate payers, noting some

services are for the benefit of the Nelson rates payer. These changes will continue to ensure the Building Unit recovers reasonable fees to meet the funding policy.

- 7.2 Fees and charges should be set to ensure they are not a barrier to growth and development while recognising the applicant will receive the majority of the benefit in holding the approval.

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 As consent services fees and charges are covered under the Building Act 2004 there is no requirement for consultation.

10. Inclusion of Māori in the decision making process

- 10.1 As consent services fees and charges are covered under the Building Act 2004 there is no requirement for consultation.

11. Conclusion

- 11.1 This year's proposed changes relating to Commercial consents are to ensure the charge reflects the complexity of some of the matters involved. This round of fee changes also reflects the actual costs incurred for some services which have not been increased in at least three years.

Martin Brown
Manager Building

Attachments

Attachment 1: A1545516 Final Fees and Charges for Building Unit 01 July 2016 Onwards 05May2015

BUILDING UNIT FEES AND CHARGES
01 JULY 2016 ONWARDS

All fees apply from 01 July 2016 until further notice

Prepared by Manager Building - Martin Brown

General Information Regarding Building Control Authority Fees and Charges
<p>Other Fees and Levies may apply to any Building Consent or Certificate of Acceptance Charges for 'Fixed Fee Building Consents' do not include 'Fixed Levies' (see section 1) or Compliance Schedules charges (see section 7) where applicable.</p>
<p>Development and Financial Contributions Building Consents may also incur Development and/or Financial Contributions (see Website information - http://nelson.govt.nz/building-and-property/property-land-use/financial-contributions/ - http://nelson.govt.nz/building-and-property/property-land-use/development-contributions/)</p>
<p>Deposit or Full Fee payable at lodgement (based on value of work) The full fee is required at time of lodgement on work valued up to \$50,000 for residential and up to \$20,000 for commercial. A deposit is required on application lodgement for work valued \$50,001+ for residential and \$20,001+ for commercial. Where residential application deposit is paid, the remainder of the fixed fee must be paid prior to collection of 'Issued Building Consent'. Due the varied nature of commercial work, these consents will now be a time charged fee and require a deposit at time of lodgement. Payment for time incurred to date plus the estimated inspections cost will be invoiced when the consent is issued. Any additional inspections costs will charged prior to issue of a Code Compliance Certificate.</p>
<p>**Limitations of 'Fixed Fee' and 'fair and reasonable time use' (Section 219(2) of the Building Act 2004) The 'Fixed Fee' system is based on reasonable time to complete processing and inspections. Poor quality and/or insufficient information requiring additional processing time and/or failed, missed, or additional inspections will likely incur additional costs. These additional charges will be notified to the agent and owner and must be paid prior to the issue of Building Consent or Code Compliance Certificate (as applicable). Additional charges: will be invoiced and must be paid within one month of the invoice date. All outstanding debts must be paid prior to the issue of a Code Compliance Certificate. Amendments: All amendments to building consents incur the hourly rate for Building officer and Administration.</p>
<p>Determinations, Lapsed Consents and Consents without Code Compliance Certificates (CCC) will all be charged at hourly rate <u>Determinations:</u> Preparation of submission(s) for determination prior to signing Form D2 for the Ministry of Building Innovation and Employment. <u>Lapsed Consents:</u> 12 months from the date of issue, the building consents will lapse under section 52 of the Building Act 2004, if work has not commenced. Consents can be extended, prior to lapsing date, for a further period as approved by the Building Consent Authority. <u>Code Compliance Certificates (CCC) that have not been issued within two years:</u> Under section 93 of the Building Act, the Building Consent Authority must decide whether it can issue a code compliance certificate at 24 months from granting date. <u>Code compliance certificates (CCC) applications on older properties:</u> Where a consent is over four years old additional work is required to decide if a Code Compliance Certificate can be issued. This includes meeting with the customer, desk top review of the file, any letters, final inspection, administration time and any other works. Additional costs will be levied (charged per hour) to cover this work.</p>

**BUILDING UNIT FEES AND CHARGES
01 JULY 2016 ONWARDS**
1.0 Building Consent Fee Quick Reference Sheet –

 Please refer to ****Limitations** (on previous page)

Fixed Fee** Building Consents Includes reasonable processing, inspection and administration time, planning check and CCC	Fixed Fee (inc GST)	Deposit (inc GST)
New Residential (new complete buildings/ workshops/ houses)		
Value – up to and including \$50,000	\$2,000	\$2,000
Value - \$50,001 to \$100,000	\$2,900	\$1,450
Value - \$100,001 to \$200,000	\$3,250*	\$1,625
Value - \$200,001 to \$450,000	\$3,900*	\$1,950
Value - \$450,001 to \$800,000	\$4,500*	\$2,250
Value - \$800,001 to \$1,100,000	\$5,250*	\$2,625
Value - \$1,100,001 to 1,600,000	\$5,600*	\$2,800
Value - \$1,600,001 upwards	Time Charge	\$3,000
Adaptation and alteration (includes other ancillary buildings i.e. new sleep outs, Sheds and all retaining walls) to any existing property.		
Value - Up to and including \$5000	\$500	\$500
Value - \$5001 to \$10,000	\$850	\$850
Value - \$10,001 to \$20,000	\$1,650	\$1,650
Value - \$20,001 to \$50,000	\$1,950	\$1,950
Value - \$50,001 to \$100,000	\$2,400	\$1,200
Value - \$100,001 to \$200,000	\$3,250	\$1,625
Value - \$200,001 to \$450,000	\$3,900	\$1,950
Value - \$450,001 to \$800,000	\$4,500	\$2,250
Value - \$800,001 to \$1,100,000 Refer to New residential fee scale for works valued above \$1,100,000	\$5,250	\$2,625
Commercial: All works		
Value - Up to \$10,000	\$1,300	\$1,300
Value - \$10,001 to \$20,000	\$1,650	\$1,650
Value - \$20,001 to \$100,000	Time Charge	\$1,150
Value - \$100,001 to \$200,000	Time Charge	\$1,800
Value - \$200,001 to \$450,000	Time Charge	\$2,250
Value - \$450,001 to \$800,000	Time Charge	\$2,625
Value - \$800,001 to \$1,200,000	Time Charge	\$2,750
Value - \$1,200,001 to \$4,000,000	Time Charge	\$4,250
Value - \$4,000,001 upwards	Time Charge	\$5,000

*Excludes multiple unit projects and 'Multi-proof' consents, estimated costs will be advised before consent is issued.

**BUILDING UNIT FEES AND CHARGES
01 JULY 2016 ONWARDS**

Other Simple Residential and All Tents and Marquee Building Consents Includes reasonable processing, inspection and administration time, planning check and Code Compliance Certificate. Levies and/or Contribution may also be chargeable. Full fee is payable at lodgement of building consent and is non refundable.		Fixed Fee (inc GST)
Space heaters – all fuel types	Free standing (was \$200) Inbuilt (was \$250)	\$250 \$350
Wood Pellet Fires	(was \$200)	\$250
Tents or Marquees > 100m ² Tents or Marquee (any size in place for more than 1 month) *	Commercial Residential	\$300 \$200
* This covers Marquees/large tents for private (residential) or commercial functions that are not ordinarily classed as 'camping tents'.		
Quick Service for Commercial Marquees: Consents received between 18 and 6 working days before planned construction date. This excludes CPU cost		\$450
Premium Service for Commercial Marquees - If submitted 5 working days or less from planned construction date Nelson City Council will endeavour to complete but cannot guarantee the issue of the consent before construction starts also the sign off of inspections before use. This also excludes CPU cost.		\$900
Commencing construction before consent is issued and uplifted is in breach of the Building Act 2004 and can result in an infringement fine.		
All Demolition (full or part building)		\$450
Solar Hot Water Heaters (stand-alone) (was no charge)		\$200
Swimming Pool fencing application - allows for 1 hour processing/administration and 1 inspection		\$200
Swimming Pool (stand-alone) allows for 1 hour processing/administration and 2 inspections. Engineer monitoring and inspections are charged separately by consulting engineer.		\$400
Proprietary kitset garages and carports up to 50m ² (includes 3 inspections). Firewall inspection are charged separately at \$125/hr		\$900
Bathroom alterations only (allows for 2 inspections). Wet-floor/wall system inspection are charged separately at \$125/hr		\$450

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

**BUILDING UNIT FEES AND CHARGES
01 JULY 2016 ONWARDS**
2.0 Schedule 1: Works for which a Building Consent is not required

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

3.0 Notice to Fix and other enforcement

Enforcement	Fixed Fee (inc GST)
Notice to Fix (each) issue and administration	\$150
Other Notices (each) issued under Building Act 2004. For example: Section 124 Notices (except Earthquake prone building notices)	\$150
Building Consent Officer time and monitoring of Notices issued - charged at hourly rate	
Infringement Offences and fixed fines as per Building (Infringement Offences, Fees and Forms) Regulations 2007, adopted by Council 19 Sept 2009	

4.0 Charge for Hourly Rates of BCA staff, External Contractors and Meetings

Staff, External Contractors and Meetings	Fee (inc GST)
All Building Unit technical/management staff (hourly rate)	\$125/hr
Building Control Administrators (hourly rate)	\$95/hr
Technical advice or duty meetings and other meetings with Building Unit staff	No fee up to 30 minutes 30 minutes to one hour- \$50.00 Additional hours at hourly rate of \$125/hr
Schedule 1 Building Act 2004 exemptions meeting	\$50.00 per each 30 minutes block or part of
Pre lodgement meetings (Commercial Only over \$50,000 estimated value)	\$50.00 per each 30 minutes block or part of
Lodgement meetings (mandatory for Commercial, optional for Residential)	One included per consent, subsequent meetings at hourly rate of \$125/hr
External Consultants engaged by Council to provide expertise not available in house for building consent related peer reviews.	At cost notified by external contractor/peer reviewer

**BUILDING UNIT FEES AND CHARGES
01 JULY 2016 ONWARDS**
5.0 Certificates of Acceptance and Unauthorised Building Works

Certificate of Acceptance	Fixed Fee (inc GST)
Certificate of Acceptance (COA) Section 96 Building Act 2004	\$750 lodgement fee
	\$200 Certificate issue
Building Officer time at hourly rate. The following will be charged as applicable: Insurance, DBH, BRANZ & QA levies Nelson City Council Development or Financial Contributions Compliance Schedule fee	
Un-authorised building works report	\$100 lodgement fee

6.0 Registration of Documents with Land Information New Zealand

LINZ	Fixed Fee (inc GST)
Section 73 Building Act 2004 (was \$200)	\$250
Section 75 Building Act 2004 (was \$200)	\$250
Removal of either Section 73 or 75 BA2004 (or equivalent under the BA1991) (was \$200)	\$250

7.0 Other services provided by the Building Unit

Other services	Fee (inc GST)
Section 37 Certificate (fixed fee)	\$75
Section 37 Administration	\$95/hr
Project Information Memorandum (PIM) Review of information and Certificate administration (fixed fee) was part fixed fee (\$75) and part hour charge (\$95/hr) but was not working so have simplified.	\$285
Compliance Schedule plus any additional staff time at hourly rate.	\$150 each
Compliance Schedule amendment plus any additional staff time at hourly rate.	\$50 per specified system
Building Warrant Of Fitness renewal plus any additional time to review 12A forms at hourly rate.	\$150 each renewal
Application for addition to register of: Independent Qualified Persons (IQP's)	\$150 each
Determinations, Lapsed consents, Section 93 and old Code Compliance Certificate (CCC) at hourly rate.	\$125/hr
Certificate for Public Use fee (public buildings) plus staff time at hourly rate.	\$200
Swimming Pool and Fence Monitoring under the Fencing of Swimming Pools Act 1987 (FOSPA) (every 3 years). plus any additional staff time where non compliance noted at hourly rate. (was \$210)	\$100

**BUILDING UNIT FEES AND CHARGES
01 JULY 2016 ONWARDS**

Other services	Fee (inc GST)
Application for exemption under the Fencing of Swimming Pools Act 1987 (Hearing Panel) e.g. for existing doors without automatic closers.	\$75 + Time costs incurred by Council reporting officer during hearing.
Application for exemption under the Fencing of Swimming Pools Act 1987 (Hearing Panel)	\$250

8.0 Other miscellany

Miscellaneous	Fixed Fee (inc GST)
Certificate of Compliance (District Licensing Agency) Building Code compliance assessment for fire safety and sanitary facilities in a building, prior to an application for Liquor Licence.	\$150 each
Application for addition to Register of Suppliers of Producer Statements Chartered Professional Engineers (CPENG) Others	\$50 \$150
Photocopied Reports of Building Consents Processed	\$125 (per annum)
ALL Photocopying Charges Actual cost from copy service plus Administration staff time (at hourly rate section 4)	
Debt Recovery Applicant shall be liable for all costs incurred by Council as a result of debt recovery.	



Strategy and Environment Report for 1 January to 31 March 2016

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 January to 31 March 2016 (R5424) and its attachment (A1514360) be received.

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 The Ministry of Business Innovation and Employment (MBIE) are undertaking a review of the current accreditation scheme for Building Consent Authorities. Feedback will be provided. The changes are largely mechanical and are supported.

Challenges

- 5.2 Building consent and amendment applications received in the third quarter of the year 2015/2016 have totalled 157 compared with 191 in the third quarter last year. Whilst it is a reduction of 17% in numbers received the estimated value of work being applied for has only reduced by 6.5%, so less consents but generally a similar value of work being undertaken.

Successes

- 5.3 The third quarter has continued to see no breaches of the statutory time limit for Building Consents and Code Compliance Certificates. A Certificate of Acceptance, which was already on 25 day was reactivated by the customer three years on, resulting in a timeframe breach.
- 5.4 The 'Go live' for electronic lodgement of residential building consent applications occurred in January 2016. Initial feedback from group home builders is they support the initiative.
- 5.5 A further two 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 successfully undertook its first building consent on behalf of Tasman District Council. A contract is now in place with Tasman District Council for NCC to process building consents and undertake inspections where required.

6. Discussion – Consents and Compliance

Summary of Issues

- 6.1 The swing mooring locations identified in the Navigation Safety Bylaw are nearing full capacity. Some concern has been raised with the location of the moorings conflicting with the rowing activity. It is intended to address these matters in a review of the Bylaw commencing later this year.

Challenges

- 6.2 There has been a 26% increase in the number of resource consent applications received for this quarter compared with last year.

Successes

- 6.3 The approval for the marquee associated with last week's squadron parade was issued in one day – a timeframe appreciated by those not realising this consent was required.

7. Discussion – Environmental Programmes

Challenges

- 7.1 Air Quality is the latest programme of work that is to be added to the Land Air Water Aotearoa (LAWA) national reporting structure and work is currently underway to provide the required information by the 8 April deadline and the deadline was met.

Freshwater and Monitoring

- 7.2 Monthly water quality and flow monitoring across Nelson's State of Environment sites has continued, with the addition of chlorophyll a sampling. Recent Ministry for Environment guidance for national freshwater monitoring has required regional councils to monitor benthic algae (also known as periphyton) by chlorophyll a at selected sites. Periphyton includes long filamentous algae; chlorophyll a is used as an indicator for high 'nuisance' algae concentrations, typically proliferating as a result of high nutrient loads.
- 7.3 Additional flow gaugings in Poorman Valley, Brook, Maitai and Wakapuaka catchments are being undertaken to estimate gains and losses across geological features. This information will help to inform water allocation rules in the regional plan.
- 7.4 The Recreation Bathing Water Monitoring programme commenced in December and was completed in March. Weekly monitoring results are now reported directly to the LAWA web portal.
- 7.5 Weekly monitoring of toxic blue green algae (also known as cyanobacteria) was undertaken at Maitai recreation bathing sites from October to March. Moderate levels of cyanobacteria have been present in the Maitai and other Nelson waterways over the summer. NCC are working in collaboration with Cawthron, Nelson Veterinary Services and the Nelson Health Protection team to increase public awareness about cyanobacteria and reporting of potential anatoxin poisoning incidents (for dogs, livestock and public).

Air Quality

- 7.6 On 25 February there was a breach of the National Environmental Standards for air quality limit of $50\mu\text{g}/\text{m}^3$ for PM_{10} at the Blackwood Street monitoring site in Tahunanui (Airshed B1). A level of $61\mu\text{g}/\text{m}^3$ was recorded at the site. Given the very hot, dry and windy conditions at the time, high levels of dust from the extensive industrial area to the southwest of the monitoring site is the likely cause of this breach.
- 7.7 Installation of the new meteorological station at The Broads playing field will occur in April.

Nelson Nature

7.8 A range of work has been undertaken:

- Wilding conifer control in the Dun Mountain Mineral Belt.
- Weed control and planting along the Dun Mountain trail and Tantragee Reserve to establish bird corridors.
- Additional weed control around Poormans Valley Stream.
- Control of environmental weeds around significant trees in Upper Orphanage Stream in the Marsden Reserve.

7.9 The Urban Streams project deals with fish habitat and work is underway including:

- Planting for riparian habitat this winter along Orchard Steam and Poormans Valley.
- Instalment of bales to assist inanga spawning.
- Guardianship/Kaitiakitanga groups being initiated for urban streams.

7.10 In the Rural Streams project area a Family Fun Day was held together with Hira School and the Wakapuaka River Monitoring Group to connect the community to their local river and raise awareness of the issues.

7.11 A survey to ascertain whether the rare back beach beetle (found nowhere else in the world) is still in existence and to gather information about its abundance and dispersal.

7.12 Contact with land owners to establish individual pest control and planting programmes for the coming winter.

Project Maitai/Mahitahi

7.13 Project Maitai/Mahitahi activities for the quarter include:

- Development of a Maitai River board game in collaboration with the Friends of the Maitai. A large size version (7m x 5m) was used at two events in March, and tabletop versions will be gifted to Nelson schools to support freshwater education.
- Installation of fish ladders on York Stream stormwater culverts and the large dam on the Brook. Monitoring in February indicated that elvers (juvenile eels) were using the fish ladder installed at the Maitai Dam spillway, although it takes the elvers about 5 days to make it to the top.
- Requests for proposals for the design of the proposed wetland at Groom Creek, and letting of contracts for three riparian plantings in

the Maitai Valley. Planning is underway for a large public planting in the Brook Valley.

- Use of an Envirolink small advice grant to bring a scientist to Nelson who specialises in sediment source tracking, in collaboration with TDC. The purpose was to present a new technique to staff and the public which allows identification of the source of fine sediment in rivers and estuaries.
- Changes to improve the look and feel of the York Stream at Victory Primary School, including the removal of barbed wire from the stream fence, more frequent cleaning of the trash rack, and plans for safe access to the stream so that students can do stream monitoring, riparian planting and litter clean ups.

Environmental Education

- 7.14 On 16 March 2016 primary and intermediate school students from Nelson and Tasman Enviroschools participated in the third Moturoa Mission Sustainability Challenge at Rabbit Island. Based on an "Amazing Race" concept, 40 teams of students had to locate stations to complete sustainability activities designed by local environmental education agencies and Enviroschool College students.
- 7.15 Those involved included Cawthron Institute, Nelson Environment Centre, Brook Waimarama Sanctuary, Natureland Wildlife Trust, Nelson Provincial Museum, Animal Farm, Ornithological Society, Forest & Bird, Friends of the Maitai, Waimaori, Riverside Community, Rabbit Island Trappers, Nelson Marlborough District Health Board, Garin College, Motueka High School, Mother Earth, Toimata Foundation – and Nelson City Council and Tasman District Council.

Calwell Slipway

- 7.16 The project partners have agreed that this project will now proceed through to phase 4 (implementation) and the application to the Ministry for the Environment's (MFE) Contaminated Sites Remediation Fund to undertake this work has been submitted.

Regional Pest Management Plan (RPMP)

- 7.17 A paper is going to the 5 May Council meeting to outline the proposed Regional Pest Management Plan process.

Marine Biosecurity (ref Top of the South Marine Partnership for Biosecurity Newsletter March 2016)

- 7.18 The spread of the clubbed tunicate *Styela clava* has meant vessel hygiene across the Top of the South has become even more important.
- NIWA modelling suggests production losses of 30% in mussel farms are quite possible and increased processing costs are inevitable.

- Styela is now well established at Tarakohe, Nelson, Duncan Bay, Picton and Waikawa.
- Keeping vessels clean of marine pests, including Styela is important for vessels visiting marine farms or locations that are free of Styela (which is most of the Top of the South outside port areas).
- Under the Biosecurity Act it is an offence to knowingly transport marine pests such as Styela anywhere.

Actions being taken

- 7.19 Top of the South Marine Biosecurity Partnership through the coordination team, is working with boat owners/operators to keep vessels clean of hull fouling, providing education about marine pests and their associated risks, annual monitoring of the Nelson marina area in partnership with the Ministry of Primary Industries (MPI) and targeted training to improve industry and community surveillance of marine pests e.g. Nelmac marina staff.

Heritage Project Fund 2016

- 7.20 Applications for the 2016/17 round of the Heritage Project Fund close on 15 April. Site visits are planned for 20 May to shortlisted properties.

8. Discussion – Planning

Challenges

- 8.1 The Planning team currently has a vacancy that is currently being recruited. Additional consultant assistance has been engaged to fill the gap in the short term.

Successes

- 8.2 Draft RPS Nelson Plan provisions have been developed in preparation for stakeholder and community engagement in May/June 2016
- 8.3 Nine Special Housing Areas have been gazetted by Cabinet and Council is now able to receive applications for consent under HASHA for qualifying developments.

9. Discussion – Draft Whakamahere Whakatu Nelson Plan

- 9.1 There have been a range of discussions with iwi partners and key stakeholders including the Biodiversity Forum, the Airport, Nelson Hospital, Heritage Nelson, the Developers Advisory Group, Tasman District Council and Marlborough District Council.
- 9.2 Draft Regional Policy Statement provisions for the Nelson Plan have and will be discussed at Council workshops in April ahead of community and stakeholder engagement in May/June 2016.

Development and Infrastructure

- 9.3 The joint TDC/NCC review of the Land Development Manual has progressed under the guidance of an inter-Council steering group. 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 Council's flood risk response approaches and National Policy Statement for Freshwater Management (NPSFW) work, 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 May with a stakeholder workshop in early June. 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.
- 9.4 The Developers Advisory Group has had its third 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.
- 9.5 An expressions of interest process has been run for the purchase and development of Bett Carpark for a special housing development. A public feedback process has been run on whether or not Council should sell Bett carpark. The results of both the public feedback and the RFP process will be reported to Council on 2 June.

Freshwater

- 9.6 Freshwater advisory group meetings have been held for the Freshwater Management Units (FMU) in the North Nelson, Stoke, and Maitai catchments. The groups are now at the point of identifying specific aspects which need to be managed in order to provide the freshwater values which the groups identified last year. To inform those discussions, all the groups have been on field trips in their respective catchments to discuss examples of water quality, flow, fish passage, riparian planting, and estuarine values and issues. The Stoke Streams FMU group visited several points along Poorman Valley Stream, from the Barnicoat at the top of the catchment, down to outfall into the Waimea Estuary. The North Nelson group visited the Teal, Lud, and Wakapuaka Rivers, including Paremata Flats. The Maitai group visited the South branch of the Maitai River, Groom Creek, and the Brook and Saltwater confluences.

Biodiversity

- 9.7 Council officers have been planning engagement with landowners who have significant biodiversity values on their properties.
- 9.8 Officers are keen to find out the type of support people would like to receive to care for these areas, whether they're open to their natural areas being confirmed and identified in the Nelson Plan, and what level of protection they think is required.

- 9.9 Landowner engagement is planned to commence at the end of April ahead of wider public engagement on the RPS provisions of the Nelson Plan.

Landscape

- 9.10 A number of properties with significant biodiversity values also potentially have outstanding natural landscape values. Council officers will seek feedback on landscape values from landowners when they are engaging with those same owners about biodiversity values.
- 9.11 Council officers have had initial discussions with iwi about iwi landscape values.

Air

- 9.12 The Woodburner Plan Change was notified on 16 January 2016. Council received 108 submissions and 15 further submissions from a range of stakeholders and the wider community. The hearing is planned to commence on 3 May 2016.

Hazards

- 9.13 Draft flood models have been prepared for the Brook, York, Stoke and Nelson North catchments. These models were presented at the 16 February Council workshop. This modelling work will be used to inform the risk based approach to hazards to be incorporated into the Nelson Plan. The results of the flood modelling will be discussed with the community as part of the wider engagement on the Nelson Plan scheduled for early 2017.

Designations

- 9.14 Work on designations continues and most will be rolled over, many without modification. Officers are involved in ongoing discussions with several requiring authorities.

Research

- 9.15 Nelson City Council has joined with Tasman District Council and the Nelson Regional Economic Development Agency to commission Property Economics to provide an economic growth model. The model will forecast demand for productive land (retail, commercial, industrial) over the next 30 years, as well as future labour demand requirements. The model will incorporate macro-economic, demographic and employment trends and will be ground-truthed to reflect market reality.
- 9.16 Work has also started on compiling a database of bores and wells throughout the Nelson region. The initial work has been to confirm their locations and current use status, and included a survey of property owners. Further research and process improvement is needed to maintain the database but the aim is that a sample of these locations can be used for monitoring Nelson's groundwater resources.

- 9.17 A short Resident Survey will take place in May and officers have been working with a market research company to finalise the questions. Due to the limited survey length, priority has been given to measuring Long Term Plan levels of service targets. A longer Resident Survey with a wider range of questions will be held in 2017, to provide information for the 2018 Long Term Plan.

10. Earthquake Prone Building Policy

- 10.1 The Building (Earthquake-Prone Buildings) Amendment Bill is expected to be enacted during 2016.
- 10.2 Two section 124 Notices in respect of the Earthquake Prone Buildings Policy have been issued over the third quarter:
- C3 Ltd Office and C3 Ltd Workshop, 64 Graham Street, Port Nelson; and
 - Toll Warehouse, 58 Wildman Ave, Port Nelson.
- 10.3 Two notices have been lifted during the third quarter:
- a) Rattrays/TNL buildings at 3 Low Street, Port Nelson (demolished);
 - b) St Francis of Assisi Church, 204 Songer Street (strengthened).

11. Discussion –Development

District

- 11.1 Port Nelson Ltd are steadily replacing buildings that are earthquake prone or are no longer sufficient to meet their needs.
- 11.2 The Greenmeadows Community and Sports Centre application was granted and no appeals were received.
- 11.3 The Relay for Life event gained resource consent for the amplified noise associated with the event for the next 10 years.

Regional

- 11.4 Coastal View Lifestyle Village Ltd obtained consents for subdivision and earthworks for a retirement village in Tasman Heights. The earthworks component includes cuts up to 16 metres, fill up to 24 metres and half a million cubic metres of earthworks in total.
- 11.5 The hearing for the application to drop bait over the Brook Waimarama Sanctuary occurred on 6 April.
- 11.6 Consent has been granted for a methodology to treat fouled vessels at various Port and harbour locations.
- 11.7 Talley's gained consent to extend an existing fuel facility at the Port.

- 11.8 Council gained consent to upgrade stormwater infrastructure in Todd Valley Stream.

Development Trends

- 11.9 Comparisons for building consent applications received 'year to date' with the last three years are provided in Attachment 1. Overall numbers of consents are slightly under 'year to date' numbers for the same time last year being 558 compared to 577. However the estimated value of work is \$84.5 million so is above the \$84.1 million for the same time last year, indicating less but higher value consents being applied for.
- 11.10 The 'new development' element of building consent applications received for the third quarter totalled 36 applications for new dwellings, 5 other new commercial buildings which was down from the second quarters 14 applications (i.e. not office or accommodation) and 2 new industrial. All other consents were for building alterations.

12. Discussion – Legal Update

Proceedings

- 12.1 The proceeding regarding non action on a 'Notice to Fix' for a residential retaining wall is adjourned until 21 April 2016 to allow the works approved under building consent to be substantively completed.

Legislation Changes

- 12.2 The Food Act 2014 came into effect on 1 March. There is a three year transition period but the bulk of the enquiries and major change will occur in the first two years.

13. Options

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

14. Alignment with relevant Council policy

- 14.1 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.

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

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

16. Consultation

- 16.1 No consultation has been undertaken.

17. Inclusion of Māori in the decision making process

17.1 No consultation with Māori has been undertaken.

Mandy Bishop

Manager Consents and Compliance

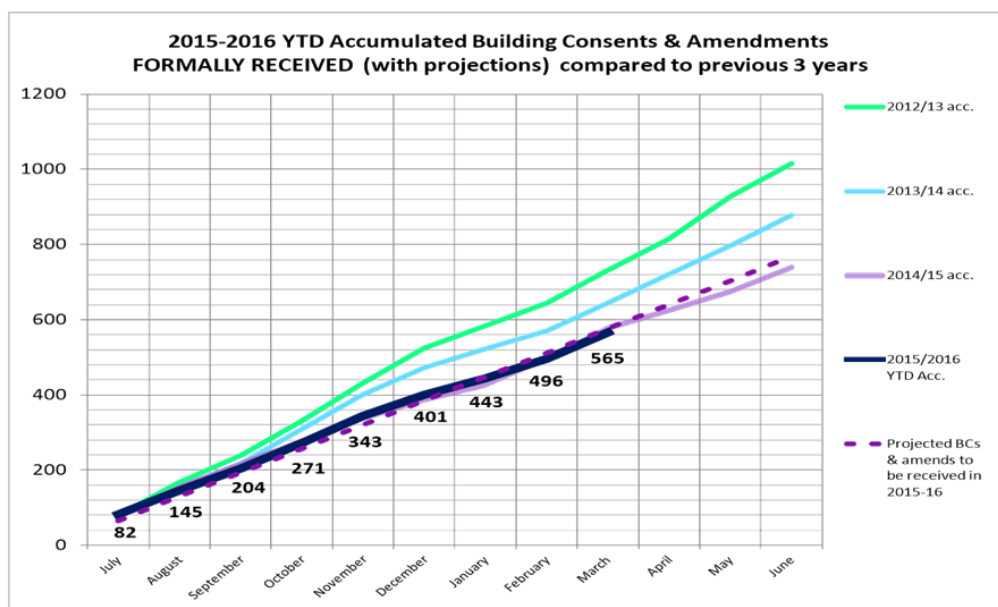
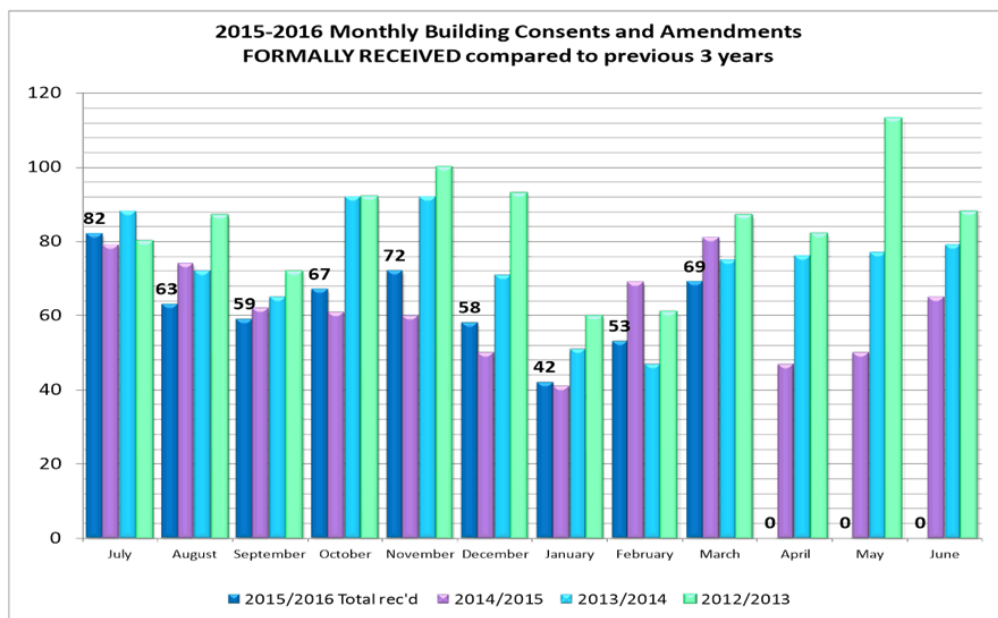
Attachments

Attachment 1: A1514360 Building and Consents & Compliance statistics

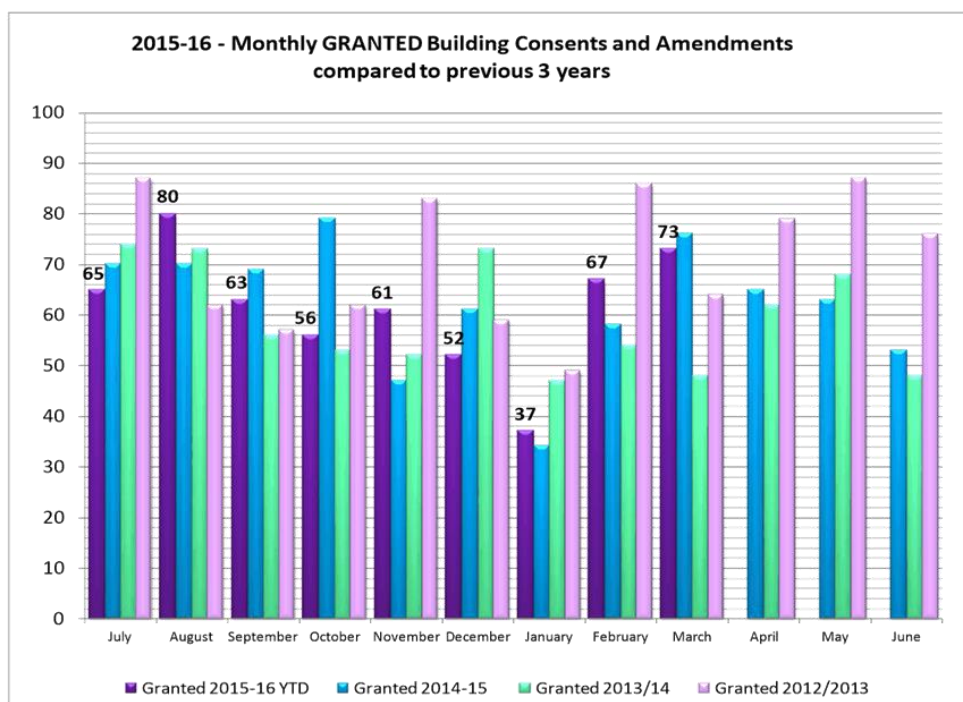
Attachment 1

Building Unit Statistics 1 January - 31 March 2016

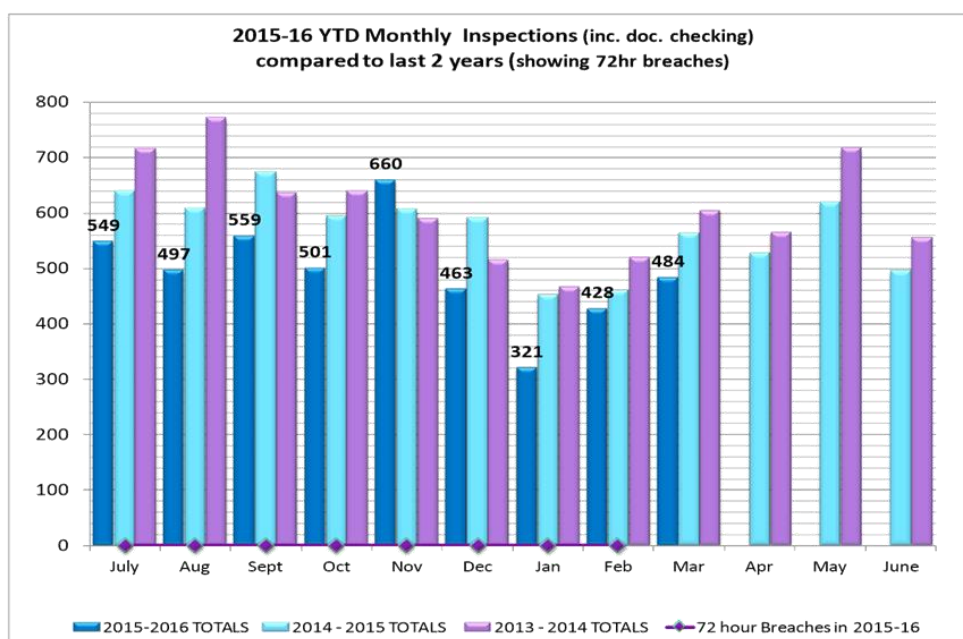
1. Consent Applications Received for Period



2. Consent Applications Granted for Period



3. Inspections undertaken for period

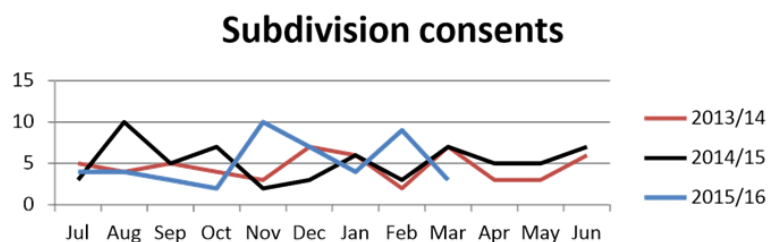
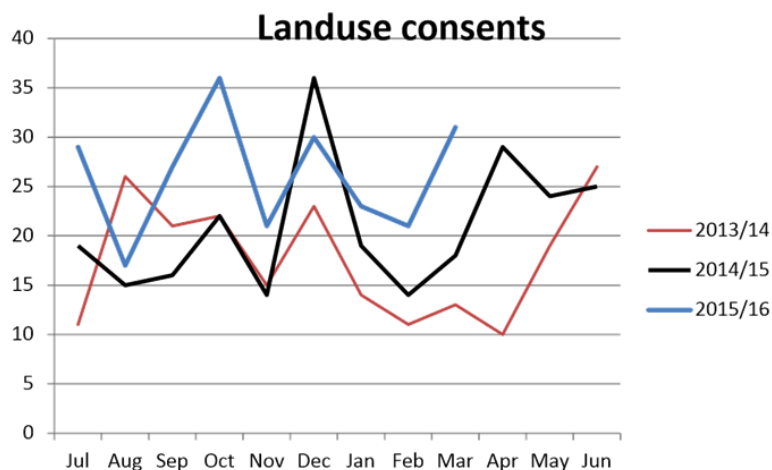


Consents and Compliance Statistics 1 January – 31 March 2016

4. 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
January	100	10	11	32			
February	100	15	16	36	100	83	2
March	100	10	10	40			
Average from 1 July 2015	100	13	13	36	100	60	1
Total from 1 July 2015				328			8
2014/15 average	100	12	12	32	83	59	1
2014/15 totals				378			15

5. Land use and subdivision consent numbers



6. Parking Performance

Activity	January	February	March
Enforcement			
Safety	85	143	166
Licence labels /WOF	401	287	492
Licence labels/WOF (Warnings)	176	94	183
Meters/Time restrictions	1069	780	1569
Total Infringement notices issued	1731	1304	2410
Service Requests			
Abandoned Vehicles	40	32	39
Requests for Enforcement	51	68	57
Information /advice	38	54	24
Total service requests			
Courts			
Notices lodged for collection of fine	219	580	405
Explanations Received			
Explanations declined	55	56	42
Explanations accepted (within guidelines)	51	43	48
Explanations accepted (outside guidelines)	109	79	111
Explanations accepted (warden error)	1	5	8
NOTE: Tickets are cancelled when explanation accepted			

7. Environmental Health and Dog Control Activities

Activity	Responses			Year to Date
	January	February	March	
Dog Control	158	141	145	1282
Resource consent monitoring	198	128	175	1640
Noise nuisance	106	95	68	715
Bylaw / Building / Planning	71	77	58	487
Liquor applications	35	41	40	362
Liquor Inspections	5	15	26	138
Pollution	16	16	18	191
Stock	3	4	5	42

8. Summary of Hearing Panel Activities

Date	Matter	Location	Outcome
4/2/16	Applications for exemption under s6(1) of the Fencing of Swimming Pools Act 1987	52 Aldinga Ave	Exemption granted subject to conditions
		71 Marlowe St	Exemption granted subject to conditions
		410 Nayland Rd	Exemption granted subject to conditions
		1/38 Point Rd	Exemption granted subject to conditions
		12 Roto St	Exemption granted subject to conditions
		89 Point Rd	Exemption granted subject to conditions
		69 Aldinga	Exemption granted subject to conditions
		78 Songer St	Exemption granted subject to conditions
		25 Monaco View	Exemption granted subject to conditions
		6 Galway St	Exemption granted subject to conditions
		87 Martin St	Exemption granted

Date	Matter	Location	Outcome
			subject to conditions
		12 Ngaio St	Exemption granted subject to conditions
4/2/16	Temporary Road Closure under Shedule 10 of the Local Government Act 1974	Trafalgar St and Hathaway Tce, 20 February for Rugby League game	Granted
		Halifax, Trafalgar, Bridge, Hardy, Park Streets and Selwyn Place, 2 April for NZ Army Charter Parade	Granted
		Domett Street and Maitai Valley Road, 3 April for Nelson Women's Tiathalon	Granted

9. Official Information Act Requests

Period	Number received	Number completed	Number outstanding
1 January – 31 March	28	22	6

10. Summary of Legal Proceedings

Party	Legislation	Matter & date of initial action	Status
Handforth	Building Act 2004, Building Regulations 1992	Adjourned to mid April Adjourned to 17 February and aiming to get final Geo tech 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	Building consent issued and works to commence and be substantively completed before mid April 2016

Party	Legislation	Matter & date of initial action	Status
		with the Building 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	Mediation occurred 23 February and agreement reached that resource consent would be applied for. Updates are to be reported to the court at set timeframes.